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DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 16-16
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16-16-001 through 16-16-030. [Order 803, effective 3/18/60.] Superseded by Order 1070, filed 9/28/67, effective 11/1/67. Now codified in chapter 16-20 WAC.

Chapter 16-58
LIVE POULTRY AND TURKEYS--SANITATION OF TRANSPORTATION EQUIPMENT

16-58-001 through 16-58-030. [Order 574, effective 4/10/50.] Superseded by Order No. 997, filed 1/21/66. See chapter 16-59 WAC.

Chapter 16-62
CHICKENS--BACILLARY WHITE DIARRHEA

16-62-001 through 16-62-030. [Order 219, effective 10/9/37.] Superseded by Order No. 997, filed 1/21/66. See chapter 16-59 WAC.

Chapter 16-66
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16-66-001 through 16-66-020. [Order 573, effective 4/10/50.] Superseded by Order No. 997, filed 1/21/66. See chapter 16-59 WAC.

Chapter 16-82
CALFHOOD VACCINATED ANIMALS--QUARANTINE, INDEMNITY AND CLASSIFICATION OF SUSPECTS AND REACTORS

16-82-001 Promulgation. [Order 644, effective 1/13/53.] Repealed by Order 1170, filed 12/15/70.

16-82-010 Quarantine. [Order 644, Regulation 1, effective 1/13/53.] Repealed by Order 1170, filed 12/15/70.

16-82-020 Retest. [Order 644, Regulation 2, effective 1/13/53.] Repealed by Order 1170, filed 12/15/70.

16-82-030 Indemnities. [Order 644, Regulation 3, effective 1/13/53.] Repealed by Order 1170, filed 12/15/70.

16-82-040 Tagging and branding. [Order 644, Regulation 4, effective 1/13/53.] Repealed by Order 1170, filed 12/15/70.

Chapter 16-216
HOPS--CHEMICAL ANALYSES--FEES

16-216-001 Promulgation. [Order 1094, Promulgation, § 16-216-001, filed 6/28/68, effective 8/1/68; Emergency Order 1092, § 16-216-001, filed 6/8/68; Order 995, Promulgation, filed 12/8/65.] Repealed by 78-07-074 (Order 1580), filed 6/30/78. Statutory Authority: Chapter 22.09 RCW.

16-216-010 Schedule of charges for chemical analyses of hops. [Order 1094, § 16-216-010, filed 6/28/68, effective 8/1/68; Emergency Order 1092, § 16-216-010, filed 6/28/68; Order 995, Regulation 2, filed 12/8/65; Order 780, Regulations 1 through 5, effective 9/1/58.] Repealed by 78-07-074 (Order 1580), filed 6/30/78. Statutory Authority: Chapter 22.09 RCW.

16-216-020 through 16-216-050. [Order 780, Regulations 3 through 5, effective 9/1/58.] Now codified within WAC 16-216-010.

Chapter 16-220
RODENT AND PREDATORY ANIMAL POISONS

16-220-001 Promulgation. [Order 862, Promulgation, filed 8/14/61.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.

16-220-002 Promulgation. [Order 1294, § 16-220-002, filed 2/15/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-220-010 Registration requirements. [Order 862, § 16-220-010, filed 8/14/61; Order 725, Regulation 1, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.

16-220-015 Label requirements. [Order 862, Regulation 2, filed 8/14/61; Order 725, Regulation 725, Regulation 2, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.

16-220-020 Artificial coloring. [Order 862, Regulation 3, filed 8/14/61; Order 725, Regulation 4, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.

16-220-025 Certain arsenic uses prohibited. [Order 862, Regulation 4, filed 8/14/61; Order 725, Regulation 5, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.

16-220-030 Foliage oils. [Order 862, Regulation 5, filed 8/14/61; Order 725, Regulation 6, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.

16-220-035 Exemptions for experiment uses. [Order 862, Regulation 6, filed 8/14/61; Order 725, Regulation 7, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.

16-220-040 Custom mixes. [Order 862, Regulation 7, filed 8/14/61; Order 725, Regulation 8, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.

16-220-045 Adequate containers. [Order 862, Regulation 8, filed 8/14/61; Order 725, Regulation 9, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.

16-220-050 Sale of thallium and sodium fluoracetate. [Order 862, Regulation 9, filed 8/14/61; Order 725, Regulation 10, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.

16-220-055 Dealer's responsibilities. [Order 862, Regulation 10, filed 8/14/61.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.

16-220-101 Rodent and predatory animal poisons—Promulgation. [Order 674, Promulgation, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.

16-220-110 Definitions. [Order 674, § 1, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.

16-220-115 Statement and agreement for purchase of pesticide poisons. [Order 674, § 2, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.

16-220-120 Permit. [Order 674, § 3, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.

16-220-125 Rodenticides. [Order 674, § 4, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.

16-220-130 Exposure of poisons. [Order 674, § 5, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.

16-220-135 Bait containers. [Order 674, § 6, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.

16-220-140 Crumb-type baits. [Order 674, § 7, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.

16-220-145 Use and records. [Order 674, § 8, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.

16-220-150 Disposal of dead rodents. [Order 674, § 9, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.

16-220-155 Use warnings—First aid treatment. [Order 674, § 10, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.

16-220-160 Bait formulation. [Order 674, § 11, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.

16–220–165 Use limitations. [Order 674, § 12, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
16–220–170 Warnings to manufacturers. [Order 674, § 13, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
16–220–200 Definitions. [Order 1294, § 16–220–200, filed 2/15/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16–228–010.
16–220–205 Pesticide applicator and public operator records. [Order 1294, § 16–220–205, filed 2/15/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16–228–150.
16–220–210 Regulation of application of rodenticide baits. [Order 1294, § 16–220–210, filed 2/15/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16–228–225.
16–220–215 Special restrictions on the use of compounds 1080 and 1081, and phosphorus paste. [Order 1294, § 16–220–215, filed 2/15/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16–228–230.

Chapter 16–222
RESTRICTED USE PESTICIDES

16–222–001 Promulgation. [Order 1296, § 16–222–001, filed 2/20/73; Order 1272, § 16–222–001, filed 6/7/72; Order 1222, § 16–222–001, filed 12/1/71, effective 1/1/72; Order 1161, § 16–222–001, filed 8/28/70, effective 9/28/70; Order 998, Promulgation, filed 12/10/65; Order 932, filed 9/20/63; Order 862, filed 8/14/61.] Repealed by Order 1470, filed 5/14/76.
16–222–00101 Promulgation. [Order 1346, § 16–222–00101, filed 2/5/74.] Repealed by Order 1470, filed 5/14/76.
16–222–002 Promulgation. [Order 1128, § 16–222–002, filed 11/28/69, effective 12/31/69.] Repealed by Order 1161, filed 8/28/70, effective 9/28/70.
16–222–010 Definitions. [Order 1222, § 16–222–010, filed 12/1/71, effective 1/1/72; Order 1161, § 16–222–010, filed 8/28/70, effective 9/28/70; Order 998, Regulation 1, filed 12/10/65.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16–228 WAC.
16–222–020 Registration requirements—Disinfectants and sterilizers. [Order 998, Regulation 2; filed 12/10/65; Order 862, Regulation 1, filed 8/14/61; Order 725, Regulation 1, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16–228 WAC.
16–222–030 Label requirements. [Order 1222, § 16–222–030, filed 12/1/71, effective 1/1/72; Order 1161, § 16–222–030, filed 8/28/70, effective 9/28/70; Order 998, Regulation 3, filed 12/10/65; Order 862, Regulation 2, filed 8/14/61; Order 725, Regulation 2, effective 1/1/56, subsection (3)(c) from prior Order 932, filed 9/20/63.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16–228–115.
16–222–040 Artificial coloring. [Order 1161, § 16–222–040, filed 8/28/70, effective 9/28/70; Order 998, Regulation 4, filed 12/10/65; Order 862, Regulation 3, filed 8/14/61; Order 725, Regulation 4, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16–228–120.
16–222–050 Certain arsenic uses prohibited. [Order 1161, § 16–222–050, filed 8/28/70, effective 9/28/70; Order 998, Regulation 5, filed 12/10/65; Order 862, Regulation 4, filed 8/14/61; Order 725, Regulation 5, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16–228 WAC.
16–222–060 Spray oils. [Order 998, Regulation 6, filed 12/10/65; Order 862, Regulation 5, filed 8/14/61; Order 725, Regulation 6, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16–228 WAC.
16–222–070 Exemptions for experimental uses. [Order 1161, § 16–222–070, filed 8/28/70, effective 9/28/70; Order 998, Regulation 7, filed 12/10/65; Order 862, Regulation 6, filed 8/14/61; Order 725, Regulation 7, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16–228–125.
16–222–080 Custom mixes. [Order 998, Regulation 4, filed 12/10/65; Order 862, Regulation 3, filed 8/14/61; Order 725, Regulation 4, effective 1/1/56.] Repealed by Order 1161, filed 8/28/70, effective 9/28/70.
16–222–090 Pesticide–fertilizer restriction and labeling. [Order 1161, § 16–222–090, filed 8/28/70, effective 9/28/70; Order 998, Regulation 9, filed 12/10/65.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16–228–130.
16–222–100 Pesticide–fertilizer mix restrictions. [Order 998, Regulation 10, filed 12/10/65.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16–228–140.
16–222–110 Adequate containers. [Order 1161, § 16–222–110, filed 8/28/70, effective 9/28/70; Order 998, Regulation 11, filed 12/10/65; Order 862, Regulation 8, filed 8/14/61; Order 725, Regulation 9, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16–228–145.
16–222–120 Sales or possession of sodium fluoracetate, fluoracetamide, and phosphorus pastes. [Order 1296, § 16–222–120, filed 2/20/73; Order 1161, § 16–222–120, filed 8/28/70, effective 9/28/70; Order 998, Regulation 12, filed 12/10/65; Order 862, Regulation 9, filed 8/14/61; Order 725, Regulation 10, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16–228–145 (codified as WAC 16–228–14501).
16–222–130 Responsibilities of pesticide dealers and pest control consultants in sales of highly toxic and restricted use pesticides and in recommendations. [Order 1296, § 16–222–130, filed 2/20/73; Order 1161, § 16–222–130, filed 8/28/70, effective 9/28/70; Order 998, Regulation 13, filed 12/10/65; Order 862, Regulation 10, filed 8/14/61.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16–228–150.
16–222–140 Restricted use pesticides and labeling requirements. [Order 1128, § 16–222–140, filed 11/28/69, effective 12/31/69; Order 998, Regulation 14, filed 12/10/65; Order 932, Regulation 1, filed 9/20/63.] Repealed by Order 1161, filed 8/28/70, effective 9/28/70.
16–222–145 Restricted use pesticides—For commercial and government agency use only. [Order 1296, § 16–222–145, filed 2/20/73; Order 1222, § 16–222–145, filed 12/1/71, effective 1/1/72; Order 1161, § 16–222–145, filed 8/28/70, effective 9/28/70.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16–228–155.
16–222–150 Restriction on distribution, transportation, storage, and disposal. [Order 1222, § 16–222–150, filed 12/1/71, effective 1/1/72; Order 1161, § 16–222–150, filed 8/28/70, effective 9/28/70.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16–228–160.
16–222–160 User permits. [Order 1346, § 16–222–160(1)(n) and (9), filed 2/5/74; Order 1296, § 16–222–160, filed 2/20/73; Order 1272, § 16–222–160, filed 6/7/72; Order 1222, § 16–222–160, filed 12/1/71, effective 1/1/72; Order 1161, § 16–222–160, filed 8/28/70, effective 11/26/70.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16–228–165.
16–222–170 Pesticide dealers' licenses. [Order 1222, § 16–222–170, filed 12/1/71, effective 1/1/72; Order 1161, § 16–222–170, filed 8/28/70, effective 9/28/70.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16–228–170.
16–222–180 Highly toxic list. [Order 1296, § 16–222–180, filed 2/20/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16–228–185.
16–222–190 Distribution requirements for growth regulating herbicides to be used in counties located east of the crest of the Cascade Mountains. [Order 1346, § 16–222–190, filed 2/5/74.] Repealed by Order 1470,

filed 5/14/76. Later promulgation, see WAC 16-228-175.

Chapter 16-226
COMMERCIAL SPRAYERS AND DUSTERS

16-226-001 Promulgation. [Order 944, Promulgation, filed 3/26/64; Order 863, Promulgation, effective 9/13/61.] Repealed by Order 1470, filed 5/14/76.

16-226-010 Commercial applicators—Equipment, timing, records, caution, duty to director. [Order 944, Regulation 1, filed 3/26/64; Order 863, Regulation 1, effective 9/13/61; Order 726, Regulation 1, effective 1/18/56.] Repealed by Order 1470, filed 5/14/76.

16-226-015 Use of aircraft. [Order 944, Regulation 2, filed 3/26/64; Order 863, Regulation 2, effective 9/13/61; Order 726, Regulation 3, effective 1/18/56.] Repealed by Order 1470, filed 5/14/76.

16-226-020 Unlawful recommendations. [Order 944, Regulation 3, filed 3/26/64; Order 863, Regulation 3, effective 9/13/61.] Repealed by Order 1470, filed 5/14/76.

16-226-025 Handling, loading, and storage. [Order 944, Regulation 4, filed 3/26/64; Order 863, Regulation 4, effective 9/13/61.] Repealed by Order 1470, filed 5/14/76.

16-226-030 Loading and storage near airline passenger terminals. [Order 944, Regulation 5, filed 3/26/64; Order 863, Regulation 5, effective 9/13/61.] Repealed by Order 1470, filed 5/14/76.

16-226-035 Sale of thallium and sodium fluoracetate. [Order 944, Regulation 6, filed 3/26/64; Order 863, Regulation 6, effective 9/13/61.] Repealed by Order 1470, filed 5/14/76.

16-226-040 Financial responsibility insurance certificate. [Order 944, Regulation 7, filed 3/26/64.] Repealed by Order 1470, filed 5/14/76.

Chapter 16-227
PEST CONTROL CONSULTANTS AND PESTICIDE DEALER MANAGERS

16-227-001 Promulgation. [Order 1314, § 16-227-001, filed 5/11/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-316 WAC.

16-227-010 License denied, revoked or suspended. [Order 1314, § 16-227-010, filed 5/11/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-316 WAC.

Chapter 16-235
DISPOSING OF PESTICIDES AND THEIR CONTAINERS--RESTRICTIONS

16-235-001 Promulgation. [Order 1219, § 16-235-001, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-002 Promulgation. [Order 1231, § 16-235-002, filed 2/14/72, effective 3/15/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-010 Definitions. [Order 1219, § 16-235-010, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-020 Restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers. [Order 1231, § 16-235-020, filed 2/14/72, effective 3/15/72; Order 1219, § 16-235-020, filed 12/1/71.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-030 Licensing requirements. [Order 1219, § 16-235-030, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-040 Compliance with federal requirements. [Order 1219, § 16-235-040, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-050 Low flying prohibitions. [Order 1219, § 16-235-050, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-060 Requirements for pesticide recommendations. [Order 1219, § 16-235-060, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-070 Sale or possession of sodium fluoracetate, fluoracetamide, thallium, and phosphorus pastes. [Order 1219, § 16-235-070, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-080 Financial responsibility insurance certificate (FRIC). [Order 1219, § 16-235-080, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-090 Application and fee. [Order 1219, § 16-235-090, filed 12/1/71, effective 1/1/72. Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

16-235-100 Examination requirements. [Order 1219, § 16-235-100, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

Chapter 16-308
FLOORSTOCK AND CAR SAMPLING--CHECK LOADING--CHECK WEIGHING--FEES

16-308-001 Promulgation. [Order 651, Promulgation, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.

16-308-010 Floor stock sampling. [Order 651, § 1, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.

16-308-020 Car sampling. [Order 651, § 2, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.

16-308-030 Check loading. [Order 651, § 3, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.

16-308-040 Check weighing. [Order 651, § 4, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.

16-308-050 Miscellaneous charges. [Order 651, § 5, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.

16-308-060 Additions to sample lots. [Order 651, § 6, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.

Chapter 16-312
STANDARDS FOR BLENDING CERTIFIED SEED OF ALFALFA AND RED CLOVER

16-312-010 Approval prior to blending. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. See chapter 16-313 WAC.

16-312-020 Miscellaneous content—Percentage. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. See chapter 16-313 WAC.

16-312-030 Objectionable weed limitation. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. See chapter 16-313 WAC.

16-312-040 Sweet clover limitation. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. See chapter 16-313 WAC.

16-312-050 Germination and hard seed percentage. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. See chapter 16-313 WAC.

16-312-060 Tests prior to tagging. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. See chapter 16-313 WAC.

16-312-070 Registered blends. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. See chapter 16-313 WAC.

16-312-080 Supervision of blending. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. See chapter 16-313 WAC.

16-312-090 Fees. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. See chapter 16-313 WAC.

Chapter 16-320
INTERSTATE CERTIFICATION OF SEEDS

16-320-010 Varieties eligible. [Order 590, Regulation 1, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-320-020 Agencies eligible. [Order 590, Regulation 2, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-320-030 Application of standards. [Order 590, Regulation 3, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-320-040 Evidence of seed eligibility. [Order 590, Regulation 4, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-320-050 Prior approval of cooperating certification agencies. [Order 590, Regulation 5, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-320-060 Blending. [Order 590, Regulation 6, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-320-070 Approval of processors. [Order 590, Regulation 7, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-320-080 Inspection of processing operations. [Order 590, Regulation 8, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-320-090 Samples. [Order 590, Regulation 9, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-320-100 Tags and tagging. [Order 590, Regulation 10, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-320-110 Educational responsibilities. [Order 590, Regulation 11, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-320-120 Fees. [Order 590, Regulation 12, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

Chapter 16-332
RASPBERRY PLANTS--CERTIFICATION

16-332-001 Promulgation. [Order 924, filed 6/25/63.] Repealed by Order 1398, filed 4/16/75.

16-332-010 Fees. [Order 924, Regulation 1, filed 6/25/63; Order 647 (part), effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.

16-332-020 Definitions. [Order 924, filed 6/25/63; Order 647 (part), effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.

16-332-030 Requirements for production of foundation and registered stock. [Order 924, Regulation 2, filed 6/25/63; Order 647 (part), effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.

16-332-035 Certified planting stock. [Order 924, Regulation 3, filed 6/25/63.] Repealed by Order 1398, filed 4/16/75.

16-332-040 Handling the crop prior to inspection. [Order 647, effective 2/24/53.] Omitted from Order No. 924 which superseded Order No. 647. Repealed by Order 1398, filed 4/16/75.

16-332-050 Field inspections. [Order 924, Regulation 4, filed 6/25/63; Order 647, effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.

16-332-060 Field standards. [Order 924, Regulation 5, filed 6/25/63; Order 647 (part), effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.

16-332-070 Classes of certified plants. [Order 647, effective 2/24/53.] Now codified within WAC 16-332-060. Repealed by Order 1398, filed 4/16/75.

16-332-080 Tagging and plant inspection. [Order 924, Regulation 7, filed 6/25/63; Order 647 (part), effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.

16-332-090 Additional information. [Order 924 (part), filed 6/25/63; Order 647, effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.

Chapter 16-418
STANDARDS FOR BULBOUS IRIS

16-418-010 Grades and tolerances. [Order 413, effective 3/1/44.] Repealed by Order 413, filed 4/1/70.

16-418-020 Minimum size. [Order 413, effective 3/1/44.] Repealed by Order 413, filed 4/1/70.

16-418-030 Definition of terms. [Order 413, effective 3/1/44.] Repealed by Order 413, filed 4/1/70.

16-418-040 Marking requirements. [Order 413, effective 3/1/44.] Repealed by Order 413, filed 4/1/70.

Chapter 16-421
NARCISSUS BULB STANDARDS

16-421-010 Grades. [Order 414, effective 2/25/44.] Repealed by Order 414, filed 4/1/70.

16-421-020 Tolerances—Measure. [Order 414, effective 2/25/44.] Repealed by Order 414, filed 4/1/70.

16-421-030 Definition of terms. [Order 414, effective 2/25/44.] Repealed by Order 414, filed 4/1/70.

16-421-040 Marking requirements. [Order 414, effective 2/25/44.] Repealed by Order 414, filed 4/1/70.

16-421-050 Minimum sizes. [Order 414, effective 2/25/44.] Repealed by Order 414, filed 4/1/70.

Chapter 16-427
ORNAMENTAL DECIDUOUS PLANTS, NURSERY STOCK STANDARDS

16-427-001 Promulgation. [Order 1229, § 16-427-001, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 15-432 WAC.

16-427-010 Grades and standards. [Order 1229, § 16-427-010, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-010, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-427-015 Tolerance. [Order 1229, § 16-427-015, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-427-020 Size terms. [Order 1229, § 16-427-020, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-020, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-427-025 Balled and burlapped and container grown. [Order 1229, § 16-427-025, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627),

filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-427-030 Marking requirements. [Order 1229, § 16-427-030, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-030, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-427-040 Definition of terms. [Order 1229, § 16-427-040, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-040, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-427-050 Compliance with federal and state law. [Order 1229, § 16-427-050, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-050, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-427-060 Collected plants. [Order 1229, § 16-427-060, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-060, filed 4/17/68, effective 5/17/68.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-427-070 Effective date. [Order 1229, § 16-427-070, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

Chapter 16-428
NURSERY STOCK STANDARDS FOR FRUIT TREES

16-428-001 Promulgation. [Order 1321, § 16-428-001, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 16-432 WAC.

16-428-010 Grades and standards. [Order 1321, § 16-428-010, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-428-020 Measurement. [Order 1321, § 16-428-020, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-428-030 Marking. [Order 1321, § 16-428-030, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-428-040 Compliance with federal and state law. [Order 1321, § 16-428-040, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-428-050 Container grown. [Order 1321, § 16-428-050, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-428-060 Size terms. [Order 1321, § 16-428-060, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-428-070 Effective date. [Order 1321, § 16-428-070, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

Chapter 16-429
NURSERY STOCK STANDARDS FOR GROUND COVERS, YOUNG PLANTS, VINES AND SEEDLINGS

16-429-001 Promulgation. [Order 1322, § 16-429-001, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 16-432 WAC.

16-429-010 Grades and standards. [Order 1322, § 16-429-010, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-429-020 Tolerance. [Order 1322, § 16-429-020, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-429-030 Marking requirements. [Order 1322, § 16-429-030, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-429-040 Compliance with federal and state law. [Order 1322, § 16-429-040, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-429-050 Collected plants. [Order 1322, § 16-429-050, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-429-060 Size terms. [Order 1322, § 16-429-060, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-429-070 Condition of root system. [Order 1322, § 16-429-070, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-429-080 Definition of terms. [Order 1322, § 16-429-080, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-429-090 Measurement of types. [Order 1322, § 16-429-090, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-429-100 Effective date. [Order 1322, § 16-429-100, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

Chapter 16-430
ORNAMENTAL EVERGREEN PLANTS, NURSERY STOCK STANDARDS

16-430-001 Promulgation. [Order 1230, § 16-430-001, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 16-432 WAC.

16-430-010 Grades and standards. [Order 1230, § 16-430-010, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-010, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-430-015 Tolerance. [Order 1230, § 16-430-015, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-430-020 Size terms. [Order 1230, § 16-430-020, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-020, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-430-025 Balled and burlapped and container grown. [Order 1230, § 16-430-025, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-430-030 Measurement. [Order 1086, § 16-430-030, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by Order 1230, filed 1/24/72.

16-430-040 Marking requirements. [Order 1230, § 16-430-040, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-040, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026

(Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-430-050 Definition of terms. [Order 1230, § 16-430-050, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-050, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-430-060 Measurement of types. [Order 1230, § 16-430-060, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-060, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-430-070 Compliance with federal and state law. [Order 1230, § 16-430-070, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-070, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-430-080 Noxious weeds. [Order 1086, § 16-430-080, filed 4/17/68, effective 5/17/68.] Repealed by Order 1230, filed 1/24/72.

16-430-090 Ground covers. [Order 1086, § 16-430-090, filed 4/17/68, effective 5/17/68.] Repealed by Order 1230, filed 1/24/72.

16-430-100 Collected plants. [Order 1230, § 16-430-100, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-100, filed 4/17/68, effective 5/17/68.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-430-110 Effective date. [Order 1230, § 16-430-110, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

Chapter 16-433
STANDARDS FOR ORNAMENTAL LINING OUT STOCK

16-433-010, 16-433-020, 16-433-030, 16-433-040, 16-433-050. [Order 241, effective 6/30/34.] Repealed by Order 241, filed 6/26/73.

Chapter 16-446
GRADES AND STANDARDS FOR CERTIFIED SEED POTATOES

16-446-001 Promulgation. [Order 1200, § 16-446-001, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW.

16-446-100 Tuber inspection—Diseases and grades. [Order 1200, § 16-446-100, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-445.

16-446-110 Specific requirements (percentage tolerances). [Order 1200, § 16-446-110, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-450.

16-446-120 Washington No. 1 certified seed potatoes (blue tag stock). [Order 1200, § 16-446-120, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-120.

16-446-130 Washington No. 2 certified seed potatoes (red tag stock). [Order 1200, § 16-446-130, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-470.

16-446-140 Washington single drop certified seed potatoes (white tag stock). [Order 1200, § 16-446-140, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-480.

16-446-150 Washington buff certified seed potatoes (buff tag stock). [Order 1200, § 16-446-150, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-490.

16-446-160 Marking requirements. [Order 1200, § 16-446-160, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-500.

16-446-170 Tolerances. [Order 1200, § 16-446-170, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-510.

16-446-180 Definition of terms. [Order 1200, § 16-446-180, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-520.

16-446-190 Definition—Damage. [Order 1200, § 16-446-190, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-530.

16-446-200 Definition—Serious damage. [Order 1200, § 16-446-200, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-540.

16-446-210 Effective date. [Order 1200, § 16-446-210, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW.

Chapter 16-454
NURSERY STOCK STANDARDS FOR ROSES

16-454-010 Tea, hybrid tea and everblooming; rugosa and rugosa hybrids; hybrid perpetuals, moss and miscellaneous bush roses. [Order 593, effective 2/26/51.] Repealed by Order 1320, filed 6/26/73.

16-454-020 Floribunda roses. [Order 593, effective 2/26/51.] Repealed by Order 1320, filed 6/26/73.

16-454-030 Polyantha—Baby roses. [Order 593, effective 2/26/51.] Repealed by Order 1320, filed 6/26/73.

16-454-040 Climbing roses. [Order 593, effective 2/26/51.] Repealed by Order 1320, filed 6/26/73.

16-454-050 Promulgation. [Order 1320, § 16-454-050, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 16-432 WAC.

16-454-055 Grades and standards. [Order 1320, § 16-454-055, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-454-060 Tolerance. [Order 1320, § 16-454-060, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-454-065 Marking requirements. [Order 1320, § 16-454-065, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-454-070 Compliance with federal and state law. [Order 1320, § 16-454-070, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-454-075 Collected plants. [Order 1320, § 16-454-075, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-454-080 Measurement. [Order 1320, § 16-454-080, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-454-085 Size terms. [Order 1320, § 16-454-085, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-454-090 Container grown roses. [Order 1320, § 16-454-090, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-454-095 Effective date. [Order 1320, § 16-454-095, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

Chapter 16-457
STRAWBERRY PLANTS

16-457-001 Promulgation. [Order 820, effective 3/4/61.] Repealed by Order 1110, filed 3/31/69.

16-457-010 Washington No. 1—Definitions. [Order 700 (part), filed 3/22/60.] Repealed by Order 1110, filed 3/31/69.

16-457-015 Washington No. 1—Types. [Order 700 (part), filed 3/22/60.] Repealed by Order 1110, filed 3/31/69.

16-457-020 Washington No. 1—Application of tolerances. [Order 700 (part), filed 3/22/60.] Repealed by Order 1110, filed 3/31/69.

16-457-030 Washington No. 1—Tolerances. [Order 700 (part), filed 3/22/60.] Repealed by Order 1110, filed 3/31/69.

16-457-040 Washington No. 1—Packing. [Order 700 (part), filed 3/22/60.] Repealed by Order 1110, filed 3/31/69.

16-457-050 Washington No. 2—Definitions. [Order 820, Regulation 1, §§ 1 and 5, effective 3/4/61.] Repealed by Order 1110, filed 3/31/69.

16-457-060 Washington No. 2—Application of tolerances. [Order 820, Regulation 1, § 2, effective 3/4/61.] Repealed by Order 1110, filed 3/31/69.

16-457-070 Washington No. 2—Tolerances. [Order 820, Regulation 2, § 3, effective 3/4/61.] Repealed by Order 1110, filed 3/31/69.

16-457-080 Washington No. 2—Packing. [Order 820, Regulation 1, § 4, effective 3/4/61.] Repealed by Order 1110, filed 3/31/69.

Chapter 16-475
CLUB ROOT DISEASE OF CRUCIFERS

16-475-001 Promulgation—Establishing quarantine. [Order 718, Promulgation, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.

16-475-010 Pest. [Order 718, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.

16-475-020 Area under quarantine. [Order 718, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.

16-475-030 Regulated products. [Order 718, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.

16-475-040 Conditions governing shipments. [Order 718, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.

16-475-050 Violations and penalty. [Order 718, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.

Chapter 16-485
EUROPEAN CRANE FLY QUARANTINE

16-485-001 Promulgation. [Order 1163, § 16-485-001, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.

16-485-002 Promulgation. [Order 1163, § 16-485-002, filed 12/3/71, effective 1/3/72.] Repealed by Order 1163, filed 4/10/73.

16-485-010 Definitions. [Order 1163, § 16-485-010, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.

16-485-015 Quarantine area. [Order 1163, § 16-485-015, filed 12/3/71, effective 1/3/72; Order 1163, § 16-485-015, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.

16-485-020 Regulated articles. [Order 1163, § 16-485-020, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.

16-485-025 Condition governing the movement of regulated articles. [Order 1163, § 16-485-025, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.

16-485-030 Inspection and disposal. [Order 1163, § 16-485-030, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.

16-485-035 Violation and penalty. [Order 1163, § 16-485-035, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.

16-485-040 Effective date. [Order 1163, § 16-485-040, filed 12/3/71, effective 1/3/72; Order 1163, § 16-485-040, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.

Chapter 16-490
PEA MOTH

16-490-010 Infested territory. [Order 926 (part), filed 6/25/63; Order 375, effective 12/28/42.] Repealed by Order 926, filed 11/16/70, effective 12/17/70.

16-490-020 Promulgation—Quarantine. [Order 926 (part), filed 6/25/63; Order 375, effective 12/28/42.] Repealed by Order 926, filed 11/16/70, effective 12/17/70.

16-490-030 Definitions. [Order 926 (part), filed 6/25/63; Order 712, effective 2/17/55; Order 375, effective 12/28/42.] Repealed by Order 926, filed 11/16/70, effective 12/17/70.

16-490-040 Regulated products and conditions governing shipments from infested areas. [Order 375, effective 12/28/42.] Omitted from Order 926, which superseded Order 375.

16-490-050 Regulations for control areas. [Order 926, Regulation 1, filed 6/25/63; Order 712, effective 2/17/55; Order 375, effective 12/28/42.] Repealed by Order 926, filed 11/16/70, effective 12/17/70.

16-490-060 Penalties. [Order 375, effective 12/28/42.] Now codified within WAC 16-490-070.

16-490-070 Enforcement and violations. [Order 926, Regulation 2, filed 6/25/63; Order 375, effective 12/28/42.] Repealed by Order 926, filed 11/16/70, effective 12/17/70.

Chapter 16-492
EUROPEAN PINE SHOOT MOTH

16-492-001, 16-492-010, 16-492-015, 16-492-020, 16-492-025, 16-492-030, 16-492-035, 16-492-040, 16-492-045, 16-492-050. [Order 841 (part), filed 8/13/62, 4/14/61.] Repealed by Order 1022, filed 7/18/73.

Chapter 16-496
MINT WILT QUARANTINE

16-496-001 Promulgation. [Order 1088, § 16-496-001, Promulgation, filed 4/26/68; Quarantine Order 1054, filed 6/6/67; Order 1043, filed 3/13/67; Order 1001, filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.

16-496-010 Definitions. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.

16-496-020 Restricted areas. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.

16-496-030 Quarantine area. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
16-496-040 Regulated areas. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
16-496-045 Regulated articles. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043, filed 3/13/67.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
16-496-050 Conditions governing restricted areas. [Order 1088, § 16-496-050, filed 4/26/68; Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
16-496-060 Conditions governing movement of regulated articles. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
16-496-070 Applications for inspection. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
16-496-080 Violations and penalty. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
16-496-090 Effective date. [Order 1088, § 16-496-090, filed 4/26/68; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.

Chapter 16-658
WEIGHTS AND MEASURES--LIQUID FUEL

16-658-001 Promulgation. [Order 792, effective 3/1/60.] Repealed by Order 1135, filed 12/29/69, effective 2/1/70. See WAC 16-650-001.
16-658-010 Liquid fuel. [Order 792, Regulation 4, effective 3/1/60.] Repealed by Order 1135, filed 12/29/69, effective 2/1/70.

Reviser's note: Department of Agriculture Order No. 17, filed July 2, 1976, and effective August 2, 1976, purports to repeal Quarantine Order No. 17. The adoption of such quarantine order was never filed with the code reviser.

Chapter 16-06 WAC
PUBLIC RECORDS

WAC

16-06-010 Purpose.
16-06-020 Definitions.
16-06-030 Description of organization.
16-06-040 Operations and procedures.
16-06-050 Public records designees.
16-06-060 Availability of public records.
16-06-070 Requests for public records.
16-06-080 Fees.
16-06-090 Protection of public records.
16-06-100 Exemptions.
16-06-110 Denial of request.
16-06-120 Review of denial of request for inspection or copying of public records.
16-06-130 Records index.
16-06-140 Public records request form.

WAC 16-06-010 Purpose. The department of agriculture is a department of state government created by RCW 43.17.020. It shall hereafter in this chapter be referred to as the "department." Where appropriate, department also refers to its staff and employees. The department promulgates this chapter to ensure compliance with the provisions of chapter 42.17 RCW, and in particular with sections of that act dealing with public records. [Statutory Authority: RCW 42.17.250 – 42.17-.340. 83-01-098 (Order 1779), § 16-06-010, filed 12/20/82.]

WAC 16-06-020 Definitions. (1) "Public records" means any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including letters, words, pictures, sounds or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents. [Statutory Authority: RCW 42.17.250 – 42.17.340. 83-01-098 (Order 1779), § 16-06-020, filed 12/20/82.]

WAC 16-06-030 Description of organization. The administrative offices of the department are located in the General Administration Building, Olympia, Washington. The department is organized into six divisions: (1) The division of agricultural development, (2) the division of plant industry, (3) the division of animal industry, (4) the division of dairy and food, (5) the division of grain and agricultural chemicals, and (6) the division of regulatory services. The department maintains service locations or major field offices in eleven cities. Each of these offices is headed by a supervisor or chief. [Statutory Authority: RCW 42.17.250 – 42.17.340. 83-01-098 (Order 1779), § 16-06-030, filed 12/20/82.]

WAC 16-06-040 Operations and procedures. The general course and method of channeling and determining the operations of each major division of the department and the nature of requirements for all formal and informal procedures connected therewith are summarized in the following subsection, each of which is the immediate responsibility of an assistant director who is designated as the supervisor of that division.

(1) Agricultural development. The director of agriculture, through the division of agricultural development, shall exercise all of the powers and perform all the duties relating to the development of markets, state and federal cooperative marketing programs, land utilization

for agricultural purposes, water resources, transportation, and farm labor, as such matters relate to the production, distribution and sale of agricultural commodities.

(2) Plant industry. The director of agriculture, through the division of plant industry, shall exercise all the powers and perform all the duties prescribed by law relating to horticulture, and horticultural products. He shall enforce and supervise the administration of all laws relating to horticulture, horticultural products, and horticultural interests.

(3) Animal industry. The director of agriculture, through the division of animal industry, shall exercise all the powers and perform all duties prescribed by law relating to diseases among domestic animals and the quarantine and destruction of diseased animals. He shall enforce and supervise the administration of all laws relating to meat inspection, the prevention, detection, control and eradication of diseases of domestic animals, and all other matters relative to the diseases of livestock and their effect upon the public health.

(4) Dairy and food. The director of agriculture, through the division of dairy and food, shall exercise all powers and perform all duties prescribed by law with respect to the inspection of foods, food products, drinks, milk and milk products, and dairies and dairy products and the components thereof. He shall enforce and supervise the administration of all laws relating to foods, food products, drinks, milk and milk products, dairy and dairy products, and their inspection, manufacture, and sale.

(5) Grain and agricultural chemicals. The director of agriculture, through the division of grain and agricultural chemicals, shall exercise all powers and perform all duties prescribed by law with respect to grains, grain and hay products, grain and terminal warehouses in relation thereto, commercial feeds, commercial fertilizers, and chemical pesticides. He shall enforce and supervise the administration of all laws relating to grains, grain and hay products, grain and terminal warehouses in relation thereto, commercial feeds, commercial fertilizers, and chemical pesticides.

(6) Regulatory services. The director of agriculture, through the division of regulatory services shall exercise all the powers and perform all the duties prescribed by law relating to commission merchants, livestock identification, livestock brand registration and inspection. He shall enforce and supervise the administration of all laws relating to commission merchants, livestock identification and shall have the power to enforce all laws relating to any division under the supervision of the director of agriculture. [Statutory Authority: RCW 42.17.250 – 42.17.340. 83-01-098 (Order 1779), § 16-06-040, filed 12/20/82.]

WAC 16-06-050 Public records designees. The assistant director of each division shall be in charge of the public records for that division, and the deputy director shall be in charge of general administration records. [Statutory Authority: RCW 42.17.250 – 42.17.340. 83-01-098 (Order 1779), § 16-06-050, filed 12/20/82.]

WAC 16-06-060 Availability of public records. (1) All public records of the department, as defined in WAC 16-06-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.260, 42.17.310, 42-.17.330, WAC 16-06-100, and 16-06-110.

(2) Public records of the department maintained in the administrative offices will be available for inspection and copying during the customary office hours of the department. For the purposes of this chapter, the customary office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. Specific records not available in the administrative offices will be made available pursuant to the procedures described in WAC 16-06-070. [Statutory Authority: RCW 42.17.250 – 42.17.340. 83-01-098 (Order 1779), § 16-06-060, filed 12/20/82.]

WAC 16-06-070 Requests for public records. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be obtained by members of the public at the administrative offices of the department upon compliance with the following procedures:

(1) All requests shall be made in writing. A form prescribed by the department shall be available at the administrative offices. The written request or prescribed form shall be submitted or presented to the assistant director of the appropriate division at the administrative offices of the department during customary office hours. The request shall include the following information:

(a) The name and address of the person requesting the record.

(b) The time of day and calendar date on which the request was received at the administrative offices of the department.

(c) The nature of the request.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records designee to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

(3) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the department is also a party, or when such a request is made by or on behalf of an attorney for such a party, the request shall be referred for appropriate response to the assistant attorney general assigned to the department.

(4) If the record is not maintained in the administrative offices of the department, the public records designee, after approving the request, will retrieve the record and advise the person making the request by telephone or mail of the time and place the record will be available, which time will be as reasonably soon after the request is made as possible. [Statutory Authority: RCW 42.17.250 – 42.17.340. 83-01-098 (Order 1779), § 16-06-070, filed 12/20/82.]

WAC 16-06-080 Fees. (1) No fee shall be charged for the inspection of public records.

(2) The department shall charge a fee of twenty cents per page of copy for providing copies of public records and for the use of agency equipment. This charge is the amount necessary to reimburse the department for its costs incident to such copying and shall be payable at the time copies are furnished. The copy machine shall be operated by staff persons only. [Statutory Authority: RCW 42.17.250 – 42.17.340. 83-01-098 (Order 1779), § 16-06-080, filed 12/20/82.]

WAC 16-06-090 Protection of public records. In order to adequately protect the public records of the department, the following rules have been adopted:

(1) No public records shall be removed from the department's premises.

(2) Inspection of any public record shall be conducted in the presence of a designated department employee.

(3) No public records may be marked or altered in any manner during inspection.

(4) Public records that are maintained in a file or jacket, or chronological order, may not be dismantled except by a designated department employee for purposes of copying.

(5) Upon request of a member of the public to examine an entire file or group of documents, as distinguished from a request to examine certain individual documents, the department shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure by RCW 42.17.310 is contained therein. The department shall promptly notify the party making the request that a preliminary inspection is being undertaken, and the department shall not be deemed in violation of its obligation otherwise to reply promptly to requests for public documents by reason of causing such an inspection to be performed.

(6) The department shall not give, sell or provide access to lists of individuals requested for commercial purposes, and the department shall not do so unless specifically authorized or directed to by law: *Provided*, That lists of applicants for professional licenses and of professional licenses shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: *Provided further*, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.04 RCW. [Statutory Authority: RCW 42.17.250 – 42.17.340. 83-01-098 (Order 1779), § 16-06-090, filed 12/20/82.]

WAC 16-06-100 Exemptions. (1) The department reserves the right to determine that a public record requested in accordance with the procedures outline in WAC 16-06-070 is exempt under the provisions of chapter 42.17 RCW and other applicable laws.

(2) In addition, pursuant to chapter 42.17 RCW, the department reserves the right to delete identifying details when it makes available or publishes any public record, in any case when there is a reason to believe that disclosure of such details would be an invasion of personal privacy or vital governmental interests. In each case, the justification shall be explained in writing.

(3) The department reserves the right provided by RCW 42.17.330 to move the various superior courts to enjoin the examination of any specific public record when it believes such examination would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions. [Statutory Authority: RCW 42.17.250 – 42.17.340. 83-01-098 (Order 1779), § 16-06-100, filed 12/20/82.]

WAC 16-06-110 Denial of request. The department reserves the right to refuse, in whole or in part, as provided by RCW 42.17.310, a written request for inspection of any public record. Each denial of a request for a public record shall include a written statement by the public records designee of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Statutory Authority: RCW 42.17.250 – 42.17.340. 83-01-098 (Order 1779), § 16-06-110, filed 12/20/82.]

WAC 16-06-120 Review of denial of request for inspection or copying of public records. (1) Any person who objects to the denial of a written request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement that constituted or accompanied the denial by the public records designee.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records designee denying the request shall refer it to the director. The petition shall be reviewed promptly by the director and the action of the public records designee approved or disapproved. [Statutory Authority: RCW 42.17.250 – 42.17.340. 83-01-098 (Order 1779), § 16-06-120, filed 12/20/82.]

WAC 16-06-130 Records index. The department finds that it would be unduly burdensome and would interfere with agency operations currently to develop an index of records as specified in RCW 42.17.260(2), because of the complexity and diversity of its operations and the resulting volume of correspondence, report, surveys, staff studies, and other materials. The department will make available for public inspection and copying all indexes which may at a future time be developed for agency use. [Statutory Authority: RCW 42.17.250 – 42.17.340. 83-01-098 (Order 1779), § 16-06-130, filed 12/20/82.]

WAC 16-06-140 Public records request form. The department hereby adopts a form entitled "request for public record" for use by all persons requesting inspection and/or copying of department public records. The form may be secured from the administrative offices of the department. [Statutory Authority: RCW 42.17.250

– 42.17.340. 83-01-098 (Order 1779), § 16-06-140, filed 12/20/82.]

Chapter 16-08 WAC
PRACTICE AND PROCEDURE

WAC

16-08-001 Promulgation.
16-08-010 Appearance and practice before department of agriculture—Who may appear.
16-08-020 Appearance and practice before department of agriculture—Appearance in certain proceedings may be limited to attorneys.
16-08-040 Appearance and practice before department of agriculture—Standards of ethical conduct.
16-08-050 Appearance and practice before department of agriculture—Appearance by former employee of agency or former member of attorney general's staff.
16-08-060 Appearance and practice before department of agriculture—Former employee as expert witness.
16-08-070 Computation of time.
16-08-080 Notice and opportunity for hearing in contested cases.
16-08-090 Service of process—By whom served.
16-08-100 Service of process—Upon whom served.
16-08-110 Service of process—Service upon parties.
16-08-120 Service of process—Method of service.
16-08-130 Service of process—When service complete.
16-08-140 Service of process—Filing with agency.
16-08-150 Subpoenas—Form.
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16-08-200 Subpoenas—Quashing.
16-08-210 Subpoenas—Enforcement.
16-08-220 Subpoenas—Geographical scope.
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16-08-240 Depositions and interrogatories in contested cases—Scope.
16-08-250 Depositions and interrogatories in contested cases—Officer before whom taken.
16-08-260 Depositions and interrogatories in contested cases—Authorization.
16-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents.
16-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination.
16-08-290 Depositions and interrogatories in contested cases—Recordation.
16-08-300 Depositions and interrogatories in contested cases—Signing attestation and return.
16-08-310 Depositions and interrogatories in contested cases—Use and effect.
16-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents.
16-08-330 Depositions upon interrogatories—Submission of interrogatories.
16-08-340 Depositions upon interrogatories—Interrogation.
16-08-350 Depositions upon interrogatories—Attestation and return.
16-08-360 Depositions upon interrogatories—Provisions of deposition rule.
16-08-370 Official notice—Matters of law.
16-08-380 Official notice—Material facts.
16-08-390 Presumptions.
16-08-400 Stipulations and admissions of record.
16-08-410 Form and content of decisions in contested cases.
16-08-420 Definition of issues before hearing.
16-08-430 Prehearing conference rule—Authorized.
16-08-440 Prehearing conference rule—Record of conference action.
16-08-450 Submission of documentary evidence in advance.
16-08-460 Excerpts from documentary evidence.
16-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses.
16-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements.
16-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data.
16-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 16-08-470 or 16-08-480.
16-08-510 Continuances.
16-08-520 Rules of evidence—Admissibility criteria.
16-08-530 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.
16-08-540 Petitions for rule making, amendments or repeal—Who may petition.
16-08-550 Petitions for rule making, amendments or repeal—Requisites.
16-08-560 Petitions for rule making, amendments or repeal—Agency must consider.
16-08-570 Petitions for rule making, amendments or repeal—Notice of disposition.
16-08-580 Declaratory rulings.
16-08-590 Forms.

WAC 16-08-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 34.04 RCW (chapter 234, Laws of 1959), after due notice and public hearing, held in Olympia on September 28, 1959, as provided by chapter 42.32 RCW, do promulgate the following rules relating to practice and procedure before this department. [Order 793, Promulgation, effective 9/29/59.]

WAC 16-08-010 Appearance and practice before department of agriculture—Who may appear. No person may appear in a representative capacity before the department of agriculture or its designated hearing officer other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation. [Order 793, Regulation .08.010, effective 9/29/59.]

WAC 16-08-020 Appearance and practice before department of agriculture—Appearance in certain proceedings may be limited to attorneys. In all hearings involving the taking of testimony and the formulation of a record subject to review by the courts, where the director of agriculture or his designated hearing officer determines that representative activity in such hearing requires a high degree of legal training, experience, and skill, (the director) or his designated hearing officer may

limit those who may appear in a representative capacity to attorneys at law. [Order 793, Regulation .08.020, effective 9/29/59.]

WAC 16-08-040 Appearance and practice before department of agriculture--Standards of ethical conduct. All persons appearing in proceedings before the director of agriculture in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the director may decline to permit such person to appear in a representative capacity in any proceeding before the department. [Order 793, Regulation .08.040, effective 9/29/59.]

WAC 16-08-050 Appearance and practice before department of agriculture--Appearance by former employee of agency or former member of attorney general's staff. No former employee of the department of agriculture or member of the attorney general's staff may at any time after severing his employment with the department or the attorney general appear in a representative capacity on behalf of other parties in a formal proceeding wherein he previously took an active part as a representative of the department as provided by RCW 42.22.040. [Order 793, Regulation .08.050, effective 9/29/59.]

WAC 16-08-060 Appearance and practice before department of agriculture--Former employee as expert witness. No former employee of the department of agriculture shall at any time after severing his employment with the department appear as an expert witness on behalf of other parties in a formal proceeding wherein he previously took an active part in the investigation as a representative of the department as provided by RCW 42.22.040. [Order 793, Regulation .08.060, effective 9/29/59.]

WAC 16-08-070 Computation of time. In computing any period of time prescribed or allowed by the department of agriculture rules, by order of the director of agriculture or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. [Order 793, Regulation .08.070, effective 9/29/59.]

WAC 16-08-080 Notice and opportunity for hearing in contested cases. In any contested case, all parties shall be served with a notice at least ten days before the date set for the hearing, unless otherwise specified by law. The notice shall state the time, place, and issues involved, as required by RCW 34.04.090(1). For hearings regarding matters under chapter 15.12 RCW, the hearing must be set within thirty days of service of the notice. This section does not apply to hearings held pursuant to RCW 69.12.060. [Order 793, Regulation .08.080, effective 9/29/59.]

WAC 16-08-090 Service of process--By whom served. The director of agriculture shall cause to be served all orders, notices and other papers issued by him, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it. [Order 793, Regulation .08.090, effective 9/29/59.]

WAC 16-08-100 Service of process--Upon whom served. All papers served by either the director of agriculture or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact. [Order 793, Regulation .08.100, effective 9/29/59.]

WAC 16-08-110 Service of process--Service upon parties. The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record. [Order 793, Regulation .08.110, effective 9/29/59.]

WAC 16-08-120 Service of process--Method of service. Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail; or by telegraph. [Order 793, Regulation .08.120, effective 9/29/59.]

WAC 16-08-130 Service of process--When service complete. Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid. [Order 793, Regulation .08.130, effective 9/29/59.]

WAC 16-08-140 Service of process--Filing with agency. Papers required to be filed with the department of agriculture shall be deemed filed upon actual receipt by the department at the place specified in its rules accompanied by proof of service upon parties required to be served. [Order 793, Regulation .08.140, effective 9/29/59.]

WAC 16-08-150 Subpoenas--Form. Every subpoena shall state the name of the department of agriculture and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and

place. [Order 793, Regulation .08.150, effective 9/29/59.]

WAC 16-08-160 Subpoenas--Issuance to parties. Upon application of counsel, or other representative appearing before the department pursuant to WAC 16-08-010(3) of these rules, for any party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The director of agriculture may issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought. [Order 793, Regulation .08.160, effective 9/29/59.]

WAC 16-08-170 Subpoenas--Service. Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person. [Order 793, Regulation .08.170, effective 9/29/59.]

WAC 16-08-180 Subpoenas--Fees. Witnesses summoned before the department of agriculture shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington. [Order 793, Regulation .08.180, effective 9/29/59.]

WAC 16-08-190 Subpoenas--Proof of service. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the department of agriculture or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the department, and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service. [Order 793, Regulation .08.190, effective 9/29/59.]

WAC 16-08-200 Subpoenas--Quashing. Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed (and upon notice to the party for whom the subpoena was issued) the director of agriculture or his authorized appointee or officer may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions. [Order 793, Regulation .08.200, effective 9/29/59.]

WAC 16-08-210 Subpoenas--Enforcement. Upon application and for good cause shown, the director of agriculture will seek judicial enforcement of subpoenas issued to parties and which have not been quashed. [Order 793, Regulation .08.210, effective 9/29/59.]

WAC 16-08-220 Subpoenas--Geographical scope. Such attendance of witnesses and such production of evidence may be required from any place in the state of Washington, at any designated place of hearing. [Order 793, Regulation .08.220, effective 9/29/59.]

WAC 16-08-230 Depositions and interrogatories in contested cases--Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a notice of hearing, application or petition. The attendance of witnesses may be compelled by the use of a subpoena when provided for by statute. Depositions shall be taken only in accordance with this rule and the rule on subpoenas. [Order 793, Regulation .08.230, effective 9/29/59.]

WAC 16-08-240 Depositions and interrogatories in contested cases--Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding. [Order 793, Regulation .08.240, effective 9/29/59.]

WAC 16-08-250 Depositions and interrogatories in contested cases--Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the director of agriculture or agreed upon by the parties by stipulation in writing filed with the department of agriculture. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceeding. [Order 793, Regulation .08.250, effective 9/29/59.]

WAC 16-08-260 Depositions and interrogatories in contested cases--Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the department of agriculture and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be

used as other depositions. [Order 793, Regulation .08.260, effective 9/29/59.]

WAC 16-08-270 Depositions and interrogatories in contested cases--Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the director of agriculture or his designated hearing officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the director of agriculture, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the director of agriculture or the director may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the director of agriculture or his designated hearing officer may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. [Order 793, Regulation .08.270, effective 9/29/59.]

WAC 16-08-280 Depositions and interrogatories in contested cases--Oral examination and cross-examination. Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross-interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim. [Order 793, Regulation .08.280, effective 9/29/59.]

WAC 16-08-290 Depositions and interrogatories in contested cases--Recordation. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived. [Order 793, Regulation .08.290, effective 9/29/59.]

WAC 16-08-300 Depositions and interrogatories in contested cases--Signing attestation and return. When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the director of agriculture holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert the name of witness)" and shall promptly send it by registered or certified mail to the director of agriculture or his designated hearing officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent. [Order 793, Regulation .08.300, effective 9/29/59.]

WAC 16-08-310 Depositions and interrogatories in contested cases--Use and effect. Subject to rulings by the hearing officer upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the hearing officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the hearing officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party. [Order 793, Regulation .08.310, effective 9/29/59.]

WAC 16-08-320 Depositions and interrogatories in contested cases--Fees of officers and deponents. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken. [Order 793, Regulation .08.320, effective 9/29/59.]

WAC 16-08-330 Depositions upon interrogatories--Submission of interrogatories. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name and descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories. [Order 793, Regulation .08.330, effective 9/29/59.]

WAC 16-08-340 Depositions upon interrogatories--Interrogation. Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 16-08-250 the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation. [Order 793, Regulation .08.340, effective 9/29/59.]

WAC 16-08-350 Depositions upon interrogatories--Attestation and return. The officer before whom interrogatories are verified or answered shall (1) certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the director of agriculture or his designated hearing officer, one copy to the counsel who submitted the interrogatories and another copy to the deponent. [Order 793, Regulation .08.350, effective 9/29/59.]

WAC 16-08-360 Depositions upon interrogatories--Provisions of deposition rule. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule. [Order 793, Regulation .08.360, effective 9/29/59.]

WAC 16-08-370 Official notice--Matters of law. The director of agriculture or his hearing officer, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register;

(2) **State law.** The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser;

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations;

(4) **Department organization.** The department of agriculture's organization, administration, officers, personnel, official publications, and practitioners before its bar. [Order 793, Regulation .08.370, effective 9/29/59.]

WAC 16-08-380 Official notice--Material facts. In the absence of controverting evidence, the director and his hearing officers, upon request made before or during a hearing, may officially notice:

(1) **Agency proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the department of agriculture;

(2) **Business customs.** General customs and practices followed in the transaction of business;

(3) **Notorious facts.** Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) **Technical knowledge.** Matters within the technical knowledge of the department of agriculture as a body of experts, within the scope or pertaining to the subject matter of its statutory duties; responsibilities or jurisdiction;

(5) **Request or suggestion.** Any party may request, or the hearing officer or the director may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) **Statement.** Where an initial or final decision of the director of agriculture rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts,

the hearing officer of the department of agriculture may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) **Evaluation of evidence.** Nothing herein shall be construed to preclude the director of agriculture or his authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them. [Order 793, Regulation .08.380, effective 9/29/59.]

WAC 16-08-390 Presumptions. Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear and convincing evidence, the director of agriculture with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

(1) **Continuity.** That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) **Identity.** That persons and objects of the same name and description are identical;

(3) **Delivery.** Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) **Ordinary course.** That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly coexists with the fact presumed;

(5) **Acceptance of benefit.** That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;

(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed, removed, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact. [Order 793, Regulation .08.390, effective 9/29/59.]

WAC 16-08-400 Stipulations and admissions of record. The existence or nonexistence of a material fact as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) **Withdrawal.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer or the director of agriculture that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding. [Order 793, Regulation .08.400, effective 9/29/59.]

WAC 16-08-410 Form and content of decisions in contested cases. Every decision and order, whether proposed, initial or final, shall:

(1) Be correctly captioned as to name of agency and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, be referenced to specific provisions of the law and/or regulations appropriate thereto. [Order 793, Regulation .08.410, effective 9/29/59.]

WAC 16-08-420 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that hearing officers may proceed promptly to conduct the hearings on relevant and material matter only. [Order 793, Regulation .08.420, effective 9/29/59.]

WAC 16-08-430 Prehearing conference rule—Authorized. In any proceeding the director of agriculture or his designated hearing officer upon his own motion, or upon the motion of one of the parties or their qualified

representatives, may in his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:

(1) The simplification of the issues;

(2) The necessity of amendments to the pleadings;

(3) The possibility of obtaining stipulations, admissions of fact and of documents;

(4) The limitation of the number of expert witnesses;

(5) Such other matters as may aid in the disposition of the proceeding. [Order 793, Regulation .08.430, effective 9/29/59.]

WAC 16-08-440 Prehearing conference rule--Record of conference action. The director or his designated hearing officer shall make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order. [Order 793, Regulation .08.440, effective 9/29/59.]

WAC 16-08-450 Submission of documentary evidence in advance. Where practicable the director of agriculture or his designated hearing officer may require:

(1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the hearing examiner and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;

(2) That documentary evidence not submitted in advance, as may be required by subdivision (1), be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;

(3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection. [Order 793, Regulation .08.450, effective 9/29/59.]

WAC 16-08-460 Excerpts from documentary evidence. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding. [Order 793, Regulation .08.460, effective 9/29/59.]

WAC 16-08-470 Expert or opinion testimony and testimony based on economic and statistical data--Number and qualifications of witnesses. That the hearing examiner or other appropriate officer in all classes of cases where practicable make an effort to have the interested parties agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party; and, if the interested parties cannot agree, require them to submit to him and to the other parties written statements containing the names, addresses and qualifications of their respective opinion or expert witnesses, by a date determined by him and fixed sufficiently in advance of the hearing to permit the other interested parties to investigate such qualifications. [Order 793, Regulation .08.470, effective 9/29/59.]

WAC 16-08-480 Expert or opinion testimony and testimony based on economic and statistical data--Written sworn statements. That the hearing examiner or other appropriate officer, in all classes of cases in which it is practicable and permissible, require, and when not so permissible, make every effort to bring about by voluntary submission, that all direct opinion or expert testimony and all direct testimony based on economic or statistical data be reduced to written sworn statements, and, together with the exhibits upon which based, be submitted to him and to the other parties to the proceeding by a date determined by the hearing officer and fixed a reasonable time in advance of the hearing; and that such sworn statements be acceptable as evidence upon formal offer at the hearing, subject to objection on any ground except that such sworn statements shall not be subject to challenge because the testimony is not presented orally, and provided that witnesses making such statements shall not be subject to cross-examination unless a request is made sufficiently in advance of the hearing to insure the presence of the witnesses. [Order 793, Regulation .08.480, effective 9/29/59.]

WAC 16-08-490 Expert or opinion testimony and testimony based on economic and statistical data--Supporting data. That the hearing examiner or other appropriate officer, in his discretion but consistent with the rights of the parties, cause the parties to make available for inspection in advance of the hearing, and for purposes of cross-examination at the hearing, the data underlying statements and exhibits submitted in accordance with WAC 16-08-480, but, wherever practicable that he restrict to a minimum the placing of such data in the record. [Order 793, Regulation .08.490, effective 9/29/59.]

WAC 16-08-500 Expert or opinion testimony and testimony based on economic and statistical data--Effect of noncompliance with WAC 16-08-470 or 16-08-480. Whenever the manner of introduction of opinion or expert testimony or testimony based on economic or statistical data is governed by requirements fixed under the provisions of WAC 16-08-470 or 16-08-480, such testimony not submitted in accordance with the relevant

requirements shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to conform to such requirements. [Order 793, Regulation .08.500, effective 9/29/59.]

WAC 16-08-510 Continuances. Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the director of agriculture or his designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The director or his designated hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the director or his designated hearing officer may grant such a continuance and may at any time order a continuance upon its or his own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the examiner or other officer conducting the hearing may in his discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing. [Order 793, Regulation .08.510, effective 9/29/59.]

WAC 16-08-520 Rules of evidence--Admissibility criteria. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the officer conducting the hearing, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington. [Order 793, Regulation .08.520, effective 9/29/59.]

WAC 16-08-530 Rules of evidence--Tentative admission--Exclusion--Discontinuance--Objections. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, in his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered. [Order 793, Regulation .08.530, effective 9/29/59.]

WAC 16-08-540 Petitions for rule making, amendments or repeal--Who may petition. Any interested person may petition the department of agriculture requesting the promulgation, amendment, or repeal of any rule. [Order 793, Regulation .08.540, effective 9/29/59.]

WAC 16-08-550 Petitions for rule making, amendments or repeal--Requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. [Order 793, Regulation .08.550, effective 9/29/59.]

WAC 16-08-560 Petitions for rule making, amendments or repeal--Agency must consider. All petitions shall be considered by the department of agriculture and the department may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal or modification of any rule. [Order 793, Regulation .08.560, effective 9/29/59.]

WAC 16-08-570 Petitions for rule making, amendments or repeal--Notice of disposition. The department shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition. [Order 793, Regulation .08.570, effective 9/29/59.]

WAC 16-08-580 Declaratory rulings. As prescribed by RCW 34.04.080, any interested person may petition the director of agriculture for a declaratory ruling. The director shall consider the petition and within a reasonable time the director shall:

(1) Issue a nonbinding declaratory ruling; or

(2) Notify the person that no declaratory ruling is to be issued; or

(3) Set a reasonable time and place for an oral hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing or submission and of the issues involved.

(4) If a hearing is held or evidence is submitted as provided in subsection (3), the director shall within a reasonable time:

(a) Issue a binding declaratory ruling; or

(b) Issue a nonbinding declaratory ruling; or

(c) Notify the person that no declaratory ruling is to be issued. [Order 793, Regulation .08.580, effective 9/29/59.]

WAC 16-08-590 Forms. (1) Any interested person petitioning the department for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

(a) At the top of the page shall appear the wording "Before the director of the department of agriculture." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of name of petitioning party for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the

name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

(c) The original and two legible copies shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size.

(2) Any interested person petitioning the department of agriculture requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

(a) At the top of the page shall appear the wording "Before the director of the department of agriculture." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the department. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" size. [Order 793, Regulation .08.590, effective 9/29/59.]

Chapter 16-09 WAC

RULES AND REGULATIONS RELATIVE TO THE EXECUTIVE CONFLICT OF INTEREST ACT

WAC

16-09-001 Promulgation.
16-09-010 Purpose.
16-09-020 Rules of conduct.
16-09-030 Conflict of employment.
16-09-040 Disciplinary action.

WAC 16-09-001 Promulgation. (This promulgation relates to WAC 16-09-010 through 16-09-040.)

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 42.18 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW, and a public hearing held in Olympia, Washington on August 1, 1975 do hereby promulgate the following regulations relating to conflict of interest appropriate to the specific needs of the state department of agriculture. [Order 1420, § 16-09-001, filed 8/4/75.]

WAC 16-09-010 Purpose. (1) As provided in RCW 42.18.250, "The Executive Conflict of Interest Act," the director of the state department of agriculture promulgates, for the guidance of its officers, employees, and agents regulations relating to conflict of interest appropriate to the specific needs of the state department of agriculture.

(2) High moral and ethical standards among public servants are essential to the conduct of free government. With the objective of protecting the integrity of the government of the state of Washington these regulations will provide guidance to officers, employees, and agents of the department in order to eliminate conflicts of interest, improve standards of service, and promote and strengthen the confidence of the people of Washington in the department of agriculture. It is a dual objective in prescribing these essential restrictions against conflicts of interest in the department to not create unnecessary barriers to recruitment and retention of needed personnel. [Order 1420, § 16-09-010, filed 8/4/75.]

WAC 16-09-020 Rules of conduct. (1) The following shall apply to all officers, employees, or agents of the state department of agriculture.

(a) For any matter connected with, or related to, the discharge of his official duties for the department, no officer, employee, or agent shall receive anything of economic value (other than his compensation from the state of Washington). No compensation, gifts, honorariums, rewards, or gratuities shall be accepted for or in consideration of personal services rendered during time for which the employee is compensated by the state of Washington unless otherwise provided for by chapter 42.18 RCW. Compensation, gifts, honorariums, rewards, or gratuities offered the employee for services rendered during his personal time may be accepted provided that such acceptance would not be considered an inducement to neglect or improperly perform his official duties or influence his official judgment.

(b) If an officer, employee, or agent of the department has reason to believe a donor would not give the gift, gratuity, or favor but for such employee's office or position with the state, that employee shall not receive, accept, take, seek, or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from that donor.

(i) Any officer, employee, or agent shall report, through his immediate supervisor, to the director any

offers of the above which could be considered an inducement to neglect, or improperly perform, his official duties or influence his official judgment.

(2) No officer, employee, or agent of the state department of agriculture shall:

(a) Use the power or authority of his position to secure anything of economic value, special privileges, or exemptions for himself or others.

(b) Have any interest, financial or otherwise, direct or indirect, or shall engage in any business or transaction or professional activity, or shall incur any obligation of any nature which is in conflict with the proper discharge of his official department duties or is in conflict with the public interest in his capacity as an officer, employee or agent of the department.

(c) Transact or participate in a transaction of any business in his official capacity as a department agent with any business entity of which he is an officer, agent, employee, or member, or in which he or his spouse or minor child has a direct and substantial economic interest.

(d) Within a period of two years after the termination of such service or employment, appear before any such agency or receive compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which such person was directly concerned, and in which he personally participated during the period of his service or employment.

(e) Accept employment, or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position.

(f) Disclose confidential information gained by reason of his official position, nor shall he otherwise use such information for his personal gain or benefit. "Confidential" information for the purpose of this regulation means such information as is declared confidential by specific statute or by administrative rule.

(g) Fail to disclose to the director of agriculture any interest in any firm, corporation, association, or other business entity which is subject to department regulation such as being an officer, agent, member of, or owning a significant interest in such entity. [Order 1420, § 16-09-020, filed 8/4/75.]

WAC 16-09-030 Conflict of employment. (1) Merit system rule, WAC 356-46-040 provides that "no employee shall have conflicting employment while in the employ of an agency. Determination of such conflict shall be made by the employing agency."

(2) Each applicant for employment, prior to final selection, shall notify his prospective supervisor as per subsection (3) below.

(3) Each employee shall notify his supervisor of any employment, activity, or interest other than department of agriculture which could reasonably be considered a conflict of interest or which would interfere with the satisfactory performance of his official duties.

(4) If it is determined that other employment or other interest is in conflict with his official duties and that remedial action is required, the employee, or applicant for employment, shall take immediate action to end such conflict and advise the supervisor of the action taken.

(5) An employee, or applicant for employment who believes that remedial action will cause undue hardship may request a review and modification by forwarding to the director of agriculture a written statement setting forth all the facts and circumstances with the reasons for the request or modification.

(6) If a final determination is made by the director of agriculture that a conflict of employment does in fact exist remedial action to end the conflict of employment shall be taken. [Order 1420, § 16-09-030, filed 8/4/75.]

WAC 16-09-040 Disciplinary action. The director may dismiss, suspend, or take such other disciplinary action as may be appropriate in respect to any state employee upon finding that such employee has violated any of the provisions of WAC 16-09-020 and 16-09-030, subject to such recourse as provided for in chapter 41.06 RCW. [Order 1420, § 16-09-040, filed 8/4/75.]

Chapter 16-12 WAC
MEAT INSPECTION

WAC
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WAC 16-12-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 204, Laws of 1959 (chapter 16.49 RCW) after due notice as provided under chapter 42.32 RCW and a public hearing held in Olympia on February 25, 1960, do promulgate the following regulations: [Order 801, Promulgation, effective 3/22/60.]

PART 1 - DEFINITIONS

WAC 16-12-010 Definitions. For purposes of regulations contained in this chapter the following definitions as they appear in chapter 204, Laws of 1959 shall apply:

(1) "Carcass" means all or any parts, including viscera, of a slaughtered meat food animal capable of being used for human food;

(2) "Department" means the department of agriculture of the state of Washington;

(3) "Director" means the director of the department or his duly appointed representative;

(4) "Equipment" means all machinery, fixtures, containers, vessels, tools, implements, apparatus used in and about an establishment and vehicles used to transport meat;

(5) "Lay inspector" means a layman having training and knowledge of meat inspection, working under the direct supervision of a veterinarian;

(6) "Meat" means the carcass, parts of carcass, meat and meat food products derived in whole or in part from meat food animals;

(7) "Meat by–product" means any edible part other than meat which has been derived from one or more meat food animals;

(8) "Meat food product" shall mean any article of food which is processed by salting, drying, smoking, or cooking and prepared in whole or in part of meats stamped by the United States government or by the state;

(9) "Meat food product establishment" means an establishment manufacturing meat food products from meat stamped inspected and passed by the state or the United States Department of Agriculture: *Provided*, That it does not include a retail meat dealer preparing or manufacturing meat food products at his place of business for sale only at such place of business to a consumer;

(10) "Official establishment" hereinafter known as establishment, means any slaughtering, or meat food product manufacturing establishment at which inspection is maintained by the director or his agents;

(11) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be;

(12) "Products" includes any part or all meat, meat by–products and meat food products;

(13) "Stamped" means the affixing by or under the supervision of an inspector of the United States Department of Agriculture or the director, on meat food animals, meat or meat food products, a tag, label, mark, stamp, or brand denoting that such meat food animals, meat or meat food products were inspected;

(14) "State inspected" means inspected by the state or agents of the state;

(15) "Veterinary inspector" hereinafter known as inspector, means a veterinarian authorized by the department to conduct sanitary inspection and meat inspection;

(16) "Washington condemned" means that the animal so marked has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of the carcass;

(17) "Washington inspected and condemned" means that the meat so marked is unsound, unhealthful, unwholesome or otherwise unfit for human food;

(18) "Washington inspected and passed" means that the meat so marked has been inspected and passed under this act and/or rules and regulations adopted hereunder, and that at the time it was inspected, passed and so marked the meat was found to be sound, healthful, and wholesome and fit for human food;

(19) "Washington retained" means that the meat so marked is held for further examination by a veterinary inspector to determine its disposal;

(20) "Washington suspect" means that the meat food animal so marked is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered and is subject

to further examination by an inspector to determine its disposal;

For the purposes of this chapter the following additional definitions shall apply:

(21) "Inspection legend" means the Washington "inspected and passed" mark or stamp;

(22) "Meat food animal" hereinafter known as animal means live cattle, sheep, swine, goats, horses, mules or burros;

(23) "Operator" includes any owner, lessee, or manager of an establishment;

(24) "Unwholesome" includes meat products which may be diseased, contaminated, putrid, unsound, unhealthful, or otherwise unfit for human food and meat animals which may be unfit for slaughter for any reason which would make meat products from them unfit for human food;

(25) "Washington passed for cooking" means that the carcass or products so marked have been found to be fit for human food only after cooking at a temperature sufficient to effectively destroy harmful agents which it might contain;

(26) "Washington retained for refrigeration" means that the carcass or products so marked have been found to be suitable for human food only after proper refrigeration. [Order 801, Regulation 1.01, effective 3/22/60.]

PART 2 - SCOPE OF INSPECTION

WAC 16-12-015 Animals entering inspected establishments. All animals entering an establishment subject to or operating under state meat inspection shall be inspected, handled, prepared and marked as required by this chapter. [Order 801, Regulation 2.01, effective 3/22/60.]

WAC 16-12-020 Products entering inspected establishments. All products prepared or processed in an establishment subject to or operating under state meat inspection shall be handled, prepared, processed and marked as required by this chapter. [Order 801, Regulation 2.02, effective 3/22/60.]

WAC 16-12-025 Only products bearing inspection legend to be received at establishment. Only products bearing the state meat inspection legend or the federal meat inspection legend, shall be received at establishments. [Order 801, Regulation 2.03, effective 3/22/60.]

WAC 16-12-030 All products received to be handled, stored, and prepared so as to prevent contamination of other meat. The department shall examine and seize any products which are unwholesome or which create an insanitary condition on the premises and/or which may make unwholesome other meat or meat food products being handled, stored or prepared on such premises. [Order 801, Regulation 2.04, effective 3/22/60.]

WAC 16-12-035 Carcasses or parts of animals of species other than meat food animals. Carcasses or parts of animals of species other than those included in WAC 16-12-010(22) intended for food purposes may be brought into an establishment operating under state meat inspection providing they are identified, handled, stored and prepared so as to prevent the contamination of other food products handled, stored, or prepared at the establishment. The inspector shall deny entry into, or cause to be removed from the establishment, carcasses or parts of such animals when they are unwholesome, or create an insanitary condition on the premises and/or are likely to make unwholesome other food products being handled, stored or prepared thereat. [Order 801, Regulation 2.05, effective 3/22/60.]

PART 3 - ORGANIZATION OF FORCE

WAC 16-12-040 State meat inspection conducted under director of agriculture. State meat inspection is conducted under the direction of the director of the state department of agriculture. [Order 801, Regulation 3.01, effective 3/22/60.]

WAC 16-12-045 Meat inspection personnel--Qualifications, assignments, duties. Meat inspection personnel are assigned by the department for work in connection with state meat inspection. They are classed as follows:

(1) Veterinary field supervisors are responsible for the inspection work at establishments in one or more areas assigned to them. They supervise the inspection work of inspectors and lay inspectors assigned to establishments in their area.

(2) Inspectors are graduates of recognized colleges of veterinary medicine, properly trained and qualified to do meat inspection.

(3) Lay inspectors are properly trained and qualified laymen who make ante mortem and post mortem examinations, perform meat food product inspection, enforce the sanitary requirements in their assigned plants, and perform various other duties as required. They work under the direct supervision of an inspector. [Order 801, Regulation 3.02, effective 3/22/60.]

PART 4 - APPLICATION FOR INSPECTION

WAC 16-12-050 Determination if licensed establishment in compliance with order--Submission of plan for correction of deficiencies. Upon adoption of this chapter, a representative of the department shall determine if each currently licensed establishment is in compliance. If not in compliance, the establishment will be advised of the necessary changes to meet the minimum requirements. Each establishment shall subsequently submit to the department in writing, a plan for correction of deficiencies, indicating the order in which correction will be made, and the interval of time which will elapse before correction. Renewal of license will be contingent upon submission of an acceptable plan and its approval by the department. An applicant for transfer and assignment of a license shall be responsible for

completion of any correction plan initiated by the transferor as herein provided. [Order 801, Regulation 4.01, effective 3/22/60.]

WAC 16-12-055 Application for inspection submitted after effective date of chapter. Application for inspection submitted after the effective date of this chapter shall be accompanied by triplicate copies of complete drawings of floor plans showing the locations of such features as the principal pieces of equipment, floor drains, principal drainage lines, hand washing basins, and hose connections for clean-up purposes; roof plans; elevations; cross and longitudinal sections of the various buildings showing such features as principal pieces of equipment, heights of ceilings, conveyor rails, and character of floors and ceilings; and a plot plan showing such features as the limits of the plant premises, locations in outline of buildings on the premises, cardinal points of the compass, and roadways and railroads serving the plant properly drawn to scale: *Provided*, That such drawings shall not be required when application is submitted to transfer the license of a currently licensed establishment: *Provided further*, That such drawings need not be submitted with application for inspection at an establishment constructed prior to the effective date of this chapter but not licensed on the effective date of this chapter, except as required for remodeling such establishments as provided in WAC 16-12-340. [Order 801, Regulation 4.02, effective 3/22/60.]

WAC 16-12-060 Establishment applying after effective date of chapter to be in compliance before approved. Application for inspection submitted after the effective date of this chapter shall be approved only after it has been determined that the establishment meets the requirements of the law and this chapter. [Order 801, Regulation 4.03, effective 3/22/60.]

WAC 16-12-065 Assignment of official number. An official number shall be assigned to each establishment. Such numbers shall be used to identify all products inspected and passed at that establishment. [Order 801, Regulation 4.04, effective 3/22/60.]

PART 5 - PERSONNEL

WAC 16-12-070 Identification card or badge as identification of personnel. Each person assigned by the department to conduct state meat inspection will be furnished by the department with an official identification card which he shall keep on his person when he is on duty. Inspection personnel may be issued an official badge which shall serve as further identification. [Order 801, Regulation 5.01, effective 3/22/60.]

WAC 16-12-075 Personnel to have access to establishment at all times. For the purpose of any examination or inspection necessary to enforce any of the provisions of this chapter, properly identified meat inspection personnel shall have access, at all times, to any portion of the establishment. [Order 801, Regulation 5.02, effective 3/22/60.]

WAC 16-12-080 No interference with inspector in discharge of duty. No person shall intimidate, obstruct, hamper, abuse or interfere with any personnel assigned by the department in the discharge of his duties. [Order 801, Regulation 5.03, effective 3/22/60.]

WAC 16-12-085 Designation of inspectors and assistants. An inspector shall be designated by the department as the veterinarian responsible for the inspection at each establishment. Such assistants as may be necessary will be assigned to work under his direct supervision provided that as a temporary measure, when an inspector is not available a lay inspector may be assigned until an inspector becomes available. [Order 801, Regulation 5.04, effective 3/22/60.]

WAC 16-12-090 Assignment of inspectors where members of family employed. No inspector or lay inspector will be assigned to an establishment where any member of his family is employed by or is the owner of the establishment. [Order 801, Regulation 5.05, effective 3/22/60.]

PART 6 - FACILITIES AND FEES FOR INSPECTION

WAC 16-12-095 Facilities for inspection personnel. Unless determined by the department to be unnecessary, an office and dressing room at least 7'0" x 9'0" in size shall be furnished by establishments without cost to the department for the exclusive use for official purposes of inspectors. These facilities shall be conveniently located, properly ventilated, lighted and heated; and shall be provided with the following: A suitable writing desk or table and chair; storage lockers equipped with facilities for locking for protection and storage of clothing; inspection brands and supplies; toilet, shower and lavatory; and janitor service. [Order 801, Regulation 6.01, effective 3/22/60.]

WAC 16-12-100 Hours of operation of establishments. Each operator shall inform the inspector, or in his absence the lay inspector responsible for conducting the inspection work at the establishment, when work in each department has been concluded for the day and of the day and hour when work will be resumed therein. In the event of change of the scheduled starting time of operation, the operator shall give the assigned inspector reasonable advanced notice of such change which should not be less than one hour. [Order 801, Regulation 6.02, effective 3/22/60.]

WAC 16-12-105 Operation to be done within reasonable hours. All slaughtering of animals and preparation of products shall be done within reasonable hours and with reasonable speed. [Order 801, Regulation 6.03, effective 3/22/60.]

WAC 16-12-110 Facilities and conditions to be provided by establishment. Unless determined by the department to be unnecessary, the following facilities and conditions, and such others as may be essential to efficient conduct of inspection and maintenance of sanitary conditions shall be provided by each establishment:

(1) Satisfactory pens, equipment, and assistants for conducting ante mortem inspection and for separating, marking and holding apart from passed animals those marked "Washington suspect" and those marked "Washington condemned."

(2) Not less than 50 foot candles of overall intensity of light at all places where animals, meat or products are regularly inspected. Rooms shall be kept sufficiently free of steam and vapors for inspection to be properly made. Equipment or substances which generate gases or odors shall not be used except as specifically permitted. Sufficient heat to protect the health and comfort of inspectors in the slaughter department.

(3) Racks, receptacles, or other suitable devices for retaining parts and blood to be used in the preparation of meat food products or medical products, until after the post mortem examination is completed, in order that they may be identified in case of condemnation of the carcass; a two level viscera inspection truck for the handling of viscera, so as to prevent its contact with the floor; equipment for the separate and sanitary handling of carcasses or parts for cooking.

(4) Equipment on which inspection is performed designed and constructed so as to enable inspectors to conduct inspection properly and efficiently. The equipment shall include: A standard head flushing cabinet; head inspection rack with removable head loops of proper size for both beef and calf head inspection; a hoppered metal stand with two removable inspection pans for examination of hog, sheep and calf viscera.

(5) Sanitary, water–tight metal trucks or receptacles for holding and handling diseased carcasses and parts, so constructed as to be readily cleaned; such trucks or receptacles to be marked in a conspicuous manner with the phrase "Washington condemned" in letters not less than two inches high, and when required by the department, to be equipped with facilities for locking or sealing.

(6) Adequate facilities including approved denaturing materials, for the proper disposal of condemned articles. Tanks which must be sealed shall be properly equipped for sealing.

(7) Docks and receiving rooms, for the receipt and inspection of all products as provided in WAC 16-12-880.

(8) Adequate space and proper arrangement for efficient performance of post mortem inspection of carcasses and parts and for sanitary conduct of operations in the slaughtering department. The slaughtering operation shall be arranged so as to enable the inspector to examine the carcasses and parts without interference from any source.

(9) The following facilities for adequate inspection and control of retained carcasses, parts and other products:

(a) Compartments, and receptacles in which carcasses and meat products may be held for further inspection. These shall be equipped for secure locking and shall be held under locks furnished by the department. Every such compartment, or receptacle shall be conspicuously marked with the phrase, "Washington retained," in letters not less than two inches high.

(b) Rooms, compartments, or specially prepared open places, to be known as "final inspection places" at which the final inspection of retained carcasses are conducted. Competent assistants for handling retained carcasses and parts. Final inspection places shall be adequate in size and their rail arrangement and other equipment shall be sufficient to prevent carcasses and parts, passed for food or cooking, from being contaminated by contact with condemned carcasses or parts. They shall be equipped with hot water, lavatory, sterilizer, tables and other equipment required for ready, efficient and sanitary conduct of the inspection. The floors shall have proper drainage connections, and when the final inspection place is part of a larger floor, it shall be separated by a curb, railing, or otherwise. [Order 801, Regulation 6.04, effective 3/22/60.]

WAC 16-12-115 Designation of days and hours where required to furnish efficient and economical inspection of two or more establishments. Whenever the director shall deem it necessary, in order to furnish proper, efficient and economical inspection of two or more establishments and the proper inspection of animals or meat, the director, after a hearing on written notice to the licensee of each such establishment affected, may designate days and hours for the slaughter of animals and the preparation or processing of meat at such establishments. The director in making such designation of days and hours shall give consideration to recommendations of the meat inspection advisory board and the existing practices at the affected establishment fixing the time for slaughter of animals and the preparation or processing of meat thereof. [Order 801, Regulation 6.05, effective 3/22/60.]

WAC 16-12-120 Designation of new permanent slaughter schedule--Designation of temporary change in slaughter schedule. (1) If determined by the department to be necessary, a hearing will be used where there is a designation of a new permanent slaughter schedule or a major change in an existing schedule of days, half days or hours during which the department is to regularly provide meat inspection services in an establishment. Where such hearing is determined to be necessary, the department will complete such procedure at and within such time as to permit the establishment to continue its operations in an efficient and economical manner, or for the department to make the most practical and efficient use of its available meat inspection personnel.

(2) No hearing shall be held if the department determines that a change or adjustment in an existing slaughter schedule of days, half days or hours is not a major change, but is only an adjustment or procedure necessary to adequately serve the needs of an establishment such as providing meat inspection personnel on an "overtime" basis on any particular regular scheduled day

or furnishing temporary additional inspection service on an unscheduled day. Such changes may also be made by the department without hearing, if it verifies that due to unforeseen conditions adequate inspection personnel is not available and it is therefore impossible for the department to furnish meat inspection services as scheduled. [Order 801, Regulation 6.06, effective 3/22/60.]

WAC 16–12–125 "Straight time" monthly, full day and half day fees––Starting time subject to department approval––Minimum charge of four hours. The department shall establish a uniform state–wide "straight time" fee for monthly, full day or half day inspection service. The monthly fee shall apply to a "full time" inspection schedule limited to inspection during the periods not classed as overtime as provided in WAC 16–12–135. The full day fee shall apply to a "part time" inspection schedule of one or more days of continuous inspection in excess of four hours and not exceeding eight hours on any one day and excluding time off not to exceed one hour for a meal. The half day fee shall apply to a part time inspection schedule of one or more part days of continuous inspection not exceeding four hours in any one day. The starting time of days and part days of inspection shall be subject to department approval. The half day fee based on four hours or less inspection shall be the minimum fee charge regardless of whether or not less than four hours of inspection is used. In applying the uniform state–wide "straight time" fee, consideration shall be given to the location of the nearest qualified, available inspector in respect to location of the establishment. If necessary, because of excessive distance of the inspector from the establishment an additional charge may be made to compensate an inspector for mileage and travel time to the establishment and return to his office. [Order 801, Regulation 6.07, effective 3/22/60.]

WAC 16–12–130 Schedule of fees at meat food product manufacturing establishments. Not withstanding the provisions of WAC 16–12–125, a special schedule of fees may be established for inspection at meat food product manufacturing establishments. [Order 801, Regulation 6.08, effective 3/22/60.]

WAC 16–12–135 Overtime––Overtime rate. (1) "Overtime" for the purposes of this chapter means any time when meat inspection personnel are requested or required to work in an establishment:

(a) On Sunday.

(b) On a legal holiday.

(c) After the expiration of a regular continuous eight hour day as provided by WAC 16–12–140.

(d) After 5 p.m.

(e) In excess of 40 hours of "straight time" in any calendar week.

(2) "Overtime" costs allocated to each establishment shall be at the rate of one and one–half times the amount established for "straight time" during the same period for the persons performing such meat inspection services in the establishment. [Order 801, Regulation 6.09, effective 3/22/60.]

WAC 16–12–140 Overtime work of inspectors. The management of an establishment desiring to operate during a period designated as overtime shall sufficiently in advance of the period of overtime, request the overtime period, and shall reimburse the department for the cost of such overtime inspection service. [Order 801, Regulation 6.10, effective 3/22/60.]

WAC 16–12–145 Change in slaughter––Advance notice. (1) If the operator of an establishment requests meat inspection service during any time of day, other than that which is a part of the regular slaughter schedule for such establishment, the department shall not be required to provide inspection service to such establishment for the period requested unless a request in writing is submitted by the person requesting the change to the assigned inspector at least seven days in advance of the desired change.

(2) If by reason of a regular slaughter schedule the department is required to furnish meat inspection services in an establishment for a half day or full day, and if the establishment finds that meat inspection services are not required for such periods, the department shall still allocate the minimum charge for service as provided by WAC 16–12–125 unless a request for a change is submitted in writing by the person requesting the change to the assigned inspector at least seven days in advance of the desired change. If because of an emergency beyond the control of the establishment, slaughter is *not* conducted on a scheduled day or half day, the minimum charge for service will not be allocated even though a request for change is not submitted in writing seven days in advance. [Order 801, Regulation 6.11, effective 3/22/60.]

WAC 16–12–150 Statement for services to be submitted. Each month the department shall forward to each slaughter establishment operator an itemized statement showing the computation of the cost of inspection service for the previous month. [Order 801, Regulation 6.12, effective 3/22/60.]

WAC 16–12–155 Payment for inspection to be made upon receipt of itemized statement––Director may withdraw inspection if payment not made within 30 days. (1) Upon receipt of the itemized statement for meat inspection service used during the previous month, the operator of the establishment shall pay to the department the cost as shown on the statement. The department may require advance payment for subsequent inspection service if an operator fails to pay for services within the time specified in subsection (2) of this section.

(2) The director may withdraw inspection from an establishment should the operator fail to pay for the cost of meat inspection as shown on the statement within thirty days after such meat inspection has been performed at such establishment. [Order 801, Regulation 6.13, effective 3/22/60.]

PART 7 - SANITATION

WAC 16-12-160 Establishments--Sanitary conditions--Requirements. Establishments or premises on or in which animals are slaughtered or held or in which products are prepared or handled shall be maintained in a sanitary condition. Compliance with the requirements specified in WAC 16-12-165 to 16-12-330 will be deemed necessary for minimum sanitary conditions. [Order 801, Regulation 7.01, effective 3/22/60.]

WAC 16-12-165 Sufficient light. There shall be sufficient light consisting of not less than 20 foot candles of overall intensity of artificial illumination in all operating rooms except that not less than 50 foot candles of overall intensity of artificial illumination is required at places where meat or meat products are regularly inspected. [Order 801, Regulation 7.02, effective 3/22/60.]

WAC 16-12-170 Adequate ventilation. There shall be adequate ventilation for all rooms and compartments to prevent condensation of moisture and to carry off odors and vapors. [Order 801, Regulation 7.03, effective 3/22/60.]

WAC 16-12-175 Adequate drainage. There shall be a sufficient number of drains to carry off waste accumulations and water according to the volume of slaughter and other relevant factors. Each, including blood drains, shall be equipped with a deep seal (P-, U- or S-shaped) trap; shall be a minimum inside diameter of 4 inches and shall be provided with rodent screens and be properly vented to the outside air. Such drains shall be located in slaughter rooms, inedible storage and handling rooms, hide storage rooms, curing rooms, boning and cutting rooms, rendering rooms, sausage manufacturing rooms, coolers, except those in which flushing of floors with water is not required, and in other work rooms or places where needed. Unless otherwise specified in this chapter, all plumbing shall conform to applicable requirements of the plumbing codes effective within the particular jurisdiction, or, in their absence, to the requirements of recognized plumbing codes such as the National Plumbing Code ASA A40.8, or the Western Plumbing Official's Association, Uniform Plumbing Code. Waste disposal facilities shall conform to the requirements of the pollution control commission. Domestic sewage shall be disposed of in conformity with the requirements of the jurisdictional health department. Toilet soil lines shall be separate from slaughterhouse drainage lines to a point outside the buildings and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin. [Order 801, Regulation 7.04, effective 3/22/60.]

WAC 16-12-180 Water supply. There shall be sufficient water to meet all operating demands. The water shall pass the test prescribed for potability in the "drinking water standards" promulgated by the United States Public Health Service, Department of Health, Education and Welfare, dated February 6, 1946. The turbidity of the water shall not exceed 10 (silica scale) and the color shall not exceed 20 (platinum-cobalt scale). The water shall contain no odor caused by chemicals or microorganisms. Water shall be delivered from plant outlets at a minimum flow pressure of 45 pounds per square inch. The water supply shall be effectively protected against contamination and pollution. Equipment using potable water shall be so installed as to prevent back siphonage into the potable water system. Nonpotable water is permitted only in those parts of establishments where no edible product is handled or prepared, and then only for limited purposes such as on ammonia condensers not connected with the potable water supply, in vapor lines serving inedible product rendering tanks, in connection with equipment used for hashing and washing inedible products preparatory to tanking, and in sewer lines to move along heavy sewage. Nonpotable water is not permitted for washing floor areas, or equipment involved in trucking materials to and from edible products departments, nor is it permitted in hog scalding vats, dehairing machines, vapor lines serving edible product rendering equipment, or for cleanup of shackling pens, bleeding areas, or runways within the slaughtering department. In all cases nonpotable water lines shall be clearly identified and shall not be cross-connected with the potable water supply unless this is necessary for adequate fire protection and such connection is of a type with an adequate break to assure against accidental contamination, and is approved by local authorities and by the department. [Order 801, Regulation 7.05, effective 3/22/60.]

WAC 16-12-185 Hot water. The following shall be provided:

(1) Hot water of at least 180°F. at hose outlets, sufficient in amount to thoroughly clean all surfaces and equipment which are subject to contamination by the dressing or handling of diseased carcasses, their viscera and parts.

(2) Hot water of at least 140°F. at hose outlets sufficient in amount to assure thorough cleaning of all rooms and equipment in addition to those mentioned in subsection (1) of this section.

(3) Hose connections for cleanup purposes at such places as are necessary to assure thorough cleaning of all rooms and equipment. Suitable racks or reels for storing the hose when not in use. [Order 801, Regulation 7.06, effective 3/22/60.]

WAC 16-12-190 Impervious surfaces. Floors in operating rooms must be constructed of impervious material susceptible to proper cleaning such as concrete, tile or paving brick. They must be finished so as to enable proper cleaning but not so smooth as to cause accidents. A wood float finish for concrete floors is recommended.

Walls in operating departments must be surfaced with a material which is susceptible to being properly cleaned to the height which the surface becomes soiled under normal operating conditions and which does not absorb moisture. Walls must be surfaced with such material to

at least rail beam height in the slaughter department, offal department, chill coolers and other work rooms where necessitated by operating conditions. Smooth portland cement plaster walls should not be painted. A suitable sealer is recommended for plastered walls. Sheet material such as cement asbestos board must be installed so that all joints are tightly sealed.

Wooden structures are absorbent and difficult to keep clean, hence their use should be kept at a minimum. Wooden doors and door frames between the slaughter room and other operating rooms and in other departments where operating conditions necessitate use of impervious material must be metal clad. The metal cladding should be done with suitable material such as No. 22 gauge or heavier galvanized iron or stainless steel with seams folded, welded, soldered or otherwise effectively sealed. The juncture of the metal coverings at jambs and walls must be sealed with a flexible type sealing compound. The cattle knocking box must be metal or concrete and the knocking box door metal.

Ceilings must be smooth finished and capable of being properly cleaned. All coolers must be ceiled. The ceiling of the slaughter room roof frame should be insulated to prevent condensation of moisture from the warm vapors below. Exposed joists, rafters, or posts in the slaughter room and other work rooms must be of dressed lumber or rust resistant metal. All exposed wood surfaces must be painted or properly sealed. [Order 801, Regulation 7.07, effective 3/22/60.]

WAC 16-12-195 Carcass rails--Distance from walls. Carcass rails throughout the establishment must be spaced at least 2 feet from walls, columns, refrigerating equipment or other fixed equipment or parts of the building to prevent contact of the carcasses with these items. [Order 801, Regulation 7.08, effective 3/22/60.]

WAC 16-12-200 Doorways--Width. Doorways through which product is transferred on rails or in hand trucks must be at least 4 feet wide. [Order 801, Regulation 7.09, effective 3/22/60.]

WAC 16-12-205 Slaughtering facilities and minimum dimensions. Slaughtering departments must have adequate floor space for the rate of slaughter and be arranged to assure sanitary conduct of operations and efficient performance of post mortem inspection. Truckways over which products are conveyed from the slaughtering department to other rooms must be located so that the material is not trucked beneath or in contact with dressed carcasses and products. A rail or traveling hoist shall be provided for bleeding all animals: *Provided*, That animals may be bled in a prone position on tables and conveyors where necessitated for compliance with the requirements of chapter 16.50 RCW, the humane slaughter law and regulations promulgated thereunder. The height of the bleed rail above the floor should be at least 16 feet for cattle; 11 feet for calves, 9 feet for sheep (when bled on separate rail from calves); 8 feet 6 inches above the scalding vat at drop-off end for hogs; and 18 feet for horses. Rails are also required for dressing all animal carcasses. Their height above the floor should be at least 11 feet for calves and cattle; 9 feet for hogs and sheep and 12 feet 6 inches for horses. In any case, there must be clearance of at least 8 inches from the lowest point of all carcasses suspended from the dressing rail to the floor. The hog shaving rail must be of sufficient length to assure that carcasses are properly cleaned. [Order 801, Regulation 7.10, effective 3/22/60.]

WAC 16-12-210 Cooler facilities. Adequate refrigerated facilities for the chilling and storage of carcasses and products shall be provided. A chill cooler and separate holding coolers may be provided, or both may be combined in one room. The carcass chill cooler and holding coolers must have mechanical refrigeration capable of maintaining a temperature of 35°F. or lower, when loaded to capacity. When overhead refrigerating facilities are provided, insulated drip pans must be installed beneath them, and the pans properly connected to the drainage system. If wall coils are installed, a drip gutter of impervious material and connected with the drainage system must be installed beneath the coils. Cooler rails should be at least the following heights above the floor: Cattle 11 feet 0 inches; calves 11 feet 0 inches (gambrel to be 7 feet 0 inches or more from floor); sheep 11 feet 0 inches; hogs 9 feet 0 inches; jobbing coolers for beef quarters, etc., 7 feet 6 inches. In no event shall the clearance between a hanging carcass and the floor be less than eight inches. [Order 801, Regulation 7.11, effective 3/22/60.]

WAC 16-12-215 Sterilizing facilities. Properly located sterilizing receptacles constructed of rust resistant metal and of sufficient size for complete immersion of butcher tools, other implements and inspection pans shall be provided in the slaughter room, and at other places where operations are likely to result in the contamination of such equipment and utensils. Such receptacles shall be provided with a means of heating the water contained therein to 180°F. and maintaining it at that temperature during the entire operation. The sterilizers must be constructed so that they may be drained for daily cleaning. [Order 801, Regulation 7.12, effective 3/22/60.]

WAC 16-12-220 Lavatory facilities. Lavatory facilities for the use and convenience of employees and inspectors shall be maintained in or near toilet facilities and slaughtering facilities, sausage manufacturing facilities and at such other places as necessary to assure cleanliness for all persons handling meat products. Such facilities must include hot and cold running water, liquid soap and towels and must be maintained in a clean and sanitary condition. Foot or knee operated lavatory facilities, properly trapped and drained, with a minimum bowl size of 16" x 16" x 9" and with a combination mixing faucet with outlet about 12 inches above the rim of the bowl to facilitate washing arms as well as hands shall be provided in slaughter rooms, sausage kitchen

and other work rooms where necessary to assure cleanliness of all persons handling meat products. [Order 801, Regulation 7.13, effective 3/22/60.]

WAC 16-12-225 Equipment cleanup facilities. A separate washroom or area shall be required for cleaning curing vats, hand trucks, utensils and containers such as boxes and trays where operations are of such nature that proper cleaning of this equipment cannot otherwise be done in a sanitary manner. The room or area shall have adequate light and ventilation, impervious, well drained floor, impervious walls and ceiling and an exhaust fan for dispelling steam vapors. [Order 801, Regulation 7.14, effective 3/22/60.]

WAC 16-12-230 Flush toilet and dressing room facilities. Modern conveniently located flush type toilet and dressing room facilities shall be furnished for the use and convenience of employees. Such facilities must be fly tight, properly ventilated, and heated. The toilet room must not open directly into any room where products are prepared, processed, stored or handled. The doorway between the toilet room and intervening room must have a tight full–height self–closing door. If the toilet room is not an outside room, it must be properly vented to the outside and forced ventilation provided. Floors of toilet rooms must be of impervious material pitched to floor drains. Shower facilities shall be provided in or near the dressing rooms. At establishments where slaughtering operations are conducted, dressing rooms shall have a minimum of 75 cubic feet of space in the locker room for each employee using the room. A metal locker shall be provided for each employee. The lockers should be approximately 15 inches by 18 inches by 60 inches in size with a sloping top. They should be raised 16 inches off the floor to facilitate cleaning the floor. [Order 801, Regulation 7.15, effective 3/22/60.]

WAC 16-12-235 Inedible and condemned storage and handling facilities. (1) Adequate facilities for the sanitary handling and storage of inedible offal and condemned meat products and for sterilizing equipment in which inedible and condemned materials are transported shall be provided. These shall include one or more properly located enclosed rooms. Hot and cold water shall be provided at outlets in the inedible handling room. The area adjacent to the load–out door of the inedible offal storage and/or handling rooms shall be hard surfaced and properly drained, and of sufficient size to accommodate the largest truck used. The necessary doors communicating inedible storage rooms with rooms where edible products are handled shall be metal clad, self–closing and tight fitting. Vertical hide, pelt, inedible viscera and condemned product chutes connecting edible product departments with inedible product departments must be covered with a hood with a self–closing door and vented to the outside with a vent stack at least 10" in diameter.

(2) A separate refrigerated room capable of maintaining a temperature of 40°F. or less shall be provided for the storage of inedible and condemned material at plants which store such material for a period longer than 24 hours. Such rooms shall be of sanitary construction and shall have impervious floors, walls, and ceilings. The floors shall be water tight and shall be properly sloped and provided with drains leading to the plant sewage disposal system.

(3) Rooms and compartments in which inedible products are rendered, shall be fly–tight, and shall be separated from other rooms wherein products are handled by walls equipped with a tight, self–closing door.

(4) All tanks and equipment used for rendering or preparing inedible products shall be in rooms or compartments separate from those used for rendering or preparing edible products.

(5) Tanks, fertilizers, driers and other equipment used in the preparation of inedible products shall be properly equipped with condensers and other appliances which will acceptably suppress odors incident to such preparations. [Order 801, Regulation 7.16, effective 3/22/60.]

WAC 16-12-240 Dry storage facilities. Adequate dry storage space must be provided for holding packaging and labeling material. Such supplies should be stored in locations convenient to the department where used. Racks approximately 12" in height should be provided upon which to store such supplies as cartons, boxes, etc. [Order 801, Regulation 7.17, effective 3/22/60.]

WAC 16-12-245 Rooms, compartments, etc., to be clean and sanitary. Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any products, and all other parts of the establishment, shall be kept clean and in sanitary condition. All equipment must be thoroughly cleaned following each day's operations. The use of a clear, colorless, odorless, tasteless, edible mineral oil is recommended for use on metal equipment, such as choppers, grinders, mixers, tables, meat trucks, offal racks, hooks, and trolleys. Scale must not be permitted to accumulate on metal equipment; the formation of scale usually indicates improper cleaning. There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or places where meat products are prepared, stored, or otherwise handled.

Sawdust, if used in coolers, must be changed whenever soiled. [Order 801, Regulation 7.18, effective 3/22/60.]

WAC 16-12-250 Operations and procedures to be clean and sanitary. Operations and procedures involving the preparation, storing or handling of any product shall be strictly in accord with clean and sanitary methods.

(1) Slaughtering operations. The slaughter floor shall be kept reasonably free of blood, fat, scraps, etc. Water shall not be permitted to splash from the floor upon unprotected carcasses on the bed or on the half hoist. The bed shall be reasonable clean before the carcass is lowered. Clean, water–tight metal containers, in good repair and free from objectionable odors, shall be provided at convenient locations for the reception of feet, tails, ears, pizzles, or other inedible material. Evisceration must be

performed in such manner as to avoid contamination of the carcass with ingesta or fecal material.

Carcasses must be washed with water under pressure from a spray nozzle. Warm water at 110°F. – 120°F. is recommended for washing carcasses. A high pressure system (250 – 500 pounds) is also recommended for carcass washing. Towels, rags, cloths, brushes of any kind, or water dipped out of a drum or containers are not permissible. Metal drums or containers of water shall not be used for washing hands, tools, or parts of carcasses, nor for flushing the floor. Retained carcasses must not be washed or trimmed unless authorized by the inspector. A carcass which has been contaminated by manure (in excessive quantities) or by pus must have the contaminated portion removed by trimming before being washed.

(a) Cattle must be bled while suspended from an overhead rail. The head should be removed while the carcass is hanging on the bleeding rail, and in such a manner as to avoid soiling with paunch contents. Skinned heads must not be permitted to come in contact with the floor. The horns, hornbutts, muzzles, and all pieces of hide must be removed before the head is washed or inspected. The head must be thoroughly washed individually and flushed in a head flushing cabinet. This must include a thorough flushing of the mouth, nostrils, and pharynx while the head is hanging in an inverted position.

In removing front feet of cattle and calves, care should be taken to expose as little of the flesh of the foreshank as possible.

The washing of beef carcasses must be deferred until after the post mortem examination has been completed, the hide dropped, and the carcass railed off. Hindquarters should be washed first, followed by the washing of the forequarters.

(b) Except as provided in WAC 16–12–205, calves and vealers must be bled, cleaned, and dressed while suspended from an overhead rail. Calf and vealer heads must be washed individually and flushed (nostrils, mouth, pharynx) in an inverted position in a head flushing booth after all horn and hide have been removed from the head. Calves which are of such size that there is not a clearance of at least 8" above the floor, or whose viscera cannot be transferred manually and unaided to the inspection stand, must be skinned and eviscerated as cattle. Calves dressed hide–on must be thoroughly washed and cleaned prior to making any incision into the carcass, other than the sticking wound, except that the heads of calves and vealers slaughtered by the "Kosher" method should be skinned prior to washing the carcasses. Calves, the hides of which have not been thoroughly cleaned, or are infested with parasites, or show evidence of extensive dermatitis, must be skinned before the carcass enters the cooler.

(c) Except as provided in WAC 16–12–205, all bleeding and dressing of lamb and sheep carcasses must be performed while the carcasses are suspended from overhead rails.

The pelt must be removed and the carcass thoroughly washed and cleaned before any incision is made for evisceration. Adequate precautions must be taken to prevent soilage of the carcass when removing the pelt.

(d) Except as provided in WAC 16–12–205, the bleeding and dressing of hogs (with the exception of the scalding and dehairing operations) must be performed while the carcasses are suspended from an overhead rail. Large hog carcasses must be bled upon the bleeding rail but may be skinned on the killing floor.

Hog carcasses must be thoroughly washed, cleaned, and singed (when necessary) to remove all hair, scale, scurf, dirt and toenails on the slaughtering floor before any incision is made, other than the stick wound.

The forefeet when discarded in the slaughtering department need not be cleaned. Hog heads left on the carcass or sold intact must be thoroughly washed and flushed (nostrils, mouth and pharynx) and have ear tubes and eyelids removed.

Inedible material must not be placed on the floor and must be placed in suitable water–tight containers or vehicles until removed from the slaughter room.

(2) Inedible products handling operation.

(a) Paunches shall not be opened in the slaughtering department, except when a power–operated paunch lift table is provided for this purpose.

(b) Except under conditions approved by the department, no inedible offal shall be stored in rooms where edible meat products are handled.

(c) Receptacles used for inedible products in rooms in which edible products are handled must be in good repair and must be properly sanitized before being used. Inedible and condemned material not rendered at the plant must be held in water–tight metal containers in the inedible offal storage room pending removal to a rendering plant.

(d) Openings between edible and inedible departments must be kept closed at all times, except when in actual use, to prevent the entrance of undesirable odors to the slaughtering department.

(3) Carcass chilling operation. Carcasses must be removed from the slaughter room to the chill cooler immediately after dressing and washing is completed. Improperly washed or unclean carcasses may not be brought into the coolers.

Coolers must not be loaded beyond their capacity to properly chill the carcasses and edible offal. Maximum cooler capacity for carcass chilling and holding purposes is based on available rail space in the coolers. Thirty inches of rail space should be allowed for each beef carcass and 18 inches of rail space allowed for each hog carcass. [Order 801, Regulation 7.19, effective 3/22/60.]

WAC 16–12–255 Rooms and compartments free from dust and odors. The rooms and compartments in which any meat or meat product is prepared or handled shall be free from dust and odors from dressing and toilet rooms, catch basins, hide cellars, casing rooms, inedible tank and fertilizer rooms and livestock shackling

and holding pens. [Order 801, Regulation 7.20, effective 3/22/60.]

WAC 16-12-260 Rooms and compartments free of steam and vapors. Rooms and compartments in which inspections are made and those in which animals are slaughtered or any product is processed or prepared shall be kept sufficiently free of steam and vapors to enable inspectors to make inspections properly and to insure clean operations. The walls, ceiling, and overhead structures of rooms and compartments in which products are prepared, handled, or stored shall be kept reasonably free from moisture. [Order 801, Regulation 7.21, effective 3/22/60.]

WAC 16-12-265 Equipment susceptible to cleaning--That for inedible products marked. Equipment and utensils used for preparing, processing, and otherwise handling products shall be of such materials and construction as will make them susceptible to being readily and thoroughly cleaned. Cutting boards may be of hardwood or synthetic material, but equipment, such as the framework of boning or cutting tables, scalding vats, hog gambreling tables, offal racks, and trees, product storage racks, and product trucks must be of rust resisting metal or other impervious material. Trucks and receptacles used for inedible materials shall be of similar construction and shall bear some conspicuous and distinctive mark, and shall not be used for handling edible meat products. [Order 801, Regulation 7.22, effective 3/22/60.]

WAC 16-12-270 Scabbards for knives. Scabbards and similar devices for the temporary retention of knives, steels, triers, etc., shall be constructed of rust-resisting metal or other impervious materials, shall be of a type that may be readily cleaned and shall be kept clean. [Order 801, Regulation 7.23, effective 3/22/60.]

WAC 16-12-275 Tagging insanitary equipment, etc. When necessary, an inspector or lay inspector shall attach a "Washington rejected" tag to any equipment or utensil which is unclean, or the use of which would be in violation of this chapter. No equipment or utensils so tagged shall again be used until made acceptable. Such tag so placed shall not be removed by anyone other than an inspector or lay inspector. [Order 801, Regulation 7.24, effective 3/22/60.]

WAC 16-12-280 Persons keeping hands and implements clean. Persons who dress or handle diseased carcasses or parts shall, before handling or dressing other carcasses or parts, cleanse their hands with soap and hot water, and rinse them in clean water. Implements used in dressing diseased carcasses shall be thoroughly cleansed in boiling water or in a prescribed disinfectant, followed by rinsing in clean water. The persons who handle products shall keep their hands clean and after visiting the toilet rooms or urinals shall wash their hands before handling any products or implements used in the preparation of products. [Order 801, Regulation 7.25, effective 3/22/60.]

WAC 16-12-285 Clothing clean. Shrouds, aprons, frocks, and other outer clothing worn by persons who handle any products shall be of cleanable material. Only clean garments shall be worn. Cattle shrouds must be laundered after each use. [Order 801, Regulation 7.26, effective 3/22/60.]

WAC 16-12-290 Insanitary practices prohibited. Such practices as spitting on whetstones; spitting on the floor; placing skewers, tags, or knives in the mouth; inflating lungs or casings or testing with air from the mouth receptacles intended as containers of any products, are prohibited. Care shall be taken to prevent the contamination of products with perspiration, hair, cosmetics, medicaments, or other material. All persons working in departments where exposed edible products are handled must wear head coverings. [Order 801, Regulation 7.27, effective 3/22/60.]

WAC 16-12-295 Protective coverings for products. Products shipped from establishments shall be wrapped or otherwise adequately protected against contamination or soilage from harmful chemicals, dust, dirt, insects, and the like. No vehicle which has been used for transporting material likely to soil or contaminate products shall be used to transport products unless first thoroughly cleaned and if necessary disinfected. [Order 801, Regulation 7.28, effective 3/22/60.]

WAC 16-12-300 Burlap wrapping for meat--Meat wrapped in, to be previously wrapped in paper or cloth. The use of burlap as a wrapping for meat will not be permitted unless the meat is first wrapped with a good grade of moisture resistant paper or cloth of a kind which will prevent contamination with lint or other foreign matter. [Order 801, Regulation 7.29, effective 3/22/60.]

WAC 16-12-305 Slack barrels and similar containers and vehicles and cars for products, paper in contact with product. (1) When necessary to avoid contamination of products with wood splinters, slack barrels and similar containers and vehicles shall be lined with suitable material of good quality before packing.

(2) Slack barrels and similar containers in which products are transported shall be kept in a clean and sanitary condition.

(3) Paper used for covering or lining slack barrels and similar containers and vehicles shall be of a kind which does not tear during use, but remains intact when moistened by the products and does not disintegrate. [Order 801, Regulation 7.30, effective 3/22/60.]

WAC 16-12-310 Second hand containers. Second hand containers may be used as containers of meat or products providing:

(1) If of nonpervious material such as wood and cardboard, they are clean and properly lined and show no evidence of contamination from decomposed material,

harmful chemicals, vermin excreta and the like: *Provided*, That such containers used for product which is properly wrapped need not be lined. Those showing evidence of contamination may not be used even though reconditioned.

(2) If of impervious material such as steel drums they are capable of being maintained in a sanitary condition and are thoroughly cleaned before being used. [Order 801, Regulation 7.31, effective 3/22/60.]

WAC 16-12-315 Flies, rats, other vermin--Bait poisons. Every practicable precaution shall be taken to keep establishments free of flies, rats, mice and other vermin.

All windows and doors opening to the outside shall be screened with No. 16 mesh or finer screen. Louvers should be screened only on the top of the baffle so that debris will not collect.

Sprays containing DDT or other approved residual-acting chemicals must not be used in edible products departments.

The use of poisons for any purpose in rooms or compartments where any unpacked meat or products are stored or handled is forbidden, except under such restrictions and precautions as the department may prescribe. The use of bait poisons in hide cellars, inedible compartments, outbuildings, or similar places, or in storerooms containing canned or tierced products is not forbidden, but only those approved by the department may be used. So-called rat viruses shall not be used in any part of an establishment or the premises thereof. [Order 801, Regulation 7.32, effective 3/22/60.]

WAC 16-12-320 Animals excluded from rooms where edible products handled, stored or prepared. Animals other than those in the process of slaughter shall be excluded from rooms in which edible products are handled, stored or prepared. [Order 801, Regulation 7.33, effective 3/22/60.]

WAC 16-12-325 Outer premises, docks, driveways, approaches, pens, alleys, etc.--Fly breeding material, nuisances. The outer premises of every establishment, embracing docks and areas where cars and vehicles are loaded, and the driveways, approaches, yards, pens, and alleys shall be kept in a clean and orderly condition. Catch basins for the recovery of grease should be suitably located and not placed near edible products departments or areas where edible products are unloaded from or loaded onto vehicles. To facilitate ready cleaning, such basins should have inclined bottoms and should be without covers. They should be constructed so they can be completely emptied of their contents for cleaning. Hose connections for furnishing hot water for cleanup purposes must be provided at convenient locations near the basins. The area surrounding an outside catch basin must be hard surfaced and provided with suitable drainage facilities.

The accumulation on the premises of establishments of any material in which flies may breed, such as hog hair, bones, paunch contents, or manure is forbidden. No nuisance shall be allowed in any establishment or on its premises. Livestock pens, alleys, runways and areas where vehicles are cleaned shall be hard surfaced, curbed, sloped to a suitable drain, and provided with adequate hose connections for cleanup purposes. Feeding pens should be located at least 300 feet from the plant. Pens should not be located in front of the plant. [Order 801, Regulation 7.34, effective 3/22/60.]

WAC 16-12-330 Employee health. (1) Employment of diseased persons. No person shall work, nor shall any operator permit any person to work, in any room or rooms where meat products are processed, stored or sold, when such person is infected with any disease or condition, transmissible to or through food: *Provided further*, The department may require any person so working to be examined by a physician licensed to practice medicine in this state for the existence of any such disease or condition and provide a statement signed by such physician reciting freedom therefrom.

(2) Every person employed in a slaughterhouse or meat food product establishment who may contribute to the transmission of infectious diseases through the nature of his contact with meat or meat products and/or equipment and facilities shall obtain and place on file with the person in charge of such establishment, a food and beverage service workers' permit as prescribed by chapter 69.06 RCW and the rules and regulations promulgated pursuant thereto. [Order 801, Regulation 7.35, effective 3/22/60.]

PART 8 - REQUIREMENTS FOR NEW CONSTRUCTION AND REMODELING

WAC 16-12-335 Remodeling and new construction. In addition to the construction and facility requirements in part 7, the applicable requirements in part 8 must be complied with when remodeling currently licensed establishments and when constructing or remodeling establishments not licensed on the effective date of this chapter. [Order 801, Regulation 8.01, effective 3/22/60.]

WAC 16-12-340 Drawings and specifications to be submitted in advance of new construction and remodeling. Triplicate copies of complete drawings and specifications showing all features included in WAC 16-12-060 shall be submitted to the department for approval in advance of construction of new establishments. The same shall be submitted for approval prior to remodeling currently licensed establishments and prior to remodeling establishments constructed prior to the effective date of this chapter but not licensed on the effective date of this chapter: *Provided*, That drawings and specifications need be submitted only for the parts of the plant which are to be remodeled. [Order 801, Regulation 8.02, effective 3/22/60.]

WAC 16-12-345 Floors and drains. Newly constructed floors in the work rooms listed in WAC 16-12-175 shall be a minimum of 2-3/4" thick at the thinnest

point and reinforced to prevent cracking. They must be pitched 1/4" to 3/4" to the foot toward drains. The junction of the floors and walls must be coved. They shall be provided with a properly trapped and vented drain for every 1,000 square feet of floor area. A drain shall be located within 16 feet of any point on the floor. A separate drain shall be provided for the dry landing, bleeding, siding, splitting, washing and dehairing stations on the slaughter floor; and for the edible offal storage area in coolers. The beef carcass washing and shrouding area must be curbed or in lieu of being curbed, it may be sloped at approximately 1/2" to the foot to the drain. [Order 801, Regulation 8.03, effective 3/22/60.]

WAC 16-12-350 Slaughter facilities. The following slaughter facilities are required except that the horizontal dimensions for cattle slaughter are required only for simultaneous slaughter and dressing of cattle on one bed; that is, on the bleeding rail; in the flooring position; on the hoist; and on the hide dropping rails. Bleeding rails are required except as provided in WAC 16-12-205.

(1) Cattle:

(a) Dry landing area at least 5 feet wide in front of the knocking box.

(b) Curbed-in bleeding area at least 8 feet wide and 7 feet long, so located that blood will not splash upon stunned animals lying in the dry landing area or upon carcasses being skinned on the siding bed. Curbing shall be at least 6 inches high and 6 inches wide.

(c) A distance of at least 5 feet from the curbed-in bleeding area to the siding bed.

(d) A distance of at least 14 feet from the vertical of the drop-off to the vertical of the hoist where carcasses are eviscerated. For multiple bed plants, this distance should be increased to 16 feet.

(e) A distance of at least 14 feet between the vertical of the hoist where carcasses are eviscerated and the header rail leading to the cooler. This distance may be somewhat shortened where a single rail hang-off is used.

(f) A distance of at least 3 feet from the header rail to the adjacent wall.

(g) An area for washing and shrouding carcasses.

(h) A bleeding rail or traveling hoist at least 16 feet above the floor.

(i) Dressing rails at least 11 feet above the floor.

(2) Calves and sheep:

(a) A bleeding and dressing rail at least 11 feet in height above the floor for calves and 9 feet for sheep.

(3) Hogs:

(a) A separately drained curbed-in bleeding area.

(b) A bleeding rail at least 8 feet 6 inches in height above the scalding vat at the drop-off end.

(4) Horses: Same as cattle with the following exceptions:

(a) A distance of at least 6 feet from the curbed-in bleeding area to the siding bed.

(b) A distance of at least 17 feet from the vertical of the drop-off to the vertical of the hoist where carcasses are eviscerated.

(c) A bleeding rail with its top at least 18 feet above the floor.

(d) A distance of at least 3 feet between walls, posts, etc., and adjoining rails in slaughtering rooms and coolers.

(e) Dressing rails at least 12 feet 6 inches in height above the floor. [Order 801, Regulation 8.04, effective 3/22/60.]

WAC 16-12-355 Cooler facilities. The following rail heights are required for chilling and storage of carcasses:

(1) Cattle, calves and sheep: 11 feet 0 inches (gambrel for calves to be 7 feet 3 inches above the floor). (Hooks of sheep carcass logs to be 6 feet 6 inches above the floor.)

(2) Hogs: 9 feet 0 inches above the floor.

(3) Horses: 12 feet 6 inches above the floor.

Rails in jobbing coolers for beef quarters must be 7 feet 6 inches in height above the floor. [Order 801, Regulation 8.05, effective 3/22/60.]

PART 9 - ANTE MORTEM INSPECTION

WAC 16-12-360 Ante mortem inspection in pens of official establishments--Suspects. (1) An ante mortem examination and inspection shall be made of all animals on the day of slaughter.

(2) Such ante mortem inspection shall be made in pens on the premises of the establishment.

(3) Every animal required to be marked as a suspect on ante mortem inspection or every reactor to the official tuberculin test shall be set apart, and except as hereinafter provided, shall be slaughtered separately from other animals at that establishment unless disposed of as otherwise provided in this chapter. [Order 801, Regulation 9.01, effective 3/22/60.]

WAC 16-12-365 Animals suspected of being diseased--Disposition of on post mortem inspection or otherwise--Marking suspects--Temperatures where disease suspected. (1) All animals which, on ante mortem inspection, do not plainly show, but are suspected of being affected with, any disease or condition that, under this section, may cause condemnation, in whole or in part on post mortem inspection, shall be so tagged as to retain their identity as suspects until final post mortem inspection, or until disposed of as otherwise provided for in this chapter. Upon final post mortem the carcasses shall be tagged and disposed of as provided elsewhere in this chapter.

(2) All animals required by this chapter to be treated as suspects, shall be tagged by or under the supervision of an inspector "suspect." No such tag shall be removed until an inspector has made a final ante mortem inspection of the animal or animals so tagged. No animals tagged suspect shall be removed from the premises until released by an inspector.

(3) Any swine having a temperature of 106°F. or higher and any cattle, sheep or goats having a temperature of 105°F. or higher shall be marked "condemned."

Any such animal may be held for a reasonable time, under the supervision of an inspector for further observation and taking of temperature before final disposition of such animals is determined.

(4) When any animal tagged "suspect" is released the tag shall be removed by an inspector and his action reported to the department. [Order 801, Regulation 9.02, effective 3/22/60.]

WAC 16-12-370 Marking animals "Washington condemned" found diseased or in dying condition. (1) Animals plainly showing on ante mortem inspection any disease or condition that under this chapter would cause condemnation of their carcasses on post mortem inspection shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425.

(2) Animals found in a dying condition on the premises of an establishment shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425.

(3) Any animal found on the premises of an establishment affected with any condition not otherwise covered in this part which would not warrant release of the animal for slaughter for food shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425, except that such animal may be set apart and held for further observation or treatment under department or other responsible official supervision. [Order 801, Regulation 9.03, effective 3/22/60.]

WAC 16-12-375 Cripples and downers--Boars and stags. (1) All seriously crippled animals and animals commonly referred to as "downers" if not tagged "condemned" as required elsewhere in this part shall be marked and treated as suspects in accordance with WAC 16-12-365.

(2) All boars and male goats which are sexually mature, and swine and goat stags which show evidence of recent castration shall be tagged and treated as suspects in accordance with WAC 16-12-365. [Order 801, Regulation 9.04, effective 3/22/60.]

WAC 16-12-380 Immature animals. Animals offered for ante mortem inspection which are regarded as immature, shall be tagged "suspect," and if slaughtered, the disposition of their carcasses shall be determined by the post mortem findings in connection with the ante mortem conditions. If not slaughtered as suspects, such animals shall be held under department or other responsible official supervision, and after sufficient development may be released for slaughter, or may be released for any other purpose, provided they have not been exposed to any infectious or contagious disease. [Order 801, Regulation 9.05, effective 3/22/60.]

WAC 16-12-385 Animals showing symptoms of anaplasmosis, leptospirosis, listerellosis, parturient paresis, rabies, transport tetany, or tetanus. Animals showing on ante mortem inspection symptoms of anaplasmosis, leptospirosis, listerellosis, rabies, tetanus, parturient paresis or transport tetany shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425, except that cattle showing symptoms of anaplasmosis, leptospirosis, listerellosis, parturient paresis or transport tetany may be set apart and held for treatment under department or other responsible official supervision. If, at the expiration of the treatment period, the animal is found to be free from disease, it may be released upon approval of the department. [Order 801, Regulation 9.06, effective 3/22/60.]

WAC 16-12-390 Hog cholera--Swine infected with hog cholera virus. (1) All hogs plainly showing on ante mortem inspection that they are affected with hog cholera shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425.

(2) Hogs, which are of lots from which one or more have been condemned or marked as suspects for hog cholera, shall be slaughtered separately from all other animals passed on ante mortem inspection.

(3) A hog suspected of being affected with hog cholera may be set apart and held for further observation and treatment under department or other responsible official supervision. If at the expiration of the treatment or observation period the animal, is found to be free from disease, it may be released for any purpose.

(4) Swine, other than hyperimmune swine, shall be condemned on ante mortem inspection if offered for slaughter within 28 days after injection with hog cholera virus.

(5) Swine, other than hyperimmune swine, offered for slaughter after 28 days following injection with hog cholera virus shall be given ante mortem inspection in conformity with this chapter without reference to the injected virus. [Order 801, Regulation 9.07, effective 3/22/60.]

WAC 16-12-395 Epithelioma of the eye of cattle. (1) Any animal found on ante mortem inspection to be affected with epithelioma of the eye and of the orbital region in which the eye has been destroyed or obscured by neoplastic tissue and which shows extensive infection, suppuration, and necrosis, usually accompanied with foul odor, or any animal affected with epithelioma of the eye or of the orbital region, which regardless of extent, is accompanied with cachexia shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425.

(2) Any animal found on ante mortem inspection to be affected with epithelioma of the eye of the orbital region to a lesser extent than in subsection (1) of this section shall be tagged "suspect" and disposed of as provided in this chapter. [Order 801, Regulation 9.08, effective 3/22/60.]

WAC 16-12-400 Animals affected with anthrax--Cleaning and disinfection of livestock pens and driveways. (1) Any animal found on ante mortem inspection to be affected with anthrax shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425.

(2) No animal of a lot in which anthrax is found on ante mortem inspection shall be presented for post mortem inspection until it has been determined by a careful

ante mortem inspection that no infected animal remains in the lot. Apparently healthy animals other than hogs shall be held as provided for in subsection (3) of this section. If desired, all apparently healthy animals of the lot may be segregated and held for treatment by a competent veterinarian under department or other responsible official supervision. No anthrax vaccine (live organisms) shall be used on the premises of an establishment.

(3) Apparently healthy animals of a lot of cattle, calves, sheep, or goats in which anthrax is detected, and animals which have been treated with anthrax biologicals which do not contain living anthrax organisms, shall not be presented for post mortem inspection in less than 21 days following the last treatment or the last death. Treatment with anthrax vaccine (live organisms) must be elsewhere than on the premises and subject to the conditions stated in subsection (4) of this section.

(4) Animals which have been injected with anthrax vaccines (live organisms) within six weeks, and those bearing evidence of reaction to such treatment, such as inflammation, tumefaction, or edema at the site of the injection, shall be condemned on ante mortem inspection, or such animals may be held under department supervision until the expiration of the six week period and the disappearance of any reaction to the treatment.

(5) When animals are found on ante mortem inspection to be affected with anthrax, the cleaning and disinfection of exposed livestock pens and driveways of the establishment shall consist of promptly and thoroughly removing and burning all straw, litter, and manure. This must be followed immediately by a thorough disinfection of the exposed material with a five percent solution of sodium hydroxide or commercial lye prepared as outlined in WAC 16-12-470(5), or other disinfectant approved by the department specifically for this purpose. [Order 801, Regulation 9.09, effective 3/22/60.]

WAC 16-12-405 Animals affected with anasarca or generalized edema. (1) All cattle found on ante mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive and generalized edema shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425.

(2) Cattle found on ante mortem inspection to be affected with anasarca to a lesser extent than in subsection (1) of this section shall be tagged "suspect" and disposed of as provided elsewhere in this chapter.

(3) An animal suspected of being affected with anasarca may be set apart and held for treatment under department or other responsible official supervision. If at the expiration of the treatment period the animal upon examination is found to be free from disease, it may be released for any purpose. [Order 801, Regulation 9.10, effective 3/22/60.]

WAC 16-12-410 Swine erysipelas. (1) All hogs plainly showing on ante mortem inspection that they are affected with acute swine erysipelas shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425.

(2) All hogs suspected on ante mortem inspection of being affected with swine erysipelas shall be tagged and treated as suspects and disposed of in accordance with this chapter.

(3) A hog suspected of being affected with swine erysipelas may be set apart and held under department or other responsible official supervision for treatment. If at the expiration of the treatment period the animal upon examination is found to be free from disease, it may be released for any purpose. [Order 801, Regulation 9.11, effective 3/22/60.]

WAC 16-12-415 Pregnancy or recent parturition. Slaughter is not required of an animal which has been tagged as a suspect because of advanced pregnancy or of having recently given birth to young, if it has not been exposed to an infectious or contagious disease. Such animal, together with its young, may be released, with department approval for breeding or dairy purposes, and when released shall be removed promptly from the premises where inspected. Such animals must be held at the establishment for a period of not less than ten days. At the completion of this holding period if the animals appear normal and have not been exposed to contagious or infectious disease, they may be released with department approval for slaughter or for any other purpose. [Order 801, Regulation 9.12, effective 3/22/60.]

WAC 16-12-420 Emergency slaughter--Inspection prior to. In all cases of emergency slaughter, the animals shall be inspected immediately before slaughter on the premises of the establishment in which the animals are to be slaughtered, whether theretofore inspected or not. When the necessity for emergency slaughter exists, the establishment shall notify the inspector or his assistant so that such inspection may be made. When the regularly assigned inspector cannot be obtained, a licensed veterinarian may be employed to conduct the inspection. [Order 801, Regulation 9.13, effective 3/22/60.]

WAC 16-12-425 Disposition of condemned animals. Except as otherwise provided in this part, animals tagged "condemned" shall be killed if not already dead, and shall not be taken into an establishment to be slaughtered or dressed; nor shall they be conveyed into any department used for edible products; but they shall be disposed of in the manner provided for condemned carcasses in part 12 of this chapter. The "condemned" tag shall not be removed from the carcass until it goes into the tank or receptacle used for condemned products. Any animal condemned for hog cholera, swine erysipelas, transport tetany, parturient paresis, anasarca, anaplasmosis, leptospirosis, listerellosis, enteritis, peritonitis, or inflamatory condition may be set apart and held for treatment under department or other responsible official supervision. The "condemned" tag shall be removed by an inspector either when the animal is released to a responsible official for treatment, or following treatment under department supervision if the animal is found to be free from disease. [Order 801, Regulation 9.14, effective 3/22/60.]

WAC 16-12-430 Brucellosis--Reactor goats. Goats which have reacted to a test for brucellosis shall not be slaughtered in an establishment. [Order 801, Regulation 9.15, effective 3/22/60.]

WAC 16-12-435 Vesicular disease. (1) Immediate notification shall be given the department when an animal is found to be affected with a vesicular disease.

(2) No animal under quarantine by the state of Washington or federal livestock sanitary officials on account of a vesicular disease will be given ante mortem inspection.

(3) If no quarantine is invoked, or if a quarantine is invoked and later lifted, ante mortem inspection shall be as follows:

(a) Any animal affected with vesicular exanthema or vesicular stomatitis in the acute stages, as evidenced by acute and active lesions or an elevated temperature, shall be marked "Wash. condemned" and disposed of in accordance with WAC 16-12-425.

(b) Any animal affected with vesicular exanthema, or vesicular stomatitis, but which has recovered to the extent that the lesions are in process of healing, the temperature is within normal range, and the animal shows a return to normal appetite and activity shall be marked "Washington suspect" and disposed of in accordance with WAC 16-12-415, except that if desired, such animal may be set apart and held under official supervision for treatment. If the animal is set aside for treatment, the "Washington suspect" tag shall be removed by a department inspector following treatment if the animal is found to be free from disease. Such animal, if found to be free from disease, may be released for slaughter or for purposes other than slaughter: *Provided*, That in the latter instance, the establishment or the owner of the animal shall first obtain permission from the department. [Order 801, Regulation 9.16, effective 3/22/60.]

PART 10 - POST MORTEM INSPECTION

WAC 16-12-440 Extent and time of post mortem inspection. A careful post mortem examination and inspection shall be made at the time of slaughter of the carcasses and parts of all cattle, sheep, swine, goats, and horses slaughtered at establishments. A final post mortem inspection shall be made of all carcasses by an inspector.

The routine post mortem examination of meat food animals must consist of at least the following procedures:

(1) **Cattle.**

(a) Incise repeatedly and examine the two mandibular, two suprapharyngeal, and two parotid lymph glands.

(b) Incise and examine the external and internal masseter muscles in such a manner as to split the muscles in their entirety on a plane parallel with the lower jaw bone. Palpate and examine the tongue. The inspection of the head should be completed before the corresponding carcasses has been eviscerated.

(c) Incise repeatedly and examine the anterior and posterior mediastinal and bronchial (right and left) lymph glands. Palpate the lungs.

(d) Examine the external and internal surfaces of the heart; incise the heart so as to completely expose its internal surfaces, and incise the septum longitudinally. When the heart is inspected by eversion, deep lengthwise incisions shall be made into the muscles of the septum and left ventricular wall.

(e) Incise repeatedly and examine the hepatic lymph glands; open the bile duct longitudinally and palpate the liver.

(f) Examine and incise if necessary the paunch, intestines, mesenteric lymph glands and spleen.

(g) Examine the exposed surfaces of the carcasses, linings of the thoracic, abdominal, and pelvic cavities, and palpate the kidneys.

Carcasses must be eviscerated into a paunch truck. The heart, liver, and lungs must be inspected in the pan of the paunch truck adjacent to the point where the carcass is being eviscerated, unless a moving top viscera inspection table is used.

(2) **Calves and vealers.**

Calves and vealers which are of such size that the paunch and intestines cannot be handled satisfactorily by one man, unaided, must be slaughtered and inspected in the manner prescribed for beef.

The routine post mortem examination of calves and vealers must consist of at least the following procedures:

(a) Incise repeatedly and examine the two suprapharyngeal lymph glands.

(b) Examine the external surface of the heart.

(c) Examine and palpate the two mediastinal and bronchial (right and left) lymph glands and the lungs.

(d) Palpate the hepatic lymph glands and the liver.

(e) Examine the spleen, paunch, and intestines.

(f) Examine the exposed surfaces of the carcass, linings of the thoracic, abdominal, and pelvic cavities, and palpate the kidneys.

(3) **Lambs and sheep.**

The routine post mortem examinations must consist of at least the following procedures:

(a) Examine and palpate the external surface of the heart.

(b) Palpate the mediastinal and bronchial lymph glands and palpate the lungs.

(c) Examine and palpate the liver. Open the bile duct transversely.

(d) Examine the spleen, paunch and intestines.

(e) Examine the exposed surfaces of the carcass, the linings of the thoracic, abdominal, and pelvic cavity, and palpate the kidneys. Palpate the prefemoral, superficial inguinal, and prescapular lymph glands.

(4) **Hogs.**

The routine post mortem examination must consist in at least the following procedures:

(a) Incise repeatedly and examine the two mandibular lymph glands.

(b) Palpate the mediastinal and bronchial (right and left) lymph glands and palpate the lungs.

(c) Examine and palpate the external surface of the heart.

(d) Examine the liver and palpate the hepatic lymph glands.

(e) Examine the spleen, stomach and intestines.

(f) Palpate the mesenteric lymph glands.

(g) Examine the exposed surfaces of the split carcass, the joints, the lining of the thoracic, abdominal, and pelvic cavities, and palpate the kidneys. [Order 801, Regulation 10.01, effective 3/22/60.]

WAC 16-12-445 Organs and parts to be held pending final inspection of carcasses. The head, tongue, tail thymus gland and all viscera, and all parts and blood to be used in the preparation of meat food products or medical products, shall be held in such manner as to preserve their identity until after post mortem examination has been completed, in order that they may be identified in case the carcass is condemned, passed for cooking or held for refrigeration. [Order 801, Regulation 10.02, effective 3/22/60.]

WAC 16-12-450 Carcasses and parts in certain instances to be retained--Identification of carcasses and parts--Tagging. (1) Each carcass, including all parts and organs, in which any lesions of disease or other condition is found that might render the meat or any organ unfit for food purposes, and which for that reason would require a subsequent inspection, shall be retained by the inspector at the time of inspection. The identity of every such retained carcass detached part, and detached organ thereof shall be maintained until the final inspection has been completed. Retained carcasses shall not be washed or trimmed unless authorized by the inspector.

(2) Such devises and methods as may be approved by the department may be used for the temporary identification of retained carcasses, parts or organs. In all cases, the identification shall be further established by affixing "retained" tags as soon as practicable and before final inspection. These tags shall not be removed except by an inspector. [Order 801, Regulation 10.03, effective 3/22/60.]

WAC 16-12-455 Condemned carcasses and parts to be so marked--Separation. Each carcass or part which is found on final inspection to be unsound, unhealthful, unwholesome, or otherwise unfit for human food shall be conspicuously marked on the surface tissue thereof by an inspector at the time of inspection "Washington inspected and condemned" in letters not less than one inch high. Condemned detached organs and parts of such character that they cannot be so marked shall be placed immediately in trucks or receptacles plainly marked "condemned" in letters not less than two inches high. All condemned carcasses and parts shall be disposed of under the supervision of an inspector in the manner prescribed in part 12 of this chapter. [Order 801, Regulation 10.04, effective 3/22/60.]

WAC 16-12-460 Carcasses and parts passed for cooking--Marking--Disposal of parts showing localized lesions--Removal of spermatic cords and pizzles. (1) Carcasses and parts passed for cooking shall be marked conspicuously on the surface tissue thereof by an inspector at the time of inspection, "Washington passed for cooking." All such carcasses and parts shall be cooked in accordance with part 13 and until so cooked shall remain in the custody of a department employee.

(2) In all cases where carcasses showing localized lesions are passed for food or for cooking the diseased parts shall be removed before the "Washington retained" tag is taken from the carcass, and such parts shall be condemned.

(3) Spermatic cords shall be removed from hog carcasses, and pizzles from all carcasses. [Order 801, Regulation 10.05, effective 3/22/60.]

WAC 16-12-465 Passing and marking of carcasses and parts. Carcasses and parts found to be sound, healthful, wholesome and fit for human food shall be marked "Washington inspected and passed." [Order 801, Regulation 10.06, effective 3/22/60.]

WAC 16-12-470 Anthrax--Carcasses not to be eviscerated--Carcasses affected to be tanked immediately--Hides, hoofs, horns, hair, viscera and contents and fat to be tanked--Handling of blood and scalding vat water--General cleanup and disinfection. (1) Carcasses found before evisceration to be affected with anthrax shall not be eviscerated, but shall be retained, condemned, and immediately tanked or otherwise disposed of as provided in part 12 of this chapter.

(2) All carcasses and all parts, including hides, hoofs, horns, hair, viscera and contents, blood and fat, found to be affected with anthrax shall be condemned and immediately disposed of as provided in part 12 of this chapter, except that the blood may be handled through the usual blood cooking and drying equipment.

(3) The part of any carcass contaminated with anthrax-infected material through contact with soiled instruments, or otherwise shall be immediately condemned and disposed of as provided in part 12 of this chapter.

(4) The scalding vat water through which hog carcasses affected with anthrax passed shall be immediately drained into the sewer and all parts of the scalding vat shall be cleaned and disinfected as provided in subsection (5) of this section.

(5)(a) That portion of the slaughtering department (bleeding area, scalding vat, gambrelling bench, floors, walls, posts, platforms, saws, cleavers, knives, hooks, and the like), as well as employees' boots and aprons contaminated through contact with anthrax-infected material, shall, except as provided in subsection (5)(b) of this section be cleaned immediately and disinfected with one of the following disinfectants or other disinfectant approved specifically for this purpose by the department.

(i) A five percent sodium hydroxide or commercial lye containing at least 94 percent of sodium hydroxide. The solution shall be prepared freshly immediately before use by dissolving 2 1/2 pounds of sodium hydroxide or lye in 5 1/2 gallons of hot water and should be applied as near scalding hot as possible to be most effective. (Owing to

the extreme caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves and boots to protect the hands and feet, and goggles to protect the eyes, should be taken by those engaged in the disinfection job. It is also advisable to have an acid solution, such as vinegar, in readiness in case of any of the sodium hydroxide solution should come in contact with any part of the body.)

(ii) A solution of sodium hypochlorite containing approximately one-half of one percent (5,000 parts per million) of available chlorine. The solution should be freshly prepared.

(iii) When a disinfectant solution has been applied to equipment which will afterwards contact meat, the equipment shall be rinsed with clean water before again being used.

(b) In case anthrax infection is found in the hog slaughtering department, an immediate preliminary disinfection shall extend from the head-dropper's station to the point where the disease is detected, and the affected carcasses shall be cut down and removed from the room. Upon completion of the slaughtering of the lot of hogs of which the anthrax-infected animals were a part, slaughtering operations cease, and a thorough cleanup and disinfection shall be made, as provided in subsection (5)(a) of this section. If the slaughter of the lot has not been completed by the close of the day, the cleanup and disinfection shall not be deferred beyond the close of the day on which anthrax was detected.

(c) The first and indispensible precautionary step for persons who have handled the anthrax material is thorough cleansing of the hands and arms with liquid soap and running hot water. It is important that this step be taken immediately after exposure, before vegetative anthrax organisms have had time to form spores. In the cleansing, a brush or other appropriate appliance should be used to insure the removal of all contaminating material from under and about the fingernails. This process of cleansing is most effective when performed in repeated cycles of lathering and rinsing, rather than in spending the same amount of time in scrubbing with a single lathering. After the hands have been cleansed thoroughly and rinsed free of soap, they may, if desired, be immersed for about one minute in a 1:1,000 solution of bichloride of mercury, followed by a thorough rinsing in clean running water. Supplies of bichloride of mercury for the purpose must be held in custody of the inspector in charge. As a precautionary measure, all persons exposed to anthrax infection should report promptly any suspicious condition (sore or carbuncle) or symptom to a physician, in order that anti-anthrax serum or other treatment may be administered as indicated. [Order 801, Regulation 10.07, effective 3/22/60.]

WAC 16-12-475 Sternum to be split--Abdominal and thoracic viscera to be removed. The sternum of each carcass shall be split and spread apart at the time of slaughter, so as to expose the lungs, heart, liver and thoracic cavity, in order to allow proper inspection and drainage. [Order 801, Regulation 10.08, effective 3/22/60.]

WAC 16-12-480 Carcasses or part thereof not to be inflated--Transferring caul or fat. Carcasses or part of carcasses shall not be inflated with air. Transferring the caul or other fat from a fat to a lean carcass is prohibited. [Order 801, Regulation 10.09, effective 3/22/60.]

WAC 16-12-485 Handling of bruised parts. When only a portion of a carcass is to be condemned on account of bruises, either the bruised portion shall be removed immediately and disposed of in accordance with part 12 of this chapter, or in lieu of this the carcass may be placed in a chill room and kept until chilled and the bruised portion then removed under department supervision and disposed of as provided above. [Order 801, Regulation 10.10, effective 3/22/60.]

WAC 16-12-490 Skins from diseased swine--Removal from establishment--Disinfection--Separate compartments. The skins from swine condemned for tuberculosis or any disease communicable to man or other animal may be removed from the establishment, except as provided in WAC 16-12-470 for tanning or other industrial use; but they shall be removed for these uses only after they have been disinfected as follows: Each skin shall be treated as prescribed by the department. The process of skinning and disinfecting shall be conducted under supervision of an inspector. [Order 801, Regulation 10.11, effective 3/22/60.]

WAC 16-12-495 Inspection of cattle--Calf and sheep lungs--Hog lungs not to be saved as edible. (1) All cattle, calf and sheep lungs intended for food purposes shall be inspected to determine whether foreign matter is present in the air passages. The main bronchi and branches shall be slit by an employee of the establishment as required by the inspector, and if ingesta or other objectionable foreign matter has entered these passages, the lungs shall be condemned.

(2) Hog lungs shall not be saved as edible meat products. [Order 801, Regulation 10.12, effective 3/22/60.]

WAC 16-12-500 Inspection of mammary glands. (1) Lactating mammary glands and diseased mammary glands of cattle, sheep, swine and goats shall be removed without opening the milk ducts or sinuses. If pus or other objectionable material is permitted to come in contact with the carcass, the parts of the carcass thus contaminated shall be removed and condemned.

(2) Cows udders may be saved for food purposes, provided suitable facilities for handling and inspecting them are provided.

(3) The inspection of udders from cows which have been kept for breeding purposes only shall consist of examination by palpation, and when necessary, by incision. The inspection of udders from cows which have been used for dairy purposes shall include slicing in sections about two inches in thickness. This slicing shall be done by establishment employees. The udders in the sliced condition shall be given careful examination by inspectors. The inspector will designate the udders which are to be sliced. When there is any doubt as to whether the

udder is from a cow which has been used for breeding purposes only, then the udder shall be sliced and inspected as provided for udders from cows used for dairy purposes. Each udder shall be properly identified with its respective carcass and kept separate and apart from other udders until its disposal has been determined, when it may be further handled as the conditions warrant.

(4) The udders from cows officially designated as "bangs disease reactor" shall not be utilized for edible purposes.

(5) Lactating mammary glands of swine intended for edible purposes shall be handled and inspected in the same manner as provided in subsection (3) of this section for the udders of cows used for dairy purposes, except that the sliced sections shall be about one inch in thickness. Glands that are passed may be distributed as such, but their use in meat food products is limited to the preparation of rendered pork fat. [Order 801, Regulation 10.13, effective 3/22/60.]

WAC 16-12-505 Tonsils to be condemned. Tonsils, because of frequency of infection, are inedible and should be removed and condemned during the dressing operations. [Order 801, Regulation 10.14, effective 3/22/60.]

WAC 16-12-510 Grubs to be removed before carcass split. Grubs and associative infiltrative material must be removed before the carcass is split. [Order 801, Regulation 10.15, effective 3/22/60.]

PART 11 - DISPOSITION OF DISEASED CARCASSES AND PARTS

WAC 16-12-515 Disposal of diseased carcasses and parts--General. (1) The carcasses or parts of carcasses of animals found at the time of slaughter or at any subsequent inspection to be affected with any of the diseases or conditions named in this chapter shall be disposed of according to the sections pertaining to the disease or condition. Since it is impracticable to formulate rules covering every case and to designate at just what stage a process becomes loathsome or a disease noxious, the decision as to the disposal of all carcasses, parts or organs not specifically covered by this chapter shall be left to the inspector.

(2) In cases of doubt as to a condition, a disease, or the cause of a condition, or to confirm a diagnosis, representative specimens of the affected tissues properly prepared and packaged should be sent to the department pathological laboratory for examination. [Order 801, Regulation 11.01, effective 3/22/60.]

WAC 16-12-520 Tuberculosis--Principles for guidance in passing on carcasses affected. (1) The following principles are declared for guidance in passing on carcasses affected with tuberculosis:

Principle A. No meat should be passed for food if it contains tubercle bacilli, or if there is a reasonable possibility that it may contain tubercle bacilli, or it is impregnated with toxic substance of tuberculosis or associated septic infections.

Principle B. Meat should not be destroyed if the lesions are localized and not numerous, if there is no evidence of distribution of tubercle bacilli through the blood or by other means to the muscles or to parts that may be eaten with the muscles, and if the animal is well nourished and in good condition, since in this case there is no proof, or even reason to suspect, that the flesh is unwholesome.

Principle C. Evidence of generalized tuberculosis are to be sought in such distribution and number of tuberculosis lesions as can be explained only upon the supposition of the entrance to tubercle bacilli in considerable number into the systemic circulation. Significant of such generalization is the presence of numerous uniformly distributed tubercles throughout both lungs, also tubercles in the spleen, kidneys, bones, joints, sexual glands, and in the lymph glands connected with these organs and parts, or in the splenic, renal, prescapular, popliteal, and inguinal glands, when several of these organs and parts are coincidentally affected.

Principle D. Localized tuberculosis is tuberculosis limited to single or several parts or organs of the body without evidence of recent invasion of numerous bacilli into the systemic circulation.

(2) The carcasses of animals affected with tuberculosis shall be disposed of as follows:

(a) The entire carcass shall be condemned if any of the following conditions occur:

(i) When it was observed before the animal was killed that it was suffering with fever.

(ii) When there is a tuberculosis or other cachexia.

(iii) When the lesions of tuberculosis are generalized, as shown by their presence not only at the usual seats of primary infection, but also in parts of the carcass or in the organs that may be reached by the bacilli of tuberculosis only when they are carried in the systemic of circulation. Tuberculosis lesions in any two of the following mentioned organs are to be accepted as evidence of generalization when they occur in addition to local tuberculosis lesions in the digestive or respiratory tracts including the lymph glands connected therewith:

Spleen, kidney, uterus, udder, ovary, testicle, adrenal gland, and brain or spinal cord or their membranes. Numerous tubercles uniformly distributed throughout both lungs also afford evidence of generalization.

(iv) When the lesions of tuberculosis are found in the muscles or intermuscular tissue or bones or joint, or in the body lymph glands as a result of draining the muscles, bones or joints.

(v) When the lesions are extensive in one or both body cavities.

(vi) When the lesions are multiple, acute, and actively progressive. (Evidence of active progress consists of signs of acute inflammation about the lesions, or liquefaction necrosis, or the presence of young tubercles.)

(b) An organ or part of a carcass shall be condemned under any of the following conditions:

(i) When it contains lesions of tuberculosis.

(ii) When the lesion is localized but immediately adjacent to the flesh as in the case of tuberculosis of the parietal pleura or peritoneum. In this case not only the membrane or part affected but also the adjacent thoracic or abdominal wall is to be condemned.

(iii) When it has been contaminated by tuberculous material through contact with the floor or a soiled knife or otherwise.

(iv) Heads showing lesions of tuberculosis shall be condemned, except that when a head is from a carcass passed for food or for cooking and lesions are slight, or calcified, or encapsulated, and are confined to lymph glands in which not more than two glands are involved, the head may be passed for cooking after the diseased tissues have been removed and condemned.

(v) An organ shall be condemned when the corresponding lymph gland is tuberculous.

(vi) Intestines and mesenteries showing lesions of tuberculosis shall be condemned, except that when the lesions are slight and confined to the lymph glands and the carcass is passed without restriction, the intestines may be passed for use as casings and the fat passed for rendering after the corresponding lymph glands have been removed and condemned: *Provided*, That the fat and intestines have not been contaminated with tuberculous material.

(c) Carcasses showing lesions of tuberculosis should be passed for food when the lesions are slight, localized, and calcified or encapsulated, or are limited to a single or several parts or organs of the body (except as noted in subsection (2)(a), of this section), and there is no evidence of recent invasion of tubercle bacilli into the systemic circulation. Under this rule carcasses showing such lesions as the following examples may be passed, after the parts containing the lesions are removed and condemned in accordance with subsection (b) of this section.

(i) In the cervical lymph glands and two groups of visceral lymph glands in a single body cavity, such as the cervical, bronchial, and mediastinal glands, or the cervical, hepatic, and mesenteric glands.

(ii) In the cervical lymph glands and one group of visceral lymph glands and one organ in a single body cavity such as the cervical and bronchial glands and the lungs, or in the cervical and hepatic glands.

(iii) In two groups of visceral lymph glands and one organ in a single body cavity, such as the bronchial and mediastinal glands and the lungs, or the hepatic and mesenteric glands and the liver.

(iv) In two groups of visceral lymph glands in the thoracic cavity and one group in the abdominal cavity, or in one group of visceral lymph glands in the thoracic cavity and two groups in the abdominal cavity such as the bronchial, mediastinal, and hepatic glands, or the bronchial, hepatic and mesenteric glands.

(v) In the cervical lymph glands and one group of visceral lymph glands in each body cavity, such as the cervical, bronchial and hepatic glands.

(vi) In the cervical lymph glands and one group of visceral lymph glands in each body cavity, together with the liver when the latter contains but few localized foci. In this class of carcasses which will be chiefly those of hogs the lesions of the liver are considered to be primary, as the disease is practically always of alimentary origin.

(d) Carcasses which reveal lesions more severe or more numerous than those described for carcasses to be passed, subsection (2)(c) of this section, but not so severe, nor so numerous as the lesions described for carcasses to be condemned, subsection (2)(a) of this section, may be rendered into lard, rendered pork fat, or tallow, or otherwise cooked in accordance with part 13, if the distribution of the lesions is such that all parts containing tuberculous lesions can be removed. [Order 801, Regulation 11.02, effective 3/22/60.]

WAC 16-12-525 Hog cholera--Disposition of hog carcasses on account of. (1) The carcasses of all hogs affected with acute hog cholera shall be condemned.

(2) Inconclusive but suspicious symptoms of hog cholera observed during the ante mortem inspection shall be duly considered in connection with post mortem findings and when the carcass of such a "suspect" shows lesions in the kidneys and the lymph glands which resemble lesions of hog cholera, they shall be regarded as those of hog cholera and the carcass shall be condemned.

(3) Inasmuch as lesions resembling lesions of hog cholera occur in the kidneys and lymph glands of hogs not affected with hog cholera, carcasses of hogs in the kidneys or lymph glands of which appear any lesions resembling lesions of hog cholera shall be carefully further inspected for corroborative lesions. If on such further inspection the carcass shows such lesions in the kidneys or in the lymph glands, or in both, accompanied by characteristic lesions in some organ or tissue, then all lesions shall be regarded as those of hog cholera and the carcass shall be condemned. [Order 801, Regulation 11.03, effective 3/22/60.]

WAC 16-12-530 Carcasses of swine injected with hog cholera virus. Carcasses of swine, other than hyperimmune swine, if presented for inspection after 28 days following injection with hog cholera virus shall be given post mortem inspection in conformity with this part without reference to the injected virus. [Order 801, Regulation 11.04, effective 3/22/60.]

WAC 16-12-535 Swine erysipelas. Carcasses affected with swine erysipelas which is acute or generalized, or which shows systemic changes, shall be condemned. [Order 801, Regulation 11.05, effective 3/22/60.]

WAC 16-12-540 Diamond-skin disease. Carcasses of hogs affected with diamond-skin disease when localized and not associated with systemic changes may be passed for food after removal and condemnation of the affected parts, provided such carcasses are otherwise in

good condition. [Order 801, Regulation 11.06, effective 3/22/60.]

WAC 16-12-545 Arthritis and polyarthritis. (1) Carcasses affected with arthritis or polyarthritis when localized and not associated with systemic change may be passed for food after removal and condemnation of all affected parts, provided the carcasses are otherwise in good condition. Affected joints with corresponding lymph glands shall be removed and condemned. In order to avoid contamination of the meat which is passed a joint capsule shall not be opened until after the affected joint is removed.

(2) Carcasses affected with arthritis or polyarthritis characterized by the presence of periarticular abscesses which may or may not be connected with similar suppurative foci within the epiphyses of the bones shall be condemned in cases manifesting suppurative lesions in more than one joint. Otherwise, the condemnations shall be restricted to the affected parts if such carcasses are otherwise in good condition. [Order 801, Regulation 11.07, effective 3/22/60.]

WAC 16-12-550 Cattle carcasses affected with anasarca or generalized edema. (1) Carcasses of cattle found on post mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive or well-marked generalized edema shall be condemned.

(2) Carcasses of cattle, including their detached parts and organs, found on post mortem inspection to be affected with anasarca to a lesser extent than in subsection (1) of this section may be passed for food after removal and condemnation of the affected tissues provided the lesions are localized. [Order 801, Regulation 11.08, effective 3/22/60.]

WAC 16-12-555 Actinomycosis and actinobacillosis--Disposition of carcasses and parts. (1) The definition of generalization as outlined for tuberculosis in WAC 16-12-520(1) shall apply for actinomycosis and actinobacillosis, and carcasses of animals so affected shall be condemned.

(2) Carcasses of animals in a well-nourished condition showing uncomplicated localized lesions of actinomycosis or actinobacillosis may be passed after the infected organs or parts have been removed and condemned, except as provided in subsections (3) and (4) of this section.

(3) Heads affected with actinomycosis or actinobacillosis, including the tongue shall be condemned, except that when the disease of the jaw is slight, strictly localized and without suppuration, fistulous tracts or lymph gland involvement, the tongue, if free from disease, may be passed, or when the disease is slight and confined to the lymph glands, the head, including the tongue may be passed after the affected glands have been removed and condemned.

(4) When the disease is slight and confined to the tongue, with or without involvement of the corresponding lymph glands, the head may be passed after removal and condemnation of the tongue and corresponding lymph glands. [Order 801, Regulation 11.09, effective 3/22/60.]

WAC 16-12-560 Anthrax, bacillary hemoglobinuria in cattle, blackleg, hemorrhagic septicemia, icterohematuria in sheep, malignant epizootic catarrh, piroplasmosis, pyemia, septicemia, unhealed vaccine lesions, carcasses affected with, to be condemned. Carcasses of animals affected with or showing lesions of any of the following named diseases or conditions shall be condemned:

(1) Anaplasmosis.
(2) Bacillary hemoglobinuria in cattle.
(3) Anthrax.
(4) Blackleg.
(5) Hemorrhagic septicemia.
(6) Icterohematuria in sheep.
(7) Malignant epizootic catarrh.
(8) Piroplasmosis.
(9) Pyemia.
(10) Septicemia.
(11) Unhealed vaccine lesions (vaccinia). [Order 801, Regulation 11.10, effective 3/22/60.]

WAC 16-12-565 Malignant neoplasms--Disposition of organs, parts, or carcasses. Any individual organ or part of a carcass affected with a malignant neoplasm shall be condemned. In case the malignant neoplasm involves any internal organ to a marked extent, or affects the muscles, skeleton, or body lymph glands, even primarily, the carcass shall be condemned, except as provided in WAC 16-12-570. In case of metastasis to any other organ or part of a carcass, or if metastasis has not occurred but there are present secondary changes in the muscles (serious infiltration, flabbiness, or the like), the carcass shall be condemned. Carcasses of cattle affected with epithelioma of the eye shall be disposed of according to WAC 16-12-570. [Order 801, Regulation 11.11, effective 3/22/60.]

WAC 16-12-570 Epithelioma of the eye of cattle. (1) Carcasses of animals affected with epithelioma of the eye of the orbital region, and/or of the corresponding parotid lymph gland shall be condemned in their entirety if one of the following three conditions exists:

(a) The affection has involved the osseous structures of the head with extensive infection, suppuration, and necrosis;

(b) There is metastasis from the eye, the orbital region, and/or the corresponding parotid lymph gland to other lymph glands, internal organs, muscles, skeleton, or other structures, regardless of the extent of the primary tumor; or

(c) The affection, regardless of extent, is associated with cachexia or evidence of absorption or secondary changes.

(2) Carcasses of animals affected with epithelioma of the eye, or the orbital region, and/or of the corresponding parotid lymph gland to a lesser extent than in subsection (1) of this section may be passed for food after

removal and condemnation of the head, including the tongue, provided the carcass is otherwise in good condition. [Order 801, Regulation 11.12, effective 3/22/60.]

WAC 16-12-575 Carcasses showing disease such as generalized melanosis, etc., affecting the system, to be condemned. Carcasses of animals showing any disease such as generalized melanosis, leukemia, pseudo-leukemia, lymphoma, and the like, which affects the system of the animal shall be condemned. [Order 801, Regulation 11.13, effective 3/22/60.]

WAC 16-12-580 Abrasions, bruises, tumors, abcesses, pus, etc.--Disposition of carcasses and parts. All slight, well-limited abrasions on the tongue and inner surface of the lips and mouth, when without lymph gland involvement shall be carefully excised, leaving only sound, normal tissue, which may be passed. Any organ or part of a carcass which is badly bruised or which is affected by a tumor, an abscess, or a suppurating sore, shall be condemned; and when the lesions are of such character or extent as to affect the whole carcass, the whole carcass shall be condemned. Parts of carcasses which are contaminated by pus shall be condemned. [Order 801, Regulation 11.14, effective 3/22/60.]

WAC 16-12-585 Brucellosis. Carcasses affected with localized lesions of brucellosis may be passed for food after the affected parts are removed and condemned. [Order 801, Regulation 11.15, effective 3/22/60.]

WAC 16-12-590 Carcasses so infected that consumption of the meat may cause food poisoning to be condemned. (1) All carcasses of animals so infected that consumption of the meat products thereof may give rise to food poisoning shall be condemned. This includes all carcasses showing signs of:

(a) Acute inflammation of the lungs, pleura, pericardium, peritoneum or meninges.

(b) Septicemia, or pyemia, whether puerperal, traumatic, or without any evident cause.

(c) Gangrenous or severe hemorrhagic enteritis or gastritis.

(d) Acute diffuse metritis or mammitis.

(e) Phlebitis of the umbilical veins.

(f) Septic or purulent traumatic pericarditis.

(g) Any acute inflammation, abscess, or suppurating sore, if associated with acute nephritis, fatty or degenerated liver, swollen soft spleen, marked pulmonary hyperemia, general swelling of lymph glands, diffuse redness of the skin, cachexia, icteric discoloration of the carcass or the like, either singly or in combination.

(2) Implements contaminated by contact with carcasses affected with any of the diseased conditions mentioned in this section shall be thoroughly cleaned and disinfected as prescribed elsewhere in this chapter. The equipment used in the dressing of such carcasses, such as viscera trucks, inspection tables and the like, shall be disinfected with hot water having a minimum temperature of 180°F. Carcasses or parts of carcasses contaminated by contact with such diseased carcasses shall be condemned unless all contaminated tissues are removed within two hours. [Order 801, Regulation 11.16, effective 3/22/60.]

WAC 16-12-595 Necrobacillosis, pyemia, septicemia--Disposition of carcasses. From the standpoint of meat inspection, necrobacillosis may be regarded as a local affection at the beginning, and carcasses in which the lesions are so localized may be passed for food if in a good state of nutrition, after removing and condemning those portions affected with necrotic lesions. On the other hand, when emaciation, cloudy swelling of the glandular organs, or enlargement and discoloration of the lymph glands are associated with the affection, it is evident that the disease has progressed beyond the condition of localization to a state of toxemia, and the entire carcass should therefore be condemned as both innutritious and noxious. Pyemia or septicemia may intervene as a complication of the local necrosis, and when present the carcass shall be condemned in accordance with WAC 16-12-590. [Order 801, Regulation 11.17, effective 3/22/60.]

WAC 16-12-600 Caseous lymphadenitis--Disposition of carcasses and parts. Disposition of carcasses and parts affected with caseous lymphadenitis shall be as follows:

(1) A thin carcass showing well-marked lesions in the viscera and the skeletal lymph glands, or such a carcass showing extensive lesions in any part, shall be condemned.

(2) A thin carcass showing well-marked lesions in the viscera with only slight lesions elsewhere, or showing well-marked lesions in the skeletal lymph glands with only slight lesions elsewhere may be passed for cooking.

(3) A thin carcass showing only slight lesions in the skeletal lymph glands and in the viscera may be passed without restriction.

(4) A well-nourished carcass showing well-marked lesions in the viscera and with only slight lesions elsewhere, or showing well-marked lesions confined to the skeletal lymph glands with only slight lesions elsewhere may be passed without restrictions.

(5) A well-nourished carcass showing well-marked lesions in the viscera and the skeletal lymph glands may be passed for cooking, but where the lesions in a well-nourished carcass are both numerous and extensive it shall be condemned.

(6) All affected organs and glands of carcasses passed without restriction or passed for cooking shall be removed and condemned. The term "thin" as used in this section shall not be held applicable to a carcass which is anemic or emaciated. [Order 801, Regulation 11.18, effective 3/22/60.]

WAC 16-12-605 Icterus--Disposition of carcasses. Carcasses showing any degree of icterus with a parenchymatous degeneration of organs, the result of infection

or intoxication, and those which show an intense yellow or greenish–yellow discoloration without evidence of infection or intoxication, shall be condemned. Carcasses affected with icteric–like discoloration, the result of conditions other than those stated in this regulation, but which lose such discoloration on chilling, shall be passed for food, while those which do not lose such discoloration may be passed for cooking. No carcass retained under this section may be passed for food unless the final inspection thereof is completed under natural light. Carcasses passed for cooking under this section shall not be processed other than by rendering. [Order 801, Regulation 11.19, effective 3/22/60.]

WAC 16-12-610 Urine or sexual odor--Disposition of carcasses. Carcasses which give off the odor of urine or a sexual odor shall be condemned. When the final inspection of such carcasses is deferred until they have been chilled, the disposal shall be determined by the heating test. [Order 801, Regulation 11.20, effective 3/22/60.]

WAC 16-12-615 Mange or scab--Disposition of carcasses. (1) Carcasses of animals affected with mange or scab in advanced stages, showing cachexia or extensive inflammation of the flesh, shall be condemned. When the disease is slight, the carcass may be passed after removal of the affected portion.

(2) Carcasses of hogs affected with urticaria (nettle rash), tinea tonsurans, demodex folliculeru, or erythema may be passed after detaching and condemning the affected skin, if the carcass is otherwise fit for food. [Order 801, Regulation 11.21, effective 3/22/60.]

WAC 16-12-620 Tapeworm, cysts (cysticercus bovis)--Methods of inspecting for--Carcasses and parts of cattle infested with--Disposition of carcasses and parts--Conditions under which refrigeration permitted--Calves excepted. Beef carcasses and parts shall be examined for the presence of tapeworm, cysts, (cysticercus bovis) in the following manner:

(1) Head. Prior to inspection the tongue shall be detached sufficiently from the head bones, by an employee of the establishment, to allow a proper inspection to be made of the internal muscles of mastication. These muscles shall be inspected after incising them in such manner as to split the muscles in a plane parallel with the lower jawbones. The masseter muscles also shall be incised, splitting the entire external layer between the outer and intermediate fasciae.

(2) Heart. The preparation and inspection of hearts shall conform to one of the following methods:

(a) The surface of the heart shall be examined, and a longitudinal incision made extending from the base of apex through the wall of the cut surfaces and the inner surfaces of the ventricles shall be examined.

(b) After the external surface of the heart has been inspected the organ shall be prepared for further inspection severing its attachments and cutting through the interventricular septum and such other tissues as will permit him to evert the organ completely. The inspector shall then examine the interior surfaces and make not more than four deep, lengthwise incisions into the muscles of the septum and left ventricular wall, unless the presence of cysts is suspected, when more incisions shall be made. Under this method care shall be taken not to cut completely through the walls of hearts to be passed without restriction. If necessary to maintain the identity of hearts the establishment shall provide consecutively numbered tags and appropriately mark the carcasses and hearts.

(3) The external and internal muscles of mastication, the heart, and the muscular portion of the diaphragm, including its pillars, should be carefully and thoroughly sliced to insure the findings of all cysts. Prior to the inspection of the diaphragm its peritoneum shall be removed. The tongue shall be carefully inspected by palpation, and if the presence of cysts in the muscles of the organ is suspected, the tongue shall be thoroughly sliced and all parts closely examined for cysts. In addition to the foregoing, the exposed muscles and cut muscular surfaces of the split carcass shall be examined. Unnecessary mutilation of carcasses which may be passed shall be avoided.

(4) Carcasses of cattle (including the viscera) infested with tapeworm cysts known as cysticercus bovis shall be condemned if the infestation is excessive or if the meat is watery or discolored. Carcasses shall be considered excessively infested if incisions in various parts of the musculature expose on most of the cut surfaces two or more cysts within an area the size of the palm of the hand.

(5) A carcass in which infestation with cysticercus bovis is limited to one dead and degenerated cyst may be passed for food after removal and condemnation of the cyst.

(6) Carcasses of cattle showing a slight or moderate infestation other than that indicated in subdivision (5) of this section, but not so extensive as indicated in subdivision (4) of this section, as determined by a careful examination of the heart, muscles of mastication, diaphragm and its pillars, tongue, and portions of the carcass rendered visible by the process of dressing, may be passed for food after removal and condemnation of the cysts, with the surrounding tissues: *Provided,* That the carcasses and parts, appropriately identified by retained tags, are held in cold storage at a temperature not higher than 15°F. continuously for a period of not less than 20 days. As an alternative to retention in cold storage as herein provided, such carcasses and parts may be heated throughout to a temperature of at least 140°F.

(7) Fats of carcasses passed for food or for refrigeration under the provisions of subdivision (6) of this section may be passed for food provided they are melted at a temperature of not less than 140°F. The edible viscera, except the lungs and heart, of carcasses passed for food or for refrigeration under the provisions of subdivision (6) of this section may be passed for food without refrigeration or heating, provided they are found to be free from infestation upon final inspection. The intestines, weasands, and bladders from beef carcasses, affected with cysticercus bovis, which have been passed for food

or for refrigeration may be used for casings after they have been subjected to the usual methods of preparation and may be passed for such purpose upon completion of the final inspection.

(8) The inspection for cysticercus bovis may be omitted in the case of calves under six weeks old. The routine inspection of calves over six weeks old for cysticercus bovis may be limited to a careful examination of the surface of the heart and other surfaces as are rendered visible by the process of dressing. [Order 801, Regulation 11.22, effective 3/22/60.]

WAC 16-12-625 Hogs affected with tapeworm cysts (cysticercus cellulosae)--Disposition. Carcasses of hogs affected with tapeworm cysts (cysticercus cellulosae) may be passed for cooking, but if the infestation is excessive the carcass shall be condemned. [Order 801, Regulation 11.23, effective 3/22/60.]

WAC 16-12-630 Disposal of carcasses, organs, and parts showing evidence of infestation with parasites not transmissible to man--Sheep carcasses affected with tapeworm cysts--Carcasses infested with gid bladder worms--Organs and parts infested with hydatid cysts--Livers infested with flukes. In the disposal of carcasses, edible organs and parts of carcasses showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern:

(1) If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them may be radically removed, the nonaffected portion of the carcass, organ, or part of the carcass may be passed for food after the removal and condemnation of the affected portions. If an organ or part of a carcass shows numerous lesions caused by parasites, or if the character of the infestation is such that complete extirpation of the parasites and lesions is difficult and uncertainly accomplished, or if the parasitic infestation or invasion renders the organ or part in any way unfit for food, the affected organ or part shall be condemned. If parasites are found to be distributed in a carcass in such a manner or to be of such character that their removal and the removal of the lesions caused by them are impracticable, no part of the carcass shall be passed for food. If the infestation is moderate the carcass may be passed for cooking, but in case such carcass is not cooked as required by part 13 of this chapter it shall be condemned.

(2) In the case of sheep carcasses affected with tapeworm cysts located in the muscles (cysticercus ovis, so called sheep measles, not transmissible to man) the carcass may be passed after the removal and condemnation of the affected portions: *Provided, however,* That if upon the final inspection of sheep carcasses retained on account of measles the total number of cysts found embedded in muscle or in immediate relation with muscular tissue including the heart, exceeds five, this shall be taken to indicate that the cysts are so generally distributed and so numerous that their removal would be impracticable, and the entire carcass shall be condemned or passed for cooking, according to the degree of infestation. If five or less cysts are found upon final inspection, the carcass may be passed after the removal and condemnation of the affected portions.

(3) Carcasses of animals found infested with gid bladder worms (coenurus cerebralis, multiceps multiceps) may be passed after condemnation of the affected organ (brain or spinal cord).

(4) Organs or parts of carcasses infested with hydatid cysts (echinococcus) shall be condemned.

(5) Livers infested with flukes or fringed tapeworms shall be condemned. [Order 801, Regulation 11.24, effective 3/22/60.]

WAC 16-12-635 Emaciated or anemic carcasses and those showing slimy fat degeneration or serious muscle infiltration. Carcasses of animals too emaciated or anemic to produce wholesome meat, and carcasses which show a slimy degeneration of the fat or a serous infiltration of the muscles, shall be condemned. Mere leanness should not be classed as emaciation. [Order 801, Regulation 11.25, effective 3/22/60.]

WAC 16-12-640 Carcasses showing advanced pregnancy, etc.--Disposition. Carcasses of animals in advanced stages of pregnancy (showing signs of partuition), also carcasses of animals which have within ten days given birth to young and in which there is no evidence of septic infection, may be passed for cooking; otherwise, they shall be condemned. [Order 801, Regulation 11.26, effective 3/22/60.]

WAC 16-12-645 Emergency slaughter of animals at unusual hours. When it is necessary for humane reasons to slaughter an injured animal at night or on a Sunday, or a holiday when the regularly assigned inspector cannot be obtained, a licensed veterinarian may be employed to conduct the ante mortem and post mortem inspection. [Order 801, Regulation 11.27, effective 3/22/60.]

WAC 16-12-650 Carcasses of young calves, pigs, kids, and lambs--When condemned--Unborn and stillborn animals. (1) Carcasses of young calves, pigs, kids and lambs are unwholesome and shall be condemned, if:

(a) The meat has the appearance of being water-soaked, is loose, flabby, tears easily, and can be perforated with the fingers; or

(b) Its color is grayish red; or

(c) Good muscular development as a whole is lacking, especially noticeable on the upper shank of the leg, where small amounts of serous infiltrates or small edematous patches are sometimes present between the muscles; or

(d) The tissue which later develops as the fat capsule of the kidneys is edematous, dirty yellow or grayish red, tough, and intermixed with islands of fat.

(2) All unborn and stillborn animals shall be condemned, and no hide or skin thereof shall be removed from the carcass within a room in which edible products

are handled. [Order 801, Regulation 11.28, effective 3/22/60.]

WAC 16-12-655 Condemnation of animals suffocated and hogs scalded alive. All animals which have been suffocated in any way and hogs which have entered the scalding vat alive shall be condemned. [Order 801, Regulation 11.29, effective 3/22/60.]

WAC 16-12-660 Livers affected with carotenosis--Livers designated as "telangiectatic," "sawdust," or "spotted"--Disposal. (1) Livers affected with carotenosis shall be condemned.

(2) Cattle livers and calf livers showing the conditions sometimes designated as "Telangiectatic," "sawdust," or "spotted" shall be disposed of as follows:

(a) When any or all of the conditions are extensive and involved one-half or more of an organ, the whole organ shall be condemned.

(b) When any or all of the conditions are slight in an organ, the whole organ shall be passed without restriction.

(c) When any or all of the conditions involve the whole organ, and are less severe than extensive, but more severe than slight, the whole organ shall be cooked.

(d) When any or all of the conditions are less severe than extensive, but more severe than slight in a portion of an organ, while in the remainder of the organ the conditions are slight the remainder shall be passed without restriction and the other portion shall be cooked.

(e) When any or all of the conditions are extensive and involve less than one-half of the organ, while in the remainder of the organ the conditions are slight, the remainder shall be passed without restriction and the other portion shall be condemned.

(f) When any or all of the conditions are extensive and involve less than one-half of the organ, while in any or all of the remainder of the organ the conditions are more severe than slight yet less severe than extensive, all of the remainder shall be cooked and the extensively involved portion shall be condemned.

(g) The division of an organ into but two parts as herein contemplated for disposition shall be accomplished by one cut through the organ. This, of course, does not prohibit incisions which are necessary for inspection.

(3) Livers and parts of livers which are required to be cooked, unless otherwise provided for by the department, shall be held and cooked in the establishment where produced. They shall be cooked sufficiently to impart a cooked appearance throughout the liver. After cooking, the liver may be released for any purpose. [Order 801, Regulation 11.30, effective 3/22/60.]

WAC 16-12-665 Anaplasmosis. (1) Carcasses of cattle and calves found on post mortem inspection to be affected with anaplasmosis shall be condemned.

(2) Carcasses of cattle and calves which are classed as recovered cases of anaplasmosis evidenced by the absence of abnormal symptoms on ante mortem inspection but which show slight yellow coloration of tissues on post mortem examination shall be passed for food provided the yellow coloration disappears on chilling. Those carcasses which do not lose such yellow coloration on chilling shall be condemned. [Order 801, Regulation 11.31, effective 3/22/60.]

WAC 16-12-670 Listerellosis. Carcasses of animals marked "Wash. suspect" because of a history of listerellosis shall be passed for food after condemnation of the head if the carcass is otherwise in good condition. [Order 801, Regulation 11.32, effective 3/22/60.]

WAC 16-12-675 Leptospirosis. (1) Carcasses of animals affected with leptospirosis shall be condemned.

(2) Carcasses of animals which have reacted to a test for leptospirosis and have been marked "Wash. suspect" on ante mortem inspection shall be passed for food when no evidence of the disease is found on post mortem examination: *Provided*, The carcasses are otherwise in good condition. [Order 801, Regulation 11.33, effective 3/22/60.]

PART 12 - TANKING AND DENATURING CONDEMNED CARCASSES AND MEAT PRODUCTS

WAC 16-12-680 Condemned carcasses and product to be disposed of by tanking or sent to rendering plant. Except as provided in WAC 16-12-700 condemned carcasses and products shall be disposed of by tanking, sending to a rendering plant or by such other means as the department may prescribe. [Order 801, Regulation 12.01, effective 3/22/60.]

WAC 16-12-685 Condemned carcasses and products disposed of by tanking. (1) Condemned carcasses and products disposed of by tanking shall be disposed of as follows: The lower opening of the tank shall first be sealed securely by an inspector, except when permanently connected with a blow line, then the condemned carcasses and products shall be placed in the tank in his presence, after which the upper opening shall also be sealed securely by an inspector, who shall then see that the contents of the tank are subjected to sufficient heating for sufficient time to destroy effectually the contents for food purposes.

(2) The seals of the tanks shall be broken only by an inspector after the contents of the tanks have been treated as provided in subsection (1) of this section. The rendered fat derived from condemned material shall be held until an inspector shall have had an opportunity to determine whether it conforms with the requirements of this regulation. Samples shall be taken by inspectors as often as is necessary to determine whether the rendered fat is effectually denatured.

(3) Rendered animal fat derived from inedible or condemned materials and possessing the physical characteristics of color, odor and taste of edible products shall be denatured to effectually distinguish it from an edible product either with low grade offal during the

rendering or by adding to it a denaturant approved by the department.

(4) Rendered inedible fat derived wholly from products other than condemned will not be required to be denatured unless it possesses the physical characteristics of color, odor, and taste of an edible product. Rendered inedible fat derived wholly from products other than condemned products which possesses the physical characteristics of edible products shall be so changed in character as to effectually distinguish it from edible products, denatured in accordance with subsections (1) and (2) of this section, or denatured as prescribed by the department. [Order 801, Regulation 12.02, effective 3/22/60.]

WAC 16-12-690 Condemned carcasses and products not disposed of by tanking to be denatured or destroyed by incineration. (1) Any carcass or products condemned and not disposed of by tanking shall under the supervision of an inspector, be denatured with crude carbolic acid or other prescribed agent, or destroyed by incineration. When such carcass or products is not incinerated, all containers thereof shall be opened and all meat shall be freely slashed with a knife, before the denaturing agent is applied.

(2) Carcasses and products condemned on account of anthrax, and the materials identified in WAC 16-12-470 which are derived therefrom at establishments which are not equipped with tanking facilities shall be disposed of by complete incineration or buried under the supervision of an inspector. [Order 801, Regulation 12.03, effective 3/22/60.]

WAC 16-12-695 Livers condemned because of parasitic infestation and for other causes--Conditions under which they may be disposed of as fish feed. (1) Livers condemned on account of fluke infestation may be forwarded as fish feed provided the livers are first freely slashed and denatured by dipping in a hot solution containing one part of FD and C Green #3, or Methyl Violet in 5,000 parts of water, followed by washing in fresh water until the washings are no longer colored, or in lieu of the dye solution, dry, finely powdered charcoal may be applied, and then frozen at a temperature not higher than 10°F. for not less than 48 hours; or provided the livers are thoroughly cooked and then slashed and denatured as indicated above. It is essential that the livers be sufficiently denatured through discoloration by the dye or charcoal to preclude their used as human food. Freezing may be accomplished in the regular freezer in a properly separated compartment or receptacle approved by the department.

(2) Livers condemned on account of hydatids or fringed tapeworms may not be forwarded as fish feed unless thoroughly cooked, slashed, and denatured as indicated in subsection (1) of this section.

(3) Livers condemned on account of parasites other than flukes, hydatids, or fringed tapeworms may be forwarded as fish feed without refrigeration or cooking after slashing and denaturing as indicated in subsection (1) of this section.

(4) Livers condemned for telangiectasis, angioma, "sawdust" condition, cirrhosis, or other nonmalignant change, benign abscesses, or contamination when these conditions are not associated with infectious disease in the carcasses, may be forwarded as fish feed without refrigeration or cooking; provided, all tissue affected with abscesses is removed and destroyed as provided by WAC 16-12-680 or 16-12-690: *And provided further*, That all livers are slashed and denatured as indicated in subsection (1) of this section.

(5) Livers specified in the foregoing subsections shall be placed in containers plainly marked "fish feed – inedible." [Order 801, Regulation 12.04, effective 3/22/60.]

WAC 16-12-700 Release for animal feed of carcasses and parts condemned on account of being unfit for human food. (1) Inasmuch as fresh meat is commonly fed to animals uncooked and the danger exists of transmitting trichinosis to animals from uncooked pork, hog carcasses and parts may not be released for animal feed.

(2) Condemned carcasses and parts, other than hog carcasses and parts, may only be released for animal feed upon written permission of the department.

(3) Carcasses and parts affected with the following conditions, which under these regulations are required to be condemned as unfit for human food, may be released for animal feed.

(a) **Offensive odor.** Carcasses and parts which give off the odor of urine, sexual odor, or odor from innoxious material ingested by animals.

(b) **Icterus.** Carcasses and parts showing any degree of icterus without evidence of infection or intoxication.

(c) **Emaciated or anemic carcasses and those showing slimy fat degeneration or serous muscle infiltration.** Carcasses of animals unfit for human food because of emaciation, anemia or slimy degeneration of the fat or serous infiltration of the muscles and without evidence of infection or intoxication.

(d) **Carcasses showing advance pregnancy, etc.** Carcasses and parts from animals showing signs of parturition and from animals which have within ten days given birth to young and in which there is no evidence of septic infection.

(e) **Carcasses of young calves, kids, and lambs.** Carcasses and parts of young calves, kids, and lambs showing evidence of retrogressive changes which would render them unfit for human food.

(f) **Carcasses infested with nontransmissible parasites.** Carcasses infested with nontransmissible parasites such as sarcosporidiosis.

(4) Carcasses and parts condemned as unfit for human food because of the conditions listed in subsection (3) of this section and determined with certainty to not be affected with any infectious disease or pyemic, septic, malignant or other condition which might render the meat injurious to animal health may be released as edible for animal feed providing:

(a) Such carcasses and parts are:

(i) Under the direct supervision of the inspector, first freely slashed and then decharacterized by applying

finely powdered charcoal or a black dye solution so as to preclude its use as human food.

(ii) Identified by a statement "animal feed, not for human consumption" on containers in which shipped from the plant.

(b) Suitable facilities in rooms separate from rooms where meat products for human consumption and from rooms where inedible products are prepared are provided for handling, cutting, decharacterizing and packing carcasses and parts to be released for animal feed.

(c) Certification is made by the inspector that the condemned carcass and parts have been inspected and found at the time of inspection to be not deleterious to animal health. [Order 801, Regulation 12.05, effective 3/22/60.]

WAC 16-12-705 Release for animal feed of parts of carcasses handled as inedible other than carcasses and parts condemned on account of being unfit for human food. Parts of carcasses handled as inedible other than those condemned on account of being unfit for human food may be released for animal feed or fish feed provided such parts are (a) freely slashed and decharacterized by applying finely powdered charcoal or a suitable black dye solution so as to preclude its use as human food; (b) identified by a statement "animal feed not for human consumption" on containers in which the material is shipped. [Order 801, Regulation 12.06, effective 3/22/60.]

WAC 16-12-710 Chemicals to be provided by establishment. All chemicals and similar material required to carry out these provisions shall be provided by the establishment at which the condemnation is made. [Order 801, Regulation 12.07, effective 3/22/60.]

WAC 16-12-715 Dead-animal carcasses. (1) With the exception of dead animals which have died en route and are received with animals for slaughter no dead animal may be brought on the premises of an establishment unless permission to receive dead animals is obtained from the department.

(2) Under no circumstances shall the carcass of any animal which has died other than by slaughter be brought into any room or compartment in which any product is prepared, handled, or stored. [Order 801, Regulation 12.08, effective 3/22/60.]

WAC 16-12-720 Inedible fats from outside of establishment. Inedible fats from outside the premises of an establishment shall not be received except into the tank room provided for inedible products, and then only when their receipt into the tank room produces no insanitary condition on the premises. [Order 801, Regulation 12.09, effective 3/22/60.]

PART 13 - RENDERING CARCASSES AND PARTS INTO LARD, RENDERING PORK FAT AND TALLOW, AND OTHER COOKING

WAC 16-12-725 Carcasses and parts passed for cooking, rendering into lard, rendering pork fat, or tallow. Carcasses and parts passed for cooking may be rendered into lard, rendered pork fat, or tallow, provided such carcasses and parts shall be cooked for a time sufficient to render them effectually into lard, rendered pork fat, or tallow; and provided all parts of the products are heated to an internal temperature not lower than 170°F. for a period of not less than 30 minutes. [Order 801, Regulation 13.01, effective 3/22/60.]

WAC 16-12-730 Carcasses and parts passed for cooking not rendered into lard, rendered pork fat, or tallow--Utilization of for food purposes after cooking. (1) Carcasses and parts passed for cooking except as specified in WAC 16-12-605 may be used for the preparation of such products as canned meat, sausage, cooked or boiled meat, meat loaves, and similar products, provided all parts of such carcasses and parts which are so used are heated to an internal temperature not lower than 170°F. for a period of not less than 30 minutes either before being used in or during the preparation of the finished products.

(2) When products passed for cooking are used as an ingredient of a meat food product as contemplated in subsection (1) of this section at least 50 percent of the meat and meat byproduct ingredient shall consist of products passed for cooking. This requirement shall not apply when the products passed for cooking have been previously cooked as specified in subsection (1) of this section before being used as an ingredient of a meat food product. [Order 801, Regulation 13.02, effective 3/22/60.]

WAC 16-12-735 Disposal of product passed for cooking if not handled according to this part. Products passed for cooking if not handled and processed under the provisions of this part shall be disposed of in accordance with part 12 of this chapter. [Order 801, Regulation 13.03, effective 3/22/60.]

PART 14 - MARKING, BRANDING AND IDENTIFYING PRODUCTS

WAC 16-12-740 Approval of abbreviations of marks of inspection. The department may approve and authorize the use of abbreviations of marks of inspection under these regulations. Such abbreviations shall have the same force and effect as the respective marks for which they are so authorized to be used. [Order 801, Regulation 14.01, effective 3/22/60.]

WAC 16-12-745 Preparation of marking devices bearing inspection legend without advance approval prohibited--Exception. Except for the purpose of submitting a sample or samples of the same to the department for approval, no person shall make or prepare or cause to

be made or prepared, labels, inserts, brands, tags, or other marking devices bearing the inspection legend or any abbreviation, copy, or representation thereof, for use on any products, without the written authority therefor, of the department, given in advance. However, when any sample label, brand or other marking device is approved, new supplies exactly similar to such approved sample may be procured, made, or prepared, for use in accordance with the regulations in part 14 of this chapter without further approval. [Order 801, Regulation 14.02, effective 3/22/60.]

WAC 16-12-750 Use of inspection legend prohibited except under supervision of the department meat inspector. No person shall affix or place, or cause to be affixed or placed, the inspection legend, or any abbreviation, copy, representation thereof, to or on any products, except under the supervision of an inspector. [Order 801, Regulation 14.03, effective 3/22/60.]

WAC 16-12-755 Brands and marking devices to be approved by department--Control of brands. The department shall supply the original metal meat inspection ink brands for use at each establishment. Establishments shall thereafter furnish such ink brands, burning brands, and like devices for marking products as the department may require. The mark of inspection on such a device shall be in the "oval form" as a facsimile of one of the official brands, using the size best suited for the purpose intended. In advance of manufacture, complete and accurate descriptions and designs of the same shall be submitted to the department for approval. Every such brand and device which bears the inspection legend shall be delivered into custody of the inspector assigned to the establishment, and shall be used only under the supervision of an inspector. When not in use for marking inspected and passed products, all such brands and devices bearing the inspection legend shall be kept locked in properly equipped lockers or compartments, all of the keys of which shall not leave the possession of an inspector. [Order 801, Regulation 14.04, effective 3/22/60.]

WAC 16-12-760 Articles not to be removed from establishments unless marked in accordance with these regulations. No person shall remove or cause to be removed from an establishment any article which this chapter requires to be marked in any way unless the same is clearly and legibly marked in compliance with these regulations. [Order 801, Regulation 14.05, effective 3/22/60.]

WAC 16-12-765 Marks of inspection to be carefully applied. All marks of inspections shall be legible, carefully applied and securely affixed. [Order 801, Regulation 14.06, effective 3/22/60.]

WAC 16-12-770 Branding ink to be furnished by establishment--Approval by the department--One color. Establishments shall furnish all ink for marking products. Such ink must be made with harmless ingredients that are approved for the purpose by the department. Samples of ink shall be submitted to the meat inspection laboratory from time to time as may be deemed necessary by the inspector.

(1) Only purple ink approved for the purpose shall be used to apply ink brands bearing the marks of inspection to carcasses and fresh meat cuts derived therefrom except horse meat.

(2) Ink brands bearing the marks of inspection used for purposes other than in subsection (1) of this section may be applied with branding ink of any color and composition that will assure ready legibility and permanence of marking. The color of the ink shall provide adequate contrast with the color of the products to which it is applied. [Order 801, Regulation 14.07, effective 3/22/60.]

WAC 16-12-775 Control and use of brands and marking devices. All brands and devices for marking articles with the inspection legend, including self-locking seals, shall be used only under the supervision of an inspector, and, when not in use for marking, shall be kept locked in properly equipped lockers or compartments, the keys of which shall not leave the possession of the inspector. [Order 801, Regulation 14.08, effective 3/22/60.]

WAC 16-12-780 Brands and marking devices not to be false or misleading--Style and size of lettering. No brand or device shall be false or misleading. The letters and figures thereon shall be of such style and type as will make a clear legible impression. [Order 801, Regulation 14.09, effective 3/22/60.]

WAC 16-12-785 Carcasses, primal part and products--Marking with inspection legend. (1) Each carcass which has been inspected and passed in an establishment shall be marked at the time of inspection with the inspection legend and with the number of the establishment.

(2) Except as provided otherwise in this part, each primal part of a carcass, the beef cod fat and beef kidney fat, and each liver, beef tongue, and beef heart which has been inspected and passed shall be marked with the inspection legend and number of the establishment in which it is first inspected and passed before it leaves such establishment and all inspected and passed products susceptible of being marked shall be marked with the inspection legend and the number of the establishment where it was last processed: *Provided*, That skinned bacon intended for slicing need not be so marked if packed in properly marked containers. Additional marks of inspection may be applied as desired to meet local conditions.

(3) Beef livers shall be marked with the inspection legend and the establishment number on the convex surface of the thickest portion of the organ. [Order 801, Regulation 14.10, effective 3/22/60.]

WAC 16-12-790 Moving and handling of primal parts from one establishment to another. Primal parts of carcasses which have been inspected and passed but do

not bear the inspection legend may be transported from one establishment to another for further processing in a car, truck or other closed container, if the car, truck, or container be sealed with a seal bearing the inspection legend in compliance with these regulations. [Order 801, Regulation 14.11, effective 3/22/60.]

WAC 16-12-795 Marking of products in casings. (1) Inspected and passed sausage and other products in casings of the ordinary "ring" variety or larger, shall be marked with the inspection legend and the number of the establishment. Inspected and passed sausage and other products in casings, of the smaller varieties, shall bear one or more inspection marks to each chain or two or more of such marks to each bunch, except in cases where such smaller varieties of sausage and products leave establishments completely enclosed in cartons or wrappers, having a capacity of ten pounds or less and containing a single kind of product: *Provided*, That the mark of inspection need appear only twice throughout the contents of containers, exceeding a capacity of ten pounds, of sausages of the smaller varieties shipped to another establishment for further processing. When such products are shipped to another establishment for further processing, the inspector at the point of origin shall identify the shipment to the inspector at destination.

(2) Meat food products in casing, other than sausage which possess the characteristics of or resemble sausage shall bear on each link or piece the word "imitation" at intervals of no more than four inches, prominently displayed: *Provided*, That such products in casings as coppa, copocola, Lachschinken, bacon, pork loins, pork shoulder butts, and like cuts of meat which are prepared without added substances other than curing materials or condiments, and that meat rolls, bockwurst, and similar products in casings which do not contain cereal or vegetables, and that headcheese, souse, sulze, scrapple, blood pudding, and liver pudding in casings, need not be marked on the casing with the word "imitation" or the true name of the product, and that other products in casings such as loaves and chili con carne may bear on each link or piece the true name of the product in lieu of the word "imitation."

(3) When cereal, vegetable starch, starchy vegetable flour, soya flour, dry milk, or nonfat milk is added to sausage within the limits prescribed in part 15 of this chapter, the product shall be marked with the common or usual name of each such added ingredients, as for example; "potato flour added," "soya flour added," "dry milk added," etc., as the case may be. On sausage of the smaller varieties, the marking prescribed in this subsection may be limited to links bearing the inspection legend.

(4) A cloth bag, artificial casing, or similar container of sausage or product of a size larger than that customarily sold at retail intact shall be printed with the mark of inspection and such markings as "dry milk added," and "imitation," at such places on the article as to be clearly visible to the consumer: *Provided*, That such articles which are printed with a label in conformity with part 15 of this chapter need not in addition show markings other than the mark of inspection near each end.

(5) The markings indicated in subsection (4) of this section shall be branded near each end of sausage or similar product prepared in animal casings when the article is of a size larger than that customarily sold at retail intact.

(6) When a preservative permitted under these regulations is added to sausage or other meat food products in casings, the product shall be marked to show the presence and percentage of the added preservative.

(7) All markings may be omitted from sausage and other meat food products in casings when these articles are to be processed in sealed containers. [Order 801, Regulation 14.12, effective 3/22/60.]

WAC 16-12-800 Marking product with the list of ingredients. A product fabricated from two or more ingredients shall bear a list of the ingredients, giving the common or usual names of the ingredients arranged in the order of their predominance, except that spices may be designated as "spices" or "flavorings" and flavorings (including essential oils, oleoresins, and other spice extractives) may be designated as "flavorings" without naming each. The list of ingredients shall be applied legibly and securely to the product by means approved by the department such as stamping, printing, or the use of paper bands, tags, or tied in paper or fabric flaps on stuffed sausage, or tissue strips on loaf-like articles: *Provided*, That products for which a definition, or standard of identity, together with such declaration of optional ingredients and other labeling features as are required by the applicable definition, or standard of identity, need not bear a list of ingredients: *Provided further*, That bockwurst and sausages of the smaller varieties, such as frankfurters and pork sausage, shall bear the list of ingredients at least once on each two pounds of meat product: *Provided further*, That when such product is distributed from an establishment in an immediate or true container of a type and size customarily sold at retail intact, the list of ingredients on the label of the package shall be sufficient: *And provided further*, That when sausage of the smaller varieties are shipped to another establishment for further processing the list of ingredients need appear only twice throughout the contents of containers and when so shipped may be omitted from the contents of containers of ten pounds size or less. When such products are shipped to another establishment for further processing, the inspector at the point of origin shall identify the shipment to the inspector at destination. [Order 801, Regulation 14.13, effective 3/22/60.]

WAC 16-12-805 Handling of products too small to be marked with brand. (1) Except as provided in subsections (2) and (3) of this section, when any inspected and passed products of such character, or so small that it cannot be marked, is moved from an establishment the shipping container shall bear a "meat inspection label" which has been submitted to and received the approval

of the department and conforms to the following specifications: State meat inspection label – the label shall be printed with black ink on white paper of good quality and shall be not less than 3 1/2 x 3 1/2 inches in size. The phrase "meat inspection label" shall be printed within the border and occupy the uppermost portion and followed by the phrases: "The meat or meat food products contained herein have been inspected and passed by the Washington state department of agriculture at establishment No. _____." The name and address of the firm or the name only may also be printed on the label within the border and shall occupy the lower portion thereof.

(2) The meat inspection label may be omitted in those cases in which the inspection legend and establishment number on the articles themselves are clearly legible through the wrapping or the wrapping is labeled in accordance with part 15 of this chapter.

(3) The use of meat inspection labels is not required on containers bearing trade labels which have been approved by the department and on which the inspection legend appears in plain view after the package is prepared for shipment. [Order 801, Regulation 14.14, effective 3/22/60.]

WAC 16-12-810 Denaturing of inedible grease, etc.--Marking "inedible." (1) Inedible grease, inedible tallow, or other inedible animal fat, or moisture containing such fat, having the physical characteristics of an edible product shall be denatured or otherwise destroyed for food purposes. Containers of such inedible grease, inedible tallow, or other inedible fat shall be marked conspicuously with the word "inedible." Such containers as tierces, barrels shall have both ends painted white with durable paint, if necessary, to provide a contrasting background and the word "inedible" marked thereon in letters not less than two inches high.

(2) Inspected rendered animal fat which for any reason is desired to be classified as inedible may be shipped if handled as provided in subsection (1) of this section for inedible fat having the physical characteristics of an edible product.

(3) Uninspected rendered animal fat, or mixtures containing such fat, having the physical characteristics of an edible product may be shipped if handled as provided in subsection (1) of this section for inedible fat having the physical characteristics of an edible product. [Order 801, Regulation 14.15, effective 3/22/60.]

PART 15 - LABELING

WAC 16-12-815 Labeling required--Supervision by department inspector. (1) When, any inspected and passed product is placed or packed in any can, pot, tin, canvas, or other receptacle or covering constituting an immediate or true container, there shall be affixed to such container or covering a label as hereinafter described in this chapter: *Provided*, That plain wrappings for fresh meat, such as dressed carcasses and primal parts thereof, which are used solely to protect the product against soiling or excessive drying during transportation or storage need not bear a label: *Provided further*, That uncolored transparent coverings, such as cellophane, which bear no printed or graphic matter and which enclose any unpackaged or packaged product bearing all required markings need not bear a label if the required markings are clearly legible through such coverings: *And provided further*, That animal and transparent artificial casings bearing no marks or printed features other than those required under part 14 of this chapter need not bear additional labeling: *And provided further*, That stockinettes used as "operative devices," such as those applied to cured meats in preparation for smoking, need not bear labels whether or not such stockinettes are removed following completion of the operations for which they were applied.

(2) Folders and similar covering made of paper or like material, which do not completely enclose the product, and which bear any printed word or statement, shall bear all features required on a label for an immediate or true container.

(3) No container or covering which bears or is to bear a label shall be filled, in whole or in part, except with product which has been inspected and passed in compliance with this chapter, which is sound, healthful, wholesome, and fit for human food, and which is strictly in accordance with the statement on the label. [Order 801, Regulation 15.01, effective 3/22/60.]

WAC 16-12-820 Labels--What to contain--When and how used. (1) Labels within the meaning of this regulation shall include any printing, lithographing, embossing, or other marking on labels, stickers, seals, wrappers, or receptacles.

(2) Labels shall contain, prominently and informatively displayed:

(a) The true name of the product;

(b) The word "ingredients" followed by a list of the ingredients when the product is fabricated from two or more ingredients, except in case of products for which definitions and standards of identity have been prescribed by regulation;

(c) The name and place of business of the manufacturer, packer or distributor;

(d) An accurate statement of the quantity of contents; and

(e) An inspection legend and the number of the establishment, in the form shown herewith, on that portion of the label featuring the name of the product, or when there are two or more panels, then on the principal display panels: *Provided*, That in lieu of showing the inspection legend and the establishment number in such form, in the case of large size fiberboard immediate containers, a meat inspection label may be printed directly on such containers in size, form and substance as provided in WAC 16-12-805(1) of this chapter for use on fiberboard shipping containers: *Provided further*, That the name and place of business of the manufacturer, packer or distributor and the statement of the quantity of contents may be omitted from labels for products not required to be labeled under WAC 16-12-

815(1): *Provided further*, That the establishment number may be omitted from the labels on cartons used as outer containers of edible fats, such as lard and oleomargarine, when such articles are enclosed in wrappers which bear an inspection legend and establishment number; and from a label lithographed directly on a can bearing the embossed establishment number: *And provided further*, That a metal container on which an inspection legend is embossed may, with the approval of the department, bear an inspection legend of different design and in abbreviated form.

(i) The name of the product shall be the common name if any, and one which clearly and completely identifies the article. Product which has been prepared by salting, smoking, drying, cooking, chopping, and the like shall be so described on the label unless the name of the article implies, or the manner of packaging shows, that the product was subjected to such procedure or procedures. The unqualified terms "meat," "meat by-product," "meat food product" and terms common to the meat industry but not to consumers such as "picnic," "butt," "cala," "square," "loaf," "spread," "delight," "roll," "plate," "luncheon," and "daisy" shall not be used as names of articles unless accompanied with terms descriptive of the product or with a list of ingredients.

(ii) The list of ingredients shall appear as part or in addition to the true name of the product and shall show the common or usual names of the ingredients arranged in the order of their predominance, except that spices may be designated as "spices" or "flavorings" and flavorings (including essential oils, oleoresins, and other spice extractives) may be designated as "flavorings" without naming each. The name of an ingredient shall not be a collective name but shall be a specific name, as for example, "beef," "pork," "beef tripe," "sheep livers," "pork snouts," "flour," "corn flour," "potato flour," "water," "dry nonfat milk," "tomato puree," and "beef broth": *Provided*, That when a product is coated with pork fat, gelatin, or other approved substance and a specific declaration of such coating appears in connection with the name of product, the ingredient statement need not make reference to the ingredients of such coating: *And provided further*, That when the label bears the designation "compound" or "shortening" the term "animal and vegetable fats" or "vegetable and animal fats" may be employed to designate the ingredients of mixtures of such edible fats. "Animal fats" as used herein means inspected and passed fat derived from cattle, sheep, swine or goats.

(iii) The name under which inspection is granted to an establishment may appear without qualification on the label or the container of a product prepared by the establishment so named. When product is not prepared by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with such product, as for example "Prepared for _____."

(iv) The statement of quantity shall comply with the requirements set forth in the department's weights and measures regulations as promulgated under chapter 291, Laws of 1959.

(3) Stencils, box dies, inserts, tags and like devices shall not bear an inspection legend or any abbreviation or representation thereof: *Provided*, That wooden boxes of light material, having a maximum capacity of five pounds; wood wire bound boxes and crates, and fiberboard containers may, upon approval by the department, have an inspection legend and establishment number imprinted thereon.

(4) The establishment number shall be embossed or lithographed on all permanently sealed metal containers of inspected and passed product filled in an establishment, except that such containers which bear labels lithographed directly on the can and in which the establishment number is incorporated need not have the establishment number embossed or lithographed thereon. Labels shall not be affixed to containers so as to obscure the embossed, or lithographed establishment number. [Order 801, Regulation 15.02, effective 3/22/60.]

WAC 16-12-825 Labels to conform with definitions. When inspected and passed products are labeled with the names of, or are represented as, articles for which definitions have been prescribed by regulation, the labels shall conform to such definitions. [Order 801, Regulation 15.03, effective 3/22/60.]

WAC 16-12-830 Labels to be approved by department. (1) Except as provided in subsection (4) of this section no label shall be used on any product until it has been approved in its final form by the department. For the convenience of the establishment sketches or proofs or photostats of new labels may be submitted in triplicate through the inspector to the department for approval and the preparation of finished labels deferred until such approval is obtained. All finished labels shall be submitted in quadruplicate through the inspector to the department for approval.

(2) Each copy of any sketch, proof, photostat, or finished label for a meat or product fabricated from two or more ingredients, when submitted to the department for approval, shall be accompanied by a statement showing the kinds and percentage of the ingredients and mode of preparation. Approximate percentages may be given when the percentages of ingredients may vary from time to time, if the limits of variation are stated. In cases of lithographed labels, paper takeoffs in lieu of sections of the metal containers shall be submitted for approval. Such paper takeoffs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved. In case of fiber containers, printed layers, such as the craft paper sheet, shall be submitted for approval in lieu of the complete container.

(3) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter and for use on, or to be placed within, containers and coverings of product shall be submitted for approval in the same manner as provided for labels in subsection (1) of this section.

(4) Stencils, labels, box dies, and brands may be used on shipping containers, including tierces, barrels, drums,

boxes, crates, and large size fiberboard containers provided the markings are applicable to the product, are not false or deceptive, and are used with the approval of the department inspector. The inspection legend for use in combination with such markings shall be approved by the department. [Order 801, Regulation 15.04, effective 3/22/60.]

WAC 16-12-835 Inspector to permit certain modifications of approved labels. The inspector may permit the use of approved labels or other markings, modified as follows provided the labeling or marking as modified is so used as not to be false or deceptive:

(1) When all features of the label or marking are proportionately enlarged and the color scheme remains the same.

(2) When changes are made in the figures denoting the quantity of contents or when there is substitution of such abbreviations as "lb." for "pound," "oz." for "ounce," or the word "pound" or "ounce" is substituted for the abbreviation.

(3) When a master or stock label is approved from which the name and address of the distributor are omitted and such name and address are applied before being used. The words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when such labels are offered for approval.

(4) When, during Christmas and other holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are used with approved labels or markings. The use of such designs will not make necessary the application of labeling not otherwise required.

(5) When there is a slight change in arrangement of directions pertaining to the opening of cans or the serving of the product.

(6) When there is a change in the order of predominance of the ingredients on the label corresponding with a change in the formula used to prepare the product: *Provided*, That no new ingredients are added and none are omitted. Nothing in this subsection shall be construed to modify any requirement of this chapter which provides either minimum or maximum limits for the use of certain ingredients. [Order 801, Regulation 15.05, effective 3/22/60.]

WAC 16-12-840 Approved labels to be used only on products to which they are applicable. Labels shall be used only on products for which they are approved. They shall not be applied to any product, the container or covering of which bears any statement that is false or misleading or is so made, formed, or filled as to be deceptive or misleading. [Order 801, Regulation 15.06, effective 3/22/60.]

WAC 16-12-845 False or deceptive names--Established trade names--False identification of origin. (1) No product, and no container thereof, shall be labeled with any false or deceptive name, but established trade names which are usual to such article and not false or deceptive and which have been approved by the department may be used.

(2) A label for a product which is an imitation of another food shall bear the word "imitation" immediately preceding the name of the food imitated, and in the same size and style of lettering as in that name and immediately thereafter the word "ingredients" and the names of the ingredients arranged in the order of their predominance.

(3) No statement, word, picture, design, or device which conveys any false impression, or gives any false indication of origin or quality shall appear on any label. For example:

(a) Terms having geographical significance with reference to a locality other than that in which the product is prepared may appear on the label only when qualified by the word "style," "type," or "brand" as the case may be, in the same size and style of lettering as in the geographical term, and accompanied by a prominent qualifying statement identifying the locality in which the product is prepared using terms, appropriate to effect the qualification. When the word "style" or "type" is used, there must be a recognized style or type of product identified with and peculiar to the country, state, territory or locality represented by the geographical term and the product must possess the characteristics of such style or type, and the word "brand" shall not be used in such a way as to be false or deceptive: *Provided*, That a geographical term which has come into general usage as a trade name and which has been approved by the department as being a generic term may be used without the qualifications provided for in this subdivision. The terms "frankfurter," "vienna," "bologna," "braunschweiger," "thuringer," "genoa," "berliner," "holostein," "goteborg," "milan" and "polish" and their modifications, as applied to sausages, the terms "brunswick" and "irish" as applied to stews, and the term "boston" as applied to pork shoulder butts, need not be accompanied with the word "style," "type," or "brand" or a statement identifying the locality in which the product is prepared.

(b) Such terms as "farm," "country," and the like shall not be used on labels in connection with products unless such products are actually prepared on the farm: *Provided*, That if the product is prepared in the same way as on the farm or in the country these terms if qualified by the word "style" in the same size and style of lettering, may be used: *Provided further*, That the term "farm" may be used as a part of a brand designation when qualified by the word "brand" in the same size and style of lettering, and followed with a statement identifying the locality in which the product is prepared. Sausage containing cereal shall not be labeled "farm style" or "country style," and lard not rendered in an open kettle shall not be designated as "farm style" or "country style."

(c) The requirement that the label shall contain the name and place of business of the manufacturer, packer

or distributor shall not be considered to relieve any establishment from the requirement that its label shall not be misleading in any particular.

(d) The term "spring lamb" or "genuine spring lamb" is applicable only to carcasses of new-crop lambs slaughtered during the period beginning in March and terminating not beyond the close of the week containing the first Monday in October.

(e) Coverings shall not be of such color, design, or kind as to be misleading or deceptive with respect to color, quality or kind of product to which they are applied. For example: Transparent or semi-transparent coverings for such articles as sliced bacon or pork sausage shall not bear lines or other designs of red or other color which give false impression of leanness of the meat or products.

(f) The word "fresh" shall not be used on labels to designate a product which contains any preservatives.

(g) The words "spice," "spices" and "spiced," without qualifications shall not be used unless they refer to genuine natural spices.

(h) As used on labels of meat or products, the term "gelatin" shall mean (A) the jelly prepared in establishment by cooking pork skins, tendons, or connective tissue from inspected and passed product, and (B) dry commercial gelatin or the jelly resulting from its use.

(i) Product, other than canned meat product, labeled with the term "loaf" as its name or part of its name shall be prepared in loaf form with sufficient stability to withstand handling before being placed in wrapper, casing, or the like.

(j) The term "baked" shall apply only to the product which has been cooked by the direct action of dry heat and for a sufficient time to permit the product to assume the characteristics of a baked article, such as the formation of a brown crust on the surface, rendering out of surface fat, and the caramelization of the sugar, if applied. Baked loaves shall be heated to a temperature of at least 160°F. and baked pork cuts shall be heated to an internal temperature of at least 170°F.

(k) When product such as loaves is browned by dipping in hot edible oil or by a flame, its label shall state such fact, the words "browned in hot cottonseed oil" or "browned by a flame," as the case may be, appearing as part of the name of product.

(l) The term "meat" and the names of particular kinds of meat, such as beef, veal, mutton, lamb, and pork shall not be used in such manner as to be misleading or deceptive.

(m) The word "ham" without any prefix indicating the species of animal from which derived, shall be used on labels only in connection with pork hams. Ham shanks as such or ham shank meat as such or the trimmings accruing in the trimming and shaping of hams shall not be labeled "ham" or "ham meat" without qualification. When used in connection with a chopped product the term "ham" or "ham meat" shall not include the skin.

(n) The terms "shankless" and "hockless" shall apply only to hams and pork shoulders from which the shank or hock has been completely removed, thus eliminated the entire tibia and fibula, or radius and ulna, respectively, together with the overlying muscle, skin and other tissue.

(o) Such terms as "meat extract" or "extract of beef," without qualification, shall not be used on labels in connection with products prepared from organs or parts of the carcass other than fresh meat. Extracts prepared from any parts of the carcass other than fresh meat shall not be labeled "meat extract" but may be properly labeled with the true name of the parts from which prepared. In the case of extract in fluid form, the word "fluid" shall also appear on the label, as for example, "fluid extract of beef." Meat extract shall contain not more than 25 percent of moisture. Fluid extract of meat shall contain not more than 50 percent of moisture.

(p) Sausage may contain not more than 3 1/2 percent, individually or collectively, of vegetable starch, starch vegetable flour, soya flour, dry milk or nonfat dry milk. When such ingredients are added to sausage, the product shall bear the name of each of such added ingredients as for example: "Potato flour added," "soya flour added," "dry nonfat milk added," etc., as the case may be. The marking and labeling of sausage containing such added ingredients shall be in accordance with the requirements of parts 14 and 15 of this chapter.

(q) When any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar agar jelly, a declaration of the packing substance shall be printed prominently on the label in connection with the name of product, as for example, "frankfurters packed in brine," "lamb tongue packed in vinegar," or "beef tongue packed in agar agar jelly" as the case may be. The statement of the quantity of contents shall represent the weight of the drained product when removed from the container to the exclusion of the packing substance. The packing substance shall not be used in such a manner as will result in the container being so filled as to be misleading.

(r) The term "lard" is applicable only to the fat rendered from fresh, clean, sound, fatty tissues from hogs in good health at the time of slaughter, with or without lard stearin or hydrogenated lard. The tissues do not include bones, detached skin, head skin, ears, tails, organs, windpipes, large blood vessels, scrap fat, skimmings, settlings, pressings, and the like, and are reasonably free from muscle tissue and blood.

(s) The term "leaf lard" is applicable only to lard prepared from fresh leaf fat.

(t) The term "rendered pork fat" is applicable to the fat other than lard rendered from clean, sound carcasses, parts of carcasses or edible organs from hogs in good health at the time of slaughter, except that stomachs, bones from the head, and bones from cured or cooked pork are not included. The tissues rendered are usually fresh, but may be cured, cooked, or otherwise prepared and may contain some meat food products. Rendered pork fat may be hardened by the use of lard stearin and/or hydrogenated lard and/or rendered pork fat stearin and/or hydrogenated rendered pork fat.

(u) When lard or hardened lard is mixed with rendered pork fat or hardened rendered pork fat the mixture

shall be designated as "rendered pork fat" or "hardened rendered pork fat" as the case may be.

(v) Oil, stearin, or stock obtained from beef or mutton fats rendered at a temperature above 170°F. shall not be designated as "oleo oil," "oleo stearin," or "oleo stock," respectively.

(w) When not more than 20 percent of beef fat, mutton fat, oleo stearin, vegetable stearin, or hardened vegetable fat is mixed with lard or with rendered pork fat, there shall appear on the label, contiguous to and in the same size and style of lettering as the name of product, the words "beef fat added," "mutton fat added," "oleo stearin added," "vegetable stearin added" or "hardened vegetable fat added," as the case may be.

(x) The designation "vegetable fat" is applicable to vegetable oil, vegetable stearin, or a combination of such oil and stearin, whereas the designations "vegetable oil" and "vegetable stearin" shall be applicable only to the oil and the stearin respectively.

(y) No rendered edible animal fat or mixture of fats containing rendered edible animal fat other than oleomargarine and puff–pastry shortening, shall contain added water. Puff–pastry shortening shall not contain more than 10 percent water.

(z) Containers of edible rendered animal fats and mixtures of edible fats containing animal fats shall, before or immediately after filling, be legible marked with the true name of the product.

(aa) Products labeled "chili con carne" shall contain not less than 40 percent of meat, computed on the weight of the fresh meat. Hearts, cheek meat, head meat, or gullet meat may be used to the extent of 25 percent of the meat ingredient under specific declaration on the label. The mixture may contain not more than eight percent individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soya flour, dry milk or dry nonfat milk.

(bb) Product labeled "chili con carne with beans" shall contain not less than 25 percent of meat, computed on the weight of the fresh meat. Hearts, head meat, cheek meat or gullet meat may be used to the extent of 25 percent of the meat ingredient under specific declaration on the label.

(cc) Product labeled "hash" shall contain not less than 35 percent of meat and/or meat by–product as the case may be. The basis of computation shall be the weight of the cooked and trimmed meat and/or meat by–product.

(dd) Products labeled as meat stews, for example, "beef stew," "lamb stew" and the like, shall contain not less than 25 percent of meat computed on the weight of the fresh meat.

(ee) Product labeled "tamales" shall contain not less than 25 percent of meat computed on the weight of the fresh meat in relation to the ingredients of the tamales to the exclusion of the ingredients of the gravy or sauce in which the tamales are packed. When tamales are packed in gravy or sauce, that constituent shall be declared prominently as part of the name of the product.

(ff) Spaghetti with meat balls and sauce, spaghetti with meat and sauce, and similar product, shall contain not less than 12 percent of meat computed on the weight of the fresh meat. The presence of the sauce or gravy constituent shall be declared prominently on the label as part of the name of the product. Meat balls may be prepared with not more than 12 percent singly or collectively, of farinaceous material, soya flour, dried skim milk and the like.

(gg) Spaghetti sauce with meat shall contain not less than six percent of meat computed on the weight of the fresh meat.

(hh) Scrapple shall contain not less than 40 percent of meat and/or meat by–products computed on the basis of the fresh weight, exclusive of bone. The meal or flour used may be derived from grain and/or soybeans.

(ii) Products labeled hamburger, ground beef, chopped beef and/or product purported to be hamburger, ground beef, or chopped beef shall consist only of fresh ground or chopped skeletal beef muscle with or without the addition of beef fat as such. Total beef fat in the finished article shall not exceed 30 percent analyzable fat.

(jj) Liver sausage, liver loaf, liver paste, liver cheese, liver pudding and the like shall contain not less than 30 percent of liver computed on the weight of the fresh liver.

(kk) Product labeled "ham spread," "tongue spread," and the like shall contain not less than 50 percent of the meat ingredient named (to the exclusion of other meat and meat by–product except fat), computed on the weight of the fresh meat.

(ll) Deviled ham may contain added ham fat: *Provided*, That the total fat content shall not exceed 35 percent of the finished product. The moisture content of deviled ham or tongue, and the like, shall not exceed that of the fresh unprocessed meat.

(mm) Potted meat food product and deviled meat food product shall not contain cereal, vegetable flour, dried skim milk or similar substance. The amount of water added to potted meat food product and deviled meat food product shall be limited to that necessary to replace moisture lost during processing.

(nn) Product labeled fresh pork sausage, pure pork sausage and/or product purported to be fresh pork sausage or pure pork sausage shall consist only of chopped or ground fresh pork muscle with or without the addition of pork fat as such; water or ice to facilitate chopping but not to exceed 3 percent of the total ingredients; and/or seasoning. Total pork fat shall not exceed 50 percent analyzable fat.

(oo) Cooked, cured, or pickled pigs feet, pigs knuckles, and the like, shall be labeled to show that the bones remain in the product, if such is the case. The designation "semi–boneless" shall not be used if less than 50 percent of the total weight of bones has been removed.

(pp) Canned product labeled "corned beef" and canned product labeled "roast beef parboiled and steam roasted" shall be prepared so that the weight of the finished product shall not exceed 70 percent by weight of the fresh beef, plus salt and flavoring material included in the product. Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive

of the heart cap, may be used individually or collectively to the extent of 5 percent of the meat ingredient in the preparation of canned product labeled "corned beef" and canned product labeled "roast beef parboiled and steam roasted." When beef cheek meat, beef head meat, and beef heart meat are used in the preparation of these products, their presence shall be reflected in the statement of ingredients as required by part 15 of this chapter.

(qq) When monoglycerides and diglycerides are added to rendered animal fat or a combination of such fat and vegetable fat, there shall appear on the label in a prominent manner and contiguous to the name of the product a statement such as "with monoglycerides and diglycerides," "monoglycerides and diglycerides added," "with diglycerides and monoglycerides" or "diglycerides and monoglycerides added" as the case may be.

(rr) Canned product labeled "tripe with milk" shall be prepared so that the finished canned article, exclusive of the cooked-out juices and milk, will contain at least 65 percent tripe. The product shall be prepared with not less than 10 percent milk.

(ss) Product labeled "beans with frankfurters in sauce," "sauerkraut with wieners and juice," and the like, shall contain not less than 20 percent frankfurters or wieners computed on the weight of the smoked and cooked sausage prior to its inclusion with the beans or sauerkraut.

(tt) Product labeled "lima beans with ham in sauce," "beans with ham in sauce," "beans with bacon in sauce," and the like, shall contain not less than 12 percent ham or bacon computed on the weight of the smoked ham or bacon prior to its inclusion with the beans and sauce.

(uu) Product labeled "chow mein vegetables with meat" and "chop suey vegetables with meat" shall contain not less than 12 percent meat computed on the weight of the uncooked fresh meat prior to its inclusion with the other ingredients.

(vv) Products labeled "pork with barbecue sauce" and "beef with barbecue sauce" shall contain not less than 50 percent meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the uncooked weight of the meat. If uncooked meat is used in formulating the products, they shall contain at least 72 percent meat computed on the weight of the fresh uncooked meat. When cereal, vegetable flour, dried skim milk or similar substances are used in preparing the products, such fact shall be prominently stated as part of the name of the product.

(ww) The weight of smoked products such as hams, pork shoulders, pork shoulder picnics, pork shoulder butts, beef tongues, and the like, except hams, pork shoulder picnics, and similar products prepared for canning shall not exceed the weight of the fresh uncured article.

(xx) The terms "animal fat" and "meat fat" may be used synonymously to identify rendered fats obtained from cattle, sheep, swine, or goats in the name of product and ingredient statement for such food products as shortening and uncolored oleomargarine. The terms "animal fat" or "meat fat" shall not be used to identify such well known single commodities as lard, rendered pork fat, oleo oil, oleo stearin, oleo stock and the like when prepared and packed as such.

(yy) "Beef with gravy" and "gravy with beef" shall not be made with beef which, in the aggregate for each lot contains more than 30 percent trimmable fat, that is, fat which can be removed by thorough practical trimming and sorting.

(zz) The application of curing solution to beef briskets shall not result in an increase in the weight of the finished cured product of more than 20 percent over the weight of the fresh uncured briskets. The application of curing solution to other beef cuts, such as navels, clods, middle ribs, rumps and the like, which are intended for bulk corned beef shall not result in an increase in the weight of the finished cured product of more than 10 percent over the weight of the fresh uncured meat. [Order 801, Regulation 15.07, effective 3/22/60.]

WAC 16-12-850 Labeling product prepared with artificial coloring, artificial flavoring, or preservative. Product which bears or contains any artificial coloring, artificial flavoring, or preservative shall bear labeling stating that fact.

(1) Artificial coloring of edible fats shall be declared on the label in a prominent manner and contiguous to the name of the product by the words "artificially colored."

(2) When any artificial flavoring is permitted to be added to product there shall appear on the label in prominent letters and contiguous to the name of the product the words "artificially flavored," and the ingredient statement shall identify it as an artificial flavoring.

(3) When a preservative is added to product, as permitted under this chapter, there shall appear on the label in prominent letters and contiguous to the name of the product a statement showing that fact and identifying the preservative and the percentage amount. [Order 801, Regulation 15.08, effective 3/22/60.]

WAC 16-12-855 Reuse of inspection marks, reuse of containers bearing marks of inspection, labels, etc.--Requirements regarding. (1) No inspection legend which has been previously used shall be used again for the identification of any product, except as provided in subsection (2) of this section.

(2) All stencils, marks, labels, or other devices on previously used containers, whether relating to any product or otherwise, shall be removed or obliterated before such containers are used for any product, unless such stencils, marks, labels, or devices correctly indicate the article to be packed therein and such containers are refilled under the supervision of a department meat inspector. [Order 801, Regulation 15.09, effective 3/22/60.]

WAC 16-12-860 Labeling, filling of containers, handling of labeled products to be only in compliance with regulations. (1) All labeling of products required to

be inspected by department meat inspectors shall be in compliance with this chapter.

(2) No person shall apply or affix, or cause to be applied or affixed, any label to any product prepared or received in an establishment, or to any container thereof, except in compliance with this chapter.

(3) No person shall in an establishment, fill or cause to be filled, in whole or in part, any container with any product required by this chapter to bear a label, except in compliance therewith.

(4) No person shall remove or cause to be removed from an establishment any product bearing a label unless such label be in compliance with this chapter. [Order 801, Regulation 15.10, effective 3/22/60.]

WAC 16-12-865 Relabeling product--Requirements regarding. When it is claimed by an establishment that some of its labeled product which has been transported to a location other than an establishment is in need of relabeling on account of the labels having become mutilated or otherwise damaged, the requests for relabeling the product shall be sent to the department and accompanied by a statement of the reasons therefor. Labeling material intended for relabeling inspected and passed product shall not be transported from an establishment until permission has been received from the department. The relabeling of inspected and passed product with official labels shall be done under the supervision of an inspector. [Order 801, Regulation 15.11, effective 3/22/60.]

WAC 16-12-870 Distribution of labels bearing an inspection legend. Labels, wrappers, and cartons bearing an inspection legend with or without the establishment number may be transported from one establishment to another provided such shipments are made with the permission and under the supervision of the inspector at the station of origin, who will notify the department inspector at destination concerning the date of shipment of the labeling material and the character and quantity of the materials involved. No such material shall be used at the establishment to which it is shipped unless it conforms with the requirements of this chapter. [Order 801, Regulation 15.12, effective 3/22/60.]

PART 16 - REINSPECTION AND PREPARATION OF PRODUCTS

WAC 16-12-875 Reinspection of products--Frozen products. (1) All products, even though previously inspected and passed, shall be inspected as often as may be necessary, in order to ascertain whether they are sound, healthful, wholesome, and fit for human food at the time they leave establishments. If upon inspection any article is found to have become unsound, unhealthful, unwholesome, or in any way unfit for human food, the original inspection legend thereon shall be removed or defaced and the article condemned: *Provided*, That,

(a) If an article becomes soiled or unclean by falling on the floor or in any other accidental way it may be cleaned including trimming if necessary and presented for reinspection.

(b) When an article is found to be affected by any unsound or unwholesome condition designated by the department as being capable of rehandling by approved methods for food purposes, the establishment may be permitted to rehandle if necessary steps are immediately taken in a manner prescribed by the inspector. Included are such conditions as articles found to have absorbed a foreign odor, to contain mold or similar substance, and rendered animal fats in which there is present tank water in first stages of sourness. If upon final inspection the article is found to be sound and wholesome it shall be passed for human food; otherwise it shall be condemned.

(2) Care shall be taken to see that products are in good condition when placed in freezers. In case there is any doubt as to the soundness of any frozen product, the inspector will require the defrosting and reinspection of a sufficient quantity thereof to determine its actual condition. [Order 801, Regulation 16.01, effective 3/22/60.]

WAC 16-12-880 Product entering establishment--Identification and inspection--Disposition. Products brought into an establishment in compliance with this chapter may be identified and inspected at the time of receipt, and be subjected to further reinspection in such manner and at such times as may be deemed necessary. If upon such reinspection any article is found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, the original inspection legend shall be removed or defaced and the article condemned. [Order 801, Regulation 16.02, effective 3/22/60.]

WAC 16-12-885 Containers, equipment, processes of manufacture to be clean and sanitary--Substances to be clean and wholesome. (1) No fixtures or appliances such as tables, trucks, trays, tanks, vats, machines, implements, cans or containers of any kind shall be used unless they are of such materials and construction as will not contaminate the product and are clean and sanitary. All steps in the process of manufacture shall be conducted carefully and with strict cleanliness in rooms or compartments separate from those used for inedible products.

(a) All containers which are intended to be hermetically sealed shall be washed immediately before filling, except that the hermetically sealed cans in which lard is shipped may be examined immediately before being sealed and if found to be acceptably clean, need not be washed.

(b) Pumps, pipes, conductors, and fittings used to conduct milk, skim milk, cream, or mixtures of these in the manufacture of oleomargarine shall be of sanitary construction, with smooth inner and outer surfaces of noncorrosive material or coated with nickel, tin, or other approved material, readily demountable for cleaning, and shall be kept clean and sanitary.

(c) Equipment may be used interchangeably for the preparation of lard and rendered pork fat which are to

be labeled as such. The department may grant permission for the restricted dual use of such equipment for the preparation of other products. The pipes and equipment used for edible fats shall be so arranged that the identity of the product will be maintained until the product is properly labeled.

(d) Casings for products shall be carefully inspected by inspectors. Only those which have been carefully washed and thoroughly flushed with clean water immediately before stuffing, are suitable for containers, are clean, and are passed on such inspection, shall be used.

(e) Beef rounds, beef bungs, beef middles, beef bladders, hog bungs, hog middles and hog stomachs which are to be used as containers of meat food product shall be presented for inspection turned with the fat surface exposed.

(f) Portions of casings which show infestation with oesophagostomum or other nodule-producing parasite, and weasands infested with the larvae of hypoderma lineatum, shall be rejected, except that when the infestation is slight and the nodules and larvae are removed, the casing or weasand may be passed.

(g) The fermenting and sliming of hog and sheep casings shall be done only in compartments separate from those in which either edible or inedible products are handled.

(h) Hog and sheep casings intended for use as containers of products may be treated by soaking in or applying thereto sound, fresh pineapple juice or a sound solution containing fresh pineapple juice or papain or bromelin or pancreatic extract to permit the enzymes contained in these substances to act on the casings to make them less resistant. The casings shall be handled in a clean and sanitary manner throughout and the treatment shall be followed by washing and flushing the casings with water sufficiently to effectively remove the substance used and terminate the enzymatic action.

(i) The only animal casings that may be used as containers of products are those of cattle, sheep, swine and goats.

(2) All substances and ingredients used in the manufacture or preparation of any product shall be clean, sound, healthful, wholesome, and otherwise fit for human food.

(a) On account of the invariable presence of bone splinters, detached spinal cords shall not be used in the preparation of edible product other than for rendering where they constitute a suitable raw material.

(b) Care shall be taken to remove bones and parts of bones from product which is intended for chopping.

(c) Heads for use in the preparation of meat food products shall be split and the bodies of the teeth, the turbinated and ethmoid bones, ear tubes, and horn butts removed, and the heads then thoroughly cleaned.

(d) Kidneys for use in the preparation of meat food products shall first be freely sectioned and then thoroughly soaked and washed. All detached kidneys, including beef kidneys detached with kidney fat, shall be inspected before being used in or shipped from the establishment.

(e) Testicles if handled as an edible product may be shipped from the establishment as such, but they shall not be used as an ingredient of a meat food product.

(f) Cattle paunches and hog stomachs for use in preparation of meat food products shall be thoroughly cleaned on all surfaces and parts immediately after being emptied of their contents, which shall follow promptly their removal from the carcasses.

(g) Tonsils shall be removed and shall not be used as ingredients of meat food products.

(h) Hog blood shall not be used as an ingredient of meat food product. No blood which comes in contact with the surface of the body of an animal or is otherwise contaminated shall be collected for food purposes. Only blood from animals the carcasses of which are inspected and passed may be used for meat food products. The defibrination of blood intended for food purposes shall not be performed with the hands.

(i) No prohibited dye, chemical, preservative, or other substances shall be brought into or kept in an official establishment for use as an ingredient of human food or animal food.

(j) Intestines shall not be used as ingredients of meat food products.

(k) Clotted blood shall be removed from hog hearts before they are shipped from the establishment or used in the preparation of a meat food product. [Order 801, Regulation 16.03, effective 3/22/60.]

WAC 16-12-890 Use in preparation of meat food products of chemicals, preservatives, coloring matter--Addition of cereal, vegetable starch, dried skim milk, water, etc.--Substances necessary for refining. (1) No product shall contain any substance which impairs its wholesomeness, or which is not approved by the department.

(2) There may be added to product, with appropriate declaration when required under parts 14 and 15 of this chapter, common salt, sugar, (sucrose), refined corn sugar (dextrose), wood smoke, a vinegar, spices, sodium nitrate, potassium nitrate (saltpeter), sodium nitrite and potassium nitrite. Benzoate of soda shall not be added to meat or meat products.

(3) Monoglycerides and diglycerides may be added to rendered animal fat or a combination of such fat and vegetable fat with appropriate declaration as required in part 15 of this chapter.

(4) With appropriate declaration, as provided in part 15 of this chapter, the following preservatives may be added, in the amounts indicated to rendered animal fat or a combination of such fat and vegetable fat:

(a) Resin guaiac not to exceed 1/10 of 1 percent; or

(b) Nordihydroguaiaretic acid not to exceed 1/100 of 1 percent; or

(c) Tocopherols not to exceed 3/100 of 1 percent. (A 30 percent concentration of tocopherols in vegetable oils shall be used when added as a preservative to meat products designated as "lard" or "rendered pork fat"); or

(d) Lecithin: *Provided*, That nothing in this paragraph shall prevent the use of this substance as an emulsifier as approved by the department; or

(e) Citric acid not to exceed 1/100 of 1 percent; or

(f) Citric acid not to exceed 5/100 of 1 percent, or phosphoric acid not to exceed 5/1000 of 1 percent, in combination with not more than 1/100 of 1 percent of nordihydroguaiaretic acid; or

(g) Propyl gallate not to exceed 1/100 of 1 percent; or

(h) Propyl gallate not to exceed 1/100 of 1 percent in combination with not more than 5/1000 of 1 percent of citric acid; or

(i) Thiodipropionic acid, dilauryl thiodipropionate, distearyl thiodipropionate or combinations thereof in quantities not to exceed 1/100 of 1 percent of thiodipropionic acid and 9/100 of 1 percent of either dilauryl thiodipropionate or distearyl thiodipropionate or combinations of the two; or

(j) Butylated hydroxyanisole (a mixture of 2–tertiary–butyl–4–hydroxyanisole and 3–tertiarybutyl–4–hydroxyanisole) and combinations of butylated hydroxyanisole with nordihydroguaiaretic acid or propyl gallate with or without the addition of citric acid or phosphoric acid, may be added as preservatives to animal fats and shortenings containing animal fats. The quantities used shall not exceed 2/100 of 1 percent of butylated hydroxyanisole, or 1/100 of 1 percent of nordihydroguaiaretic acid plus 2/100 of 1 percent butylated hydroxyanisole or 1/100 of 1 percent of propyl gallate plus 2/100 of 1 percent of butylated hydroxyanisole. Citric acid or phosphoric acid, not to exceed 5/1000 of 1 percent may be added with butylated hydroxyanisole or with the combinations of butylated hydroxyanisole and nordihydroguaiaretic acid of propyl gallate.

(5) To facilitate chopping and/or dissolve the usual curing ingredients, water or ice may be used in the preparation of luncheon meat and meat loaf, however, the total amount of water used shall not exceed 3 percent of the ingredients going into the preparation of the product and its presence shall be declared as required under parts 14 and 15 of this chapter.

(6) Except as otherwise provided, sausage shall be prepared with meat, or meat and meat by–products, seasoned with condimental proportions of condimental substances.

(7) Under appropriate declaration as required in parts 14 and 15 of this chapter, sausage may contain not more than 3–1/2 percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soya flour, dry nonfat milk, or dry milk.

(8) For the purpose of facilitating chopping and mixing, and under appropriate declarations as required under parts 14 and 15 of this chapter, water or ice may be used in the preparation of sausage which is not cooked, in an amount not to exceed 3 percent of the total ingredients used. Sausage of the kind which is cooked, such as frankfurters, vienna, and bologna, may contain not more than 10 percent of added water or moisture.

(9) Bicarbonate of soda, caustic soda, sodium carbonate, diatomaceous earth, fuller's earth, carbon, acetic acid, tannic acid, agents used exclusively as catalyzers such as nickel preparations, and such other substances as may be approved by the chief of division, may be used in the preparation of rendered fats: *Provided*, That they are eliminated during the process of manufacturing.

(10) Caustic soda, sodium carbonate (soda ash or sal soda), trisodium phosphate, or sodium metasilicate, or a combination of these substances, or lime, or a combination of lime and sodium carbonate, and/or a solution of hydrogen peroxide, may be used in the preparation of tripe: *Provided*, That immediately following the treatment the tripe is thoroughly washed with clear water and the added substances removed.

(11) The use of sodium nitrite, potassium nitrite, sodium nitrate, or potassium nitrate, or combinations of nitrite and nitrate, shall not result in the presence of more than 200 parts per million of nitrite in the finished product. Supplies of sodium nitrite and potassium nitrite and mixtures containing them must be kept securely under the care of a responsible employee of the establishment. The specific nitrite content of such supplies must be known and clearly marked accordingly. The maximum amounts of sodium nitrite and/or potassium nitrite which may be used are as follows:

(a) 2 pounds in 100 gallons of pickle.

(b) 1 ounce for each 100 pounds of meat in dry salt, dry cure, or box cure.

(c) 1/4 ounce in 100 pounds of chopped meat and/or meat by–products.

(12) Harmless synthetic flavoring may be added to products for which they are approved by the department, and declared as "artificial flavoring" as required under parts 14 and 15 of this chapter.

(13) Coloring matter and dyes which are approved by the department when declared as required under parts 15 and 16 of this chapter may be mixed with rendered fats. The following coloring matters and dyes are acceptable in rendered fats: The natural coloring matters alkanet, annatto, carotene, cochineal, green chlorophyl, saffron, and turmeric. No coloring matter or dyes may be added to meat products or casings in which comminuted, chopped or ground products which possess the characteristics of or resemble sausage are placed: *Provided*, That opaque artificial casings may be used.

(14) The preparation of a ham for canning shall not result in an increase in weight of more than 8 percent over the weight of the fresh uncured ham; that is, the weight of the boneless cured ham at the time of canning, plus the weight of the skin, bones, fat and trimmings removed from the ham, shall not exceed 108 percent of the weight of the fresh uncured ham.

(15) For the purpose of preventing coagulation citric acid or sodium citrate with or without water may be added to fresh beef blood in an amount not to exceed 2/10 of 1 percent of the total mixture. When water is used to make a solution of the citric acid or sodium citrate added to the beef blood, not more than two parts of water to one part of citric acid or sodium citrate shall be used.

(16) Harmless bacterial starters of the acidophilus type may be used in the preparation of such kinds of sausage as thuringer, lebanon bologna, cervelat, salami and pork roll in an amount not to exceed 1/2 of 1 percent. When used, the harmless bacterial starter shall be

included in the list of ingredients in the order of its predominance as required by parts 14 and 15 of this chapter. [Order 801, Regulation 16.04, effective 3/22/60.]

WAC 16-12-895 Samples to be taken without cost to department. Samples of products, water, dyes, chemicals, preservatives, spices, or other articles in any establishment shall be taken, without cost to the department, for examination, as often as may be deemed necessary for the efficient conduct of the inspection. [Order 801, Regulation 16.05, effective 3/22/60.]

WAC 16-12-900 Canning with heat processing and hermetically sealed container--Cleaning container--Closure--Code marking--Heat processing--Incubation. (1) Containers shall be cleaned thoroughly immediately before filling, and precaution must be taken to avoid soiling the inner surfaces subsequently.

(2) Container of metal, glass, or other material shall be washed in an inverted position with running water at a temperature of at least 180°F. The container-washing equipment shall be provided with a thermometer to register the temperature of the water used for cleaning the containers.

(3) Nothing less than perfect closure is acceptable for hermetically sealed containers. Heat processing shall follow promptly after closing.

(4) Careful inspection shall be made of the containers by competent establishment employees immediately after closing, and containers which are defectively filled, defectively closed, or those showing inadequate vacuum, shall not be processed until the defect has been corrected. The containers shall again be inspected by establishment employees when they have cooled sufficiently for handling after processing by heating. The contents of defective containers shall be condemned unless correction of the defect is accomplished within 6 hours following the sealing of the containers or completion of the heat processing, as the case may be, except that (a) if the defective condition is discovered during an afternoon run the cans of product may be held in coolers at a temperature not exceeding 38°F. under conditions that will promptly and effectively chill them until the following day when the defect may be corrected; (b) short vacuum or overstuffed cans of product which have not been handled in accordance with the above may be incubated under department supervision, after which the cans shall be opened and the sound product passed for food; and (c) short vacuum or over-stuffed cans of product of a class permitted to be labeled, "perishable, keep under refrigeration" and which have been kept under adequate refrigeration since processing may be opened and the sound product passed for food.

(5) Canned products shall not be passed unless after cooling to atmospheric temperature they show the external characteristics of sound cans; that is, the cans shall not be overfilled; they shall have concave sides, excepting the seam side, and all ends shall be concave; there shall be no bulging; the sides and ends shall conform to the product; and there shall be no slack or loose tin.

(6) All canned products shall be plainly and permanently marked on the containers by code or otherwise with the identity of the contents and the date of canning. The code used and its meaning shall be on record in the office of the inspector.

(7) Canned product must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation when heating is relied on for preservation, with the exception of those canned products which are processed without steam-pressure cooking by permission of the supervisor of the division and labeled "perishable, keep under refrigeration."

(8) Lots of canned products shall be identified during their handling preparatory to heat processing by tagging the baskets, cages, or cans with a tag which will change color on going through the heat processing or by other effective means so as to positively preclude failure to heat process after closing.

(9) Facilities shall be provided to incubate at least representative samples of the product of fully processed canned product. The incubation shall consist of holding the canned product for at least 10 days at about 98°F.

The extent of which incubation tests shall be required depends on conditions such as the record of the establishment in conducting canning operations, the extent to which the establishment furnishes competent supervision and inspection in connection with the canning operations, the character of the equipment used, and the degree to which such equipment is maintained at maximum efficiency. Such factors shall be considered by the inspector in determining the extent of incubation testing at a particular establishment.

In the event of failure by an establishment to provide suitable facilities for incubation of test samples, the inspector may require holding of the entire lot under such conditions and for such period of time as may, in his discretion, be necessary to establish the stability of the product.

The inspector may permit lots of canned product to be shipped from the establishment prior to completion of sample incubation when he has no reason to suspect unsoundness in the particular lots, and under circumstances which will assure the return of the product to the establishment for reinspection should such action be indicated by the incubation results. [Order 801, Regulation 16.06, effective 3/22/60.]

WAC 16-12-905 Contamination of product by flood water, etc.--Procedure for handling. (1) Any product which has been contaminated by unpotable water, smoke or other deleterious agents shall be condemned.

(2) In case of flooding, the establishment shall, under the supervision of an inspector, thoroughly cleanse all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein. After cleansing, a disinfectant approved by the department shall be applied to the surface of the rooms. Where the solution has been applied to equipment which will afterwards contact meat, the equipment shall be rinsed with clean water before being used.

(3) Hermetically sealed containers of product which has been submerged or otherwise contaminated as in subsection (1) of this section shall be rehandled promptly under supervision of an inspector as follows:

(a) Separate and condemn all product the containers of which show extensive rusting or corrosion, such as might materially weaken the container, as well as any swollen, leaky, or otherwise suspicious container.

(b) Remove paper labels and wash the containers in warm soapy water, using a brush where necessary to remove rust or other foreign material, immerse in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine or other disinfectant approved specifically for this purpose by the department, and rinse in clear fresh water and dry thoroughly.

(c) After handling as in subsection (3)(b) of this section, the containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the meat product therein.

(d) The identity of the canned product shall be maintained throughout all stages of the rehandling operations, to insure correct labeling of the containers. [Order 801, Regulation 16.07, effective 3/22/60.]

WAC 16-12-910 Tagging chemicals, preservatives, cereals, spices, etc., "Wash. retained." When any chemical preservative, cereal, spice, or other substance is presented for use in an official establishment, it shall be examined by a division employee, and if found to be unfit or otherwise unacceptable for the use intended, or if final decision regarding acceptance is deferred pending laboratory or other examination, the employee shall attach a "Wash. retained" tag to the substance or container thereof. The substances so tagged shall be kept separate from other substances as the inspector may require, shall not be used until the tag is removed, and such removal shall be only by an inspection after a finding that the substance can be accepted, or, in the case of an unacceptable substance, when it is removed from the establishment. [Order 801, Regulation 16.08, effective 3/22/60.]

WAC 16-12-915 Product for educational uses, laboratory examination, and other purposes. When authorized by the department, product of special type or kind may be shipped or transported from establishments for educational uses, laboratory examination, and other purposes. [Order 801, Regulation 16.09, effective 3/22/60.]

PART 17 - PRESCRIBED TREATMENT OF PORK TO DESTROY TRICHINAE

WAC 16-12-920 Product which doesn't have appearance of being cooked not required to be treated for destruction of trichinae. All forms of fresh pork, including fresh unsmoked sausage containing pork muscle tissue, and pork such as hams, shoulders, shoulder picnics, bacon, and jowls, which are subjected only to curing or to smoking at temperatures that do not impart to the meat the appearance of being cooked, are classed as products that are customarily well cooked in the home or elsewhere before being served to the consumer, therefore, the treatment of such products for the destruction of trichinae is not required. [Order 801, Regulation 17.01, effective 3/22/60.]

WAC 16-12-925 Products containing pork muscle to be treated to destroy trichinae. Products containing pork muscle tissue (including hearts) or the pork muscle tissue which forms an ingredient of such products, including, or of the character of, those hereinafter named, are classed as articles which shall be effectively heated, refrigerated, or cured, as provided by WAC 16-12-930, 16-12-935 or 16-12-940, to destroy any possible live trichinae; bologna; frankfurts; viennas; smoked sausage; knoblauch sausage; mortadella, all forms of summer or dried sausage, including mettwurst; cooked loaves, roasted, baked, boiled or cooked ham; pork shoulder, or pork shoulder picnic; Italian-style ham; Westphalia-style ham; cured meat rolls; capocollo (capicola, capacola); coppa; fresh or cured boneless pork shoulder butts, hams, loins, shoulders, picnics, and similar pork cuts, in casings or other containers in which ready-to-eat delicatessen articles are customarily enclosed; cured boneless pork loin; boneless back bacon (Canadian-style bacon); pork cuts such as hams, shoulders, picnics and butts which are subjected to smoking at sufficiently high temperatures to impart a partially cooked appearance to the meat (ordinarily, such cuts fall in this class when heated to an internal temperature above 120°F.). [Order 801, Regulation 17.02, effective 3/22/60.]

WAC 16-12-930 Heating. All parts of the pork muscle tissue shall be heated to a temperature not lower than 137°F., and the method used shall be one known to insure such a result. On account of differences in methods of heating and in weights and products undergoing treatment it is impracticable to specify details of procedures for all cases.

Procedures which insure the proper heating of all parts of the product shall be adopted. It is important that each piece of sausage, each ham, and other product treated by heating in water be kept entirely submerged throughout the heating period; and that the largest pieces in a lot, the innermost links of bunched sausage or other massed articles, and pieces placed in the coolest part of a heating cabinet or compartment or vat be included in the temperature tests. [Order 801, Regulation 17.03, effective 3/22/60.]

WAC 16-12-935 Refrigeration. (1) At any stage of preparation and after preparatory chilling to a temperature of not above 40°F. or preparatory freezing, all parts of the muscle tissue of pork or product containing such tissue shall be subjected continuously to a temperature not higher than one of those specified in Table 1, the duration of such refrigeration at the specified temperature being dependent on the thickness of the meat or inside dimensions of the container.

TABLE 1
REQUIRED PERIOD OF FREEZING
AT TEMPERATURE INDICATED

TEMPERATURE °F.	GROUP 1 Days	GROUP 2 Days
5	20	30
-10	10	20
-20	6	12

(a) Group 1 comprises products in separate pieces not exceeding six inches in thickness, or arranged on separate racks with the layers not exceeding six inches in depth, or stored in crates or open boxes not exceeding six inches in depth, or stored as solidly frozen blocks not exceeding six inches in thickness.

(b) Group 2 comprises products in pieces, layers or within open containers the thickness of which exceeds six inches but not 27 inches, and product in closed containers including tierces, barrels, kegs and cartons having a thickness not exceeding 27 inches.

(2) The product undergoing such refrigeration or the containers thereof shall be so spaced while in the freezer as will insure a free circulation of air between the pieces of meat, layers, blocks, boxes, barrels and tierces in order that the temperature of the meat throughout will be promptly reduced to not higher than 5°F., -10°F., or -20°F., as the case may be.

(3) During the period of refrigeration the product or lot thereof shall be kept separate from other products and in the custody of the department. Rooms or compartments equipped for being made secure with department lock or seal may be required by the department. The room or compartment containing product undergoing freezing shall be equipped with accurate thermometers placed at or above the highest level at which the product undergoing treatment is stored and away from refrigerating coils. After the prescribed freezing has been finished, the product shall be kept under close supervision of an inspector until it is prepared in final form or until it is transferred under department control to another establishment for preparation in finished form.

(4) Pork which has been refrigerated as herein specified may be transferred in sealed railroad cars, sealed motortrucks, sealed wagons, or seal closed containers to another establishment at the same or another station for use in the preparation of products of a kind customarily eaten without cooking by the consumer. The sealing of closed containers, such as boxes and slack barrels, shall be effected in a manner prescribed by the department. Railroad cars, motor trucks, and wagons shall, when necessary, be sealed with department seals. Properly sealed and marked closed containers may be shipped, with other meat, in unsealed railroad cars, motortrucks and wagons. Containers such as boxes, barrels, and tierces shall be plainly and conspicuously marked with a label or stencil furnished by the establishment, as follows: "Pork meat product _____ degree F. _____ days' refrigeration," indicating the temperature at which the product was refrigerated and length of time so treated. For each consignment there shall be promptly issued and forwarded to the inspector at destination a report to show the character of the containers and that the contents are "pork meat product _____ degree F. _____ days' refrigeration." A duplicate copy should be forwarded to the department. [Order 801, Regulation 17-.04, effective 3/22/60.]

WAC 16-12-940 Curing. (1) **Sausage.** Sausage may be stuffed in animal casings, hydrocellulose casings, or cloth bags. During any state of treating the sausage for the destruction of live trichinae, these coverings shall not be coated with paraffin or like substance, nor shall any sausage be washed during any prescribed period of drying. In the preparation of sausage, any one of the following methods may be used:

(a) **Method No. 1.**
The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3-1/3 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, sausage having a diameter not exceeding 3-1/2 inches, measured at the time of stuffing, shall be held in a drying room not less than 20 days at a temperature not lower than 45°F., except that in a sausage of the variety known as pepperoni, if in casings not exceeding 1-3/8 inches in diameter measured at the time of stuffing, the period of drying may be reduced to 15 days. In no case, however, shall the sausage be released from the drying room in less than 25 days from the time the curing materials are added, except that sausage of the variety known as pepperoni, if in casing not exceeding the size specified, may be released at the expiration of 20 days from the time the curing materials are added. Sausage in casings exceeding 3-1/2 inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room not less than 35 days at a temperature not lower than 45°F., and in no case shall the sausage be released from the drying room in less than 40 days from the time the curing materials are added to the meat.

(b) **Method No. 2.**
The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3-1/3 pounds of salt to each hundredweight of unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed the sausage having a diameter not exceeding 3-1/2 inches, measured at the time of stuffing, shall be smoked not less than 40 hours at a temperature not lower than 80°F., and finally held in a drying room not less than 10 days at a temperature not lower than 45°F. In no case, however, shall the sausage be released from the drying room in less than 18 days from the time the curing materials are added to the meat. Sausage exceeding 3-1/2 inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room, following smoking as above indicated, not less than 25 days at a temperature not lower than 45°F., and in no case shall the sausage be released from the drying room in less than 33 days from the time the curing materials are added to the meat.

(c) **Method No. 3.**
The meat shall be ground or chopped into pieces not exceeding three–fourths of an inch in diameter. A dry–curing mixture containing not less than 3–1/3 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped meat shall be held at a temperature not lower than 34°F. for not less than 36 hours. After being stuffed the sausage shall be held at a temperature not lower than 34°F. for an additional period of time sufficient to make a total of not less than 144 hours from the time the curing materials are added to the meat, or the sausage shall be held for the time specified in a pickle–curing medium of not less than 50° strength (salometer reading) at a temperature not lower than 44°F. Finally, the sausage having a diameter not exceeding 3–1/2 inches, measured at the time of stuffing, shall be smoked for not less than 12 hours. The temperature of the smokehouse during this period at no time shall be lower than 90°F.; and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128°F. Sausage exceeding 3–1/2 inches, but not exceeding 4 inches, in diameter at the time of stuffing shall be smoked, following the prescribed curing, for not less than 15 hours. The temperature of the smokehouse during the 15–hour period shall be at no time lower than 90°F., and for 7 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128°F. In regulating the temperature of the smokehouse for the treatment of sausage under this method, the temperature of 128°F. shall be attained gradually during a period of not less than 4 hours.

(d) **Method No. 4.**
The meat shall be ground or chopped into pieces not exceeding one–fourth of an inch in diameter. A dry–curing mixture containing not less than 2–1/2 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped sausage shall be held as a compact mass, not more than 6 inches in depth, at a temperature not lower than 36°F. for not less than 10 days. At the termination of the holding period, the sausage shall be stuffed in casings or cloth bags not exceeding 3–1/2 inches in diameter, measured at the time of stuffing. After being stuffed, the sausage shall be held in a drying room at a temperature not lower than 45°F. for the remainder of a 35–day period, measured from the time the curing materials are added to the meat. At any time after stuffing, if a concern deems it desirable, the product may be heated in a water bath for a period not to exceed 3 hours at a temperature not lower than 85°F., or subjected to smoking at a temperature not lower than 80°F., or the product may be both heated and smoked as specified. The time consumed in heating and smoking, however, shall be in addition to the 35–day holding period specified.

(2) **Capocollo (Capicola, Capacola).** Boneless pork butts for capocollo shall be cured in a dry–curing mixture containing not less than 4–1/2 pounds of salt per hundredweight of meat for a period of not less than 25 days at a temperature not lower than 36°F. If the curing materials are applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the meat product shall be smoked for a period of not less than 30 hours at a temperature not lower than 80°F., and shall finally be held in a drying room not less than 20 days at a temperature not lower than 45°F.

(3) **Coppa.** Boneless pork butts for coppa shall be cured in a dry–curing mixture containing not less than 4–1/2 pounds of salt per hundredweight of meat for a period of not less than 18 days at a temperature not lower than 36°F. If the curing mixture is applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry–salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the product shall be held in a drying room not less than 35 days at a temperature not lower than 45°F.

(4) **Hams.** In the curing of hams either of the following methods may be used:

(a) **Method No. 1.**
The hams shall be cured by a dry–salt curing process not less than 40 days at a temperature not lower than 36°F. The hams shall be laid down in salt, not less than 4 pounds to each hundredweight of hams, the salt being applied in a thorough manner to the lean meat of each ham. When placed in cure the hams may be pumped with pickle if desired. At least once during the curing process the hams shall be overhauled and additional salt applied, if necessary, so that the lean meat of each ham is thoroughly covered. After removal from cure the hams may be soaked in water at a temperature not higher than 70°F. for not more than 15 hours, during which time the water may be changed once; but they shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The hams shall finally be dried or smoked not less than 10 days at a temperature not lower than 95°F.

(b) **Method No. 2.**
The hams shall be cured by a dry–salt curing process at a temperature not lower than 36°F. for a period of not less than 3 days for each pound of weight (green) of the individual hams. The time of cure of each lot of hams placed in cure should be calculated on a basis of the weight of the heaviest ham of the lot. Hams cured by

this method, before they are placed in cure, shall be pumped with pickle solution of not less than 100° strength (salometer), about 4 ounces of the solution being injected into the shank and a like quantity along the flank side of the body bone (femur). The hams shall be laid down in salt, not less than 4 pounds of salt to each hundredweight of hams, the salt being applied in a thorough manner to the lean meat of each ham. At least once during the curing process the hams shall be overhauled and additional salt applied, if necessary, so that the lean meat of each ham is thoroughly covered. After removal from the cure the hams may be soaked in water at a temperature not higher than 70°F. for not more than 4 hours, but shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The hams shall then be dried or smoked not less than 48 hours at a temperature not lower than 80°F., and finally shall be held in a drying room not less than 20 days at a temperature not lower than 45°F.

(5) **Boneless pork loins and loin ends.** In lieu of heating or refrigerating to destroy trichinae in boneless loins, the loins shall be cured for a period of not less than 25 days at a temperature not lower than 36°F. by the use of one of the following methods:

(a) **Method No. 1.**

A dry–salt curing mixture containing not less than 5 pounds of salt to each hundredweight of meat.

(b) **Method No. 2.**

A pickle solution of not less than 80° strength (salometer) on the basis of not less than 60 pounds of pickle to each hundredweight of meat.

(c) **Method No. 3.**

A pickle solution added to the approved dry–salt cure provided the pickle solution is not less than 80° strength (salometer).

After removal from cure, the loins may be soaked in water for not more than 1 hour at a temperature not higher than 70°F. or washed under a spray but shall not be subjected, during or after the curing process, to any other treatment designed to remove salt.

Following curing, the loins shall be smoked for not less than 12 hours. The minimum temperature of the smokehouse during this period at no time shall be lower than 100°F., and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 125°F.

Finally, the meat product shall be held in a drying room for a period of not less than 12 days at a temperature not lower than 45°F. [Order 801, Regulation 17.05, effective 3/22/60.]

WAC 16-12-945 Automatic recording thermometers required when necessary. When necessary to comply with the instructions in part 17 of this chapter, the smokehouses, drying rooms, and other compartments used in the treatment of pork to destroy trichinae shall be suitably equipped, by the establishment, with accurate automatic recording thermometers. The department may approve for use in sausage smokehouses, drying rooms, and other compartments, such automatic recording thermometers as are found to give satisfactory service. [Order 801, Regulation 17.06, effective 3/22/60.]

WAC 16-12-950 Inspectors to follow procedures outlined in administration of part 17. To insure the effective administration of part 17 of this chapter, inspectors who supervise the handling and treatment of pork to destroy live trichinae shall:

(1) Recognize the importance of safeguarding the consumer and follow carefully the instructions concerning the treatment of pork to destroy trichinae.

(2) Check the internal temperature, with the department thermometers, of products subjected to the heating method.

(3) Test frequently, with department thermometers, the reliability of establishment thermometers (including automatic recording thermometers) and reject for use any found to be inaccurate and unreliable.

(4) Observe department thermometers carefully in order that none be used which have become defective or of questionable accuracy.

(5) Supervise in a methodical manner the handling, in drying, refrigerating, and curing departments, of pork product under treatment for the destruction of live trichinae, and keep conveniently available, at the official establishment for department use, such records as may be necessary and informative of each lot of product under treatment. [Order 801, Regulation 17.07, effective 3/22/60.]

PART 18 - REPORTS

WAC 16-12-955 Inspection reports. Reports of the work of inspection carried on in each establishment and elsewhere shall be forwarded to the department by the inspector assigned to the establishment, on such forms and in such manner as may be specified by the department. [Order 801, Regulation 18.01, effective 3/22/60.]

WAC 16-12-960 Reports of amounts of articles handled or prepared. Inspectors shall make reports as required on the amounts of articles handled or prepared to which they are assigned, and of such other things as the department may require. [Order 801, Regulation 18.02, effective 3/22/60.]

WAC 16-12-965 Establishment to furnish information for reports. Each establishment shall furnish to the inspector or authorized representatives accurate information as to all matters needed by him for making his reports. [Order 801, Regulation 18.03, effective 3/22/60.]

WAC 16-12-970 Reports on sanitation. Reports on sanitation shall be made by inspectors assigned to establishments to the field supervisor assigned to the establishment, and by the latter, to the department. [Order 801, Regulation 18.04, effective 3/22/60.]

PART 19 - INSPECTION AND HANDLING OF HORSE MEAT AND HORSE MEAT PRODUCTS

WAC 16-12-975 Establishments required to have inspection. Every establishment in which horses are slaughtered, or in which carcasses, parts of carcasses, meat, products, or meat food products of, or derived from horse meat, are wholly or in part canned, cured, smoked, salted, packed, rendered, or otherwise prepared, which are capable of being used as food for man, shall have inspection under this chapter. [Order 801, Regulation 19.01, effective 3/22/60.]

WAC 16-12-980 Slaughter of horses and preparation of meat thereof--Separate establishments. The slaughter of horses and the preparation and handling of the meat and meat food products thereof shall be conducted in establishments separate and apart from any establishment in which cattle, sheep, swine, or goats are slaughtered, or the meat or meat food products thereof are prepared or handled. [Order 801, Regulation 19.02, effective 3/22/60.]

WAC 16-12-983 Ante mortem inspection. (1) An ante mortem examination and inspection shall be made of all horses about to be slaughtered in an official establishment before their slaughter shall be allowed. Such inspection shall be made on the day of slaughter.

(2) All animals shall be observed closely while at rest and in motion for action and general appearance and for such conditions as fistulous withers, poll evil, melanotic tumors, respiratory disturbances and cripples of various kinds.

(3) Animals showing conditions which would cause or result in condemnation on post mortem inspection and horses having a rectal temperature of 105°F. or above shall be condemned on ante mortem inspection. [Order 801, Regulation 19.03, effective 3/22/60.]

WAC 16-12-985 Affections requiring condemnation on ante mortem or post mortem inspection--Glanders and dourine suspect. (1) All horses found upon either ante mortem or post mortem inspection or examination to be affected with strangels, purpura haemorrhagica, azoturia, forage poisoning, or so-called cerebrospinal meningitis, dourine, acute influenza, generalized osteoporosis, glanders, farcy, infectious equine encephalomyelitis, or malignant disorder, acute inflammatory lameness or extensive fistula, shall be condemned.

(2) Any horse which is suspected on the ante mortem inspection of being infected with glanders shall be tested with mallein; and any horse which, on physical examination, is suspected of being affected with dourine shall be held for further examination or for such test as the department may prescribe. [Order 801, Regulation 19-.04, effective 3/22/60.]

WAC 16-12-988 Horse carcasses, meat and meat food products thereof--Marking and labeling. All horse carcasses, parts of carcasses, meat and meat food products thereof shall be conspicuously marked, branded, labeled, or tagged "horse meat" or "horse meat product." Only green ink shall be used in branding horse meat and horse meat product with the mark of inspection. [Order 801, Regulation 19.05, effective 3/22/60.]

WAC 16-12-991 Horse meat or meat food products thereof--Meat labels. The meat inspection label for horse meat or meat food products thereof shall be printed on paper, light green in color. The legend composing the body of each label shall be as follows: "The horse meat or meat food product thereof contained herein has been inspected and passed by the Washington department of agriculture," and in lieu of the phrase "meat inspection label" there shall be printed thereon the phrase "horse meat label." [Order 801, Regulation 19.06, effective 3/22/60.]

WAC 16-12-994 Applicability of meat inspection regulations to horse meat and meat food products thereof. All the provisions of the Washington meat inspection regulations and amendments thereto governing meat inspection in conformity with the provisions of chapter 16.49 RCW, unless specifically inapplicable, are hereby made applicable to the inspection and handling of horse meat and meat food products thereof and the animals from which they are derived. [Order 801, Regulation 19.07, effective 3/22/60.]

PART 20 - LIVESTOCK SCALES

WAC 16-12-997 Livestock scales to be accessible. Livestock scales used for commercial purposes must be readily accessible for testing and must conform to the requirements set forth in the Weights and Measures Act, chapter 291, Laws of 1959, and regulations promulgated thereunder as well as regulations promulgated under the Livestock Marketing Act, chapter 107, Laws of 1959. [Order 801, Regulation 20.01, effective 3/22/60.]

Chapter 16-20 WAC

CUSTOM SLAUGHTERER--HANDLING OF CUSTOM MEAT FOOD ANIMAL CARCASSES AT MEAT HANDLING ESTABLISHMENTS

WAC

16-20-001 Promulgation.
16-20-010 Definitions.
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16-20-040 Inedible storage and handling facilities.
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16-20-060 Scabbards for knives.
16-20-070 Operations and procedures to be clean and sanitary.
16-20-080 Viscera to be removed at time of slaughter.
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16-20-100 Persons keeping hands and implements clean.
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16-20-120 Identification—Carcasses and parts to be stamped.
16-20-130 Identification—Carcass identification at meat handling establishment.

16-20-140 Identification—Slaughtered animal handling certificates.

WAC 16-20-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.49 RCW as amended by chapter 120, Laws of 1967 ex. sess., after due notice as provided under chapters 34-.04 and 42.32 RCW, and a public hearing held in Olympia on September 13, 1967 do promulgate the following regulations. [Order 1070, Promulgation, filed 9/28/67, effective 11/1/67; Order 802, Promulgation, effective 3/18/60; Order 803, effective 3/18/60. Formerly codified as WAC 16-16-001.]

WAC 16-20-010 Definitions. For the purposes of regulations contained in this order the following definitions as they appear in chapter 16.49 RCW shall apply.

(1) "Carcass" means all or any parts, including viscera, of a slaughtered animal capable of being used for human food.

(2) "Custom farm slaughterer" means any person licensed pursuant to the provisions of chapter 16.49 RCW, the State Meat Inspection Act, and who may under such license engage in the business of slaughtering meat food animals for the owner or owners thereof.

(3) "Department" means the department of agriculture of the state of Washington.

(4) "Meat" means the carcass, parts of carcass, meat and meat food products derived in whole or in part from meat food animals.

(5) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

For purposes of regulations contained in chapter 16-20 WAC, the following additional definitions shall apply:

(6) "Equipment" means all machinery, fixtures, containers, utensils, vessels, tools, implements, vehicles or apparatus used by a custom farm slaughterer in the process of slaughtering meat food animals, dressing the carcasses and transporting the inedible parts thereof from the place of slaughter to their destination.

(7) "Meat food animal" means live cattle, sheep, swine, and goats.

(8) "Meat handling establishment" means any place of business not operating under state or federal meat inspection at which meat is stored, frozen, cut, wrapped, sold or otherwise prepared.

(9) "Identifying" means that each half, quarter, and edible part of slaughtered food animal carcasses shall be marked, stamped or tagged in a manner approved by the director, for the purpose of tracing such part to the person doing the slaughtering. This may be by means of stamping with edible ink or dye or by a lock seal, as approved by the director, or other means of identification approved by the director.

(10) "Unwholesome" includes meat products which may be diseased, contaminated, putrid, unsound, unhealthful, or otherwise unfit for human food and meat animals which may be unfit for slaughter for any reason which would make meat products from them unfit for human food. [Order 1070, Regulation 1, filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.01, effective 3/18/60; Order 803, Regulation 1.02, effective 3/18/60. Formerly codified as WAC 16-16-010.]

WAC 16-20-020 Equipment--Sanitary conditions--Requirements. Equipment used in custom farm slaughtering shall be maintained in a sanitary condition. Compliance with the requirements specified in this order will be deemed necessary for minimum sanitary conditions. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.02, effective 3/18/60. Formerly codified as WAC 16-16-020.]

WAC 16-20-030 Impervious surfaces. Surfaces of all equipment including but not limited to the inside of the truck and/or trailer body, floor, walls, doors, and ceiling; bleeding and dressing hoist parts and other parts of all structures shall be constructed and finished with material constructed, designed, and installed so as to be capable of being readily and thoroughly cleaned. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.03, effective 3/18/60. Formerly codified as WAC 16-16-030.]

WAC 16-20-040 Inedible storage and handling facilities. (1) Handling facilities and removal of inedible material. All material produced through slaughter activity such as inedible offal and hides which may tend to cause slaughtering area to become insanitary must immediately, upon completion of actual slaughter of animal, be removed from the slaughtering area and disposed of in a completely sanitary manner; either by burning, burial or immediately disposed of by a licensed renderer, except the hide may be removed to a satisfactory place of storage.

(2) Containers for inedible material. No material such as inedible offal and hides likely to soil, contaminate or otherwise render meat unwholesome shall be placed on the truck or trailer body where meat is placed unless such material is first placed in clean, tightly enclosed waterproof containers. [Order 1070, Regulation 2, §§ 3, 4, filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.04, effective 3/18/60.]

WAC 16-20-050 Utensils susceptible of cleaning. Utensils and tools used for slaughtering and dressing carcasses shall be of such materials and construction as will make them susceptible of being readily and thoroughly cleaned. So far as is practicable, such equipment shall be made of metal or other impervious material. All tools when not in use shall be stored in a clean, impervious container. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.05, effective 3/18/60.]

WAC 16-20-060 Scabbards for knives. Scabbards and similar devices for the temporary retention of knives, steels, etc., shall be constructed of rust-resisting

metal or other impervious materials; shall be of a type that may be readily cleaned; and shall be kept clean. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.06, effective 3/18/60.]

WAC 16-20-070 Operations and procedures to be clean and sanitary. Operations and procedures involving the preparation, storing or handling of meat shall be strictly in accord with clean and sanitary methods. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.07, effective 3/18/60.]

WAC 16-20-080 Viscera to be removed at time of slaughter. Viscera of all meat food animals shall be separated from the carcass at time of slaughter on the premises where the animal is slaughtered. Feet shall be removed from all meat food animals except hogs, and head shall be removed from beef on the premises where the animal is slaughtered. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67.]

WAC 16-20-090 Meat to be properly protected while in transit. Meat shall be wrapped or otherwise adequately protected against soilage from dust, dirt or other such agents while being transported on the highways by a custom farm slaughterer. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.09, effective 3/18/60.]

WAC 16-20-100 Persons keeping hands and implements clean. Persons who dress or handle diseased carcasses or parts shall, before handling or dressing other carcasses or parts, cleanse their hands with soap and hot water, and rinse them in clean water. Implements used in dressing carcasses in which a disease condition is found shall be thoroughly cleansed in boiling water or in a suitable disinfectant, followed by rinsing in clean water. Persons who handle meat shall keep their hands clean. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.00, effective 3/18/60.]

WAC 16-20-110 Clothing, clean. Aprons, frocks, and other outer clothing worn by persons who handle any meat shall be of a material that is readily cleansed and only clean garments shall be worn. [Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.10, effective 3/18/60.]

WAC 16-20-120 Identification--Carcasses and parts to be stamped. (1) Each custom farm slaughterer shall obtain from the department an official number. The outer surface of each quarter of each carcass and edible part of a meat food animal slaughtered by custom farm slaughterer shall be marked with the custom farm slaughterer's number and identified in a manner approved by the director.

(2) No person shall transport on the highways, meat slaughtered by a custom farm slaughterer unless it is so identified as is herein provided. [Order 1070, Regulation 3 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.20, effective 3/18/60.]

WAC 16-20-130 Identification--Carcass identification at meat handling establishment. Carcasses or parts of carcasses that are properly identified by the custom farm slaughterer may be received and handled in a manner that leaves the identifying mark on the carcass as so placed by the slaughterer. [Order 1070, Regulation 3 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.20 (part), effective 3/18/60; Order 803, Regulation 1.02 , effective 3/18/60. Formerly codified as WAC 16-16-020.]

WAC 16-20-140 Identification--Slaughtered animal handling certificates. The owner or owners thereof of an animal, or the custom farm slaughterer, or the operator of the locker plant, meat shop or other meat handling establishment shall prepare a slaughtered animal handling certificate for each animal so slaughtered as described herein. A copy of the certificate must accompany all slaughtered animals within the state. Original of the certificate must be sent to department of agriculture, Olympia at least by first day of each month; duplicate to be retained by owner or owners of the slaughtered animal, triplicate to be retained by operator of the meat handling establishment handling the carcass or part thereof and quadruplicate to be retained by the slaughterer. The name or names of each owner or owners thereof of the carcass shall appear on the handling certificate. Owners, custom farm slaughterers and operators of meat handling establishments must have copies of the slaughtered animal handling certificate in their possession for each animal carcass they receive. [Order 1070, Regulation 3 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.20 (part), effective 3/18/60; Order 803, Regulation 1.03, effective 3/18/60. Formerly codified as WAC 16-16-030.]

Chapter 16-21 WAC
CUSTOM SLAUGHTER PLANTS

WAC

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WAC 16-21-001 Promulgation. I, Virgil Cunningham, acting director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 204, Laws of 1959 (chapter 16.49 RCW) after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on October 4, 1961, do promulgate the following regulations. [Order 869, Promulgation, filed 10/27/61.]

WAC 16-21-010 Definitions. For purposes of regulations contained in these regulations the following definitions as they appear in chapter 16.49 RCW shall apply:

(1) "Carcass" means all or any parts, including viscera, of a slaughtered meat food animal capable of being used for human food;

(2) "Department" means the department of agriculture of the state of Washington;

(3) "Director" means the director of the department or his duly appointed representative;

(4) "Equipment" means all machinery, fixtures, containers, vessels, tools, implements, and apparatus used in and about an establishment and vehicles used to transport meat;

(5) "Meat" means the carcass, parts of carcass, meat and meat food products derived in whole or in part from meat food animals;

(6) "Meat by-product" means any edible part other than meat which has been derived from one or more meat food animals;

(7) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be;

(8) "Meat food animal" hereinafter known as animal means live cattle, sheep, swine, goats, horses, mules or burros;

(9) "Operator" includes any owner, lessee, or manager of an establishment;

(10) "Unwholesome" includes meat products which may be diseased, contaminated, putrid, unsound, unhealthful, or otherwise unfit for human food and meat animals which may be unfit for slaughter for any reason which would make meat products from them unfit for human food;

(11) "Custom slaughtering establishment" means any slaughtering establishment licensed to operate under chapter 16.49 RCW as amended;

(12) "Roll stamping" or "stamped" means roll stamping the full length of each half or quarter of a carcass derived from a meat food animal slaughtered by a custom slaughterer with the words "not inspected – custom plant No. _____," in letters not less than three-eighths of an inch in height. [Order 869, Regulation 1, filed 10/27/61.]

SANITATION

WAC 16-21-020 Maintaining sanitary premises. Establishments or premises on or in which animals are slaughtered or held or in which products are prepared or handled shall be maintained in a sanitary condition. Compliance with the requirements specified in WAC 16-21-025 through 16-21-165 will be deemed necessary for minimum sanitary conditions. [Order 869, Regulation 2, filed 10/27/61.]

WAC 16-21-025 Sufficient light. There shall be sufficient light consisting of not less than 20 foot candles of over-all intensity of artificial illumination in all operating rooms. [Order 869, Regulation 3, filed 10/27/61.]

WAC 16-21-030 Adequate ventilation. There shall be adequate ventilation for all rooms and compartments to prevent condensation of moisture and to carry off odors and vapors. [Order 869, Regulation 4, filed 10/27/61.]

WAC 16-21-035 Adequate drainage. There shall be a sufficient number of drains to carry off waste accumulations and water according to the volume of slaughter and other relevant factors. Each, including blood drains shall be equipped with a deep seal (P-, U-, or S-shaped) trap; shall be a minimum inside diameter of 4 inches and shall be provided with rodent screens and be properly vented to the outside air. Unless otherwise specified in these regulations, all plumbing shall conform to applicable requirements of the plumbing codes effective within the particular jurisdiction, or, in their absence, to the requirements of recognized plumbing codes such as the National Plumbing Code ASA A40.8, or the Western Plumbing Official's Association, Uniform Plumbing Code. Waste disposal facilities shall conform to the requirements of the pollution control commission. Domestic sewage shall be disposed of in conformity with the requirements of the jurisdictional health department. Toilet soil lines shall be separate from slaughterhouse drainage lines to a point outside the buildings and

drainage from toilet bowls and urinals shall not be discharged into a grease catch basin. [Order 869, Regulation 5, filed 10/27/61.]

WAC 16-21-040 Water supply. There shall be sufficient water to meet all operating demands. The water shall pass the test prescribed for potability in the "drinking water standards" promulgated by the United States Public Health Service, Department of Health, Education and Welfare, new standards of 1961. Water shall be delivered from plant outlets at a minimum flow pressure of 45 pounds per square inch. The water supply shall be effectively protected against contamination and pollution. [Order 869, Regulation 6, filed 10/27/61.]

WAC 16-21-045 Hot water. The following shall be provided:

(1) Hot water of at least 180°F. at hose outlets, sufficient in amount to thoroughly clean all surfaces and equipment which are subject to contamination by the dressing or handling of diseased carcasses, their viscera and parts.

(2) Hot water of at least 140°F. at hose outlets sufficient in amount to assure thorough cleaning of all rooms and equipment in addition to those mentioned in paragraph (1) above.

(3) Hose connections for cleanup purposes at such places as are necessary to assure thorough cleaning of all rooms and equipment. Suitable racks or reels for storing the hose when not in use. [Order 869, Regulation 7, filed 10/27/61.]

WAC 16-21-050 Impervious surfaces. Floors in rooms in which flushing of the floors with water is required for adequate cleaning must be constructed of impervious material susceptible to proper cleaning such as concrete, tile or paving brick. They must be finished so as to enable proper cleaning. Walls in operating departments must be surfaced with a material which is susceptible to being properly cleaned to the height which the surface becomes soiled under normal operating conditions. Wooden structures are absorbent and difficult to keep clean, hence their use must be kept at a minimum. Ceilings must be smooth finished and capable of being properly cleaned. All coolers must be ceiled. All exposed wood surfaces must be smooth and painted or properly sealed. [Order 869, Regulation 8, filed 10/27/61.]

WAC 16-21-055 Slaughtering facilities and minimum dimensions. Slaughtering departments must have adequate floor space for the rate of slaughter and be arranged to assure sanitary conduct of operations. There must be sufficient clearance from the lowest point of all carcasses suspended from the dressing rail to the floor to avoid contamination of the carcasses. [Order 869, Regulation 9, filed 10/27/61.]

WAC 16-21-060 Cooler facilities. Adequate refrigerated facilities for the chilling and storage of carcasses and products shall be provided. The carcass chill cooler and holding coolers must have mechanical refrigeration capable of maintaining a temperature of 35°F. or lower, when loaded to capacity. When overhead refrigerating facilities are provided, insulated drip pans must be installed beneath them, and the pans properly connected to the drainage system or to other suitable facilities. If wall coils are installed, a drip gutter of impervious material and connected with the drainage system must be installed beneath the coils. In no event shall the clearance between a hanging carcass and the floor be less than that necessary to avoid contamination from the floor. [Order 869, Regulation 10, filed 10/27/61.]

WAC 16-21-065 Sterilizing facilities. Properly located sterilizing receptacles constructed of rust resisting metal and of sufficient size for complete immersion of butcher tools, and other implements shall be provided in the slaughter room, and at other places where operations are likely to result in the contamination of such equipment and utensils. Such receptacles shall be provided with a means of heating the water contained therein to 180°F. and maintaining it at that temperature during the entire operation. The sterilizers must be constructed so that they may be drained after each day's use. [Order 869, Regulation 11, filed 10/27/61.]

WAC 16-21-070 Lavatory facilities. Lavatory facilities shall be maintained at such places as necessary to assure cleanliness for all persons handling meat products. Such facilities must include hot and cold running water, liquid soap and towels and must be maintained in a clean and sanitary condition. [Order 869, Regulation 12, filed 10/27/61.]

WAC 16-21-075 Flush toilets and dressing room facilities. A modern conveniently located flush type toilet shall be furnished. Such facilities must be fly-tight, properly ventilated, and heated. The toilet room must not open directly into any room where products are prepared, processed, stored or handled. The doorway between the toilet room and intervening room must have a tight, full-height self-closing door. If the toilet room is not an outside room, it must be properly vented to the outside and forced ventilation provided. [Order 869, Regulation 13, filed 10/27/61.]

WAC 16-21-080 Inedible and condemned storage and handling facilities. (1) Adequate facilities for the sanitary handling and storage of inedible offal and for sterilizing equipment in which inedible materials are transported shall be provided. These shall include one or more properly located enclosed rooms. Hot and cold water shall be provided at outlets in the inedible handling room. The necessary doors communicating inedible storage rooms with rooms where edible products are handled shall be metal clad, self-closing and tight fitting. Vertical hide, pelt, and inedible viscera chutes connecting edible product departments with inedible product departments must be covered with a hood with a self-closing door and vented to the outside with a vent stack at least 10" in diameter.

(2) A separate refrigerated room capable of maintaining a temperature of 40°F. or less shall be provided for the storage of inedible material at plants which store such material for a period longer than 24 hours. Such rooms shall be of sanitary construction and shall have impervious floors, walls, and ceiling. The floors shall be water–tight and shall be properly sloped and provided with drains leading to the plant sewage disposal system.

(3) Rooms and compartments in which inedible meat is rendered, shall be fly–tight, and shall be separated from other rooms wherein products are handled, by walls equipped with a tight, self–closing door.

(4) All tanks and equipment used for rendering or preparing inedible meat shall be in rooms or compartments separate from those used for rendering or preparing edible products.

(5) Tanks, fertilizers, driers and other equipment used in the preparation of inedible meat shall be properly equipped with condensers and other appliances which will acceptably suppress odors incident to such preparations. [Order 869, Regulation 14, filed 10/27/61.]

WAC 16-21-085 Rooms, compartments, etc., to be clean and sanitary. Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any meat, and all other parts of the establishment, shall be kept clean and in sanitary condition. All equipment must be thoroughly cleaned following each day's operations. There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or places where meat is prepared, stored or otherwise handled. Sawdust, if used in coolers, must be changed whenever soiled. [Order 869, Regulation 15, filed 10/27/61.]

WAC 16-21-090 Operations and procedures to be clean and sanitary. Operations and procedures involving the preparation, storing or handling of any meat shall be strictly in accord with clean and sanitary methods.

(1) The slaughter floor shall be kept reasonably free of blood, fat, scraps, etc. Water shall not be permitted to splash from the floor upon unprotected carcasses on the bed or on the half hoist. The bed shall be reasonably clean before the carcass is lowered. Clean water–tight metal containers in good repair and free from objectionable odors, shall be provided at convenient locations for the reception of feet, tails, ears, pizzles, or other inedible material. Evisceration must be performed in such manner as to avoid contamination of the carcass with ingesta or fecal material.

(2) Carcasses must be washed with water under pressure from a spray nozzle. Towels, rags, cloths, brushes of any kind, or water dipped out of a drum or containers are not permissible. Metal drums or containers of water shall not be used for washing hands, tools, or parts of carcasses, nor for flushing the floor. A carcass which has been contaminated by manure (in excessive quantities) or by pus must have the contaminated portion removed by trimming before being washed.

(3) Inedible material must not be placed on the slaughter room floor and must be placed in suitable water–tight containers or vehicles until removed from the slaughter room.

(4) Skinned beef heads must not be permitted to come in contact with the floor. The horns, hornbutts, muzzles, and all pieces of hide must be removed before the head is washed. If meat from the head is to be saved, the head must be thoroughly washed individually, and flushed in a head flushing cabinet. This must include a thorough flushing of the mouth, nostrils, and pharynx while the head is hanging in an inverted position. In removing front feet of cattle and calves, care should be taken to expose as little of the flesh of the foreshank as possible.

(5) If meat from calf and vealer heads is to be saved, the heads must be washed individually and flushed (nostrils, mouth, pharynx) in an inverted position in a head flushing booth after all of the horns and hide have been removed from the head. Calves which are of such size that there is not a clearance of at least 8" above the floor, or whose viscera cannot be transferred manually and unaided to the inedible room, must be skinned and eviscerated as cattle. Calves dressed hide–on must be thoroughly washed and cleaned prior to making any incision into the carcass other than the sticking wound, except that the heads of calves and vealers slaughtered by the "Kosher" method should be skinned prior to washing the carcasses.

(6) In slaughtering lambs and sheep, the pelt must be removed and the carcass thoroughly washed and cleaned before any incision is made for evisceration. Adequate precautions must be taken to prevent soilage of the carcass when removing the pelt.

(7) Hog carcasses must be thoroughly washed, cleaned, and singed (when necessary) to remove all hair, scale, scurf, dirt and toenails on the slaughtering floor before any incision is made, other than the stick wound. The forefeet when discarded in the slaughtering department need not be cleaned. Hog heads left on the carcass or saved intact must be thoroughly washed and flushed (nostrils, mouth and pharynx) and have ear tubes and eyelids removed.

(8) Inedible products handling operation.

(a) Paunches shall not be opened in the slaughtering department, except when a power–operated paunch lift table is provided for this purpose.

(b) Except under conditions approved by the department, no inedible offal shall be stored in rooms where edible meat products are handled.

(c) Receptacles used for inedible meat in rooms in which edible products are handled must be in good repair and must be properly sanitized before being used. Inedible and condemned material not rendered at the plant must be held in water–tight metal containers in the inedible offal storage room pending removal to a rendering plant.

(d) Openings between edible and inedible department must be kept closed at all times, except when in actual use, to prevent the entrance of undesirable odors to the slaughtering department.

(9) Carcass chilling operation: Carcasses must be removed from the slaughter room to the chill cooler immediately after dressing and washing is completed. Improperly washed or unclean carcasses may not be brought into the coolers.

Coolers must not be loaded beyond their capacity to properly chill the carcasses and edible offal. Maximum cooler capacity for carcass chilling and holding purposes is based on available rail space in the coolers. Thirty inches of rail space should be allowed for each beef carcass and 18 inches of rail space allowed for each hog carcass. [Order 869, Regulation 16, filed 10/27/61.]

WAC 16-21-095 Rooms and compartments to be free from dust and odors. The rooms and compartments in which any meat is prepared or handled shall be free from dust and odors from dressing and toilet rooms, catch basins, hide cellars, casing rooms, inedible tank and fertilizer rooms and livestock shackling and holding pens. [Order 869, Regulation 17, filed 10/27/61.]

WAC 16-21-100 Rooms and compartments to be free of steam and vapors. Rooms and compartments in which animals are slaughtered or any product is processed or prepared shall be kept sufficiently free of steam and vapors to insure clean operations. The walls, ceiling, and overhead structures of rooms and compartments in which products are prepared, handled, or stored, shall be kept reasonable free from moisture. [Order 869, Regulation 18, filed 10/27/61.]

WAC 16-21-105 Cleaning characteristics and marking of equipment. Equipment and utensils used for preparing, processing, and otherwise handling products shall be of such materials and construction as will make them susceptible to being readily and thoroughly cleaned. Cutting boards may be of hardwood or synthetic materials but equipment such as the framework of boning or cutting tables, scalding vats, hog gambreling tables, offal racks, and trees, product storage racks, and product trucks must be of rust resisting metal or other impervious material. Trucks and receptacles used for inedible materials shall be of similar construction and shall bear some conspicuous and distinctive mark, and shall not be used for handling edible meat products. [Order 869, Regulation 19, filed 10/27/61.]

WAC 16-21-110 Scabbards for knives. Scabbards and similar devices for the temporary retention of knives, steels, triers, etc., shall be constructed of rust resisting metal or other impervious materials, shall be of a type that may be readily cleaned and shall be kept clean. [Order 869, Regulation 20, filed 10/27/61.]

WAC 16-21-115 Persons to keep hands and implements clean. Persons who dress or handle diseased carcasses or parts shall, before handling or dressing other carcasses or parts, cleanse their hands with soap and hot water, and rinse them in clean water. Implements used in dressing diseased carcasses, shall be thoroughly cleansed in boiling water or in a prescribed disinfectant, followed by rinsing in clean water. The persons who handle meat shall keep their hands clean and after visiting the toilet rooms or urinals shall wash their hands before handling any products or implements used in the preparation of meat. [Order 869, Regulation 21, filed 10/27/61.]

WAC 16-21-120 Clean clothing. Shrouds, aprons, frocks, and other outer clothing worn by persons who handle products shall be of cleanable material. Only clean garments shall be worn. Cattle shrouds must be laundered after each use. [Order 869, Regulation 22, filed 10/27/61.]

WAC 16-21-125 Insanitary practices prohibited. Such practices as spitting on whetstones; spitting on the floor; placing skewers, tags, or knives in the mouth; inflating lungs or casings or testing with air from the mouth receptacles intended as containers or any products are prohibited. Care shall be taken to prevent the contamination of products with perspiration, hair, cosmetics, medicaments, or other material. All persons working in departments where exposed edible meat is handled must wear head coverings. [Order 869, Regulation 23, filed 10/27/61.]

WAC 16-21-130 Protective coverings for products. Products shipped from establishments shall be wrapped or otherwise adequately protected against contamination or soilage from harmful chemicals, dust, dirt, insects, and the like. No vehicle which has been used for transporting material likely to soil or contaminate meat shall be used to transport meat unless first thoroughly cleaned and if necessary, disinfected. [Order 869, Regulation 24, filed 10/27/61.]

WAC 16-21-135 Underwrappings when burlap used. The use of burlap as a wrapping for meat will not be permitted unless the meat is first wrapped with a good grade of moisture resistant paper or cloth of a kind which will prevent contamination with lint or other foreign matter. [Order 869, Regulation 25, filed 10/27/61.]

WAC 16-21-140 Lining and cleaning of slack barrels, containers and vehicles. (1) When necessary to avoid contamination of meat with wood splinters, slack barrels and similar containers and vehicles shall be lined with suitable material of good quality before packing.

(2) Slack barrels and similar containers in which meat is transported shall be kept in a clean and sanitary condition.

(3) Paper used for converting or lining slack barrels and similar containers and vehicles shall be of a kind which does not tear during use, but remains intact when moistened by the meat and does not disintegrate. [Order 869, Regulation 26, filed 10/27/61.]

WAC 16-21-145 Second hand containers. Second hand containers may be used as containers of meat providing:

(1) If of nonpervious material such as wood and cardboard, they are clean and properly lined and show no evidence of contamination from decomposed material, harmful chemicals, vermin excreta and the like: *Provided*, That such containers used for meat which is properly wrapped need not be lined. Those showing evidence of contamination may not be used even though reconditioned.

(2) If of impervious material such as steel drums they are capable of being maintained in a sanitary condition and are thoroughly cleaned before being used. [Order 869, Regulation 27, filed 10/27/61.]

WAC 16-21-150 Flies, rats and other vermin—Baits and poisons. Every practicable precaution shall be taken to keep establishments free of flies, rats, mice and other vermin. All windows and doors opening to the outside shall be screened with No. 16 mesh or finer screen. Louvers should be screened only on the top of the baffle so that debris will not collect. Sprays containing DDT or other approved residual–acting chemicals must not be used in edible products departments. The use of poisons for any purpose in rooms or compartments where any unpacked meats are stored or handled is forbidden, except under such restrictions and precautions as the department may prescribe. The use of bait poisons in hide cellars inedible compartments, out–buildings, or similar places, or in storerooms containing canned or tierced products is not forbidden, but only those approved by the department may be used. So–called rat viruses shall not be used in any part of an establishment or the premises thereof. [Order 869, Regulation 28, filed 10/27/61.]

WAC 16-21-155 Exclusion of other animals. Animals other than those in the process of slaughter shall be excluded from rooms in which edible products are handled, stored or prepared. [Order 869, Regulation 29, filed 10/27/61.]

WAC 16-21-160 Care of outer premises. The outer premises of every establishment, embracing docks and areas where vehicles are loaded, and the driveways, approaches, yards, pens, and alleys shall be kept clean and in orderly condition. The accumulation on the premises of establishments of any material in which flies may breed, such as hog hair, bones, paunch contents, or manure, is forbidden, no nuisance shall be allowed in any establishment or on its premises. [Order 869, Regulation 30, filed 10/27/61.]

WAC 16-21-165 Employee health. (1) Employment of diseased persons: No person shall work, nor shall any operator permit any person to work, in any room or rooms where meat is processed, stored, sold, when such person is infected with any disease or condition, transmissible to or through food: *Provided further*, The department may require any person so working to be examined by a physician licensed to practice medicine in this state for the existence of any such disease or condition and provide a statement signed by such physician reciting freedom therefrom.

(2) Every person employed in a slaughterhouse who may contribute to the transmission of infectious diseases through the nature of his contact with meat and/or equipment and facilities shall obtain and place on file with the person in charge of such establishment, a food and beverage service worker's permit as prescribed by chapter 69.06 RCW and the rules and regulations promulgated pursuant thereto. [Order 869, Regulation 31, filed 10/27/61.]

ASSIGNMENT, STAMPING, RECORDKEEPING AND CONDEMNATION OF MEAT

WAC 16-21-200 Schedule of days and hours of operation to be submitted. A schedule of days of operation must be submitted to the department for approval. Operations may not be conducted on days and hours other than those approved without obtaining advance approval of the department. [Order 869, Regulation 32, filed 10/27/61.]

WAC 16-21-205 Assignment of official number. An official number shall be assigned to each establishment. Such numbers shall be used to identify all carcasses at that establishment as required by WAC 16–21–210. [Order 869, Regulation 33, filed 10/27/61.]

WAC 16-21-210 Carcasses and parts to be stamped. Each custom slaughter plant operator shall obtain from the department an official number. The outer surface of each quarter of each carcass and all edible parts of a meat food animal slaughtered by a custom slaughterer shall be roll stamped with the official custom slaughterer's number and the words "not inspected – custom plant No. _____," in letters not less than three–eighths inch in height before leaving the establishment where slaughtered. No person shall transport on the highways, meat slaughtered at a custom slaughter establishment unless it is stamped as herein provided. There shall be an interval no greater than one–half inch between each line of the words "not inspected – custom plant No. _____." [Order 869, Regulation 34, filed 19/27/61.]

WAC 16-21-215 Proof of ownership to be kept by operator. The operator of any custom slaughtering establishment shall have in his possession certificates of permit or other satisfactory proof of ownership of all roll stamped carcasses or parts thereof in his establishment, and such proof of ownership must be kept on file for a period of six months after receipt of the carcass or part of carcass. [Order 869, Regulation 35, filed 10/27/61.]

WAC 16-21-220 Handling of unfit meat. The department shall condemn and make unfit for human consumption any meat which upon examination is found to be unwholesome or which creates an insanitary condition on the premises and/or which may make unwholesome other meat being handled, stored or prepared on such premises. [Order 869, Regulation 36, filed 10/27/61.]

Chapter 16-22 WAC
CUSTOM MEAT SLAUGHTERERS AND HANDLING OF CUSTOM MEAT FOOD ANIMAL CARCASSES AT MEAT HANDLING ESTABLISHMENTS

WAC
16-22-001 Promulgation.
16-22-010 Definitions.
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16-22-030 Custom farm slaughtering establishment—Sanitation.
16-22-040 Custom farm slaughtering establishment—Special slaughter conditions.
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16-22-060 Custom farm slaughtering establishment—Signs.
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16-22-080 Custom farm slaughtering establishment—Facilities and equipment violation of regulations.
16-22-090 Custom farm slaughtering establishment—Reporting of activities.

WAC 16-22-001 Promulgation. I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 16-.49A and 34.04 RCW, do hereby promulgate the following regulations concerning regulations for custom slaughterers and handling of custom meat food animal carcasses at meat handling establishments. [Order 1396, § 16-22-001, filed 3/24/75, effective 9/3/75.]

WAC 16-22-010 Definitions. For the purposes of regulations contained in this order the following definitions as they appear in chapter 16.49A RCW shall apply:

(1) "Carcass" means all or any parts, including viscera, of a slaughtered animal capable of being used for human food;

(2) "Custom farm slaughterer" means any person licensed pursuant to the provisions of chapter 16.49A RCW, the State Meat Inspection Act, and who may under such license engage in the business of slaughtering meat food animals for the owner or owners thereof;

(3) "Department" means the department of agriculture of the state of Washington;

(4) "Meat" means the carcass, parts of carcass, meat and meat food products derived in whole or in part from meat food animals;

(5) "Person" means a natural person, individual, firm partnership, corporation, company, society, and association, and every officer, agent, or employee thereof. This term shall import either the singular or the plural as the case may be;

(6) "Equipment" means all machinery, fixtures, containers, utensils, vessels, tools, implements, vehicles, or apparatus used by a custom farm slaughterer in the process of slaughtering meat food animals, dressing the carcasses and transporting the inedible parts thereof from the place of slaughter to their destination;

(7) "Meat food animal" means live cattle, sheep, swine, and goats;

(8) "Meat handling establishment" means any place of business where uninspected meat is stored, frozen, cut, wrapped, or otherwise prepared;

(9) "Identifying" means that each half, quarter, and edible part of slaughtered food animal carcasses shall be marked, stamped or tagged in a manner approved by the director, for the purpose of tracing such part to the person doing the slaughtering;

(10) "Unwholesome" includes meat products which may be diseased, contaminated, putrid, unsound, unhealthful, or otherwise unfit for human food and meat animals which may be unfit for slaughter for any reason which would make meat products from them unfit for human food. [Order 1396, § 16-22-010, filed 3/24/75, effective 9/3/75.]

WAC 16-22-020 Custom farm slaughter equipment--Sanitary conditions--Requirements. Each mobile custom slaughtering establishment shall have:

(1) A van body completely covering the unit, but which may exclude the driver's cab and the hoist. It is to be made of a material that is nonporous and impervious to moisture. Wood may be used only as internal framing or spacing material between double nonwooden walls. The van body shall be so constructed that it will prevent outside entrance of dust, dirt, and insects. In any type of unit, the construction must be such as to present smooth, durable, easily cleaned surfaces inside and outside.

(a) All vans shall have the joints at the junctions of internal facing surfaces and panels sealed and waterproof. Metal joints shall be smooth and splatter free. If metal is used, only stainless steel, galvanized steel, or aluminum in good condition may be used. Aluminum alloys and fiberglass reinforced resin to be determined depending upon material used. Any insulation used must be of a nonwater absorbent type. Minimum interior dimensions of the van, exclusive of room taken up by tanks and other mounted equipment shall be:

(i) Height – six feet minimum

(ii) Length – six feet

(iii) Width – (when using single center rail for hanging carcasses) – four feet

(iv) Width (when using two rails for hanging carcasses) six feet

(2) A hoist of 2,000 pound capacity, capable of lifting a beef carcass to a height which enables the carcass to clear the ground for bleeding and evisceration. This hoist shall extend outward from the truck body. If a beef spreader is included as part of the equipment, it shall be made of metal.

(3) A sterilizing tank constructed of rust resistant metal, large enough to allow complete immersion of knives, cleavers, hooks, and pans used in the slaughter operation. This sterilizing unit must be filled, during all slaughter operations, with potable water maintained at a temperature of at least 180 degrees F. or an approved cold sterilant if sufficient hot water is available for preliminary cleaning of contaminated equipment prior to sterilizing.

(4) A water tank built into the vehicle. It shall be rust resistant metal construction with a minimum capacity of

40 gallons. No slaughtering operation on any animal may be commenced unless at least 20 gallons of water is in supply. Water will be delivered to the outlets at a minimum of forty pounds per square inch pressure. One hose connection from tank and hose with nozzle to be provided for the purpose of washing down slaughtered carcasses. The water system shall be maintained in a sanitary condition and only potable water shall be put into or delivered from it.

(5) Soap and clean toweling will be maintained in an available manner so that hands and equipment may be washed.

(6) An approved decharacterizing agent must be provided for during all processing times.

(7) Clothing clean: Aprons, frock and other outer clothing worn by persons who handle any meat shall be of a material that is readily cleansed and only clean garments shall be worn. [Order 1396, § 16-22-020, filed 3/24/75, effective 9/3/75.]

WAC 16-22-030 Custom farm slaughtering establishment--Sanitation. (1) Hooks, trolleys and spreaders, used in dressing carcasses, shall be of nonrusting metal or galvanized finish. They shall be clean, free from scale or rust and be given a thorough cleaning, sterilizing, drying and light coat of an edible mineral oil after each use. Hand hooks, knives, steels, and scabbards will be clean at all times. They will be washed and sterilized as needed during operations, to minimize contamination.

(2) All tools and equipment shall be thoroughly sanitized before each operation. Further, they shall be washed and sterilized if contaminated by viscera contents, abcesses, or foreign material during slaughtering operations.

(3) All vans, vehicles, tools and equipment shall be cleaned and sanitized before each day's slaughter operation or at more frequent intervals if required to prevent adulteration of carcasses.

(4) Meat food animal carcasses shall not be transported in the mobile slaughtering unit unless each carcass is hung so that it does not touch the floor except beef carcasses that are dressed with the hide on and are to be delivered to a processing plant within two hours for completion of the dressing procedure. Only two such "hide on" carcasses may be transported at one time under this provision.

(5) Edible offal shall be transported in clean containers of approved materials and shall be properly identified.

(6) If a second animal is to be slaughtered while one carcass is hanging in the van, either the rear doors to the van are to be kept closed or an effective internal separator is to be provided to keep the hanging meat and the portion of the van that it is in from being contaminated from splash, dust, insects, and the like. This separator may be in the form of a double door system or an "air curtain."

(7) No animals, other than scalded and dehaired hogs, and those exempted under Item 4, WAC 16-22-030, may be dressed and transported with the hide on.

(a) Viscera of all meat food animals shall be separated from the carcass at the time of slaughter on the premises where the animal is slaughtered. Feet shall be removed from all meat food animals, except hogs, when scalded, and the head shall be removed from beef on the premises where the animal is slaughtered.

(b) All material produced through the slaughter activity, such as inedible offal and hide which may tend to cause the slaughtering area to become insanitary, must immediately upon completion of actual slaughter of the animal, be removed from the slaughtering area and disposed of in a completely sanitary manner. The licensee shall be responsible for proper disposal of inedible offal and all inedible products. The hide may be removed to a satisfactory place for storage. [Order 1396, § 16-22-030, filed 3/24/75, effective 9/3/75.]

WAC 16-22-040 Custom farm slaughtering establishment--Special slaughter conditions. (1) Except in the case of an animal injured to such extent that immediate slaughter at the place of injury is necessary for humane reasons, a licensee may slaughter an animal only on the premises of the present or first preceding owner of such animal.

(2) A mobile custom slaughtering establishment licensee may slaughter his own animal for his own consumption on any premises, farm, or ranch owned, rented or in any way controlled by him. No other animal may be slaughtered by the licensee on the premises, farm or ranch owned, rented or in any way controlled by him or by members of his immediate family. Licensees under these regulations that are "bonafide farmers" may slaughter more than one animal provided the animals are in his possession more than 60 days.

(3) Whenever a licensee believes that a meat food animal or meat food product is unwholesome, as defined in these regulations, he shall require an examination and declaration of wholesomeness by a licensed veterinarian before proceeding with slaughter or with processing of the carcass. [Order 1396, § 16-22-040, filed 3/24/75, effective 9/3/75.]

WAC 16-22-050 Custom farm slaughtering establishment--Inedible offal. (1) Inedible offal may only be transported by a mobile custom slaughtering establishment under the following conditions:

(a) In a covered, watertight trailer constructed from plans approved by the department and maintained in a sanitary condition at all times; or

(b) In approved sanitary containers, in a separate compartment, in the van body. The compartment will be metal lined. There will be no openings from this compartment to the portion of the van used to transport edible products. All inedible offal containers, such as barrels or tubs, will be made of hard rubber, plastic material or metal. They shall be smooth, easily cleaned and durable. Any metal containers capable of rusting shall be galvanized and oiled or primed and painted. Any operator desiring a variance from these inedible offal transport specifications shall apply to the department for such variance, give full details of construction and the

reasons why each change will be equal to or an improvement on presently required construction.

(2) The only portion of an animal slaughtered by a mobile custom slaughtering establishment operator which he may claim, own, or resell, is the inedible offal and the hide.

(3) Inedible offal shall not be held by an operator more than eighteen hours unless under refrigeration sufficient to effectively retard spoilage and prevent noxious odors. [Order 1396, § 16–22–050, filed 3/24/75, effective 9/3/75.]

WAC 16–22–060 Custom farm slaughtering establishment—Signs. Each mobile custom slaughtering unit shall bear the words "Washington license" followed by the assigned mobile unit number. This will be located in a conspicuous place on the van and the letters of such words and number must be at least three inches in height. [Order 1396, § 16–22–060, filed 3/24/75, effective 9/3/75.]

WAC 16–22–070 Custom farm slaughtering establishment—Identification of carcasses and parts of carcasses. (1) Carcasses or parts of carcasses processed by a mobile slaughtering establishment must be identified in the following manner:

(a) Each operator must obtain from the department, prior to slaughtering an animal, an approved form of tagging device for identifying each carcass slaughtered.

(b) Each carcass slaughtered by the licensee must have affixed to each quarter, prior to departure from the slaughtering site, the department approved identifying tag. The licensee at that time also shall complete the attached "custom slaughter report certificate of permit," giving the name and address of the owner; the signature of the owner or agent; name of consignee if applicable; the date of slaughter and the slaughterer's license number; the species of animal slaughtered and the brand, if any; and the license number of the meat handling establishment if the meat is to be delivered for processing. Edible offal delivered to a meat handling establishment upon arrival shall be stamped "not for sale." [Order 1396, § 16–22–070, filed 3/24/75, effective 9/3/75.]

WAC 16–22–080 Custom farm slaughtering establishment—Facilities and equipment violation of regulations. Upon inspection, if the department finds that any compartment, equipment, utensils, or other parts of any establishment are unclean, insanitary, or are in violation of the law or of WAC 16–22–010 to 16–22–060, the department shall attach a "Washington rejected" notice and tag or other appropriate order thereto. Repair maintenance violations shall be rejected and appropriate time limits for the repair to be effected shall be determined by the department. Any article, item, or compartment shall not be used by the operator or owner thereof until the notice or order is removed or rescinded by the department. No person shall remove such tag or order without authorization from the department. [Order 1396, § 16–22–080, filed 3/24/75, effective 9/3/75.]

WAC 16–22–090 Custom farm slaughtering establishment—Reporting of activities. (1) On the first of each month each custom farm slaughter licensee shall forward to the department in Olympia one completed custom slaughter certificate of permit report for each animal processed during the preceding month.

(2) Custom slaughter certificate of permit reports accumulated between reporting periods must be kept on file at the licensee's principal place of business and made available to the department upon request.

(3) Failure to maintain or submit reports as required, or the making of fraudulent reports, will be reason for suspension or revocation of an establishment license. [Order 1396, § 16–22–090, filed 3/24/75, effective 9/3/75.]

Chapter 16-24 WAC
HUMANE SLAUGHTER OF LIVESTOCK

WAC

16–24–001 Promulgation.
16–24–010 Definitions.
16–24–012 Slaughter by humane method—Violation.
16–24–020 Chemical—Carbon dioxide.
16–24–030 Mechanical—Captive bolt.
16–24–040 Mechanical—Gunshot.
16–24–050 Electrical—Stunning with electric current.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16–24–060 Ritual—Slaughter in accordance with ritual requirements of any religious faith. [Order 804, Regulation 1.06, effective 3/18/60.] Later enactment, see WAC 16–24–012.

WAC 16–24–001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.50 RCW; after due notice as provided under chapters 34.04 and 42.32 RCW and a public hearing held in Olympia on September 13, 1967 do promulgate the following regulations. [Order 1067, Promulgation, filed 9/19/67, effective 10/20/67; Order 804, Promulgation, effective 3/18/60.]

WAC 16–24–010 Definitions. For the purposes of WAC 16–24–010 through 16–24–050: (1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly appointed representative.

(3) "Humane method" means either:

(a) A method whereby the animal is rendered insensible to pain be mechanical, electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast or cut; or

(b) A method in accordance with the ritual requirements of any religious faith whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

(4) "Livestock" means cattle, calves, sheep, swine, horses, mules and goats.

(5) "Packer" means any person engaged in the business of slaughtering livestock.

(6) "Person" means a natural person, individual, firm, partnership, corporation, company, society and association and every officer, agent or employee, thereof. This term shall import either the singular or plural, as the case may be.

(7) "Slaughterer" means any person engaged in the commercial or custom slaughtering of livestock, including custom farm slaughterers.

(8) "Law" – chapter 16.50 RCW, (chapter 31, Laws of 1967).

(9) "Carbon dioxide" – a gaseous form of the chemical formula CO_2.

(10) "Carbon dioxide concentration" – ratio of carbon dioxide gas and atmospheric air.

(11) "Exposure time" – the period of time an animal is exposed to an anesthesia–producing carbon dioxide concentration.

(12) "Anesthesia" – loss of sensation or feeling.

(13) "Surgical anesthesia" – a state of unconsciousness measured in conformity with accepted surgical practices.

(14) "Consciousness" – responsiveness of the brain to the impressions made by the senses.

(15) "Captive bolt" – a stunning instrument which when activated drives a bolt out a barrel for a limited distance. [Order 1067, Regulation 1, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.01, effective 3/18/60.]

WAC 16-24-012 Slaughter by humane method--Violation. (1) No slaughterer or packer shall bleed or slaughter any livestock except by a humane method: *Provided*, That the director may, by administrative order, exempt a person from compliance with this order for a period of not to exceed six months if he finds that an earlier compliance would cause such person undue hardship.

(2) The use of a manually operated hammer, sledge or pole axe is declared to be an inhumane method of slaughter within the meaning of chapter 16–24 WAC.

(3) Any person violating any provision of chapter 16–24 WAC is guilty of a misdemeanor and subject to a fine of not more than two hundred fifty dollars or confinement in the county jail for not more than ninety days.

(4) Nothing in chapter 16–24 WAC shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provisions of this order, ritual slaughter and the handling or other preparation of livestock for ritual slaughter is defined as humane. [Order 1067, Regulations 2–5, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.06, effective 3/18/60. Formerly WAC 16–24–012.]

WAC 16-24-020 Chemical--Carbon dioxide. The slaughtering of calves, sheep, and swine with the use of carbon dioxide gas and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the law.

(1) Administration of gas, required effect; handling.

(a) The carbon dioxide gas shall be administered in a chamber in accordance with this section so as to produce surgical anesthesia in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be exposed to the carbon dioxide gas in a way that will accomplish the anesthesia quickly and calmly, with a minimum of excitement and discomfort to the animals.

(b) The driving or conveying of the animals to the carbon dioxide chamber shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the anesthesia chamber is essential since the induction or early phase of anesthesia is less violent with docile animals. Among other things this requires that, in driving animals to the anesthesia chamber, electrical equipment be used as little as possible and with the lowest effective voltage.

(c) On emergence from the carbon dioxide chamber the animals shall be in a state of surgical anesthesia and shall remain in this condition throughout shackling, sticking and bleeding. Asphyxia or death from any cause shall not be produced in the animals before bleeding.

(2) Facilities and procedures.

(a) General requirements for gas chamber and auxiliary equipment; operator.

(i) The carbon dioxide gas shall be administered in a chamber which accomplishes effective exposure of the animal. Two types of chambers involving the same principle are in common use for carbon dioxide anesthesia. They are the "U" type chamber and the "straight line" type chamber. Both are based upon the principle that carbon dioxide gas has a higher specific gravity than air. The chambers open at both ends for entry and exit of animals and have a depressed central section. Anesthetizing carbon dioxide concentrations are maintained in the depressed central section of the chamber. Effective anesthetization is produced in this section. Animals are driven from holding pens through a pathway constructed of pipe or other smooth metal onto a continuous conveyor device which moves the animals through the chamber. The animals are compartmentalized on the conveyor by impellers synchronized with the conveyor or are otherwise prevented from crowding. Where impellers are used to compartmentalize the animal, a mechanically or manually operated gate will be used to move the animal onto the conveyor. Surgically anesthetized animals are moved from the chamber by the same continuous conveyor that carried them into and through the carbon dioxide gas.

(ii) Flow of animals into and through the carbon dioxide chamber is dependent on one operator. The operation or stoppage of the conveyor is entirely dependent upon this operator. It is necessary that he be skilled, attentive, and aware of his responsibility. Overdosages and death of animals can be brought about by carelessness of this individual.

(b) Special requirements for gas chamber and auxiliary equipment. The ability of anesthetizing equipment to perform with maximum efficiency is dependent on its proper design and efficient mechanical operation. Pathways, compartments, gas chambers, and all other equipment used must be designed to accommodate properly the species of animals being anesthetized. They shall be free from pain producing restraining devices. Injury of animals must be prevented by the elimination of sharp projections or exposed wheels or gears. There shall be no unnecessary holes, spaces, or openings where feet or legs of animals may be injured. Impellers or other devices designed to mechanically move or drive animals or otherwise keep them in motion or compartmentalized shall be constructed of flexible or well padded rigid material. Power activated gates designed for constant flow of animals to anesthetizing equipment shall be so fabricated that they will not cause injury. All equipment involved in anesthetizing animals shall be maintained in good repair.

(c) Gas. Maintenance of a uniform carbon dioxide concentration and distribution in the anesthesia chamber is a vital aspect of producing surgical anesthesia. This may be assured by reasonable accurate instruments which sample and analyze carbon dioxide gas concentration within the chamber throughout anesthetizing operations. Gas concentration shall be maintained uniform so that the degree of anesthesia in exposed animals will be constant. Carbon dioxide gas supplied to anesthesia chambers may be from controlled reduction of solid carbon dioxide or from a controlled liquid source. In either case, the carbon dioxide shall be supplied at a rate sufficient to anesthetize adequately and uniformly the number of animals passing through the chamber. Sampling of gas for analysis shall be made from a representative place or places within the chamber and on a continuing basis. Gas concentrations and exposure time shall be graphically recorded throughout each day's operation. Neither carbon dioxide nor atmospheric air used in the anesthesia chambers shall contain noxious or irritating gases. Each day before equipment is used for anesthetizing animals, proper care shall be taken to mix adequately the gas and air within the chamber. All gas producing and control equipment shall be maintained in good repair and all indicators, instruments, and measuring devices must be available for inspection by department inspectors during anesthetizing operations and at other times. A suitable exhaust system must be provided to eliminate possible overdosages due to mechanical or other failure of equipment. [Order 1067, Regulation 6, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.02, effective 3/18/60.]

WAC 16-24-030 Mechanical--Captive bolt. The slaughtering of cattle, calves, sheep, swine, goats, horses and mules by using captive bolt stunners and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the law. (1) Application of stunners, required effect; handling.

(a) The captive bolt stunners shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.

(b) The driving of the animals to the stunning areas shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the stunning areas is essential since accurate placement of stunning equipment is difficult on nervous or injured animals. Among other things, this requires that, in driving animals to the stunning areas, electrical equipment be used as little as possible and with the lowest effective voltage.

(c) Immediately after the stunning blow is delivered the animals shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.

(2) Facilities and procedures.

(a) General requirements for stunning facilities; operator.

(i) Acceptable captive bolt stunning instruments may be either skull penetrating or nonpenetrating. The latter type is also described as a concussion or mushroom type stunner. Penetrating instruments on detonation deliver bolts of varying diameters and lengths through the skull and into the brain. Unconsciousness is produced immediately by physical brain destruction and a combination of changes in intracranial pressure and acceleration concussion. Nonpenetrating or mushroom stunners on detonation deliver a bolt with a flattened circular head against the external surface of the animal's head over the brain. Diameter of the striking surface of the stunner may vary as conditions require. Unconsciousness is produced immediately by a combination of acceleration concussion and changes in intracranial pressures. A combination instrument utilizing both penetrating and nonpenetrating principles is acceptable. Energizing of instruments may be accomplished by detonation of measured charges of gunpowder or accurately controlled compressed air. Captive bolts shall be of such size and design that, when properly positioned and activated, immediate unconsciousness is produced.

(ii) To assure uniform unconsciousness with every blow, compressed air devices must be equipped to deliver the necessary constant air pressure and must have accurate constantly operating air pressure gauges. Gauges must be easily read and conveniently located for use by the stunning operator and the inspector. For purposes of protecting employees, inspectors, and others, it is desirable that any stunning device be equipped with safety features to prevent injuries from accidental discharge. Stunning instruments must be maintained in good repair.

(iii) The stunning area shall be so designed and constructed as to limit the free movements of animals sufficiently to allow the operator to locate the stunning blow with a high degree of accuracy. All chutes, alleys, gates and restraining mechanisms between and including

holding pens and stunning area shall be free from pain producing features such as exposed bolt ends, loose boards, splintered or broken planking and protruding sharp metal of any kind. There shall be no unnecessary holes or other openings where feet or legs of animals may be injured. Overhead drop gates shall be suitably covered on the bottom edge to prevent injury on contact with animals. Roughened or cleated cement shall be used as flooring in chutes leading to stunning areas to reduce falls of animals. Chutes, alleys, and stunning areas shall be so designed that they will comfortably accommodate the kinds of animals to be stunned.

(iv) The stunning operation is an exacting procedure and requires a well-trained and experienced operator. He must be able to accurately place the stunning instrument to produce immediate unconsciousness. He must use the correct detonating charge with regard to kind, breed, size, age, and sex of the animal to produce the desired results.

(b) Special requirements: Choice of instrument and force required to produce immediate unconsciousness varies, depending on kind, breed, size, age, and sex of the animal: Young swine, lambs, and calves usually require less stunning force than mature animals of the same kind. Bulls, rams, and boars usually require skull penetration to produce immediate unconsciousness. Charges suitable for smaller kinds of livestock such as swine or for young animals are not acceptably interchanged for use on larger kinds or older livestock, respectively. [Order 1067, Regulation 7, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.03, effective 3/18/60.]

WAC 16-24-040 Mechanical--Gunshot. The slaughtering of cattle, calves, sheep, swine, goats, horses and mules by shooting with firearms and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the law. (1) Utilization of firearms, required effect; handling.

(a) The firearms shall be employed in the delivery of a bullet or projectile into the animal in accordance with this section so as to produce immediate unconsciousness in the animal by a single shot before it is shackled, hoisted, thrown, cast, or cut. The animals shall be shot in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.

(b) The driving of the animals to the shooting areas shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the shooting area is essential since accurate placement of the bullet is difficult in case of nervous or injured animals. Among other things, this requires that, in driving animals to the shooting areas, electrical equipment be used as little as possible and with the lowest effective voltage.

(c) Immediately after the firearm is discharged and the projectile is delivered, the animal shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.

(2) Facilities and procedure.

(a) General requirements for shooting facilities; operator.

(i) On discharge, acceptable firearms dispatch free projectiles or bullets of varying sizes and diameters through the skull and into the brain. Unconsciousness is produced immediately by a combination of physical brain destruction and changes in intracranial pressure. Caliber of firearms shall be such that when properly aimed and discharged, the projectile produces immediate unconsciousness.

(ii) To assure uniform unconsciousness with every discharge when small-bore firearms are used, it is necessary to use one of the following type projectiles: Hollow pointed bullets, frangible iron plastic composition bullets, or powdered iron missiles. When powdered iron missiles are used, the firearms shall be in close proximity with the skull of the animal when fired. Firearms must be maintained in good repair. For purposes of protecting employees, inspectors, and others, it is desirable that all firearms be equipped with safety devices to prevent injuries from accidental discharge. Aiming and discharging of firearms should be directed away from operating areas.

(iii) The provisions contained in WAC 16-24-030 (2)(a)(iii) with respect to the stunning area also apply to the shooting area.

(iv) The shooting operation is an exacting procedure and requires a well-trained and experienced operator. He must be able to accurately direct the projectile to produce immediate unconsciousness. He must use the correct caliber firearm, powder charge and type of ammunition to produce the desired results.

(b) Special requirements: Choice of firearms and ammunition with respect to caliber and choice of powder charge required to produce immediate unconsciousness varies, depending on age and sex of the animal. In the case of bulls, rams, and boars, small-bore firearms may be used provided they are able to produce immediate unconsciousness of the animals. Small-bore firearms are usually effective for stunning other cattle, sheep, swine, goats, calves, horses and mules. [Order 1067, Regulation 8, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.04, effective 3/18/60.]

WAC 16-24-050 Electrical--Stunning with electric current. The slaughtering of cattle, calves, sheep, swine and goats with the use of electric current and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the law. (1) Administration of electric current, required effect; handling.

(a) The electric current shall be administered so as to produce surgical anesthesia in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be exposed to the electric current in a way that will accomplish the anesthesia quickly and calmly, with a minimum of excitement and discomfort to the animals.

(b) The driving or conveying of the animals to the place of application of electric current shall be done with

a minimum of excitement and discomfort to the animals. Delivery of calm animals to the place of application is essential to insure rapid and effective insensibility. Among other things this requires that, in driving animals to the place of application, electrical equipment be used as little as possible and with the lowest effective voltage.

(c) The quality and location of the electrical shock shall be such as to produce immediate insensibility to pain in the exposed animal.

(d) The stunned animal shall remain in a state of surgical anesthesia through shackling, sticking and bleeding. However, the animal shall die from loss of blood resulting from sticking and bleeding, and not from electrical shock.

(2) Facilities and procedures; operator.

(a) General requirements for operator: It is necessary that the operator of electric current application equipment be skilled, attentive, and aware of his responsibility. Overdosages and death of animals can be brought about by carelessness of this individual.

(b) Special requirements for electric current application equipment: The ability of electric current equipment to perform with maximum efficiency is dependent on its proper design and efficient mechanical operation. Pathways, compartments, current applicators, and all other equipment used must be designed to accommodate properly the species of animals being anesthetized. They shall be free from pain producing restraining devices. Injury of animals must be prevented by the elimination of sharp projections or exposed wheels or gears. There shall be no unnecessary holes, spaces or openings where feet or legs of animals may be injured. Impellers or other devices designed to mechanically move or drive animals or otherwise keep them in motion or compartmentalized shall be constructed of flexible or padded material. Power activated gates designed for constant flow of animals to electrical stunning equipment shall be so fabricated that they will not cause injury. All electrical stunning and auxiliary control and other equipment shall be maintained in good repair and all indicators, instruments, and measuring devices shall be available for inspection by department inspectors during stunning operations and at other times.

(c) Electric current: Each animal shall be given a sufficient application of electric current to insure unconsciousness immediately and through the bleeding operation. Suitable timing, voltage and current control devices shall be used to insure that each animal receives the necessary electrical charge to produce immediate unconsciousness. Moreover, the current shall be applied so as to avoid the production of hemorrhages or other tissue changes that would interfere with the inspection procedures of the department. [Order 1067, Regulation 9, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.05, effective 3/18/60.]

Chapter 16-28 WAC
COMMERCIAL REGISTERED FEED LOTS

WAC

16-28-010 Definition.
16-28-020 Licensed quarantined registered feed lots included.
16-28-030 Applications for.
16-28-040 Duration of licenses.
16-28-050 Lot size.
16-28-060 Drainage requirements.
16-28-069 Screenings, screenings waste or screening refuse, defined—Established tolerances.
16-28-070 Destroying viable weed seeds.
16-28-080 Transportation of screenings containing weed seeds.
16-28-090 Sale of animal droppings.

Screenings. Destruction of or processing for feed purposes—Certificate of authorization: RCW 15.48.090.

WAC 16-28-010 Definition. A commercial registered feed lot shall mean a dry feed yard where heavy proportions of concentrates are fed to put a finish on livestock. [Order 619, Regulation 73, effective 2/11/52.]

WAC 16-28-020 Licensed quarantined registered feed lots included. Licensed quarantined registered feed lots shall be considered as commercial registered feed lots. [Order 619, Regulation 75, effective 2/11/52.]

WAC 16-28-030 Applications for. On proper application, the director of agriculture, or his authorized agent may grant an annual license to operate a commercial registered feed lot. [Order 619, Regulation 71, effective 2/11/52.]

WAC 16-28-040 Duration of licenses. All licenses for commercial registered feed lots shall expire on the 30th day of June next subsequent to the date of issue and may be sooner revoked by the director of agriculture upon reasonable notice to the licensee for violations of any lawful regulations issued and promulgated by the director of agriculture under such laws. Any licensee shall have the right to demand a hearing before a revocation is made permanent. [Order 619, Regulation 72, effective 2/11/52.]

WAC 16-28-050 Lot size. The size of the commercial registered feed lot shall be in keeping with the number of livestock on feed, and the livestock fed thereon must not be allowed to roam or graze outside of the feed lot. [Order 619, Regulation 74, effective 2/11/52.]

WAC 16-28-060 Drainage requirements. All commercial registered feed lots must be so located and so constructed that weed seed cannot be carried from the lot by running water or other drainage onto the property of others. [Order 619, Regulation 76, effective 2/11/52.]

WAC 16-28-069 Screenings, screenings waste or screening refuse, defined--Established tolerances. See WAC 16-200-512.

WAC 16-28-070 Destroying viable weed seeds. All screenings, screenings waste or screenings refuse containing weed seeds in excess of the established tolerances, used as feed on state registered commercial feed lots which is not part of the produce grown by the user must either be ground to a size that will go through the four sixty-fourths inch screen of a grinder while in operation, or be otherwise processed by a method approved by the state department of agriculture to destroy the viability of the weed seed. [Order 619, Regulation 77, effective 2/11/52.]

WAC 16-28-080 Transportation of screenings containing weed seeds. The transportation of unground screenings, screenings waste, or screenings refuse containing weed seeds in excess of the prescribed tolerances over any of the public highways of the state as defined in RCW 47.04.010 is prohibited unless it is transported in sacks, or in a truck or trailer that has a solid top as well as solid sides and bed which assures transportation without any loss or scattering of the contents in shipment. [Order 619, Regulation 78, effective 2/11/52.]

WAC 16-28-090 Sale of animal droppings. The sale of any animal droppings from state registered commercial feed lots where screenings, screenings waste or screenings refuse were fed is prohibited unless notice is first given to the purchaser in writing that screenings, screenings waste or screenings refuse were fed on the feed lot during any portion of the preceding 12 months. [Order 619, Regulation 79, effective 2/11/52.]

Chapter 16-30 WAC
QUARANTINED REGISTERED FEED LOTS

WAC

16-30-001 Promulgation.
16-30-010 Definition.
16-30-020 Permit applications.
16-30-030 Certified statements required.
16-30-040 Expiration and revocation of permits.
16-30-050 Brands.
16-30-060 Brand time.
16-30-070 Place of brand.
16-30-080 Lot size.
16-30-090 Feed lot requirements.
16-30-100 Criminal penalty—Civil injunction.

WAC 16-30-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington by virtue of the authority vested in me under chapters 16.36 and 16.57 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on August 5, 1964, do promulgate the following regulations: [Order 955, Promulgation, filed 8/31/64; Order 851, Promulgation, effective 7/19/61.]

WAC 16-30-010 Definition. A quarantined registered feed lot shall mean a dry feed yard where heavy proportions of concentrates are fed to put a finish on cattle; and where cattle are identified and held under quarantine to prevent the spread of disease in cattle. Further, a quarantined registered feed lot shall mean a dry feed, or garbage feed yard where heavy portions of concentrates, or garbage, are fed to put a finish on swine, and held under quarantine to prevent the spread of disease in swine. [Order 955, Regulation 1, filed 8/31/64; Order 851, Regulation 1, effective 7/19/61.]

WAC 16-30-020 Permit applications. Applications for quarantined registered feed lot permits will be furnished on request by the department of agriculture. Each applicant must furnish the following information:

(1) Name and address of applicant.

(2) Location of feed lot.

(3) Drawing to show the relation of the feed lot to the rest of the farmstead.

(4) Number of native cattle or swine on farm.

(5) Operations in livestock other than the feeding of cattle or swine. [Order 955, Regulation 2, filed 8/31/64; Order 851, Regulation 2, effective 7/19/61.]

WAC 16-30-030 Certified statements required. In addition to the information furnished in the application each applicant must certify to the following:

(1) That there shall be no contact with other female and male animals not also similarly and commonly quarantined.

(2) That no animal, except steers and spayed heifers for temporary grazing purposes only, shall be moved from the feed yard except to a federally inspected slaughter plant or to a licensed public livestock market for immediate slaughter: *Provided*, That swine will not be moved from a feed yard except to a licensed slaughterer with no diversion enroute.

(3) That the yard will be maintained in a sanitary condition.

(4) That the department of agriculture will be notified immediately of any outbreak of any infectious or contagious disease.

(5) That the disposition of dead animals will be in accordance with the laws relating to the disposal of dead animals. [Statutory Authority: Chapter 16.36 RCW. 83-07-028 (Order 1790), § 16-30-030, filed 3/14/83; Order 955, Regulation 3, filed 8/31/64; Order 851, Regulation 3, effective 7/19/61, but corrected for clerical error by filing dated 7/20/61.]

WAC 16-30-040 Expiration and revocation of permits. All permits for quarantined registered feed lots shall expire on the 30th day of June next subsequent to the date of issue and may be sooner revoked or suspended by the director of agriculture upon reasonable notice to the permittee for violations of the disease control or brand inspection laws of this state or any lawful regulations issued and promulgated by the director of agriculture under said laws. Any permittee shall have the right to request a hearing before a revocation is made permanent. [Order 955, Regulation 4, filed 8/31/64; Order 851, Regulation 4, effective 7/19/61.]

WAC 16-30-050 Brands. Before a permit is issued for a quarantined registered feed lot the operator or owner must have recorded with the state department of

agriculture a brand to be used exclusively within said feed lot. Such a brand shall consist of the letter "F" followed by a number assigned by said department: *Provided*, That by special permission of the director of agriculture or his duly authorized representative the holder of such a brand may be allowed to use his brand on cattle in certain other specified quarantined registered feed lots: *Provided further*, That this regulation will not apply to a quarantined registered feed lot feeding swine. [Order 955, Regulation 5, filed 8/31/64; Order 851, Regulation 5, effective 7/19/61.]

WAC 16-30-060 Brand time. For the purpose of proper identification, all cattle, except steers, arriving at a quarantined registered feed lot must be branded with the aforementioned "F" brand within 48 hours after arrival. Use of such brands on steers shall be optional: *Provided*, That this regulation will not apply to a quarantined registered feed lot feeding swine. [Order 955, Regulation 6, filed 8/31/64; Order 851, Regulation 6, effective 7/19/61.]

WAC 16-30-070 Place of brand. The aforementioned "F" brand shall be placed immediately behind the shoulder and high on the back. In the event a brand is already situated there, the feed lot brand may be placed directed in front of or below the existing brand, but must not deface the existing brand: *Provided*, The quarantined registered feed lot operators or owners who now place their duly recorded "F" brands in the area between the point of the shoulder and the jaw shall continue to so brand, or they may apply to the registrar of brands, department of agriculture, to change the position to which their brand is affixed to the new position without charge: *Provided further*, That this regulation will not apply to a quarantined registered feed lot feeding swine. [Order 955, Regulation 7, filed 8/31/64; Order 851, Regulation 7, effective 7/19/61.]

WAC 16-30-080 Lot size. The size of the quarantined registered feed lot shall be in keeping with the number of cattle or swine on feed. [Order 955, Regulation 8, filed 8/31/64; Order 851, Regulation 8, effective 7/19/61.]

WAC 16-30-090 Feed lot requirements. All quarantined registered feed lots must be so constructed and so located that they comply with the following:

(1) That there shall be no contact with other females and males not also similarly and commonly quarantined.

(2) The lot is drained or surfaced to keep the yard reasonably free of mud.

(3) Proper facilities exist for inspection of brands and for holding imports separate until properly identified in cattle feed lots; for vaccination and for holding imports separate until identified and deemed safe to commingle in swine feed lots.

(4) There shall be no regular stream or drainage therefrom to any area where nonquarantined females or males are held.

(5) In swine quarantined registered feed lots the schedule of vaccination and/or identification may be prescribed by the director of agriculture and be set forth in the permit. [Order 955, Regulation 9, filed 8/31/64; Order 851, Regulation 9, effective 7/19/61.]

WAC 16-30-100 Criminal penalty--Civil injunction. Revised Code of Washington (RCW 16.36.110) provides: A violation of or failure to comply with any of the provisions of this chapter shall be a misdemeanor. Each day upon which the violation occurs shall constitute a separate violation. Any person violating the provisions of RCW 16.36.005, 16.36.020, 16.36.103, 16.36.105, 16-.36.107, 16.36.108 or 16.36.109 may be enjoined from continuing such violation. Revised Code of Washington (RCW 16.57.360) further provides: The violation of any provisions of this chapter and/or rules and regulations adopted hereunder shall constitute a misdemeanor unless otherwise specified herein. [Order 955, Regulation 10, filed 8/31/64; Order 851, effective 7/19/61.]

Chapter 16-34 WAC
DEAD ANIMALS, PACKING HOUSE OFFAL, MEAT MARKET SCRAPS--TRANSPORTATION AND DISPOSAL

WAC

16-34-001 Promulgation.
16-34-010 Tarpaulins.
16-34-020 Other equipment.
16-34-030 Destination.
16-34-040 Disposal.

WAC 16-34-001 Promulgation. I, Sverre N. Omdahl, director of agriculture of the state of Washington, by virtue of authority vested in me under section 17, chapter 100, Laws of 1949, do make and issue the following regulations providing for the transportation and disposal of dead animals, packing house offal and meat market scraps in the state of Washington. [Order 581, Promulgation, effective 9/11/50.]

WAC 16-34-010 Tarpaulins. All vehicles used in transporting whole dead animal carcasses or parts of dead animal carcasses shall be covered with a suitable tarpaulin or other covering in such a way that the contents shall not be openly exposed to insects. [Order 581, Regulation 1, effective 9/11/50.]

WAC 16-34-020 Other equipment. All vehicles used in transporting packing house offal or meat market scraps in barrels or other containers shall have permanently covered truck beds with a rear canvas drop: *Provided*, That suitable, tight fitting, metal covers for barrels or other containers may be used in uncovered vehicles. [Order 581, Regulation 2, effective 9/11/50.]

WAC 16-34-030 Destination. No carcass of a dead meat food animal, parts of carcasses of a dead meat food animal, packing house offal, or meat market scraps shall be transferred by an independent collector other than to

a licensed rendering plant. [Order 581, Regulation 3, effective 9/11/50.]

WAC 16-34-040 Disposal. No carcass of a dead meat food animal, parts of carcasses of a dead meat food animal, packing house offal, or meat market scraps shall be transferred by a licensed rendering plant to any other person or establishment except for processing at a licensed rendering plant. [Order 581, Regulation 4, effective 9/11/50.]

Chapter 16-38 WAC
HORSEMEAT, DECHARACTERIZATION

WAC

16-38-001 Promulgation.
16-38-010 Proper decharacterization defined.
16-38-020 Penalty.

WAC 16-38-001 Promulgation. I, Sverre N. Omdahl, director of agriculture of the state of Washington, by virtue of the authority vested in me under section 17, chapter 100, Laws of 1949, do make and issue the following regulations relating to the decharacterization of horse meat used other than for human consumption. [Order 579, Promulgation, effective 4/15/50.]

WAC 16-38-010 Proper decharacterization defined. Proper decharacterization of horse meat shall mean a complete and unmistakable change in color to green or black by the use of edible fast green dye or powdered charcoal. [Order 579, Regulation 1, effective 4/15/50.]

WAC 16-38-020 Penalty. Any person violating the provisions of this regulation shall be guilty of a misdemeanor. [Order 579, Regulation 2, effective 4/15/50.]

Chapter 16-42 WAC
BIOLOGICAL PRODUCTS

WAC

16-42-00101 Promulgation.
16-42-01001 Definition.
16-42-015 License.
16-42-02001 Vaccine outlets restricted.
16-42-025 Purchasing and administering vaccines limited.
16-42-03001 Exempt vaccines.
16-42-035 Requirement for sales records and reports.
16-42-04001 Reports of disease outbreak by user.
16-42-045 Order is exclusive—Control of sales, etc.
16-42-05001 Penalty.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-42-001 Promulgation. [Order 578, Promulgation, effective 5/15/50.] Repealed by Order 896, effective 11/24/62.
16-42-002 Promulgation. [Order 767, Promulgation, effective 12/30/57.] Repealed by Order 896, effective 11/24/62.
16-42-010 License. [Order 767, Regulation 1, effective 12/30/57.] Repealed by Order 896, effective 11/24/62.
16-42-020 Who administers. [Order 578, Regulation 2, effective 5/15/50.] Repealed by Order 896, effective 11/24/62.
16-42-030 Permit. [Order 578, Regulation 3, effective 5/15/50.] Repealed by Order 896, effective 11/24/62.
16-42-040 Report. [Order 578, Regulation 4, effective 5/15/50.] Repealed by Order 896, effective 11/24/62.
16-42-050 Penalty. [Order 578, Penalty, effective 5/15/50.] Repealed by Order 896, effective 11/24/62.

WAC 16-42-00101 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 16.36 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, on August 20, 1962, do promulgate the following regulations. [Order 896, Promulgation, effective 11/24/62.]

WAC 16-42-01001 Definition. For the purpose of this order "live vaccine" means vaccine the component agents of which are not totally killed. Thus "live vaccine" includes all live, modified live, attenuated or any other processed vaccine containing other than dead agents. [Order 896, Regulation 1, effective 11/24/62.]

WAC 16-42-015 License. License or permit to manufacture biological products – all veterinary biological products imported into this state or manufactured within the state of Washington shall be produced under a regular license issued by the animal inspection and quarantine division, United States Department of Agriculture, or by a special permit issued by the Washington state department of agriculture. [Order 896, Regulation 2, effective 11/24/62.]

WAC 16-42-02001 Vaccine outlets restricted. All live vaccines produced under a regular license issued by the animal inspection and quarantine division, United States Department of Agriculture, or produced under special permit from the Washington state department of agriculture may be held for sale by any drug outlet licensed pursuant to chapter 18.64 RCW, or by any veterinarian licensed pursuant to chapter 18.92 RCW. [Order 896, Regulation 3, effective 11/24/62.]

WAC 16-42-025 Purchasing and administering vaccines limited. (1) All live vaccines now in existence or newly developed to combat the following diseases are declared by the director to be of such a nature that their control is necessary to protect public health, to insure accurate diagnosis, and to effectuate state–federal animal disease control and eradication programs:

(a) Anthrax
(b) Anaplasmosis
(c) Bluetongue
(d) Brucellosis
(e) Contagious ecthyma
(f) Distemper
(g) Equine rhinopneumonitis
(h) Foot and mouth disease
(i) Hog cholera
(j) Infectious hepatitis
(k) Rabies

(l) Rinderpest

(m) Swine erysepelas (Avirulent vaccine exempted)

(2) Such vaccines are hereby restricted, and may be purchased and administered only by veterinarians licensed pursuant to chapter 18.92 RCW, or federal veterinary personnel: *Provided*, That the director may authorize, by written permit, others to purchase such vaccines for:

(a) Research agencies or laboratories authorized by the state department of agriculture, emergency disease control programs, or other limited and controlled purposes which are not likely to create a hazard to the public health or to the health of livestock, and

(b) *Provided further*, That the director, in establishing such a permit shall consider:

(i) Known effectiveness of the vaccine or product, and

(ii) Whether or not the disease for which the product is used or intended to be used is present in this state and to what extent it is present, and

(iii) Degree of isolation of the animals and area, and availability of veterinary service and,

(iv) Any other factor which, having due regard for the properties of the vaccine or product, may constitute a hazard to animal or public health in this state. [Order 896, Regulation 4, effective 11/24/62.]

WAC 16-42-03001 Exempt vaccines. Live vaccines qualified under WAC 16-42-015 prepared for diseases not listed in WAC 16-42-025 may be obtained from any drug outlet licensed pursuant to chapter 18.64 RCW, or any veterinarian licensed under chapter 18.92 RCW, by any owner of livestock and administered to his own animals. [Order 896, Regulation 5, filed 11/24/62.]

WAC 16-42-035 Requirement for sales records and reports. In the interest of public health and good cooperative disease control anyone selling live vaccines must maintain records of such sales for one year. These records must be open for the department's inspection at any time. [Order 896, Regulation 6, effective 11/24/62.]

WAC 16-42-04001 Reports of disease outbreak by user. Any veterinarian or any other person using live vaccines or any other veterinary biological products must report any suspected or actual disease outbreak to the state department of agriculture immediately. [Order 896, Regulation 7, effective 11/24/62.]

WAC 16-42-045 Order is exclusive--Control of sales, etc. No live vaccines shall be handled, purchased, imported, received, sold, or administered by any person except as provided for in this order. [Order 896, Regulation 8, effective 11/24/62.]

WAC 16-42-05001 Penalty. Any person, firm or corporation violating any of these regulations shall be guilty of a misdemeanor as set forth in chapter 16.36 RCW, and each day the violation occurs constitutes a separate offense. [Order 896, Regulation 9, effective 11/24/62.]

Chapter 16-46 WAC
DOMESTIC AND IMPORTED ANIMAL SEMEN

WAC

16-46-001 Promulgation.
16-46-010 Permission to import or produce.
16-46-020 Health certificate.
16-46-030 Requirements of animals producing.
16-46-040 Addition of animals to stud.
16-46-050 Sample testing.
16-46-060 Director's list of producers.
16-46-070 Permits.

WAC 16-46-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.36 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on June 1, 1961, do promulgate the following regulations. [Order 854, Promulgation, effective 7/19/61.]

WAC 16-46-010 Permission to import or produce. Permission in writing from the director of agriculture must be obtained before bovine semen may be shipped into or produced within the state of Washington for artificial insemination purposes for commercial use: *Provided*, That this regulation does not apply to an individual whose production and use of bovine semen is confined to his own cattle on his own premises. [Order 854, Regulation 1, effective 7/19/61; Order 589, Regulation 1, filed 3/22/60.]

WAC 16-46-020 Health certificate. The director of agriculture of the state of Washington must be furnished an approved health certificate on all bulls from which the semen is collected. [Order 854, Regulation 2, effective 7/19/61; Order 589, Regulation 2, filed 3/22/60.]

WAC 16-46-030 Requirements of animals producing. All bovine animals used in the production of semen for artificial insemination shall meet the following requirements:

(1) Negative to tuberculosis test once yearly.

(2) Negative to brucellosis test every six months.

(3) Negative to examination for trichomoniasis every six months.

(4) Negative to test for leptospirosis once yearly.

(5) Negative to examination for vibriosis every 6 months by swab cultured method.

(6) Semen:

(a) Negative to brucella semen plasma agglutination test, 1:25 dilution, by tube method, every six months.

(b) Approved antibiotics must be added to all semen at least six hours before release for use. [Order 854, Regulation 3, effective 7/19/61.]

WAC 16-46-040 Addition of animals to stud. Addition of animals to stud must be:

(1) From a tuberculosis-negative herd and be tested for tuberculosis not more than thirty days before introduction to stud.

(2) From a brucellosis–negative herd and be tested for brucellosis (two tests not less than thirty days apart) and not more than thirty days before admission to stud.

(3) Negative to a series of six weekly examinations for trichomoniasis before introducing to stud to be completed not more than thirty days before entry to stud.

(4) Negative to vibriosis, using swab culture method examination before introduction to stud.

(5) Negative to brucella semen plasma agglutination test, 1:25 dilution by the tube method before introducing to stud. [Order 854, Regulation 4, effective 7/19/61.]

WAC 16-46-050 Sample testing. A sample of semen from each bull must be tested every six months at an approved laboratory in the state of Washington or an approved laboratory in the state or place of origin and certified to be free from organisms which may spread infectious diseases. [Order 854, Regulation 5, effective 7/19/61; Order 589, Regulation 3, filed 3/22/60.]

WAC 16-46-060 Director's list of producers. The director of agriculture of the state of Washington shall publish a list and keep it current, naming all approved producers of bovine semen which may be used for artificial insemination in this state. [Order 854, Regulation 6, effective 7/19/61.]

WAC 16-46-070 Permits. Importation and production of other domestic animal semen in the state of Washington will require a permit from the director of agriculture. Such permit may be issued following application and proof of compliance with general health requirements and laboratory examination of semen. [Order 854, Regulation 7, effective 7/19/61.]

Chapter 16-49 WAC
REGULATIONS RELATING TO FAT STANDARDS FOR GROUND BEEF, HAMBURGER, LEAN GROUND BEEF, EXTRA LEAN GROUND BEEF, AND LABELING, ADVERTISING AND SALE OF NAMED GROUND MEAT

WAC

16-49-001 Promulgation.
16-49-010 Standards—Ground beef and hamburger.
16-49-020 Lean ground beef standards.
16-49-030 Extra lean ground beef standards.
16-49-040 Labeling, advertising, and sale.

WAC 16-49-001 Promulgation. This promulgation relates to Order No. 1349, WAC 16-49-001 through 16-49-040.

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 69.04 and 16.49A RCW, after due notice as provided under chapter 34.04 RCW and a public hearing held in Olympia, Washington on April 17, 1974 at 10:30 a.m. in the conference room of the general administration building do hereby promulgate the following regulations relating to fat standards for ground beef, hamburger, lean ground beef, extra lean ground beef, and labeling advertising and sale of named ground meat. [Order 1349, § 16-49-001, filed 5/17/74.]

WAC 16-49-010 Standards—Ground beef and hamburger. The standards for chopped beef, ground beef and hamburger are those standards established by the United States Secretary of Agriculture in 9 CFR, 319.15(a) and (b) and adopted by the Washington state legislature in section 1, chapter 108, Laws of 1971 ex. sess. (RCW 16.49A.560) as follows:

(A) Chopped beef, ground beef:
"Chopped beef" or "ground beef" shall consist of chopped fresh and/or frozen beef with or without seasoning and without the addition of beef fat as such, shall not contain more than 30 percent fat, and shall not contain added water, binders, or extenders. When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped or ground beef, the amount of such cheek meat shall be limited to 25 percent; and if in excess of natural proportions, its presence shall be declared on the label, in the ingredient statement required by paragraph 317.2 of this subchapter, if any, and otherwise contiguous to the name of the product.

(B) Hamburger:
"Hamburger" shall consist of chopped fresh and/or frozen beef with or without the addition of beef fat as such and/or seasoning, shall not contain more than 30 percent fat, and shall not contain added water, binders, or extenders. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of hamburger only in accordance with the conditions prescribed in paragraph (A) of this section.

[Order 1349, § 16-49-010, filed 5/17/74.]

WAC 16-49-020 Lean ground beef standards. "Lean ground beef" shall meet all the conditions prescribed in WAC 16-49-010(A) except that it shall not contain more than 23 percent fat. [Order 1349, § 16-49-020, filed 5/17/74.]

WAC 16-49-030 Extra lean ground beef standards. "Extra lean ground beef" shall meet all the conditions prescribed in WAC 16-49-010(A) except that it shall not contain more than 16 percent fat. [Order 1349, § 16-49-030, filed 5/17/74.]

WAC 16-49-040 Labeling, advertising, and sale. No named meat cut may be used in the labeling, advertising or sale of hamburger, chopped beef, ground beef, lean ground beef, or extra lean ground beef unless such named product has been fabricated from the named cut under the direct supervision of the United States Department of Agriculture Federal Meat Inspection Service: *Provided*, That a retail meat market may custom

grind named cuts of beef in the presence of the purchaser for his own use. [Order 1349, § 16-49-040, filed 5/17/74.]

Chapter 16-50 WAC
IMPORTATION OF MINK

WAC

16-50-001 Promulgation.
16-50-010 Health certificates.
16-50-020 Penalty.

WAC 16-50-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington, by virtue of authority vested in me under chapter 16.72 RCW, issue the following rules and regulations governing the importation of mink into the state of Washington: [Order 760, Promulgation, effective 10/22/57.]

WAC 16-50-010 Health certificates. It shall be unlawful for any person, firm or corporation to import any mink into the state of Washington unless accompanied by an official health certificate showing:

(1) Freedom from symptoms of any infectious or contagious disease.

(2) Originate from a herd in which there is no evidence of any infectious or contagious disease.

(3) Originate from a state or country in which there has been no evidence of virus enteritis, or by special permit from the department of agriculture, Olympia, Washington.

(4) All shipments to be made in new or cleaned and disinfected shipping containers. [Order 760, Regulation 1, effective 10/22/57.]

WAC 16-50-020 Penalty. Any person, or firm, or corporation violating any of these regulations shall be guilty of violation of the law and punished by statute provided. [Order 760, Penalty, effective 10/22/57.]

Chapter 16-54 WAC
ANIMAL IMPORTATION

WAC

16-54-010 Director defined.
16-54-012 Breeding cattle defined.
16-54-014 Official brucellosis test defined.
16-54-016 Official calfhood vaccinate defined.
16-54-020 Illegal importation.
16-54-030 Health certificate.
16-54-040 Immediate slaughter cattle and horses.
16-54-050 Vehicles.
16-54-060 Quarantine.
16-54-071 Domestic equine.
16-54-082 Domestic bovine animals.
16-54-090 Goats.
16-54-101 Sheep.
16-54-111 Swine.
16-54-120 Dogs and cats.
16-54-125 Skunks, foxes, and raccoons.
16-54-150 Penalty.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-54-001 Promulgation. [Order 957, filed 7/22/66, effective 8/22/66.] Repealed by 81-10-047 (Order 1730), filed 5/1/81. Statutory Authority: Chapters 16.36 and 16.40 RCW.

16-54-002 Promulgation. [Order 1172, § 16-54-002, filed 12/15/70.] Repealed by Order 1430, filed 2/9/76.

16-54-003 Promulgation. [Order 1430, § 16-54-003, filed 2/9/76.] Repealed by Order 1488, filed 11/2/76.

16-54-004 Promulgation. [Order 1488, § 16-54-004, filed 11/2/76.] Repealed by 81-10-047 (Order 1730), filed 5/1/81. Statutory Authority: Chapters 16.36 and 16.40 RCW.

16-54-070 Domestic equine. [Order 1172, § 16-54-070, filed 12/15/70; Order 1024, Regulation 6, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.] Repealed by Order 1430, filed 2/9/76. Later promulgation, see WAC 16-54-071.

16-54-080 Domestic bovine animals. [Order 1172, § 16-54-080, filed 12/15/70; Order 1024, Regulation 8, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.] Repealed by Order 1430, filed 2/9/76. Later promulgation, see WAC 16-54-081.

16-54-081 Domestic bovine animals. [Order 1488, § 16-54-081, filed 11/2/76; Order 1430, § 16-54-081, filed 2/9/76. Formerly WAC 16-54-080.] Repealed by Order 1540, filed 10/17/77.]

16-54-100 Sheep. [Order 1172, § 16-54-100, filed 12/15/70; Order 1024, Regulation 10, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.] Repealed by Order 1430, filed 2/9/76. Later promulgation, see WAC 16-54-101.

16-54-110 Swine. [Order 1172, § 16-54-110, filed 12/15/70; Order 1024, Regulation 11, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.] Repealed by Order 1430, filed 2/9/76. Later promulgation, see WAC 16-54-111.

16-54-130 Poultry. [Order 957, Regulation 13, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.] Superseded by Order 997, filed 1/21/66. See chapter 16-59 WAC.

16-54-140 Psittacine birds. [Order 957, Regulation 14, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61.] Repealed by deletion, Order 1024, filed 7/22/66, effective 8/22/66.

WAC 16-54-010 Director defined. For the purpose of these rules the "director" means the director of agriculture of the state of Washington or his duly authorized representative. [Order 1172, § 16-54-010, filed 12/15/70; Order 1024, Regulation 1, filed 7/22/66, effective 8/22/66; Order 957, Regulation 1, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61.]

WAC 16-54-012 Breeding cattle defined. For the purpose of these rules "breeding cattle" shall be those females and bulls not consigned to a federally inspected

slaughter establishment or a registered quarantined feed lot. [Order 1540, § 16–54–012, filed 10/17/77.]

WAC 16–54–014 Official brucellosis test defined. For the purpose of these rules "official brucellosis test" means blood samples are to be tested only by cooperating state–federal laboratories or by such persons as may be authorized by state of origin animal health officials to conduct the standard agglutination tests or the card test. All samples initially tested at other than cooperating state–federal laboratories shall be promptly submitted and confirmed at the cooperating state–federal laboratory. [Order 1540, § 16–54–014, filed 10/17/77.]

WAC 16–54–016 Official calfhood vaccinate defined. For the purpose of this order "official calfhood vaccination" means a female bovine animal four through twelve months (120 to 365 days) of age vaccinated with an approved brucella vaccine. All vaccinations must be done by a licensed accredited veterinarian or federal or state employed veterinarian. Vaccinated animals must be permanently identified as vaccinates by a tattoo in the right ear. The tattoo shall be the U.S. registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which vaccination was done. An official vaccination tag shall be used for individual animal identification unless excepted by the director. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 81–01–073 (Order 1716), § 16–54–016, filed 12/17/80, effective 4/1/81; Order 1540, § 16–54–016, filed 10/17/77.]

WAC 16–54–020 Illegal importation. (1) All domestic animals being shipped into this state must have met requirements of Title 9, Code of Federal Regulations, in effect at the time of movement or importation from foreign countries and in addition thereto must meet all the applicable laws, rules and regulations of the state of Washington pertaining to animal health and care of animals.

(2) It shall be unlawful for any person, firm or corporation to import any domestic animal or any nonaquatic animal kept in a household or premises thereof or for public display into this state unless in compliance with the requirements set forth hereafter in this order, and regulations relating to importation into and movement within the state of Washington of poultry and hatching eggs. No domestic animal or any nonaquatic animal kept in a household or premises thereof or for public display, including poultry, that is affected with any infectious or communicable disease shall be imported into the state unless written permission for the importation is obtained from the director. [Order 1540, § 16–54–020, filed 10/17/77; Order 1172, § 16–54–020, filed 12/15/70; Order 1024, filed 7/22/66, effective 8/22/66; Order 957, Regulation 2, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

WAC 16–54–030 Health certificate. (1) All animals entering Washington shall be accompanied by an official health certificate except those classes of animals specifically exempted in laws or regulations of this state. "Official health certificate" means a legible certificate executed on an official form of the state of origin or of the Animal Health Division, United States Department of Agriculture, by a licensed and accredited veterinarian or a veterinarian approved by the proper official of the Animal Health Division, United States Department of Agriculture, and shall contain the following information:

(a) Date of inspection. All health certificates void after thirty days, except breeding cattle forty–five days from date of issue: *Provided,* The director may give special exemption for show animals.

(b) Names and addresses of the consignor and consignee.

(c) Certification that the animals are apparently free from evidence of infectious and communicable disease.

(d) Test or vaccination status when required.

(e) Description of each animal to include species, breed, age, sex, tag or tattoo and for cattle, only an official ear tag will be accepted or if registered, the registry name, number and tattoo for individual identification.

(f) Certification of disinfection of cars and trucks when required.

(2) All health certificates shall be approved by the livestock sanitary official of the state of origin and a copy shall be forwarded immediately to the department of agriculture, Olympia, Washington. [Order 1540, § 16–54–030, filed 10/17/77; Order 1172, § 16–54–030, filed 12/15/70; Order 1024, Regulation 3, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

WAC 16–54–040 Immediate slaughter cattle and horses. The director, his appointed officers, any other peace officers, or member of the state patrol may stop vehicles carrying cattle or horses to determine if the cattle or horses are identified or branded as immediate slaughter cattle or horses and, if so, that the cattle or horses are not being diverted for other purposes to points other than the specified point of slaughter. [Statutory Authority: Chapter 16.36 RCW. 83–09–009 (Order 1792), § 16–54–040, filed 4/8/83; Order 1172, § 16–54–040, filed 12/15/70; Order 1024, Regulation 7, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61, Order 756, filed 3/22/60.]

WAC 16–54–050 Vehicles. All trucks, railway cars and other conveyances used for the transportation of domestic animals shall be maintained in a sanitary condition, and cleaned and disinfected when required by the director. [Order 1172, § 16–54–050, filed 12/15/70; Order 1024, Regulation 4, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed

4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

WAC 16-54-060 Quarantine. Domestic animals entering the state without proper health certificate or official permission, or not meeting the health requirements of the state of Washington, shall be held in quarantine at the owner's expense and be subject to any required tests, inspection, vaccination at owner's expense until released from quarantine by the director. [Order 1172, § 16-54-060, filed 12/15/70; Order 1024, Regulation 5, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

WAC 16-54-071 Domestic equine. Domestic equine animals shall be accompanied by an official health certificate stating that they are free from clinical symptoms of infectious and communicable disease. All equine over six months of age must have a record of a negative test for the diagnosis of equine infectious anemia made within six months prior to entry. Horses moving to Washington from Oregon are excluded from test requirements. [Statutory Authority: Chapters 16.36 and 16.44 RCW. 82-24-040 (Order 1778), § 16-54-071, filed 11/24/82. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-10-047 (Order 1730), § 16-54-071, filed 5/1/81; Order 1540, § 16-54-071, filed 10/17/77; Order 1430, § 16-54-071, filed 2/9/76. Formerly WAC 16-54-070.]

WAC 16-54-082 Domestic bovine animals. All domestic bovine animals (including bison) entering Washington shall be moved on a permit issued by the office of the state veterinarian: *Provided*, That this permit requirement will be reviewed two years after the effective date to determine that the results obtained warrant the continuation of this requirement. All domestic bovine animals (including bison) shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area.

(2) Brucellosis. All domestic bovine animals (including bison), except those consigned to quarantined registered feed lots, or to federally inspected slaughter establishments for immediate slaughter, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved stockyard, shall be accompanied by an official interstate health certificate and shall meet the following requirements:

(a) All cattle must be negative to an official brucellosis test conducted within forty-five days prior to date of entry and will be quarantined on the premises of destination and kept separate from all other cattle for retest not less than thirty nor more than sixty days from the date of previous test, except that the following classes of cattle are exempt from these test requirements:

(i) Calves under six months of age.

(ii) Steers and spayed heifers.

(iii) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(iv) Immediate slaughter cattle going directly to a federally inspected slaughter establishment.

(v) Cattle consigned directly to a quarantined registered feed lot.

(vi) Cattle from certified brucellosis free herds.

(vii) Beef breed cattle eligible for brucellosis testing coming from contiguous states certified brucellosis free may be moved to state-federal approved livestock markets in Washington to meet entry health requirements. Cattle of the beef breeds from such equal status states and having the same import requirements as Washington are exempt from second test and quarantine requirements if found brucellosis negative on entry.

(b) After January 1, 1979, all female dairy cattle must be identified as official brucellosis calfhood vaccinates before entry. Except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Those cattle consigned directly to a federally inspected slaughter plant.

(iii) Those cattle consigned directly to a quarantined registered feed lot.

(iv) Spayed heifers.

(c) After January 1, 1984, all female beef breed cattle must be identified as official brucellosis vaccinates before entry, except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Female beef breed cattle, after January 1, 1984, over twelve months of age; after January 1, 1985, over two years of age; after January 1, 1986, over three years of age; after January 1, 1987, over four years of age; after January 1, 1988, over five years of age; after January 1, 1989, over six years of age.

(iii) Cattle sold or consigned to a quarantined registered feed lot.

(iv) Cattle sold or consigned to a federally inspected slaughter plant.

(v) Cattle sold or consigned to a public livestock market for immediate slaughter only.

(vi) Spayed heifers.

(vii) Cattle from a certified brucellosis free country where vaccination is prohibited by law: *Provided*, That the state veterinarian, upon being assured that to allow such cattle to enter would not create any jeopardy to the livestock industry of the state of Washington, may issue a special permit for such entry.

(3) Scabies. The office of the state veterinarian may require that any cattle from a known infected area be dipped at an official dipping facility within ten days of entry and, except those consigned to a federally inspected slaughter establishment for immediate slaughter within fourteen days, be accompanied by an official interstate health certificate.

(4) Vesicular stomatitis. The office of the state veterinarian may require that:

(a) Any cattle be accompanied by an official interstate health certificate except those consigned to a federally inspected slaughter establishment for immediate slaughter within fourteen days;

(b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy breed cattle from known infected areas shall not be allowed entry into the state; and

(c) Beef breed cattle from known infected areas be held separate and apart from all other cattle for a period of thirty days either prior to entry or at the point of destination or both.

(5) Temporary grazing. Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the office of the state veterinarian: *Provided*, That the state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis nonvaccinates in the herd prior to January 1, 1988. Grazing permits shall be for one specified season only and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes. [Statutory Authority: Chapter 16.36 RCW. 83-09-009 (Order 1792), § 16-54-082, filed 4/8/83. Statutory Authority: Chapters 16.36 and 16.44 RCW. 83-04-030 (Order 1782), § 16-54-082, filed 1/27/83. Statutory Authority: Chapters 16.36 and 16.40 RCW. 82-03-019 (Order 1752), § 16-54-082, filed 1/14/82; 81-10-047 (Order 1730), § 16-54-082, filed 5/1/81. Statutory Authority: Chapters 16.36 and 16.44 RCW. 78-06-116 (Order 1579), § 16-54-082, filed 6/7/78; Order 1540, § 16-54-082, filed 10/17/77.]

WAC 16-54-090 Goats. Goats except those for immediate slaughter, shall be accompanied by a health certificate stating they are clinically free from infectious and communicable disease and a record of a negative brucellosis and tuberculosis test made within thirty days prior to date of entry. Goats under six months of age are exempt from brucellosis test requirement. [Order 1172, § 16-54-090, filed 12/15/70; Order 1024, Regulation 9, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

WAC 16-54-101 Sheep. Sheep except those for immediate slaughter, shall be accompanied by a health certificate stating they are clinically free from infectious and communicable disease and in addition shall comply with the following requirements which shall be stated on the health certificate:

(1) Originate from a state in which no scabies or scrapie has existed for one year. [Order 1430, § 16-54-101, filed 2/9/76. Formerly WAC 16-54-100.]

WAC 16-54-111 Swine. (1) Slaughter swine. Swine not known to be affected with or exposed to infectious or communicable diseases may be moved into the state without health certificate to a federally inspected slaughter establishment or public livestock market specifically approved under Part 76, Title 9, Code of Federal Regulations for immediate slaughter and shall not be diverted enroute for any purpose. The waybills or certificates for movement must state "for slaughter only."

(2) Feeder and breeder swine.

(a) Swine must be accompanied by a permit issued by the department of agriculture state veterinarian, or the state veterinarian's representative, and an official health certificate stating they are clinically free from infectious and contagious disease or exposure thereto. The consignor and consignee will be properly listed with exact mailing address and destination clearly shown.

(b) Swine brucellosis. All swine imported for breeding purposes over six months of age entering the state of Washington must be tested and found negative to brucellosis within thirty days prior to entry or originate in a validated brucellosis free herd or area. Swine from herds where brucellosis is known to exist will not be admitted.

(c) Swine pseudorabies. All swine being imported into the state of Washington must be:

(i) Tested and found negative to pseudorabies within thirty days prior to the date of importation, and

(ii) Isolated and held in quarantine at the point of final destination until retested and found negative to pseudorabies at least twenty-one days after the date of importation.

(d) The following classes are exempt from these pseudorabies test requirements:

(i) Swine originating from a pseudorabies qualified herd.

(ii) Swine being shipped directly to a federally inspected slaughter establishment for immediate slaughter. [Statutory Authority: Chapters 16.36 and 16.44 RCW. 83-02-001 (Order 1780), § 16-54-111, filed 12/23/82; Order 1540, § 16-54-111, filed 10/17/77; Order 1430, § 16-54-111, filed 2/9/76. Formerly WAC 16-54-110.]

WAC 16-54-120 Dogs and cats. (1) In addition to the general provisions for the importation of livestock, the official health certificate for dogs and cats shall contain the certification:

(a) That such animals are apparently free from infectious, contagious, and communicable disease.

(b) That all dogs have been vaccinated against rabies according to U.S. Public Health Department regulations and standards at the time of entry. Each animal must be identified by a tag number and official health certificate.

(c) Cats – no rabies vaccination required.

(d) That such animals do not originate from an area under quarantine for rabies. Animals originating from rabies quarantine or rabies areas must be accompanied by a permit obtained from the state department of agriculture office in Olympia, Washington previous to shipment, the terms of which must be stated on the health

certificate. [Order 1540, § 16-54-120, filed 10/17/77; Order 1172, § 16-54-120, filed 12/15/70; Order 1024, Regulation 12, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

WAC 16-54-125 Skunks, foxes, and raccoons. It shall be unlawful for any person, firm, or corporation to import or otherwise bring into the state of Washington any live skunk, fox, or raccoon, domestic or wild, without first securing a permit in writing from the director of agriculture, Olympia, Washington. [Order 1172, § 16-54-125, filed 12/15/70.]

WAC 16-54-150 Penalty. Penalty provisions. Revised Code of Washington (RCW 16.36.110) provides: A violation of or a failure to comply with any chapter shall be a misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of RCW 16.36.005, 16-.36.020, 16.36.030, 16.36.103, 16.36.105, 16.36.107, 16-.36.108 or 16.36.109 may be enjoined from continuing such violation. [Order 1172, § 16-54-150, filed 12/15/70; Order 1024, Regulation 13, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61.]

Chapter 16-59 WAC
POULTRY AND HATCHING EGGS-- IMPORTATION AND INTERSTATE MOVEMENT

WAC

16-59-001 Promulgation.
16-59-010 Health certificates.
16-59-020 Wrongful sale.
16-59-030 Testing of breeding stock.
16-59-060 Shipping equipment.
16-59-070 Penalty.

WAC 16-59-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.36 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on January 12, 1966 do promulgate the following regulations: [Order 997, Promulgation, filed 1/21/66.]

WAC 16-59-010 Health certificates. (1) It shall be unlawful for any person, firm or corporation to import any poultry or hatching eggs into this state unless in compliance with the requirements set forth hereafter in this order and in accordance with Washington import order and Title 9, Code of Federal Regulations. Shipment to be accompanied by an official health certificate (except shipments for immediate slaughter, hatching eggs and unfed poultry) on which vaccinations are shown when applicable giving dates, method and type of vaccine used in addition to requirements of Washington import order.

(2) Poultry for immediate slaughter may enter and move within the state of Washington directly to slaughter plants under federal, state, county or municipal supervision providing the accompanying certificate or waybill is so marked designating:

(a) The plant of destination and,

(b) That the birds are consigned for immediate slaughter and shall be slaughtered forthwith and,

(c) The shipper's name and address and,

(d) The number of birds in the shipment.

(3) For the purpose of this order the term "poultry" is considered to include all chickens, turkeys and other domestic fowl. [Order 997, Regulation 1, filed 1/21/66.]

WAC 16-59-020 Wrongful sale. It shall be unlawful for any person, to give, barter, exchange, sell, offer for sale or otherwise distribute poultry, including baby chicks and/or poults or hatching eggs in the state of Washington that are affected with or originate from flocks affected with pullorum-typhoid or other infectious or communicable disease mentioned in this order except upon a permit issued by the Washington state department of agriculture. [Order 997, Regulation 2, filed 1/21/66.]

WAC 16-59-030 Testing of breeding stock. (1) **Pullorum-typhoid:** All hatching eggs, baby chicks and/or poults, growing stock and adult stock in intrastate or interstate movement shall have originated from parent or grandparent stock which have been found free from pullorum-typhoid by the application of blood agglutination tests performed within twelve months (18 months if hatching eggs) immediately prior to the breeding season during which the eggs or poultry being moved were produced or all birds in the shipment be found free under same approved methods within thirty days of movement. Such blood agglutination tests are to be conducted under supervision of national poultry or turkey improvement plans or other personnel, agencies or laboratories authorized to perform such testing by the animal health control agency of the state of origin. Tube agglutination test of serum, rapid test of serum or whole blood test are acceptable when applied in accordance with the requirements of this regulation. In all tests conducted the reactors must be serially numbered by leg or wing bands or otherwise positively identified before being removed from the flock. Any person who sells poultry or poultry products as pullorum-typhoid free must qualify such under the provisions of this order: *Provided, however,* That eggs for table consumption and stock for immediate slaughter, or shipments consigned to a diagnostic laboratory or research institute approved by Washington state department of agriculture, shall be exempt from pullorum-typhoid requirements contained in this order.

(2) **Infectious laryngotracheitis; infectious coryza:** No poultry shall be transported, shipped or otherwise introduced into the state that have been naturally infected, vaccinated with or exposed to poultry vaccinated with, a live or attentuated infectious laryngotracheitis and/or coryza vaccine or exposed to poultry that are or have

been infected with infectious laryngotracheitis or infectious coryza, except upon a permit from the director of agriculture and subject to thirty day quarantine at destination. Such permits will be granted only when available authentic information indicates that the poultry to be transported will not present a disease hazard to state of Washington flocks: *Provided, however,* That eggs for table consumption, stock for immediate slaughter or stock consigned to a diagnostic or research laboratory approved by Washington state department of agriculture shall be exempt from the infectious laryngotracheitis; infectious coryza requirements contained in this order: *Provided further,* That crates or equipment used for such transportation are cleaned and sterilized to the satisfaction of Washington state department of agriculture authorities or burned before leaving the slaughter or diagnostic premises.

(3) **Ornithosis:** Poultry and eggs from flocks in areas where ornithosis has been diagnosed shall not be imported into or moved intrastate in the state of Washington except on written permit from the Washington state department of agriculture. [Order 997, Regulations 3, 4, 5, filed 1/21/66.]

WAC 16-59-060 Shipping equipment. (1) All poultry to be moved only in clean containers. All crates or other containers used to transport or otherwise convey live poultry into or within the state of Washington must be either new or thoroughly cleaned and thereafter washed with steam or water under pressure.

(2) All common carriers and any other conveyances used in the transportation of live poultry to or from the receiving station or point of destination shall be free from poultry droppings, feathers and other debris. [Order 997, Regulation 6, filed 1/21/66.]

WAC 16-59-070 Penalty. Any person, firm or corporation violating this regulation shall be deemed guilty of a misdemeanor. [Order 997, Regulation 7, filed 1/21/66.]

Chapter 16-70 WAC
ANIMAL DISEASES--REPORTING

WAC

16-70-001 Promulgation.
16-70-010 Reporting diseases—Requirements.
16-70-020 Reporting diseases—Not required, requested only.
16-70-030 Reporting diseases—Lists may be modified.

WAC 16-70-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.36 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on July 12, 1966 do promulgate the following regulations. [Order 1005, Promulgation, filed 7/22/66, effective 8/22/66; Order 655, Promulgation, effective 5/19/53.]

WAC 16-70-010 Reporting diseases--Requirements. (1) Any person registered to practice veterinary medicine in the state of Washington shall report to the director of agriculture or his authorized representative the discovery of the existence or suspected existence among domestic animals within the state any of the reportable diseases as published by the director of agriculture.

(2) The following listed diseases, suspected or confirmed, shall be reported immediately (by telephone or first class mail on day discovered) to the office of the supervisor of animal industry whenever encountered among domestic animals within the state:

Telephone

Anthrax
Aphthous fever (foot and mouth disease)
Aujeszky's disease (pseudorabies)
Botulism (mink) (poultry) (swine)
Contagious ecthyma
Dourine
Encephalomyelitis (equine)
Equine infectious anemia
Glanders
Hog cholera
Infectious coryza (poultry)
Laryngotracheitis (poultry)
Ornithosis (psittacosis)
Rabies
Rinderpest
Scabies (chorioptic) (psoroptic) (sarcoptic) (demodectic) (cattle, sheep and horses)
Sylvatic plague
Tularemia
Vesicular exanthema
Vesicular stomatitis
All other infectious–contagious exotic or foreign diseases

Telephone or rapid mail

Aleutian disease of mink
Blue tongue
Bovine virus diarrhea
Brucellosis
Erysipelas (porcine)
Footrot (sheep)
Inf. bovine rhinotracheitis (IBR)
Malignant catarrahal fever
Mucosal disease
Mycotic stomatitis
Paratuberculosis (Johne's disease)
Piroplasmosis
Pullorum–typhoid (poultry)
Scrapie
Screw worm infestation (cochliomyia)
Trichinosis
Tuberculosis

(3) The following list of diseases suspected or confirmed shall be reported on the monthly disease reporting cards distributed by the animal industry division whenever encountered during the reporting month among domestic animals within the state.

Anaplasmosis
Atrophic rhinitis
Blackleg
Coccidiosis (clinical cases only)
Edema disease of swine
Equine viral arteritis (abortion)
Equine viral rhinopneumonitis
Influenza (swine) (equine)
Leptospirosis
Listeriosis
Malignant edema
Infectious mastitis (bovine) (caprine)
Newcastle disease
Salmonellosis (including paratyphoid)
Scabies (swine and small animals) (nonotodectic)
Strangles
Tetanus (clostridium tetani) (equine) (ovine)
Transmissible gastroenteritis (TGE of swine)
Trichomoniasis
Vibriosis

[Order 1005, Regulations 1–3, filed 7/22/66, effective 8/22/66; Order 655, Regulation 1, effective 5/19/53.]

WAC 16-70-020 Reporting diseases--Not required, requested only. The animal industry division may request reports on any other diseases that concern the director from a statistical or survey standpoint associated with overall disease control measures. The veterinarian may also voluntarily report any diseases of this nature on the monthly disease report cards as he determines they are pertinent to the purposes of the department and advantageous to disease control in the state. [Order 1005, Regulation 4, filed 7/22/66, effective 8/22/66.]

WAC 16-70-030 Reporting diseases--Lists may be modified. The director may from time to time modify the list of reportable diseases by adding to or removing therefrom any disease or diseases as deemed necessary to the general welfare of animals and/or the public health and set forth the manner in which they will be reported. [Order 1005, Regulation 5, filed 7/22/66, effective 8/22/66.]

Chapter 16-71 WAC
EQUINE INFECTIOUS ANEMIA

WAC

16-71-001 Promulgation.
16-71-003 Promulgation.
16-71-010 Definition.
16-71-022 Procedure.
16-71-030 Quarantine.
16-71-040 Branding.
16-71-050 Penalty.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-71-002 Promulgation. [Order 1354, § 16-71-002, filed 5/21/74.] Repealed by Order 1431, filed 2/10/76. Later promulgation, see WAC 16-71-003.

16-71-020 Procedure. [Order 1354, § 16-71-020, filed 5/21/74; Order 1330, § 16-71-020, filed 12/21/73.] Repealed by Order 1431, filed 2/10/76. Later promulgation, see WAC 16-71-022.

WAC 16-71-001 Promulgation. I, Stewart Bledsoe, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.36 RCW, after due notice as provided under chapter 34.04 RCW and a public hearing held in Olympia on December 13, 1973, do hereby promulgate the following regulation. [Order 1330, § 16-71-001, filed 12/21/73.]

WAC 16-71-003 Promulgation. I, Stewart Bledsoe, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.36 RCW, after due notice as provided under chapter 34.04 RCW, and a public hearing held in Olympia on February 10, 1976, do hereby promulgate the following regulation. [WAC 16-71-022.] [Order 1431, § 16-71-003, filed 2/10/76. Formerly WAC 16-71-002.]

WAC 16-71-010 Definition. For the purpose of this order equine infectious anemia (swamp fever) means a disease of equine, the causative agent of which is a virus infecting both sexes, all age groups, and all breeds and species of equines. Infected animals remain a carrier of the disease for their entire lifetime, constituting a potential source for the spread of the disease, there being no known cure or treatment. [Order 1330, § 16-71-010, filed 12/21/73.]

WAC 16-71-022 Procedure. (1) Positive diagnosis is made by the agar gel immunodiffusion test (Coggins test) or other approved tests, to be conducted at laboratories approved and recognized as official laboratories for the diagnosis of the equine disease, equine infectious anemia. Blood samples collected for the purpose of testing for EIA will be done by practicing veterinarians at the owner's request and expense. A complete positive identification of the horse will be made by the veterinarian at the time of blood sample collection and may include an animal identification seal. Owners of horses on which the approved test is to be conducted will be advised as to agreed procedure that is to follow in the event the animal/s are positive to the official test and an agreement will be signed by the owner of the animals in which the owner will agree to the disposition of the horse or horses as outlined in this order.

(2) All equines over six months of age entering the state of Washington, will be accompanied by an official health certificate, and a record of a negative test for the diagnosis of equine infectious anemia made within six months prior to entry. The exception being those consigned for immediate slaughter, or those consigned to a veterinary clinic, under the supervision of an accredited veterinarian, for the purpose of treatment or surgery, and are to return to the state of origin following treatment or surgery: *Provided*, That any equine consigned to a clinic as set forth above, shall not be commingled, loose housed or common corralled with any other equine.

(3) The management, board of governors, individuals or individuals responsible at race track, rodeos, shows, fairs or similar assembly points, may require that all

horses consigned to or participating at race tracks, rodeo, show, fair or similar assembly points, be negative to an official test for equine infectious anemia within six months prior to participation.

(4) Being that the state of Oregon's equine infectious anemia program is now equal to that of the state of Washington's, the test requirements of Order No. 1330 as amended by Order No. 1354 shall not apply to Oregon or Washington horses. [Order 1431, § 16-71-022, filed 2/10/76. Formerly WAC 16-71-020.]

WAC 16-71-030 Quarantine. Horses and other equine found positive to the approved test will be quarantined to the premises of origin as provided by law. If reactor is disclosed while horse is on a premise other than the owner's, permission may be granted to move the animal to the owner's premise. Reactor animal will be kept separate and apart from all other horses in an approved isolation facility. All horses on a premise where reactors are or have been located will be quarantined and movement allowed only after a negative test of animals so exposed. Quarantine will be released only upon the death of the reactor, when it is moved with permit to slaughter, or if legally removed from the state, the receiving state agreeing and accepting the movement of the reactor animal to said state, and all other horses on the premise are negative to an approved test. [Order 1330, § 16-71-030, filed 12/21/73.]

WAC 16-71-040 Branding. Horses and other equines positive to the approved test for equine infectious anemia will be branded on the left side of the neck or left shoulder with a hot or cold brand with the numbers 91 followed by the letter "A," the brand to be not less than two inches high. The branding and quarantining will be by state or federal employed veterinarian, when he is satisfied that the animal or animals to be branded and quarantined are positive reactors to the recognized test for the diagnosis of equine infectious anemia. [Order 1330, § 16-71-040, filed 12/21/73.]

WAC 16-71-050 Penalty. A violation of chapter 16.36 RCW or a regulation adopted thereunder constitutes a misdemeanor. [Order 1330, § 16-71-050, filed 12/21/73.]

Chapter 16-74 WAC
LIVESTOCK TESTING--DUTIES OF OWNERS

WAC

16-74-001 Promulgation.
16-74-010 Presenting and confining cattle for testing.
16-74-020 Facilities.
16-74-030 Handling.
16-74-040 Penalty.

WAC 16-74-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 16.36 and 16.40 RCW, after due notice and hearing, do promulgate the following regulations relating to required tests for tuberculosis and/or brucellosis (bang's disease) or any infectious or contagious disease. [Order 776, Promulgation, effective 5/26/58.]

WAC 16-74-010 Presenting and confining cattle for testing. Livestock owners shall be required to present and confine their cattle when such cattle are to be tested for tuberculosis and/or brucellosis or any infectious or contagious disease, such confinement and presentment to be in a manner and at such reasonable times as prescribed by the director of agriculture. [Order 776, Regulation 1, effective 5/26/58.]

WAC 16-74-020 Facilities. Owners must furnish adequate facilities to assure convenient and safe procedures in conducting such tests, which facilities may be required to include corrals, chutes, stanchions and/or squeeze chutes as deemed necessary by the director or his duly authorized representative or inspector in any given instance. [Order 776, Regulation 2, effective 5/26/58.]

WAC 16-74-030 Handling. All handling of cattle for the purpose of testing or drawing of blood samples shall be the responsibility of the owner. [Order 776, Regulation 3, effective 5/26/58.]

WAC 16-74-040 Penalty. Any person, firm, or corporation violating any of these regulations shall be guilty of violation of the law and punished as by statute provided. [Order 776, Penalty, effective 5/26/58.]

Chapter 16-78 WAC
HOG CHOLERA, SWINE PLAGUE, SWINE ERYSIPELAS AND VESICULAR EXANTHEMA

WAC

16-78-001 Promulgation.
16-78-002 Promulgation.
16-78-003 Promulgation.
16-78-010 General.
16-78-020 Virulent hog cholera virus.
16-78-030 Penalty.

WAC 16-78-001 Promulgation. I, Sverre N. Omdahl, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 16.36 RCW, do make and issue the following rules and regulations relating to hog cholera, swine plague, swine erysipelas, and vesicular exanthema. [Order 656, Promulgation, effective 5/19/53.]

WAC 16-78-002 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.36 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on July 12, 1966 do promulgate the following regulations. [Order 1026, Promulgation, filed 7/22/66, effective 8/22/66; Order 1000, Promulgation, filed 1/21/66; Order 914, filed 4/1/63; Order 852, Promulgation, effective 7/19/61; Order 833, filed 5/3/61.]

WAC 16-78-003 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.36 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on December 1, 1970, do promulgate the following regulations. [Order 1173, § 16-78-003, filed 12/15/70.]

WAC 16-78-010 General. (1) **Notice and quarantine.** (a) When an outbreak of hog cholera, swine plague, swine erysipelas, or vesicular exanthema appears, the owner must immediately notify the director of agriculture, or an authorized veterinary inspector of the department of agriculture.

(b) Said officer shall quarantine all portions of the premises upon which hog cholera, swine plague, swine erysipelas or vesicular exanthema exists, and placard same with cards furnished for this purpose.

(2) **Enclosure.** All persons, except the owner, duly authorized assistants or medical advisor, are forbidden to enter an enclosure where diseased hogs are confined.

(3) **Permission required for removal.** Hogs must not be removed from any quarantined premises except by permission of the director of agriculture or his authorized agent.

(4) **Disposal and disinfection.** It shall be the duty of the owner, or any other person having in charge any swine that have died of any infectious disease, immediately upon the fact of such death coming to his knowledge to burn the same to ashes and clean and thoroughly disinfect his pens, yards and swine houses.

(5) **Penalty.** Any person, firm or corporation violating any of these regulations shall be guilty of a violation of the law and punished as by statute provided. [Order 656, effective 5/19/53.]

WAC 16-78-020 Virulent hog cholera virus. (1) For the purpose of this order "the director" means the director of the department of agriculture of the state of Washington or his duly authorized representative.

(2) Control of virulent hog cholera virus. No person, firm, corporation or association shall have in his possession or keep, sell or offer for sale, barter, exchange, giveaway, use or otherwise dispose of virulent blood or hog cholera virus or blood harboring the hog cholera virus or any other type of hog cholera vaccine in this state except for the following purposes:

(a) For research or biologics production and/or when used for the production of anti-hog cholera serum; virulent or avirulent hog cholera vaccines; or the testing of such products when under the supervision of the control agency of the United States Department of Agriculture.

(b) For research purposes when authorized by special permit issued by the director.

(c) For emergency disease control procedures when authorized by special permit issued by the director.

(3) Quarantine of infected or exposed swine and premises. All facilities and grounds where swine are kept and the disease of hog cholera is diagnosed or exists among such swine and/or premises where swine have been exposed to cholera shall be quarantined. No swine may be removed for any purpose from such premises for a period of at least thirty days following the date of death or final disposition of the last case of hog cholera, and all facilities and grounds are properly cleaned and disinfected as prescribed by the director.

(4) Disposal of swine that have died from hog cholera. All swine that have died from hog cholera shall be immediately burned or buried in a grave at least four feet deep, or otherwise disposed of by special permit of the director.

(5) Intrastate movement of swine. Healthy, unexposed swine may move intrastate from farm of origin to any destination and with no restrictions: *Provided*, That:

(a) Swine moving to public livestock markets will be subject to requirements of public livestock market rules and regulations.

(b) Swine moving into interstate commerce must meet requirements of Title 9, Part 76, Code of Federal Regulations and state of destination requirements. [Order 1173, § 16-78-020, filed 12/15/70; Order 1026, Regulations 1-7, filed 7/22/66, effective 8/22/66; Order 1000, Regulations 1-7, filed 1/21/66; Order 914, filed 4/1/63; Order 852, effective 7/19/61; Order 833, filed 5/3/61.]

WAC 16-78-030 Penalty. Any person, firm or corporation violating this regulation shall be deemed guilty of a misdemeanor. [Order 1173, § 16-78-030, filed 12/15/70; Order 1026, Regulation 8, filed 7/22/66, effective 8/22/66; Order 1000, Regulation 8, filed 1/21/66.]

Chapter 16-86 WAC
CATTLE, GOATS--BRUCELLOSIS AND TUBERCULOSIS

WAC

16-86-005 Director defined.
16-86-006 Department defined.
16-86-007 Definition—Accredited veterinarian.
16-86-009 Definition—Commercial dairy herd.
16-86-011 Definition—Official calfhood vaccination.
16-86-012 Definition—Approved brucella vaccine.
16-86-015 Washington cattle sale requirements.
16-86-017 Grazing permits.
16-86-020 Quarantine.
16-86-030 Sale of quarantined animals.
16-86-040 Quarantine and release.
16-86-050 Disinfecting premises.
16-86-055 Disinfecting vehicles.
16-86-060 Sale of brucellosis reactors.
16-86-070 Sale of tuberculosis reactors.
16-86-080 Branding and tagging of tuberculosis reactors.
16-86-090 Branding and tagging of brucellosis reactors.
16-86-092 Indemnity for brucellosis infected or exposed cattle.
16-86-095 Requirements for authorizing payment to veterinarians for official calfhood vaccination.
16-86-100 Criminal penalty—Civil injunction.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-86-001 Promulgation. [Order 956, Promulgation, filed 8/31/64; Order 855, Promulgation, effective

7/19/61.] Repealed by Order 1171, filed 12/15/70. See WAC 16-86-002.

16-86-002 Promulgation. [Order 1171, § 16-86-002, filed 12/15/70. Formerly WAC 16-86-001.] Repealed by Order 1429, filed 2/9/76.

16-86-003 Promulgation. [Order 1429, § 16-86-003, filed 2/9/76.] Repealed by Order 1539, filed 10/17/77.

16-86-010 Definitions. [Order 1171, § 16-86-010, filed 12/15/70; Order 855, Regulation 1, effective 7/19/61.] Repealed by Order 1429, filed 2/9/76.

WAC 16-86-005 Director defined. For the purpose of these rules, the "director" means the director of agriculture of the state of Washington or his duly authorized representative. [Order 1539, § 16-86-005, filed 10/17/77.]

WAC 16-86-006 Department defined. For the purpose of this order, the "department" means the Washington state department of agriculture. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-09-076 (Order 1642), § 16-86-006, filed 8/30/79.]

WAC 16-86-007 Definition--Accredited veterinarian. For the purpose of this order, "accredited veterinarian" shall be a veterinarian licensed to practice veterinary medicine, surgery and dentistry in the state of Washington and approved by the United States Department of Agriculture Veterinary Services to participate in state-federal cooperative programs. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-09-076 (Order 1642), § 16-86-007, filed 8/30/79.]

WAC 16-86-009 Definition--Commercial dairy herd. For the purpose of this order "commercial dairy herd" shall be a herd from which dairy products are produced for use by other than the owner and members of his household, employees and nonpaying guests. [Order 1539, § 16-86-009, filed 10/17/77.]

WAC 16-86-011 Definition--Official calfhood vaccination. For the purpose of this order[,] "official calfhood vaccination" means a female bovine animal four through twelve months (120 to 365 days) of age vaccinated with an approved brucella vaccine. All vaccination must be done by a licensed accredited veterinarian or federal or state employed veterinarian. Vaccinated animals must be permanently identified as vaccinates by a tattoo in the right ear. The tattoo shall be the U.S. registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which vaccination was done. An official vaccination tag shall be used for individual animal identification unless excepted by the director. All brucella vaccinations shall be reported to the Washington state department of agriculture before becoming official. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-01-072 (Order 1717), § 16-86-011, filed 12/17/80, effective 4/1/81; Order 1539, § 16-86-011, filed 10/17/77; Order 1429, § 16-86-011, filed 2/9/76.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-86-012 Definition--Approved brucella vaccine. For the purpose of this order, "approved brucella vaccine" shall mean only those biological products that are approved by and produced under license of the United States Department of Agriculture for injection into cattle for the purpose of enhancing their resistance to brucellosis. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-09-076 (Order 1642), § 16-86-012, filed 8/30/79.]

WAC 16-86-015 Washington cattle sale requirements. (1) No breeding cattle may be sold in this state unless within the thirty days immediately preceding the change of ownership the animal has been tested for brucellosis and the result of that test is negative. Except the following classes of cattle are exempt from this test requirement:

(a) Calves under twelve months of age.

(b) Cattle sold or consigned to a quarantined registered feed lot.

(c) Cattle sold or consigned to an official slaughter establishment for slaughter within fourteen days.

(d) Steers and spayed heifers.

(e) Officially calfhood vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age from herds not under quarantine.

(2) The department shall review operation of WAC 16-86-015(1) in August 1982 to determine the results of the testing program in terms of the numbers of suspects and reactors discovered and the status of the brucellosis situation in the state. The purpose of the review is to assess the need for changes.

Unless after a hearing renewal is determined to be necessary, WAC 16-86-015(1) shall expire on August 1, 1983.

(3) No female cattle may be sold, or introduced into any herd, in the state of Washington unless they are properly identified as official brucellosis vaccinates; except the following classes of cattle are exempt from this requirement:

(a) Calves under four months of age: *Provided*, That female calves under four months acquired by any herd and natural female additions must be officially brucellosis calfhood vaccinated and identified before the age of twelve months.

(b) In Washington herds, female dairy breed cattle, after January 1, 1983, over six years of age.

(c) In Washington herds, female beef breed cattle, after January 1, 1984, over twelve months of age; after January 1, 1985, over two years of age; after January 1, 1986, over three years of age; after January 1, 1987, over four years of age; after January 1, 1988, over five years of age; after January 1, 1989, over six years of age.

(d) Cattle sold or consigned to a quarantined registered feed lot.

(e) Cattle sold or consigned to a federally inspected slaughter plant.

(f) Cattle sold or consigned to a public livestock market for immediately slaughter only.

(g) Spayed heifers.

(4) All Washington cattle shall be individually identified and permanently recorded as to herd of origin prior to being sold or consigned for slaughter. Such identity shall be transferred to the blood sample taken for MCI test purposes. These records shall be made available to the department upon request. Except the following classes of cattle shall be exempt from this requirement:

(a) Cattle under twenty–four months of age. (Not parturient or post parturient.)

(b) Steers and spayed heifers. [Statutory Authority: Chapters 16.36 and 16.44 RCW. 83–06–002 (Order 1785), § 16–86–015, filed 2/17/83. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81–14–078 (Order 1742), § 16–86–015, filed 7/1/81; 81–10–048 (Order 1731), § 16–86–015, filed 5/1/81; 79–09–076 (Order 1642), § 16–86–015, filed 8/30/79; 79–07–089 (Order 1634), § 16–86–015, filed 6/29/79; 78–12–053 (Order 1588), § 16–86–015, filed 11/29/78; Order 1539, § 16–86–015, filed 10/17/77.]

WAC 16–86–017 Grazing permits. Washington herd owners desiring to move cattle interstate for grazing purposes and return to Washington shall request a permit for such movement from the animal health division of the department of agriculture. The state to which the animals are to be moved for grazing must approve the movement. A separate permit must be obtained from the animal health division for the return of such cattle. Animals grazed in counties or areas in which brucellosis has been diagnosed during the grazing period shall, upon returning to Washington, be held separate from all other cattle and brucellosis tested at owner's expense. [Order 1539, § 16–86–017, filed 10/17/77.]

WAC 16–86–020 Quarantine. All cattle or goats that are infected or suspected of being infected with brucellosis or tuberculosis after an official test shall be quarantined as provided by law. All cattle or goats, the owners of which refuse to allow the department to test for the above diseases, shall be regarded as a menace to the health of livestock, and the premises on which they are kept shall be immediately quarantined and no animals or products of such animals shall be removed from the premises as outlined in RCW 16.40.010. [Order 1539, § 16–86–020, filed 10/17/77; Order 1171, § 16–86–020, filed 12/15/70; Order 855, Regulation 2, effective 7/19/61.]

WAC 16–86–030 Sale of quarantined animals. (1) No person shall sell or offer for sale any cattle from a brucellosis quarantined herd except steers and spayed heifers for other than immediate slaughter, for consignment to a quarantined registered feed lot or for consignment to a state–federal approved sales yard for immediate slaughter or for sale to a quarantined registered feed lot only: *Provided*, That prior to consignment to a state–federal approved sales yard, the cattle shall be "S" branded and shall only be moved from the brucellosis quarantined herd when accompanied by an official federal form number VS1–27.

(2) Cattle from a tuberculosis quarantined herd shall not be sold or offered for sale except for immediate slaughter. [Statutory Authority: Chapter 16.36 RCW. 83–07–029 (Order 1791), § 16–86–030, filed 3/14/83; Order 1539, § 16–86–030, filed 10/17/77; Order 1171, § 16–86–030, filed 12/15/70; Order 855, Regulation 3, effective 7/19/61.]

WAC 16–86–040 Quarantine and release. (1) Brucellosis: Any herd of cattle or goats in which brucellosis reactors are found will be quarantined. Positive or reactor classification shall be based on standards listed in "U.S. Department of Agriculture Uniform Methods and Rules for Brucellosis Eradication." Animals positive to the brucellosis test shall not be sold or offered for sale except for immediate slaughter. The quarantine will be released when the entire quarantined herd has passed two consecutive negative blood agglutination tests without reactors, the first test to be not less than thirty days following removal of all reactors from the herd and the second test not less than ninety days nor more than one year following the date of the previous test. Steers, spayed heifers and officially vaccinated dairy animals under twenty months of age and officially vaccinated beef animals under twenty–four months of age need not be tested.

(2) Tuberculosis: Any herd of cattle or goats in which tuberculosis reactors are found will be quarantined and the sale or removal of any animal out of such herds, except for immediate slaughter is prohibited. The quarantine will be released when the entire herd has passed two consecutive tests without reactors, the first to be not less than thirty days following removal of all reactors from the herd, and the second test not less than sixty days nor more than one year following the date of the previous test. [Order 1539, § 16–86–040, filed 10/17/77; Order 1171, § 16–86–040, filed 12/15/70; Order 855, Regulation 4, effective 7/19/61.]

WAC 16–86–050 Disinfecting premises. All stables, feed bunks, water tanks, corrals and barns where brucellosis or tuberculosis reactors have been held must be thoroughly cleaned and disinfected within fifteen days after the reactors have been removed. [Order 1539, § 16–86–050, filed 10/17/77; Order 1171, § 16–86–050, filed 12/15/70; Order 855, Regulation 5, effective 7/19/61.]

WAC 16–86–055 Disinfecting vehicles. (1) When a vehicle is used to transport brucellosis reactor animals or brucellosis exposed animals from a brucellosis quarantined herd, the vehicle shall be cleaned and disinfected immediately following the unloading of the last animal of each such load. The destination for such reactor or exposed cattle shall have department approved facilities to clean and disinfect vehicles.

(2) Upon completion of the cleaning and disinfecting of the vehicle, approval shall be obtained in writing. This approval shall be made by a state or federal animal health employee or by an authorized representative of the director of agriculture, on a form approved by the director. [Statutory Authority: Chapters 16.36 and 16-.40 RCW. 80-04-061 (Order 1681), § 16-86-055, filed 3/25/80.]

WAC 16-86-060 Sale of brucellosis reactors. Reactors to a brucellosis test may be moved or sold only to a slaughtering establishment where state-federal approved inspection is maintained. Reactor cattle can only be moved from a quarantine premises by permit from the director or his representative: *Provided*, That any reactor to a brucellosis test must be marketed for slaughter within fifteen days from the date of tagging and branding. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-01-071 (Order 1718), § 16-86-060, filed 12/17/80; Order 1539, § 16-86-060, filed 10/17/77; Order 1171, § 16-86-060, filed 12/15/70; Order 855, Regulation 6, effective 7/19/61.]

WAC 16-86-070 Sale of tuberculosis reactors. Reactors to a tuberculosis test may be moved or sold only to a slaughtering establishment where state-federal approved inspection is maintained or to a state-federal approved market for sale to such slaughtering establishment: *Provided*, That any reactor to tuberculosis test must be marketed for slaughter within fifteen days from the date of tagging and branding. [Order 1539, § 16-86-070, filed 10/17/77; Order 1171, § 16-86-070, filed 12/15/70; Order 855, Regulation 7, effective 7/19/61.]

WAC 16-86-080 Branding and tagging of tuberculosis reactors. Animals positive to the tuberculosis test will be branded by a state or federal veterinarian or his authorized representative with the letter "T" on the left jaw, the brand to be not less than two inches nor more than three inches high, and to further identify the animal or animals by attaching to the left ear a metal tag bearing an identifying number and the word "REACTOR." It shall be unlawful for the owner, or his authorized representative, to refuse the director of agriculture or his authorized representative the right to identify the reacting animal or animals by such branding and tagging. [Order 1171, § 16-86-080, filed 12/15/70; Order 855, Regulation 8, effective 7/19/61.]

WAC 16-86-090 Branding and tagging of brucellosis reactors. Animals positive to the brucellosis test will be branded by a state or federal veterinarian or his authorized representative with the letter "B" on the left jaw, the brand to be not less than two inches nor more than three inches high, and to further identify the animal or animals by attaching to the left ear a metal tag bearing an identifying number and the word "REACTOR." It shall be unlawful for the owner, or his authorized representative to refuse the director of agriculture or his authorized representative the right to identify the reacting animal or animals by such branding and tagging. [Order 1171, § 16-86-090, filed 12/15/70; Order 855, Regulation 9, effective 7/19/61.]

WAC 16-86-092 Indemnity for brucellosis infected or exposed cattle. All cattle in this state classified by the director or his designated representative as brucellosis reactor cattle or brucellosis exposed cattle pursuant to chapter 16.40 RCW, shall have a valid claim for indemnity subject to the approval of the director: *Provided*, That such animals were not imported into the state within the six months immediately preceding such classification and indemnity claim: *Provided further*, That owners of brucellosis reactor cattle or brucellosis exposed cattle for which indemnity is claimed shall have complied with the department's change of ownership testing program and shall have implemented a brucellosis vaccination program which at the time such claim is made the director shall determine is an adequate preventative measure to reduce the incidence of brucellosis. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-11-096 (Order 1660), § 16-86-092, filed 10/26/79.]

WAC 16-86-095 Requirements for authorizing payment to veterinarians for official calfhood vaccination. The fee schedule for payment by the department to accredited veterinarians for official brucellosis calfhood vaccination shall be at a rate prescribed by the director not to exceed one dollar per animal.

(1) Official vaccination report – calfhood vaccinations must be reported to the department within thirty days of occurrence on an approved report form (AGRI 030-3003) issued by the Washington state department of agriculture for the purpose of identifying and recording by official calfhood vaccination eartag or registry tattoo calves officially brucella vaccinated.

(2) Accredited veterinarians in private practice may make claim to the department for each beef breed or dairy breed female bovine calf they officially vaccinate in the state of Washington.

(a) No claim for payment shall be made except for those officially calfhood vaccinated.

(b) No claim for payment shall be made unless an approved brucella vaccine is used for official calfhood vaccination.

(c) No claim for payment shall be made prior to submitting to the department the official calfhood vaccination report, countersigned by the owner of the animal, identifying by official calfhood vaccination eartag or registry tattoo each individual calf vaccinated. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-10-049 (Order 1732), § 16-86-095, filed 5/1/81, effective 7/1/81; 79-09-076 (Order 1642), § 16-86-095, filed 8/30/79.]

WAC 16-86-100 Criminal penalty--Civil injunction. RCW 16.36.110 provides: A violation of or a failure to comply with any provisions of this chapter shall be a misdemeanor. Each day upon which a violation occurs

shall constitute a separate violation. Any person violating the provisions of RCW 16.36.005, 16.36.020, 16.36-.103, 16.36.105, 16.36.107, 16.36.108, or 16.36.109 may be enjoined from continuing such violation. [Order 1171, § 16-86-100, filed 12/15/70; Order 855, Penalty and Injunction Clause, effective 7/19/61.]

Chapter 16-96 WAC
PRODUCTION RECORD BRANDS

WAC

16-96-001 Promulgation.
16-96-002 Promulgation.
16-96-003 Promulgation.
16-96-010 Branding dairy cattle for identification.
16-96-020 Branding beef cattle for identification.
16-96-030 Production record brands to consist of Arabic numbers only—Exception.
16-96-100 Freeze brands for production record purposes only—Freeze brand use.
16-96-110 Freeze brands for production record purposes only—Application to use freeze brands.
16-96-120 Freeze brands for production record purposes only—Freeze brand not ownership brand.
16-96-130 Brand inspection fees.

WAC 16-96-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 16.57 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in the General Administration Building, Olympia, Washington, on May 3, 1967, do hereby promulgate the following regulations relating to the use of production record brands on cattle. [Order 1053, Promulgation, filed 5/11/67, effective 6/12/67; Order 886, Promulgation, effective 5/24/62.]

Reviser's note: WAC 16-96-001 applies to WAC 16-96-010 through 16-96-030.

WAC 16-96-002 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 16.57 RCW, after due notice and a public hearing held at Olympia, Washington on June 1, 1966, (pursuant to chapters 42.32 and 34.04 RCW), do hereby promulgate the following regulations providing for the use of freeze brands on cattle only for production record purposes. [Order 1021, Promulgation, filed 6/10/66.]

Reviser's note: WAC 16-96-002 applies to WAC 16-96-100 through 16-96-120.

WAC 16-96-003 Promulgation. (This promulgation relates only to WAC 16-96-130.)

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 16.57 RCW, after due notice and a public hearing held at Yakima, Washington, on July 10, 1972 (pursuant to chapters 42.32 and 34.04 RCW), do hereby promulgate the following regulation affecting brand inspection fees. [Order 1277, § 16-96-003, filed 7/31/72, effective 9/1/72; Order 1058, Promulgation, filed 7/19/67, effective 8/20/67.]

Reviser's note: WAC 16-96-003 applies to WAC 16-96-130.

WAC 16-96-010 Branding dairy cattle for identification. Cattle for dairy purposes may be identified by branding on any point between the hock and the stifle of the right or left hind leg, or both, by the owner. Any digit or combination of digits may be used. [Order 1053, Regulation 2, filed 5/11/67, effective 6/12/67; Order 886, Regulation 1, effective 5/24/62.]

WAC 16-96-020 Branding beef cattle for identification. (1) Cattle of the beef breeds may be identified by branding high on either the left or right shoulder, or both, by the owner. The use of production record brands on cattle of the beef breeds shall be allowed only when such cattle are identified with such owner's registered brand: *Provided*, That production record brands may be placed on registered cattle of the beef breeds without the use of an ownership brand.

(2) Any digit or combination of digits may be used, with the exception of the following numbers:

Not permissible on the right shoulder are 7, 60 and 717;

Not permissible on the left shoulder are 14, 25 and 77.

(3) No production record brand will be: (a) Recognized for ownership purposes; (b) registered for such ownership purposes, or be accepted for brand inspection by the department of agriculture. [Order 1053, Regulation 3, filed 5/11/67, effective 6/12/67; Order 886, Regulation 2 (part), effective 5/24/62.]

WAC 16-96-030 Production record brands to consist of Arabic numbers only--Exception. (1) Production record brands shall consist only of Arabic numbers and may include any digit or any combination of such digits in groups, except as limited in WAC 16-96-020.

(2) Production record brands must be recorded with the department of agriculture in the same manner as an ownership brand under the provisions of the brand law chapter 16.57 RCW, before they may be legally used in this state. [Order 1053, Regulation 1, filed 5/11/67, effective 6/12/67; Order 886, Regulation 2 (part), effective 5/24/62.]

WAC 16-96-100 Freeze brands for production record purposes only--Freeze brand use. The use of freeze brands will be recognized and recorded by the department of agriculture only for production record purposes. [Order 1021, Regulation 1, filed 6/10/66.]

WAC 16-96-110 Freeze brands for production record purposes only--Application to use freeze brands. Any person desiring to use such freeze brands for production records shall apply for permission to use such brands as provided for in chapter 16.57 RCW and WAC 16-96-001, 16-96-010 through 16-96-030, as adopted or hereafter amended or superseded. [Order 1021, Regulation 2, filed 6/10/66.]

WAC 16-96-120 Freeze brands for production record purposes only--Freeze brand not ownership brand. No freeze brand will be:

(1) Recognized for ownership purposes;

(2) Registered for such ownership purposes, or be accepted for brand inspection by the department of agriculture. [Order 1021, Regulation 3, filed 6/10/66.]

WAC 16-96-130 Brand inspection fees. The fee for inspecting cattle and calves of or for brands, and/or any other method of identifying cattle and calves, shall be forty-five cents per head, except at those public livestock markets in Oregon, which are declared to be brand inspection points for Washington, where the fee shall be thirty cents per head. [Statutory Authority: RCW 16-.57.220. 82-10-038 (Order 1762), § 16-96-130, filed 4/30/82. Statutory Authority: Chapter 16.57 RCW. 82-04-001 (Order 1753), § 16-96-130, filed 1/21/82. Statutory Authority: RCW 16.57.160 and 16.57.240. 81-19-026 (Order 1748), § 16-96-130, filed 9/9/81; Order 1277, § 16-96-130, filed 7/31/72, effective 9/1/72; Order 1058, Regulation 1, filed 7/19/67, effective 8/20/67.]

Chapter 16-100 WAC
REFRIGERATED LOCKER ESTABLISHMENTS--RECORDING THERMOMETERS

WAC

16-100-001 Promulgation.
16-100-010 Specifications and use.
16-100-020 Penalty.

WAC 16-100-001 Promulgation. I, Fred J. Martin, director of agriculture for the state of Washington, by virtue of the authority vested in me under section 7, chapter 117, Laws of 1943, do make and issue the following regulation providing for the installment of recording thermometers in all refrigerated locker establishments referred to in section 2, chapter 117, Laws of 1943. [Order 496, Promulgation, effective 6/1/47.]

WAC 16-100-010 Specifications and use. It shall be unlawful for the management of any refrigerated food locker in the state of Washington to operate such establishment for public use unless there has been installed in each separate room used for food storage a recording thermometer of the following specifications:

(1) The recording thermometer shall be enclosed in a moisture-proof case, permanently fastened to a substantial wall in the vestibule or waiting room, five feet from the floor so that the recording chart is visible at all times. The instrument must be kept locked at all times, except for changing the dial, inking and repairing.

(2) The sensitive bulb shall be located in the locker room not less than eight feet from any door or blower, not less than fifteen inches from any wall, and at least ten inches from the ceiling. The bulb shall not be directly in front of any blower or door. The tubing shall be of such length to reach from the bulb to the recording thermometer outside of the locker room.

(3) The chart shall make one complete revolution in seven days. It shall be graduated hourly and daily and must not be less than eight inches in diameter. The chart rotating device shall be fitted with perforating pinds to prevent rotation except by means of the electric clock in the case.

(4) Charts shall be changed regularly once each week, properly dated and signed by the operator, and made available for inspection by the department of agriculture for at least one year. [Order 496, Regulation 1, effective 6/1/47.]

WAC 16-100-020 Penalty. Any person violating the provisions of this regulation shall be guilty of a violation of the act and punished by statute provided. [Order 496, Penalty, effective 6/1/47.]

Chapter 16-101 WAC
MILK AND MILK PRODUCTS

WAC

16-101-410 Milk.
16-101-420 Pasteurized milk.
16-101-430 Homogenized milk.
16-101-440 Vitamin D milk.
16-101-450 Vitamin A milk.
16-101-460 Vitamin A lowfat milk.
16-101-470 Nonfat milk (skim milk).
16-101-480 Vitamin A nonfat milk (skim milk).
16-101-490 Reconstituted or recombined milk or milk products.
16-101-500 Evaporated milk.
16-101-510 Concentrated milk and concentrated milk products.
16-101-520 Half and half.
16-101-530 Cream or whipped light cream.
16-101-540 Whipping cream or whipped cream.
16-101-550 Buttermilk or cultured buttermilk.
16-101-560 Sour cream or cultured sour cream.
16-101-570 Sour half and half or cultured half and half.
16-101-580 Yogurt.
16-101-590 Chocolate milk.
16-101-600 Chocolate lowfat milk or chocolate nonfat milk.
16-101-610 Flavored milk.
16-101-620 Flavored lowfat milk.
16-101-630 Flavored nonfat milk (flavored skim milk).
16-101-640 Eggnog flavored milk or eggnog.
16-101-650 Optional ingredients.
16-101-660 Protein fortified fluid milk products.
16-101-670 Acidified milk and milk products.
16-101-680 Pasteurization.
16-101-700 Interpretation for the enforcement of chapter 15.36 RCW relating to pasteurized milk.
16-101-710 Suspension of grade A permit.
16-101-715 Aseptically processed milk and milk products.
16-101-720 Aseptic processing.
16-101-725 Labeling.
16-101-730 Aseptically processed milk—Suspension of grade A permit.
16-101-735 Processing.
16-101-740 Sanitation requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-101-001 Promulgation. [Order 1132, § 16-101-001, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-010 Milk. [Order 1132, § 16-101-010, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-020 Goat milk. [Order 1132, § 16-101-020, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-030 Cream or coffee cream. [Order 1132, § 16-101-030, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-040 Whipping cream. [Order 1132, § 16-101-040, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-050 Whipped cream. [Order 1132, § 16-101-050, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-060 Whipped coffee cream. [Order 1132, § 16-101-060, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-070 Sour cream or cultured sour cream. [Order 1132, § 16-101-070, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-080 Half and half. [Order 1132, § 16-101-080, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-090 Sour half and half or cultured half and half. [Order 1132, § 16-101-090, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-100 Reconstituted or recombined milk and milk products. [Order 1132, § 16-101-100, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-110 Concentrated milk. [Order 1132, § 16-101-110, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-120 Concentrated milk products. [Order 1132, § 16-101-120, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-130 Nonfat milk. [Order 1132, § 16-101-130, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-140 Skim milk. [Order 1132, § 16-101-140, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-150 Lowfat milk. [Order 1132, § 16-101-150, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-160 Vitamin D milk and milk products. [Order 1132, § 16-101-160, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-170 Fortified milk and milk products. [Order 1132, § 16-101-170, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-180 Homogenized milk. [Order 1132, § 16-101-180, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-190 Flavored milk or milk products. [Order 1132, § 16-101-190, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-200 Buttermilk. [Order 1132, § 16-101-200, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-210 Cultured buttermilk. [Order 1132, § 16-101-210, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-220 Cultured milk or cultured whole milk buttermilk. [Order 1132, § 16-101-220, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-230 Eggnog. [Order 1132, § 16-101-230, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-240 Eggnog flavored milk. [Order 1132, § 16-101-240, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-250 Yogurt. [Order 1132, § 16-101-250, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-260 Low fat yogurt. [Order 1132, § 16-101-260, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-270 Nonfat yogurt. [Order 1132, § 16-101-270, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-280 Milk products. [Order 1132, § 16-101-280, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-290 Grade A dry milk products. [Order 1132, § 16-101-290, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-300 Optional ingredients. [Order 1132, § 16-101-300, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-310 Misbranded milk and milk products. [Order 1132, § 16-101-310, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-320 Pasteurization. [Order 1132, § 16-101-320, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-330 Fluid milk products. [Order 1132, § 16-101-330, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75.

16-101-400 Promulgation. [Order 1401, § 16-101-400, filed 6/19/75 and 6/20/75.] Repealed by 80-06-125 (Order 1706), filed 6/2/80. Statutory Authority: Chapter 15.36 RCW.

WAC 16-101-410 Milk. Milk is the lacteal secretion practically free from colostrum obtained by the complete milking of one or more healthy cows or goats and containing not less than 3.25 percent milkfat and not less than 8.25 percent solids not fat. [Order 1401, § 16-101-410, filed 6/19/75 and 6/20/75.]

WAC 16-101-420 Pasteurized milk. Pasteurized milk is milk which has been pasteurized and the milkfat content of which is not less than 3.25 percent and the solids not fat content of which is not less than 8.25 percent. [Order 1401, § 16-101-420, filed 6/19/75 and 6/20/75.]

WAC 16-101-430 Homogenized milk. Homogenized milk is pasteurized milk which has been homogenized, the milkfat content of which is not less than 3.25 percent and the solids not fat content is not less than 8.25 percent. [Order 1401, § 16-101-430, filed 6/19/75 and 6/20/75.]

WAC 16-101-440 Vitamin D milk. Vitamin D milk is pasteurized milk which may be homogenized the vitamin "D" content of which has been increased by an approved method to at least 400 I.U. of vitamin D per quart. [Order 1401, § 16-101-440, filed 6/19/75 and 6/20/75.]

WAC 16-101-450 Vitamin A milk. Vitamin A milk is pasteurized milk which may be homogenized the vitamin content of which has been increased by an approved method to at least 2000 I.U. of vitamin "A" per quart. [Order 1401, § 16-101-450, filed 6/19/75 and 6/20/75.]

WAC 16-101-460 Vitamin A lowfat milk. Vitamin A lowfat milk (lowfat milk vitamin A added) is pasteurized milk in which the milkfat has been adjusted to one of the following milkfat levels of 1 or 2 percent which shall be declared with the product name, and in which the solids not fat content shall not be less than 8.25 percent, and which contains at least 2000 I.U. of vitamin A per quart. The addition of vitamin D is optional, but if added the product shall contain 400 I.U. per quart, and "vitamin D" shall be declared in the standardized name and in the label. The milkfat adjustment and the addition of either one or both vitamins shall be within the limits of good manufacturing practice. [Order 1401, § 16-101-460, filed 6/19/75 and 6/20/75.]

WAC 16-101-470 Nonfat milk (skim milk). Nonfat milk (skim milk) is milk in which the milkfat content is less than 0.5 percent and in which the solids not fat content is not less than 8.25 percent. [Order 1401, § 16-101-470, filed 6/19/75 and 6/20/75.]

WAC 16-101-480 Vitamin A nonfat milk (skim milk). Vitamin A nonfat milk (skim milk) is pasteurized nonfat milk which contains not less than 2000 I.U. of vitamin A per quart. The addition of vitamin D is optional, but if added, the product shall contain 400 I.U. per quart and "vitamin D" shall be declared in the standardized name and in the label. The addition of either one or both vitamins shall be within the limits of good manufacturing practice. [Order 1401, § 16-101-480, filed 6/19/75 and 6/20/75.]

WAC 16-101-490 Reconstituted or recombined milk or milk products. Reconstituted or recombined milk or milk products shall mean pasteurized milk or the products of pasteurized fluid milk defined in this section which results from the recombining of milk constituents with potable water. The name of the product shall be "reconstituted ----------" or "recombined ----------" with the blank being filled with the name of the milk or milk products as defined in this section as established for the named product. [Order 1401, § 16-101-490, filed 6/19/75 and 6/20/75.]

WAC 16-101-500 Evaporated milk. Evaporated milk is the liquid product obtained by partial removal of water from milk. The milk fat and total milk solids contents of the product are not less than 7.5 and 25.5 percent respectively. Vitamin D shall be present in such quantity that each fluid ounce of the product contains 25 international units thereof within the limits of good manufacturing practice. Addition of vitamin A is optional, but if added shall be present in such quantity that each fluid ounce of the product contains not less than 125 international units thereof within the limits of good manufacturing practice. The phrase "vitamin D" or "vitamin A and D," as the case may be, shall immediately precede or follow the name of the product. [Order 1401, § 16-101-500, filed 6/19/75 and 6/20/75.]

WAC 16-101-510 Concentrated milk and concentrated milk products. Concentrated milk and concentrated milk products are unsterilized fluid products resulting from the partial removal of water from milk which when combined with potable water in accordance with instructions printed on the container conform with the definitions of the corresponding milk products in this section. [Order 1401, § 16-101-510, filed 6/19/75 and 6/20/75.]

WAC 16-101-520 Half and half. Half and half is pasteurized homogenized product consisting of a mixture of milk and cream the milkfat content of which is not less than 10.5 percent. [Order 1401, § 16-101-520, filed 6/19/75 and 6/20/75.]

WAC 16-101-530 Cream or whipped light cream. (a) Cream is that portion of milk which contains not less than 18.0 percent milkfat. Approved type edible stabilizers and emulsifiers and sweeteners may be used as optional ingredients.

(b) Whipped light cream is pasteurized cream which contains not less than 18 percent but less than 30 percent milkfat and into which air or gas has been incorporated or will be as it is dispensed from its container. [Order 1401, § 16-101-530, filed 6/19/75 and 6/20/75.]

WAC 16-101-540 Whipping cream or whipped cream. (a) Whipping cream is that portion of milk which contains not less than 30.0 percent milkfat. Approved type edible stabilizers and emulsifiers and sweeteners may be used as optional ingredients.

(b) Whipped cream is pasteurized whipping cream into which air or gas has been incorporated or will be as it is dispensed from its container. [Order 1401, § 16-101-540, filed 6/19/75 and 6/20/75.]

WAC 16-101-550 Buttermilk or cultured buttermilk. Buttermilk or cultured buttermilk is a product of fluid milk resulting from the churning of pasteurized milk or cream, or from the souring by a culture of lactic acid bacteria of pasteurized milk, lowfat, or nonfat milk, the final product of which contains not less than 8.25 percent of solids not fat. Use of salt for flavoring is optional. (The use of bacteria for the culturing of fluid milk and milk products with other types of lactic-acid-producing bacteria shall be subject to approval by the department.) The name of special culture(s) and fruit flavor(s) may be used, but when they are, they shall precede or follow the standardized name. [Order 1401, § 16-101-550, filed 6/19/75 and 6/20/75.]

WAC 16-101-560 Sour cream or cultured sour cream. Sour cream or cultured sour cream is pasteurized cream the acidity of which is not less than 0.50 percent expressed as lactic acid, produced by natural bacterial action, the use of a lactic-acid-producing culture, or by the direct addition of food grade acid. Use of salt, lactose, starter cultures distillate approved type edible stabilizers are optional, but they shall be listed on the label

if they are added. Starter culture distillate is the condensate obtained by distillation of volatile fractions produced in milk by a lactic–acid–producing culture. [Order 1401, § 16–101–560, filed 6/19/75 and 6/20/75.]

WAC 16–101–570 Sour half and half or cultured half and half. Sour half and half or cultured half and half is pasteurized half and half the acidity of which is not less than .50 percent expressed as lactic acid, produced by natural bacterial action of a lactic–acid–producing culture or by the direct addition of a food grade acid. Salt, lactose, starter culture distillate, approved type edible stabilizers are optional ingredients, but they shall be listed on the label if they are added. [Order 1401, § 16–101–570, filed 6/19/75 and 6/20/75.]

WAC 16–101–580 Yogurt. (a) Yogurt is pasteurized milk, fluid or semi–fluid, produced by bacterial action by one or more strains of lactobacillus bulgaricus (including yogurt strains), streptococcus thermophilus, lactobacillus acidophilus, or other beneficial lactic acid bacteria or flavor–producing organisms. It may contain approved edible stabilizers and emulsifiers not to exceed .6 percent. The name of the product is "yogurt." The milkfat content may be reduced to (but not less than) 2.4 percent in case of fruit, fruit flavored or flavored yogurt. Addition of sugar is optional. (See paragraph (f) of this subsection.)

(b) Lowfat yogurt is pasteurized lowfat milk, fluid or semi–fluid, produced by bacterial action by one or more strains of lactobacillus bulgaricus (including yogurt strains), streptococcus thermophilus, lactobacillus acidophilus, or other beneficial lactic acid bacteria or flavor–producing organisms. It may contain approved edible stabilizers and emulsifiers not to exceed .6 percent. The name of the product is "lowfat yogurt." The milkfat may be reduced to (but not less than) .75 percent in the case of fruit, fruit flavored or flavored lowfat yogurt. Addition of sugar is optional. (See paragraph (f) of this subsection.)

(c) Nonfat yogurt is pasteurized nonfat milk, fluid or semi–fluid, produced by bacterial action by one or more strains of lactobacillus bulgaricus (including yogurt strains), streptococcus thermophilus, lactobacillus acidophilus, or beneficial lactic acid bacteria or flavor–producing organisms. It may contain approved edible stabilizers and emulsifiers not to exceed .6 percent. The name of the product is "nonfat yogurt." Addition of sugar is optional. (See paragraph (f) of this subsection.)

(d) Vitamin D yogurt and yogurt products are yogurt and yogurt products, the vitamin D content of which has been increased by an approved method to not less than 400 I.U.s of vitamin D per quart. The names of the products are "vitamin D yogurt" or "vitamin D _____ yogurt" with the blank being filled in with the name of the yogurt product and of the fruit or flavor used. (See paragraph (f) of this subsection.)

(e) Vitamin A yogurt and yogurt products are yogurt and yogurt products, the vitamin A content of which has been increased by an approved method to not less than 2000 I.U.s of vitamin A per quart. The names of the products are "vitamin A yogurt" or "vitamin A _____ yogurt" with the blank being filled in with the name of the yogurt product and of the fruit or flavor used. (See paragraph (f) of this subsection.)

(f) Matured and wholesome fruit or approved flavors may be added for fruit, fruit flavored, or flavored yogurts. The names of the products shall be "_____ yogurt," "_____ lowfat yogurt" or "_____ nonfat yogurt" with the blank being filled in with the name of the fruit and/or flavor being added. If imitation flavorings are used, the label shall so state "imitation flavor used," or similar wording to denote this fact. [Order 1401, § 16–101–580, filed 6/19/75 and 6/20/75.]

WAC 16–101–590 Chocolate milk. Chocolate milk is pasteurized milk to which has been added in a sanitary manner wholesome chocolate, or cocoa and sugar; use of approved type edible stabilizer is optional. This product shall contain not less than 3.25 percent of milkfat. [Order 1401, § 16–101–590, filed 6/19/75 and 6/20/75.]

WAC 16–101–600 Chocolate lowfat milk or chocolate nonfat milk. Chocolate lowfat milk or chocolate nonfat milk as the case may be, is pasteurized lowfat milk or pasteurized nonfat milk to which has been added in a sanitary manner, wholesome chocolate or cocoa and sugar; use of approved type edible stabilizer is optional. [Order 1401, § 16–101–600, filed 6/19/75 and 6/20/75.]

WAC 16–101–610 Flavored milk. Flavored milk is a beverage or confection consisting of pasteurized milk to which has been added a syrup or flavor made from wholesome ingredients and which contains not less than 3.25 percent milkfat and not less than 8.25 percent solids not fat, but prior to any sale thereof, the product, as characterized by the particular flavor added, shall have been determined by the department to be wholesome. Approved type edible stabilizer and sugar may be used as optional ingredients. If artificial coloring or flavor is used this fact shall be stated on the label. The name of the product shall be "_____ flavored milk" with the blank being filled in with the name of the flavor added. Vitamin D may be added and shall comply with the requirements of WAC 16–101–440 and the name of the product shall be "_____ flavored vitamin D milk" with the blank being filled in with the name of the flavor added. [Order 1401, § 16–101–610, filed 6/19/75 and 6/20/75.]

WAC 16–101–620 Flavored lowfat milk. Flavored lowfat milk is a beverage or confection consisting of pasteurized lowfat milk to which has been added a syrup or flavor made from wholesome ingredients, but prior to any sale thereof, the product, as characterized by the particular flavor added, shall have been determined by the department to be wholesome. Approved type edible stabilizer and sugar may be used as optional ingredients. If artificial coloring or flavor is used this fact shall be

stated on the label. The name of the product shall be "_____ flavored lowfat milk" with the blank being filled in with the name of the flavor added. Vitamin D may be added and shall comply with the requirements of WAC 16-101-460 and the name of the product shall be "_____ flavored vitamin D lowfat milk" with the blank being filled in with the name of the flavor added. [Order 1401, § 16-101-620, filed 6/19/75 and 6/20/75.]

WAC 16-101-630 Flavored nonfat milk (flavored skim milk). Flavored nonfat milk (flavored skim milk) is a beverage or confection consisting of pasteurized nonfat milk (skim milk) to which has been added a syrup or flavor made from wholesome ingredients. The particular flavor added shall be wholesome and from a wholesome source. Approved type edible stabilizer and sugar may be used as optional ingredients. If artificial coloring or flavor is used, this fact shall be stated on the label. Vitamins A and D may be added and if both or either one is added, the product shall comply with WAC 16-101-480. The name of the product shall be "_____ flavored nonfat milk (skim milk)" with the blank being filled in with the name of the flavor added and with the appropriate standardized fluid milk product name. [Order 1401, § 16-101-630, filed 6/19/75 and 6/20/75.]

WAC 16-101-640 Eggnog flavored milk or eggnog. (a) Eggnog flavored milk is a milk product consisting of a mixture of at least 3.25 percent milkfat, at least 0.5 percent egg yolk solids, sugars, and flavoring (spices). A maximum of 0.6 percent stabilizer and emulsifiers may be added. (See paragraph (c) of this subsection.)

(b) Eggnog is a milk product consisting of a mixture of milk or milk product of at least 6.0 percent milkfat, at least 1.0 percent egg yolk solids, sugars, and flavoring (spices). A maximum of 0.6 percent stabilizer and emulsifiers may be added. (See paragraph (c) of this subsection.)

(c) All eggnogs and eggnog products shall be pasteurized in approved and properly operated equipment so that every particle is heated and continuously held for the following minimum specified times and temperatures: (1) 155 degrees F. and held at or above this temperature for at least 30 minutes or (2) 175 degrees F. and held at or above this temperature for at least 30 seconds. [Order 1401, § 16-101-640, filed 6/19/75 and 6/20/75.]

WAC 16-101-650 Optional ingredients. The following safe and suitable ingredients may be used:

(1) Carriers for vitamins A and D may be added.

(2) Concentrated nonfat dry milk, skim milk, refined lactose, or other milk derived ingredients to increase the nonfat solids content of food may be added: *Provided*, That the ratio of protein to total nonfat solids of the food, and the protein efficiency ratio of all protein present shall not be decreased as a result of adding such ingredients.

(3) When one or more of the optional milk derived ingredients in (2) of this subsection are used, emulsifiers, stabilizers, or both, may be added in an amount not more than 2 percent by weight of the solids in such ingredients. Emulsifiers, stabilizers and nutritive sweeteners may be added to half and half and to cream products.

(4) Nonfat dry milk solids used in recombined or reconstituted milk or milk products, as defined in subsection (490) of this section, or added to pasteurized fluid milk products to increase the milk-solids-not-fat (S.N.F.) content shall meet the sanitation standards contained in the 1971 edition of the "Recommended Sanitation Ordinance for Condensed or Dry Milk Products Used in Grade A Pasteurized Milk Products."

(5) Food grade acids. [Order 1401, § 16-101-650, filed 6/19/75 and 6/20/75.]

WAC 16-101-660 Protein fortified fluid milk products. Protein fortified fluid milk products are fluid milk products to which nonfat milk solids or other approved milk derived protein have been added to at least a total of 10 percent milk derived nonfat solids. The ratio of protein to total nonfat solids of the product and the protein efficiency ratio of all protein present, shall not be decreased as a result of adding such ingredients. The phrase "protein fortified" or "fortified with protein" may either precede or follow the product name and shall become part of the standardized name. [Order 1401, § 16-101-660, filed 6/19/75 and 6/20/75.]

WAC 16-101-670 Acidified milk and milk products. Acidified milk and milk products are milk and milk products obtained by the addition of food grade acid(s) to pasteurized milk, lowfat milk, nonfat milk (skim milk), resulting in a product acidity of not less than .50 percent expressed as lactic acid. The term "acidified" shall immediately precede or follow the name of the product as defined in this order. [Order 1401, § 16-101-670, filed 6/19/75 and 6/20/75.]

WAC 16-101-680 Pasteurization. The terms "pasteurization," "pasteurized," and similar terms shall mean the process of heating every particle of milk or milk product to at least 145 degrees F., and holding it continuously at or above this temperature for at least 30 minutes, or to at least 161 degrees F., and holding it continuously at or above this temperature for at least 15 seconds in equipment which is properly operated and approved by the director: *Provided*, That milk products which have a higher milkfat content than milk and/or contain added sweeteners shall be heated to at least 150 degrees F., and held continuously at or above this temperature for at least 30 minutes, or to at least 166 degrees F., and held continuously at or above this temperature for at least 15 seconds; and provided that eggnog and eggnog products shall be heated to at least 155 degrees F. and held continuously at or above this temperature for at least 30 minutes or to at least 175 degrees F. and held continuously at or above this temperature for at least 30 seconds. Milk and milk products shall be labeled "ultra-pasteurized" provided every particle of milk or milk product has been heated to at least

280 degrees F. and held at such temperature for at least 2 seconds in approved and properly operated equipment: *Provided further*, That nothing in this definition shall be construed as barring any other pasteurization process which has been recognized by the United States Public Health Service to be equally efficient and which is approved by the director. [Order 1401, § 16-101-680, filed 6/19/75 and 6/20/75.]

WAC 16-101-700 Interpretation for the enforcement of chapter 15.36 RCW relating to pasteurized milk. The Grade "A" Pasteurized Milk Ordinance 1978 Recommendation of the United States Public Health Service/Food and Drug Administration is adopted as the interpretation for the enforcement of those provisions of chapter 15.36 RCW relating to pasteurized milk: *Provided*, That the following portions of Part 1 Grade A Pasteurized Milk Ordinance and Part II Administrative Procedures shall not apply as interpretations for enforcement of chapter 15.36 RCW.

(1) Part 1. Grade A Pasteurized Milk Ordinance:

(a) Section 1. Paragraph A through paragraph L-2, pages 19-20.

(b) Section 6. Paragraph 4, pages 24-25.

(c) Section 7. Table 1, line 4, page 26.

(2) Part II. Administrative Procedures:

(a) Section 1. Paragraph A through paragraph L-2, pages 35-36.

(b) Section 6. Paragraph 4, page 42.

(c) Section 7. Table 1, line 4, page 45.

(d) Item 6r Administrative Procedures #2, page 49.

(e) Sections 15, 16, and 17, page 86.

(f) Appendix E, pages 131-132.

(g) Appendix K, page 183.

(h) Appendix L, page 185.

As the Grade "A" Pasteurized Milk Ordinance 1978 Recommendation of the United States Public Health Service/Food and Drug Administration will not be codified, it should be noted that it may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. [Statutory Authority: Chapter 15.36 RCW. 80-06-125 (Order 1706), § 16-101-700, filed 6/2/80.]

WAC 16-101-710 Suspension of grade A permit. Section 6, Paragraph 6, Part I, Grade "A" Pasteurized Milk Ordinance, page 25, and Part II Administrative Procedures, page 42, are changed to read:

Whenever an antibiotic or pesticide residue test is positive, an immediate suspension of Grade A permit shall be instituted. An investigation shall be made to determine the cause of the residue and the cause shall be corrected. An additional sample shall be taken and tested for antibiotic or pesticide residues and no milk shall be offered for sale until it is shown by a subsequent sample to be free of antibiotic or pesticide residues or below the actionable levels established for such residues. The suspension of the Grade A permit shall remain in effect until the residue is below the actionable level, but in no case shall the suspension be in effect for less than four calendar days. [Statutory Authority: Chapter 15.36 RCW. 80-06-125 (Order 1706), § 16-101-710, filed 6/2/80.]

WAC 16-101-715 Aseptically processed milk and milk products. Section 1, Paragraph N, Part 1, Grade "A" Pasteurized Milk Ordinance, Page 20, 2nd Paragraph, Item N, shall be changed to read:

This definition is not intended to include such products as sterilized milk and milk products hermetically sealed in a container and so processed either before or after sealing as to prevent microbial spoilage such as evaporated milk, evaporated skim milk, condensed milk (sweetened or unsweetened), dietary products (except as defined herein), infant formula, butter, ice cream and other frozen desserts, dry milk products (except as defined herein), canned eggnog in a rigid metal container, butter or cheese except when they are combined with other substances to produce any pasteurized or aseptically processed milk or milk products defined herein.

Aseptically processed milk and milk products are products hermetically sealed in a container and so thermally processed in conformance with 21 CFR 113 and 108 (adopted in 1975) and the provision of this ordinance so as to render the product free from microorganisms capable of reproducing in the product under normal nonrefrigeration conditions of storage and distribution. This product shall be free of viable microorganisms (including spores) of public health significance.

[Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-715, filed 6/28/82.]

WAC 16-101-720 Aseptic processing. Paragraph S2, Page 21 shall read:

Aseptic processing – the term aseptic processing when used to describe a milk product means that the product has been subjected to sufficient heat processing, and packaged in a hermetically sealed container, to conform to the applicable requirements of 21 CFR 113 and the provisions of Section 7, Item 16 p of this ordinance and maintain commercial sterility of the product under normal nonrefrigerated conditions.

[Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-720, filed 6/28/82.]

WAC 16-101-725 Labeling. Section 4, Labeling, Part 1, Grade A Pasteurized Milk Ordinance, Page 23, shall be changed to read:

5. The words "keep refrigerated after opening" in the case of aseptically processed milk and milk products.

6. In the case of aseptically processed and packaged milk and milk products, words that are acceptable to F.D.A.

7. The word "ultrapasteurized" if the milk or milk product has been ultrapasteurized.

[Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-725, filed 6/28/82.]

WAC 16-101-730 Aseptically processed milk--Suspension of grade A permit. A new paragraph is added to Section 6, Page 25, Part 1, Grade "A" Pasteurized Milk Ordinance to read:

Whenever a container or containers of aseptically processed milk or milk products is found to be unsterile due to underprocessing, the regulatory agency shall consider this to be an imminent hazard to public health and shall suspend the permit of the milk plant for sale of aseptically processed milk and milk products. No aseptically processed milk or milk product shall be sold until it can be shown that the processes, equipment and procedures used are suitable for consistent production of a sterile product. All products from the lot that are found to contain one or more unsterile units shall be recalled and disposed of as directed by the regulatory agency.

[Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-730, filed 6/28/82.]

WAC 16-101-735 Processing. Section 7, Paragraphs one and two, Page 25, Part 1, Grade "A" Pasteurized Milk Ordinance are changed to read:

All Grade "A" raw milk for pasteurization, ultrapasteurization or aseptic processing and all Grade "A" pasteurized, ultrapasteurized or aseptically processed milk and milk products shall be produced, processed and pasteurized, ultrapasteurized or aseptically processed to conform with the following chemical, bacteriological and temperature standards and the sanitation requirements of this section.

No process or manipulation other than pasteurization, ultrapasteurization or aseptic processing, processing methods integral therewith, and appropriate refrigeration shall be applied to milk and milk products for the purpose of removing or deactivating microorganisms.

To Section 7, Table 1, add lines 10, 11 and 12, Page 26.

Grade A Aseptically Processed Milk Products

temperature	none
bacterial limit	no growth by test specified in Section 6

Antibiotics – No zone equal to or greater than sixteen mm with Bacillus Stearothermophilus disc assay method.

[Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-735, filed 6/28/82.]

WAC 16-101-740 Sanitation requirements. Sanitation requirements for Grade "A" pasteurized, ultrapasteurized and aseptically processed milk and milk products.

Item 16 p, Pasteurization shall be changed to read:

Pasteurization shall be performed as defined in Section 1, Definition S of this ordinance. Aseptic processing shall be performed in accordance with 21 CFR 113 and 108 (adopted in 1975).

Item 17 p, Cooling of Milk

Provided, That aseptically processed milk and milk products to be packaged in hermetically sealed containers shall be exempt from the cooling requirements of this item.

[Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-740, filed 6/28/82.]

Chapter 16-102 WAC
BUTTERFAT TESTING OF MILK

WAC

16-102-001 Promulgation.
16-102-010 Sampling, preserving, and storing samples.
16-102-020 Calibration, operation, maintenance and cleaning of instrument.
16-102-030 Permanent records.

WAC 16-102-001 Promulgation. (This promulgation relates only to WAC 16-102-010, 16-102-020 and 16-102-030.)

I, Donald W. Moos, director of agriculture of the state of Washington, after public notice and hearing held at Olympia, Washington on February 26, 1970 by virtue of authority vested in me under chapters 34.04 and 15.32 RCW, do hereby promulgate the following regulations governing butterfat testing of milk by use of transmitted light. [Order 1133, § 16-102-001, filed 3/16/70.]

WAC 16-102-010 Sampling, preserving, and storing samples. Sampling, preserving and storage of samples shall be the same as for Babcock testing with the following exceptions.

(1) Proportionate portions from each shipment of milk shall be added to the composite sample so that the completed composite sample will contain not less than 5 ounces.

(2) When each shipment of milk is tested on a fresh basis, there shall be at least 5 ounces of milk taken for sample.

(3) Potassium dichromate shall be used for composite samples. Other preservatives may only be used if approved by the director of agriculture specifically for this method of testing. [Order 1133, § 16-102-010, filed 3/16/70.]

WAC 16-102-020 Calibration, operation, maintenance and cleaning of instrument. The instrument shall be operated, maintained and cleaned in the manner specified by the manufacturer of the instrument, and each manufacturer of instruments for use in this method of testing milk for butterfat shall satisfy the director of agriculture that their instructions are complete and by following them an accurate test for butterfat will result. Except as provided below, instrument calibrations and operation shall be conducted only by technicians licensed by the department of agriculture specifically for this method using procedures for calibration and procedure

checks, as recommended in the official first action approval published in Vol. 52, No. 2, 1969 of the Journal of the Association of Official Analytical Chemists or in the latest edition of the Official Methods of Analysis of the Association of Official Analytical Chemists.

(1) Samples used for calibration shall be prepared in the same manner as samples upon which producer payments are to be based. If composite samples are to be tested, the samples shall be preserved and stored in the same manner as the regular composites. If fresh samples are the basis for payment, then the samples shall be from fresh milk.

(2) Samples used for calibration shall include samples in (3%–4%) (4%–5%) (5%–6%) ranges.

(3) Temper all milk samples, whether fresh or composite to 98°–100°F. in thermostatically controlled water bath which is provided with an accurate thermometer: *Provided*, That a lower temperature which is proven to give accurate tests to the satisfaction of the director of agriculture may be used.

(4) When any sample differs in butterfat content by greater than 2.0 percentage points from the sample preceding it through the instrument, there shall be an immediate retest and the second test shall be the one recorded.

(5) Any dairy technician operating this instrument shall hold a license specifically for this method and shall also hold a Babcock testing license with the department of agriculture. [Order 1133, § 16–102–020, filed 3/16/70.]

WAC 16–102–030 Permanent records. (1) A bound record book shall be provided for all permanent records.

(2) All calibration results and check tests for initial calibration or subsequent calibration shall be recorded in permanent record book.

(3) All tests for checking accuracy of calibration shall be recorded in permanent record book. [Order 1133, § 16–102–030, filed 3/16/70.]

Chapter 16-104 WAC

SHELL EGGS--STANDARDS, GRADES AND WEIGHT CLASSES

WAC

16–104–001 Promulgation.
16–104–0011 Promulgation.
16–104–010 Washington state standards for quality of individual shell eggs—Application.
16–104–020 Definitions of terms descriptive of shell.
16–104–030 Definitions of terms descriptive of the air cell.
16–104–040 Definitions of terms descriptive of the white.
16–104–050 Definitions of terms descriptive of the yolk.
16–104–060 Definitions—General terms.
16–104–070 Washington state consumer grades and weight classes for shell eggs—General.
16–104–080 Grades.
16–104–090 Summary of grades.
16–104–100 Weight classes.
16–104–110 Minimum sample schedule—Egg samples.
16–104–120 Effective date.

WAC 16–104–001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington, after public notice and hearing held at Olympia on January 22, 1964, by virtue of authority vested in me under chapters 69.24 and 34.04 RCW, do hereby promulgate the following rules and regulations relating to standards, grades and weight classes for shell eggs. [Order 936, Promulgation, filed 1/29/64; Order 773, Promulgation, effective 5/5/58.]

WAC 16–104–0011 Promulgation. (This promulgation relates to Order No. 936, WAC 16–104–010 through 16–104–090.)

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 69.24 RCW, after due notice as provided under chapter 34.04 RCW, and a public hearing held in Olympia, Washington, on March 17, 1972, do hereby promulgate the following regulations relating to shell eggs, standards, grades and weight classes. [Order 1232, § 16–104–0011, filed 4/17/72, effective 7/1/72.]

WAC 16–104–010 Washington state standards for quality of individual shell eggs--Application. (1) **General.** The Washington state standards for quality of individual shell eggs contained in this order are applicable only to eggs that are the product of the domesticated chicken hen and are in the shell.

Interior egg quality specifications for these standards are based on the apparent condition of the interior contents of the egg as it is twirled before the candling light. Any type or make of candling light may be used that will enable the particular grader to make consistently accurate determinations of the interior quality of shell eggs.

(2) **AA quality.** The shell must be clean, unbroken, and practically normal. The air cell must not exceed 1/8 inch in depth and be practically regular. The white must be clear and firm so that the yolk is only slightly defined when the egg is twirled before the candling light. The yolk must be practically free from apparent defects.

(3) **A quality.** The shell must be clean, unbroken, and practically normal. The air cell must not exceed 3/16 inch in depth and must be practically regular. The white must be clear and at least reasonably firm so that the yolk outline is only fairly well defined when the egg is twirled before the candling light. The yolk must be practically free from apparent defects.

(4) **B quality.** The shell must be unbroken and may be slightly abnormal and may show slight stains but no adhering dirt: *Provided*, That they do not appreciably detract from the appearance of the egg. When the stain is localized, approximately 1/32 of the shell surface may be slightly stained and when the slightly stained areas are scattered, approximately 1/16 of the shell surface may be slightly stained. The air cell must not exceed 3/8 inch in depth, may show unlimited movement and may be free or bubbly. The white must be clear and may be slightly weak so that the yolk outline is well defined when the egg is twirled before the candling light. The

yolk may appear slightly enlarged or slightly flattened and may show other definite but not serious defects.

(5) **C quality.** The shell must be unbroken and may be abnormal, and may have slightly stained areas permitted if they do not cover more than 1/4 of the shell surface but no adhering dirt. Prominent stains are not permitted. The air cell may be over 3/8 inch in depth and be free or bubbly. The white may be weak or watery so that the yolk outline is plainly visible when the egg is twirled before the candling light. The yolk may appear dark, enlarged and flattened and may show clearly visible germ development, but no blood due to such development. It may show other serious defects that do not render the egg inedible. Small blood clots or spots (aggregating not more than 1/8 inch in diameter) may be present.

(6) **Check.** An individual egg that has a broken shell or crack in the shell but with its shell membranes intact and its contents do not leak. A "check" is considered to be lower in quality than a "dirty." [Order 1232, § 16-104-010, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 1, filed 1/29/64; Order 773, Regulation 1, Paragraph 1, effective 5/5/58.]

WAC 16-104-020 Definitions of terms descriptive of shell. (1) **Clean.** A shell that is free from foreign material and from stains or discolorations that are readily visible. An egg may be considered clean if it has only very small specks or stains, if such specks or stains are not of sufficient number or intensity to detract from the generally clean appearance of the egg. Eggs that show traces of processing oil on the shell are considered clean unless otherwise soiled.

(2) **Dirty.** A shell which has dirt or foreign material adhering to its surface or which has prominent stains or slight to moderate stains covering more than 1/4 of the shell surface.

(3) **Practically normal** (AA or A quality). A shell that approximates the usual shape and that is of good even texture and strength and is free from rough areas or thin spots. Slight ridges and rough areas that do not materially affect the shape, texture and strength of the shell are permitted.

(4) **Slightly abnormal** (B quality). A shell that may be somewhat unusual in shape or that may be slightly faulty in texture or strength. It may show definite ridges but no pronounced thin spots, or rough areas.

(5) **Abnormal** (C quality). A shell that may be decidedly misshapen or faulty in texture or strength or that may show pronounced ridges, thin spots, or rough areas. [Order 1232, § 16-104-020, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 2, filed 1/29/64; Order 773, Regulation 1, Paragraph 2, effective 5/5/58.]

WAC 16-104-030 Definitions of terms descriptive of the air cell. (1) **Depth of air cell** (air space between the shell membranes, normally in the large end of the egg). The depth of the air cell is the distance from its top to its bottom when the egg is held air cell upward.

(2) **Practically regular** (AA or A quality). An air cell that maintains a practically fixed position in the egg and shows a fairly even outline with not more than 2/8 inch movement in any direction as the egg is rotated.

(3) **Free air cell** (B or C quality). An air cell that moves freely toward the uppermost point in the egg as the egg is rotated slowly.

(4) **Bubbly air cell** (B or C quality). A ruptured air cell resulting in one or more small separate air bubbles usually floating beneath the main air cell. [Order 1232, § 16-104-030, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 3, filed 1/29/64; Order 773, Regulation 1, Paragraph 3, effective 5/5/58.]

WAC 16-104-040 Definitions of terms descriptive of the white. (1) **Clear.** A white that is free from discolorations or from any foreign bodies floating in it. (Prominent chalazas should not be confused with foreign bodies such as spots or blood clots.)

(2) **Firm** (AA quality). A white that is sufficiently thick or viscous to prevent the yolk outline from being more than slightly defined or indistinctly indicated when the egg is twirled.

(3) **Reasonably firm** (A quality). A white that is somewhat less thick or viscous than a firm white. A reasonably firm white permits the yolk to move somewhat more freely from its normal position in the center of the egg and approach the shell more closely. This would result in a fairly well defined yolk outline when the egg is twirled.

(4) **Slightly weak** (B quality). A white that is lacking in thickness or viscosity to an extent that permits the yolk to move quite freely from its normal position in the center of the egg. A slightly weak white will cause the yolk outline to appear well defined when the egg is twirled.

(5) **Weak and watery** (C quality). A white that is thin and generally lacking in viscosity. A weak and watery white permits the yolk to move freely from the center of the egg and to approach the shell closely thus causing the yolk outline to appear plainly visible and dark when the egg is twirled.

(6) **Blood clots and spots** (not due to germ development). Blood clots or spots on the surface of the yolk or floating in the white. These blood clots may have lost their characteristic red color and appear as small spots or foreign material commonly referred to as meat spots. If they are small (aggregating not more than 1/8 inch in diameter) the egg may be classed a "C" quality. If larger, or showing diffusion of blood in the white surrounding them, the egg shall be classified as loss.

(7) **Bloody white.** An egg, the white of which has blood diffused through it. Such a condition may be present in new-laid eggs. Eggs with bloody whites are classed as loss. [Order 1232, § 16-104-040, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 4, filed 1/29/64; Order 773, Regulation 1, Paragraph 4, effective 5/5/58.]

WAC 16-104-050 Definitions of terms descriptive of the yolk. (1) **Outline slightly defined** (AA quality). A yolk outline that is indistinctly indicated and appears to blend into the surrounding white as the egg is twirled.

(2) **Outline fairly well defined** (A quality). A yolk outline that is discernible but not clearly outlined as the egg is twirled.

(3) **Outline well defined** (B quality). A yolk outline that is quite definite and distinct as the egg is twirled.

(4) **Outline plainly visible** (C quality). A yolk outline that is clearly visible as a dark shadow when the egg is twirled.

(5) **Slightly enlarged and slightly flattened** (B quality). A yolk in which the yolk membranes and tissues have weakened somewhat causing it to appear slightly enlarged and slightly flattened.

(6) **Enlarged and flattened** (C quality). A yolk in which the yolk membranes and tissues have weakened and moisture has been absorbed from the white to such an extent that it appears definitely enlarged and flat.

(7) **Practically free from defects** (AA or A quality). A yolk that shows no germ development but may show other very slight defects on its surface.

(8) **Definite but not serious defects** (B quality). A yolk that may show definite spots or areas on its surface but with only slight indication of germ development or other pronounced or serious defects.

(9) **Other serious defects** (C quality). A yolk that shows well developed spots or areas and other serious defects, such as olive yolks, which do not render the egg inedible.

(10) **Clearly visible germ development** (C quality). A development of the germ spot on the yolk of a fertile egg that has progressed to a point where it is plainly visible as a definite circular area or spot with no blood in evidence.

(11) **Blood due to germ development.** Blood caused by development of the germ in a fertile egg to the point where it is visible as definite lines or as a blood ring. Such an egg is classified as inedible. [Order 1232, § 16-104-050, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 5, filed 1/29/64; Order 773, Regulation 1, Paragraph 5, effective 5/5/58.]

WAC 16-104-060 Definitions--General terms. (1) **Loss.** An egg that is inedible, smashed or broken so that the contents are leaking, cooked, frozen, contaminated, or containing bloody whites, large blood spots, large unsightly meat spots or other foreign material.

(2) **Inedible eggs.** Eggs of the following description are classed as inedible: Black rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, eggs containing embryo chicks (at or beyond the blood ring stage), and any eggs that are adulterated as such term is defined pursuant to the state of Washington Food, Drug, and Cosmetic Act.

(3) **Leaker.** An individual egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exuding or free to exude through the shell. An egg which has a portion of the shell missing (in excess of an area 1/4 inch square) is considered a leaker even though the shell membrane is intact.

(4) **Restricted eggs.** Means any check, dirty egg, incubator reject, inedible, leaker, or loss. [Order 1232, § 16-104-060, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 6, filed 1/29/64; Order 773, Regulation 1, Paragraph 6, effective 5/5/58.]

WAC 16-104-070 Washington state consumer grades and weight classes for shell eggs--General. (1) These grades are applicable to edible shell eggs in "lot" quantities rather than on an "individual" egg basis. A lot may contain any quantity of 2 or more eggs. References in these standards to the term "case" means 30 dozen egg cases as used in commercial practice in the state of Washington.

(2) Terms used in WAC 16-104-070 that are defined in WAC 16-104-010 have the same meaning as defined therein.

(3) Aggregate tolerances are permitted within each consumer grade only as an allowance for variable efficiency and interpretation of graders, normal changes under favorable conditions during reasonable periods between grading and inspection and reasonable variation of inspector's interpretation.

(4) Substitution of higher qualities for the lower qualities specified is permitted.

(5) "No grade" or "receipts" means eggs of possible edible quality on which no grade determination has been made or that fail to meet the requirements of an official Washington state consumer grade or that may have been contaminated by smoke, chemicals or other foreign material which may have seriously affected the character, appearance or flavor of the eggs. "No grade" or "receipts" eggs shall be sold only to a dealer who shall be equipped to assign a grade. [Order 1232, § 16-104-070, filed 4/17/72, effective 7/1/72; Order 936, Regulation 2, § 1, filed 1/29/64; Order 773, Regulation 2, Paragraph 1, effective 5/5/58.]

WAC 16-104-080 Grades. (1) "State of Washington consumer grade AA" shall consist of eggs of which at least 80 percent are AA quality. Within the maximum tolerance of 20 percent which may be below AA quality, not more than 5 percent may be of the qualities below B, in any combination.

(2) "State of Washington consumer grade A" shall consist of eggs of which at least 80 percent are A quality or better. Within the maximum tolerance of 20 percent which may be below A quality, not more than 5 percent may be of the qualities below B, in any combination.

(3) "State of Washington consumer grade B" shall consist of eggs of which at least 80 percent are B quality or better. Within the maximum tolerance of 20 percent which may be below B quality, not more than 10 percent may be checks.

Note: No classification is established for a "state of Washington consumer grade C" or "consumer grade check." Standards are provided in WAC 16-104-010 for tolerance purposes only.

"Exemption." A licensed wholesale shell egg dealer may sell a consumer grade check on the premises where he packages eggs, directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees. This consumer

grade check shall consist of eggs of which at least 90 percent are checks **or better.** Within the 90 percent the shells may have slight to moderate stains, but no dirties. The air cell may not exceed 3/8 inch in depth, but may have unlimited movement and may be free and bubbly. The yolk must be practically free from apparent defects. The remaining 10 percent may be of "C" quality. [Order 1232, § 16-104-080, filed 4/17/72, effective 7/1/72; Order 936, Regulation 2, § 2, filed 1/29/64; Order 773, Regulation 2, Paragraph 2, effective 5/5/58.]

WAC 16-104-090 Summary of grades. (1) The summary of the Washington state consumer grades for shell eggs follows as Table 1 of this paragraph:

TABLE I – SUMMARY OF WASHINGTON STATE CONSUMER GRADES FOR SHELL EGGS.

Wash. State Consumer Grades	At least 80% must be	Tolerance permitted	
		Percent	Quality
Grade AA	AA Quality	15 to 20 Not over 5	A or B C or Check
Grade A	A Quality or better	15 to 20 Not over 5	B C or Check
Grade B	B Quality or better	10 to 20 Not over 10	C Check

Substitution of higher qualities for the lower qualities specified is permitted. [Order 1232, § 16-104-090, filed 4/17/72, effective 7/1/72; Order 936, Regulation 2, § 3, filed 1/29/64; Order 773, Regulation 2, Paragraph 3, effective 5/5/58.]

WAC 16-104-100 Weight classes. (1) The weight classes for Washington state consumer grades for shell eggs shall be as indicated in Table 1 of this section and shall apply to all consumer grades:

TABLE I – WASHINGTON STATE WEIGHT CLASSES FOR CONSUMER GRADES FOR SHELL EGGS.

Size or Weight Class	Minimum net Weight per Dozen	Minimum net Weight per 30 Dozen	Minimum Weight for Individual Eggs at Rate per Dozen
	Ounces	Pounds	Ounces
Jumbo	30	56	29
Extra Large	27	50 1/2	26
Large	24	45	23
Medium	21	39 1/2	20
Small	18	34	17
Peewee or Pullet	15	28	—

(2) **Minimum** weights listed for individual eggs at the rate per dozen are permitted in the various weight classes only to the extent that they will not reduce the net weight per dozen below the required minimum. [Order 1232, § 16-104-100, filed 4/17/72, effective 7/1/72; Order 936, Regulation 2, § 4, filed 1/29/64; Order 773, Regulation 2, Paragraph 4, effective 5/5/58.]

WAC 16-104-110 Minimum sample schedule--Egg samples. (1) The following schedule is a minimum number of samples and shall be reasonably calculated to produce a fair representation of the entire lot of eggs examined.

When size of lot is:	**Minimum sample shall be not less than:**
1 to 30 dozen	All individual eggs
1 to 6 cases	100 eggs from each case up to 3 cases
7 to 15 cases	100 eggs from each of 4 cases
16 to 25 cases	100 eggs from each of 6 cases
26 to 50 cases	100 eggs from each of 8 cases
51 to 100 cases	100 eggs from each of 10 cases

For each additional 100 cases or fraction thereof, 100 eggs out of each 3 cases shall be examined.

[Order 1232, § 16-104-110, filed 4/17/72, effective 7/1/72; Order 936, Regulation 3, § 1, filed 1/29/64; Order 773, Regulation 3, Paragraph 1, effective 5/5/58.]

WAC 16-104-120 Effective date. The effective date of this order shall be July 1, 1972. [Order 1232, § 16-104-120, filed 4/17/72, effective 7/1/72.]

Chapter 16-105 WAC
PACKAGING OF BACON

WAC

16-105-001 Promulgation.
16-105-010 Standards for retail bacon packages.
16-105-020 Penalty.
16-105-030 Exemption.

WAC 16-105-001 Promulgation. (This promulgation relates only to WAC 16-105-001 through 16-105-030.)

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 49, Laws of 1971 and chapter 34.04 RCW, after due notice and a public hearing held in Seattle, Washington on October 26, 1971, do promulgate the following regulations establishing standards for the packaging of bacon to be sold at retail in this state after January 1, 1972. [Order 1221, § 16-105-001, filed 11/26/71, effective 1/1/72.]

WAC 16-105-010 Standards for retail bacon packages. All bacon packages, other than cans, used for packaging bacon for distribution or sale at retail in this state shall be formed so as to readily display a substantial portion of a representative slice of the bacon packaged therein. [Order 1221, § 16-105-010, filed 11/26/71, effective 1/1/72.]

WAC 16-105-020 Penalty. Any bacon packaged for sale at retail shall be deemed to be in violation of section 1, chapter 49, Laws of 1971, if it does not conform to the provisions of WAC 16-105-010. [Order 1221, § 16-105-020, filed 11/26/71, effective 1/1/72.]

WAC 16-105-030 Exemption. WAC 16-105-010 of this order shall not apply to bacon sliced and packaged in full view of a retail purchaser. [Order 1221, § 16-105-030, filed 11/26/71, effective 1/1/72.]

Chapter 16-108 WAC
WASHINGTON STATE EGG SEALS

WAC

16-108-001 Promulgation.
16-108-002 Promulgation.
16-108-003 Promulgation.
16-108-010 Rate.
16-108-020 Time of payment—Regular seals.
16-108-030 Facsimile type seals, invoices, seals on bulk eggs.
16-108-040 Labeling.
16-108-050 Regulation.

WAC 16-108-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 69.24 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on September 20, 1962, do promulgate the following regulations. [Order 895, § 16-108-001, filed 9/26/62.]

WAC 16-108-002 Promulgation. (This promulgation relates to WAC 16-108-002 through 16-108-040 and amending Order No. 895.)

I, Stewart Bledsoe, director of agriculture of the state of Washington, after public notice and hearing held at Olympia, Washington on August 6, 1976, by virtue of authority vested in me under chapters 34.04 and 69.25 RCW, do hereby promulgate the following regulations relating to egg inspection assessment fees, labeling, and egg seals. [Order 1479, § 16-108-002, filed 8/18/76.]

WAC 16-108-003 Promulgation. (This promulgation relates to WAC 16-108-003 through 16-108-050 and amending Order No. 1479.)

I, Gary Strohmaier, director of agriculture of the state of Washington, after public notice and hearing held at Olympia, Washington on January 28, 1977, by virtue of authority vested in me under chapters 34.04 and 69.25 RCW, do hereby promulgate the following regulations relating to egg inspection assessment fees, and provide for egg seal exemption for shell egg packers and poultry producers. [Order 1489, § 16-108-003, filed 1/31/77, effective 3/7/77.]

WAC 16-108-010 Rate. A fee of two and one-half mills per dozen eggs is hereby established for Washington state egg seals and facsimile type Washington state egg seals imprinted on egg containers. [Order 1489, § 16-108-010, filed 1/31/77, effective 3/7/77; Order 1479, § 16-108-010, filed 8/18/76; Order 895, Regulation 1, filed 9/26/62; Order 784, Regulation 1, effective 4/1/59.]

WAC 16-108-020 Time of payment—Regular seals. Payment of fees for the regular state egg seals shall be made to the department prior to delivery of such seals. [Order 1479, § 16-108-020, filed 8/18/76; Order 895, Regulation 2, filed 9/26/62; Order 784, Regulation 2, effective 4/1/59.]

WAC 16-108-030 Facsimile type seals, invoices, seals on bulk eggs. Payment of fees for state egg seal facsimiles printed on egg containers shall be made to the department within ten days of the date appearing on the statement rendered by the department indicating that such fees are due. Carton manufacturers supplying egg cartons to egg dealers paying assessment fees on a monthly basis shall remit copies of invoices of carton purchases to the department. Egg seals may be applied to invoices or cards attached to containers when eggs are sold in bulk. [Order 1479, § 16-108-030, filed 8/18/76; Order 895, Regulation 3, filed 9/26/62; Order 784, Regulation 3, effective 4/1/59.]

WAC 16-108-040 Labeling. Every egg handler or dealer that pays assessments on a monthly basis, in lieu of seals, shall have their permanent dealer's number imprinted upon all containers that require assessment fees as provided by the "Washington Wholesome Eggs and Egg Products Act." The permanent egg handler or

dealer's number shall appear on the outside of the container closure, the characters shall be not less than 1/8 inch in height. The numbers shall be preceded by the letters WA– or 53–, which designates the state of Washington. [Order 1479, § 16–108–040, filed 8/18/76.]

WAC 16–108–050 Regulation. In conformance with the authority set forth in RCW 69.25.170(1) egg seals shall not be required in the sale of eggs by:

(1) Any poultry producer from his own flocks directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees; and

(2) Shell egg packers on their own premises directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees. [Order 1489, § 16–108–050, filed 1/31/77, effective 3/7/77.]

Chapter 16–112 WAC
EGG INSPECTION--INVOICES, BILLS OF LADING

WAC

16–112–001 Promulgation.
16–112–010 Invoice and bill of lading requirements—Definitions.
16–112–020 Invoice requirements.
16–112–030 Bill of lading requirements.

WAC 16–112–001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington, after public notice and hearing held at Olympia on December 6, 1957, by virtue of authority vested in me under chapter 69.24 RCW, do hereby promulgate the following rules and regulations. [Order 774, Promulgation, effective 5/5/58.]

WAC 16–112–010 Invoice and bill of lading requirements--Definitions. (1) "Invoice" means an itemized statement of shell eggs, held, stored, shipped or sent to a purchaser or consignee or dealer, with the quantity, grade, size and weight class annexed;

(2) "Bill of lading" means a written account or itemized statement of shell eggs shipped or sent to a purchaser, consignee or dealer with the point of origin, point of destination and quantity of shipment annexed. [Order 774, Regulation 1 (part), effective 5/5/58.]

WAC 16–112–020 Invoice requirements. No person or dealer shall have in his possession for the purpose of sale, shell eggs that have been previously candled, graded and labeled and held in containers or subcontainers without an invoice showing date received together with name and address of shipper: *Provided*, That each person or dealer shall keep a copy of said invoice on file at his place of business or place of storage for a period of ninety days during which time a copy shall be available for inspection at all reasonable times by the director. [Order 774, Regulation 1 (part), effective 5/5/58.]

WAC 16–112–030 Bill of lading requirements. A bill of lading shall accompany all shell eggs that have not been previously candled and graded that are held in containers or subcontainers when received, shipped, held or stored. A copy of said bill of lading shall be kept by the person in possession and shall be available for inspection by the director at all reasonable times: *Provided*, That shell eggs, packed, stored or held at the point of production shall be exempt from this regulation. [Order 774, Regulation 1 (part), effective 5/5/58.]

Chapter 16–114 WAC
EGG PRODUCTS

WAC

16–114–001 Promulgation.
16–114–010 Definitions.
16–114–015 Plant requirements.
16–114–020 Equipment and utensils.
16–114–025 General operating procedures.
16–114–030 Candling and transfer–room facilities.
16–114–040 Candling and transfer–room operations.
16–114–045 Egg washing area.
16–114–050 Egg cleaning operations.
16–114–055 Breaking room facilities.
16–114–060 Breaking room operations.
16–114–065 Liquid egg cooling facilities.
16–114–070 Liquid cooling operations.
16–114–075 Liquid egg holding.
16–114–080 Freezing facilities.
16–114–085 Freezing operations.
16–114–090 Defrosting facilities.
16–114–095 Defrosting operations.
16–114–100 Drying facilities and operation.
16–114–105 Washing and sanitizing room or area facilities.
16–114–110 Cleaning and sanitizing requirements.
16–114–115 Health and hygiene of personnel.
16–114–120 Pasteurization of liquid eggs.
16–114–125 Labeling.
16–114–130 Plant specifications and plant approval.
16–114–135 Exemptions.
16–114–140 Sale of egg products.

WAC 16–114–001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington, after public notice and hearing held at Olympia on January 22, 1964 by virtue of authority vested in me under chapters 69.04, 69.24 and 34.04 RCW, do hereby promulgate the following regulations relating to the processing of liquid, frozen and dried eggs and egg products. [Order 941, Promulgation, filed 2/28/64.]

WAC 16–114–010 Definitions. (1) The definitions contained in chapter 69.04 and 69.24 RCW shall apply under this order unless the context of this order clearly indicates otherwise.

(2) "Product" or "products" means eggs (whether shell, liquid, frozen, or dried) and egg products. Such terms shall also include any food product which is prepared or manufactured from any product if such product constitutes a substantial portion, by weight, of all the ingredients used in the preparation or manufacture of such food product.

(3) "Regulations" means the provisions in this part.

(4) "Sanitize" means to subject to an acceptable germicidal agent.

(5) The terms "pasteurization," "pasteurized," and similar terms shall be taken to refer to the process of heating every particle of egg or egg product to such temperatures and holding at such temperature for such time in approved and properly operated equipment as shall be approved by the director: *Provided*, That nothing contained in this definition shall be construed as disbarring any other process which has been demonstrated to be equally efficient and is approved by the director.

(6) "Egg plant" or "egg products plant" is any place or premises or establishment where eggs or egg products are handled, processed, broken, stored, bottled, packaged, filled, pasteurized, or prepared for distribution in a liquid, frozen or dried condition. [Order 941, Regulation 1, filed 2/28/64.]

WAC 16–114–015 Plant requirements. (1) The plant shall be free from strong foul odors, dust, and smoke–laden air.

(2) The premises shall be free from refuse, rubbish, waste, and other materials and conditions which constitute a source of odors or a harbor for insects, rodents, and other vermin.

(3) The buildings shall be of sound construction and kept in good repair, such as to prevent the entrance or harboring of vermin.

(4) Rooms shall be kept free from refuse, rubbish, waste materials, odors, insects, rodents, and from any conditions which may constitute a source of odors or engender insects and rodents. Materials and equipment not currently needed shall be handled or stored in a manner so as not to constitute a sanitary hazard.

(5) Doors and windows that open to the outside shall be protected against the entrance of flies and other insects. Doors and windows serving rooms where edible product is exposed shall be adequately protected against the entrance of dust and dirt. All doors leading into rooms where edible product is processed shall be of solid construction and such doors, other than freezer and cooler doors, shall be fitted with self–closing devices.

(6) Doors and other openings which are accessible to rodents shall be of rodent–proof construction.

(7) There shall be an efficient drainage and plumbing system for the plant and premises. All drains and gutters shall be properly installed with approved traps and vents. The sewerage system shall have adequate slope and capacity to remove readily all waste from the various processing operations. All floor drains shall be equipped with traps, and constructed so as to minimize clogging.

(8) Shell egg storage rooms, either on or off the premises, shall be capable of precooling all shell eggs to a temperature of 50°F. or less. Such rooms shall be kept clean and free from objectionable odors and mold growth.

(9) The water supply (both hot and cold) shall be ample, clean, and potable, with adequate facilities for its distribution throughout the plant, or portion thereof utilized for egg processing and handling operations, and for protection against contamination and pollution.

(10) The floors, walls, ceiling, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish to permit their ready and thorough cleaning. The floors and curbing shall be watertight. The floor of all rooms in which eggs or egg products are washed or processed or in which any equipment used in the processing operation is washed or stored shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, and kept clean and in good repair.

(11) Each room and each compartment in which any shell eggs or egg products are handled or processed shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character, free from objectionable odors and vapors, and maintained in a clean and sanitary condition.

(12) Every practicable precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects) from the plant, or portion thereof utilized, as aforesaid, in which shell eggs or egg products are handled or stored.

(13) There shall be a sufficient number of adequately lighted dressing rooms and toilet rooms, ample in size, conveniently located and separated from the rooms and compartments in which shell eggs or egg products are handled, processed, or stored. The dressing rooms and toilet rooms shall be separately ventilated, and shall meet all requirements as to sanitary construction and equipment.

(14) Lavatory accommodations (including, but not being limited to, hot and cold running water, towels, and soap which does not impart an odor which interferes with accurate evaluation of the product) shall be placed at such locations in the plant as may be essential to assure cleanliness of each person handling any shell eggs or egg products.

(15) Suitable facilities for cleaning and sanitizing utensils and equipment shall be provided at convenient locations throughout the plant. [Order 941, Regulation 2, filed 2/28/64.]

WAC 16–114–020 Equipment and utensils. Equipment and utensils used in processing shell eggs and egg products shall be of such design, material, and construction as will (1) enable the examination, segregation, and processing of such products in an efficient, clean, and satisfactory manner, and (2) permit easy access to all parts to insure thorough cleaning and sanitizing. All multi–use containers and equipment with which egg or egg products come into contact shall be smooth, impervious, noncorrodible, nontoxic material; shall be so constructed and so located as to be easily cleaned and shall be kept in good repair. All single–service containers, closures, gaskets, and other articles used shall have been manufactured, packaged, transported, and handled in a sanitary manner. Receptacles and packages used for shell eggs or egg products which are not fit for human food shall bear some conspicuous and distinctive identification. [Order 941, Regulation 3, filed 2/28/64.]

WAC 16-114-025 General operating procedures. (1) All operations involving processing, storing, and handling of shell eggs, ingredients to be added, and egg products shall be strictly in accord with clean and sanitary methods, and shall be conducted as rapidly as is practicable. Liquid egg products, other than whites, shall not be heated at any time during processing except as provided for in approved procedures for stabilization or pasteurization. Stabilization procedures, when employed, shall be approved by the director. Temperatures in all operations shall be such as will prevent a material increase in bacterial growth and deterioration or breakdown in the egg meat.

(2) All shell eggs and egg products shall be subjected to constant and continuous inspection throughout each and every processing operation. Any shell egg or egg product which was not processed in accordance with the regulations in this part or is not fit for human food shall be removed and segregated prior to any further processing operation in connection with the production of egg products.

(3) Shell eggs or egg products which are not fit for human food shall be placed in a conspicuously marked container which contains a denaturant of such character as will prevent such products from being used as human food or in the case of shell eggs they shall be treated in such manner as will preclude their use as human food.

(4) Eggs containing diffused blood in the albumen or on the yolk shall not be used in the preparation of egg products and such eggs shall be denatured.

(5) Each person who is to handle any exposed or unpacked egg products shall wash his hands immediately prior to handling any such products, or any utensils which contain, or are to contain, such products and shall maintain clean hands while handling any exposed or unpacked egg products.

(6) No other product or material shall be processed, stored, or handled in any room, compartment, or place where any shell eggs or egg products are processed, stored, or handled, except as may be approved by the director. The freezer room may contain other frozen products which do not create an objectionable condition or odor.

(7) Only germicides, insecticides, rodenticies, detergents, or wetting agents or other similar compounds which will not deleteriously affect the egg products and which have been approved by the director may be used in a plant. The use of such compounds shall be in a manner satisfactory to the director.

(8) All utensils and equipment which are contaminated during the course of processing any shell eggs or egg products shall be removed from use immediately and shall not be used again until cleaned and sanitized.

(9) Any substance or ingredient added in the processing of any egg products shall be clean and fit for human food.

(10) Packages or containers for egg products shall be clean when being filled with any egg products; and all precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such egg products. Frozen or liquid egg containers shall be of new material and shall not be reused.

(11) Egg meat shall be processed in such manner as to insure the removal of meat spots, shell particles, and foreign materials.

(12) All utensils and equipment, except the drying units, the powder conveyors, mechanical powder coolers, and blenders shall be sanitized at the start of each day's processing operations. All equipment and utensils shall be kept clean and sanitary during all processing operations. [Order 941, Regulation 4, filed 2/28/64.]

WAC 16-114-030 Candling and transfer-room facilities. (1) The room shall be so constructed that it can be adequately darkened to assure accuracy in removal of inedible or loss eggs by candling. Equipment shall be arranged so as to facilitate cleaning and the removal of refuse and excess packing material.

(2) The construction of the floor shall allow thorough cleaning. In new construction the floors shall be of water-resistant composition and provided with proper drainage.

(3) Ventilation shall be such as to provide for the rapid removal of objectionable odors and dust, preferably by means of an exhaust fan.

(4) Candling devices of an approved type shall be provided to enable candlers to detect inedible, dirty, or checked eggs, and eggs other than chicken eggs.

(5) Containers made of a material and of such design that is conducive to easy cleaning and sanitizing shall be provided for inedible eggs. All such containers shall be conspicuously marked.

(6) Containers made of a material and of such design that is conducive to easy cleaning and sanitizing shall be provided for trash unless clean disposable containers are furnished daily.

(7) Shell egg conveyors shall be constructed so that they can be thoroughly cleaned. [Order 941, Regulation 5, filed 2/28/64.]

WAC 16-114-040 Candling and transfer-room operations. (1) Candling and transfer rooms shall be kept clean, free from cobwebs, dust, objectionable odors, and excess packing materials.

(2) Floors and benches shall be thoroughly cleaned daily.

(3) Mechanical candling machines shall be maintained in a clean condition during operations.

(4) Containers for trash and inedible eggs shall be removed from the candling room as often as necessary but at least once daily; and shall be cleaned and treated in such a manner as will avoid off odors or create objectionable conditions in the plant.

(5) Duck, turkey, guinea, and goose eggs shall be segregated and if processed they shall be processed separately and each container of such product shall be conspicuously marked and identified.

(6) Shell eggs received in cases having strong odors such as kerosene, gasoline, or other odors of a volatile

nature, shall be candled and broken separately to determine their acceptability for egg meat purposes and each container of the resultant frozen products shall be drilled and examined organoleptically.

(7) The shell eggs shall be sorted and classified as edible, inedible, eggs from other than chickens, or loss, in a manner approved by the director.

(a) All edible eggs shall be carefully placed on conveyors or into containers and handled in a manner which will minimize breakage.

(b) Eggs shall be handled in a manner to minimize sweating prior to breaking.

(c) All loss or inedible eggs shall be placed in a designated container and be handled as required in WAC 16-114-025(3). Inedible and loss eggs, for the purposes of this section and WAC 16-114-060 are defined to include black rots, white rots, mixed rots, green whites, eggs with diffused blood in the albumen or on the yolk, crusted yolks, stuck yolks, developed embryos at or beyond the blood ring state, moldy eggs, sour or musty eggs, and any other filthy and decomposed eggs including the following:

(i) Any egg with visible foreign matter, other than removable blood and meat spots, in the egg meat.

(ii) Any egg with any portion of the shell membrane missing, ruptured, broken, or which has a portion of the shell in excess of 1/4 inch square missing even though the shell membrane is intact.

(iii) Any egg with conditions which make washing or cleaning such as to not completely remove all adhering dirt or other material from the shell of the egg prior to the breaking operation.

(iv) Any egg with conditions which make washing or breaking without contaminating the contents impossible.

(v) Any eggs that are adulterated as such term is defined pursuant to the Uniform Washington Food, Drug and Cosmetic Act. (Chapter 69.04 RCW.)

(d) Edible eggs include all eggs which are fit for human food and which are not defined as inedible or loss in subsection (7)(c) of this section. Edible eggs include eggs from which blood spots (localized clots of blood which can be removed readily) have been removed.

(e) Incubator reject eggs, "incubator clears," and ova from slaughtered birds of any species shall not be brought into any egg or egg products plant for any purpose whatsoever. [Order 941, Regulation 6, filed 2/28/64.]

WAC 16-114-045 Egg washing area. (1) The egg washing room or area shall be separated from the breaking, drying, and sanitizing rooms. The floor shall be of waterproof composition and shall be constructed to allow thorough cleaning and adequate drainage. Ventilation, preferably by means of an exhaust fan, shall provide for the removal of objectionable vapors and odors. [Order 941, Regulation 7, filed 2/28/64.]

WAC 16-114-050 Egg cleaning operations. (1) All shell eggs shall be clean prior to breaking. If eggs are cleaned by washing, the washing shall be a continuous process, and eggs shall not be allowed to stand or soak in water or washing solution. The washing solution shall be changed with sufficient frequency to maintain it in reasonably clean condition. Washed eggs shall be spray-rinsed with water containing an approved sanitizing agent. Eggs shall be dried sufficiently before breaking to prevent contamination or adulteration of the liquid eggs.

(2) Temperature of the wash water shall be at least 20°F. higher than the temperature of the eggs to be washed.

(3) Shell eggs shall not be washed in the breaking or sanitizing rooms or any room where edible products are processed.

(4) Eggs washed in the breaking plant shall be immediately broken after they are dried or precooled prior to breaking to a temperature of 50°F. or less to facilitate separating operations, but such precooled eggs shall be broken within twenty-four hours after they are washed. [Order 941, Regulation 8, filed 2/28/64.]

WAC 16-114-055 Breaking room facilities. (1) The breaking room shall have at least thirty foot candles of light on all working surfaces except that light intensity shall be at least fifty foot candles at breaking tables and inspection tables. Lights shall be protected with adequate safety devices.

(2) The surface of the ceiling and walls shall be smooth and made of a tile, plaster, or other water-resistant material.

(3) The floor shall be of waterproof construction, (WAC 16-144-015(10)) and shall be smooth and sloped so that there will be no pools of standing water after flushing, and the joints between the floor and the walls are so constructed as to be impervious. Trapped drains shall be so constructed as to minimize clogging, and the plumbing is so installed that no sewerage can back up in the drain line and flood the floor.

(4) Ventilation shall provide for:

(a) A positive flow of outside filtered air through the room;

(b) Sufficient exhaust to cause a prompt and continuous removal of objectionable odors; and

(c) Warm room air of suitable working temperature when rooms are operated during cold weather.

(5) There shall be provided adequate hand washing facilities which are easily accessible to all breaking personnel, an adequate supply of warm water, clean towels or other facilities for drying hands, odorless soap, and containers for used towels. Hand washing facilities shall be operated by other than hand operated controls.

(6) Tables and receiving shelves shall be of approved metal construction and surfaces thereof shall be smooth and without open seams. Metal covered wooden tables are not acceptable.

(7) Conveyors for liquid-egg containers shall be so constructed as will prevent entrance of grease, dust, or other contaminants into the liquid eggs.

(8) Conveyors for shell eggs shall be so constructed as will permit them to be operated in a clean and sanitary manner.

(9) Conveyors which are used for carrying shell eggs shall be so installed as will prevent contamination of the egg products.

(10) All liquid–egg containers, including cups, buckets, pipes, pumps and other equipment which come in contact with liquid eggs, shall be of approved materials and shall be free from leaks, excessive dents, rust spots and those seams which make cleaning difficult.

(11) Frozen egg containers are not acceptable as liquid–egg buckets.

(12) A suitable container bearing an identifying mark shall be provided for disposal of rejected liquid.

(13) Strainers, settling tanks, or centrifugal clarifiers of approved construction shall be provided for the effective removal of shell particles, and foreign material or by such other method as shall be approved by the director.

(14) Separate churn or draw–off rooms, if provided, shall meet requirements that are comparable to those listed under this section.

(15) In the processing of whole eggs or albumen, hashers may be used when preceded by an approved settling tank or strainer, or followed by a centrifugal clarifier. [Order 941, Regulation 9, filed 2/28/64.]

WAC 16-114-060 Breaking room operations. (1) The breaking room shall be kept in a dust–free clean condition and free from flies, insects, and rodents. The floor shall be kept clean and reasonably dry during breaking operations and free of egg meat and shells.

(2) Shell egg containers coming into the breaking room shall be so handled that they do not pass directly over or come in contact with liquid egg, liquid–egg containers, or drip trays. Such containers shall be made of a material and of such design that is conducive to easy cleaning and sanitizing.

(3) Shell egg conveyors shall be maintained in a sanitary condition while in operation.

(4) All breaking room personnel shall wash their hands thoroughly with odorless soap and water each time they enter the breaking room and prior to receiving clean equipment after breaking an inedible egg. Perfumes and nail polish shall not be used by breakers.

(5) If towels are used at breaking tables, they shall be paper towels or tissue only and shall not be reused. Cloth towels are not permitted.

(6) Breakers shall use a complete set of clean equipment when starting work and after lunch periods. All table equipment shall be rotated with clean equipment every 2 1/2 hours.

(7) Cups shall not be filled to overflowing.

(8) Each shell egg must be broken in a satisfactory and sanitary manner and inspected for wholesomeness by smelling the shell or the egg meat and by visual examination at the time of breaking.

(9) Shell particles, meat and blood spots, and other foreign materials accidentally falling into the cups or trays shall be removed with a spoon or other approved instrument.

(10) Whenever an inedible egg is broken, the affected breaking equipment shall be replaced with a complete set of clean equipment, except that only the cup or Canadian tray need be exchanged when bloody whites or blood rings are encountered.

(11) Inedible and loss eggs as defined in WAC 16–114–040 (7)(c), apply to this section.

(12) The contents of any cup or other egg–liquid receptacle containing one or more inedible or loss eggs shall be rejected.

(13) All inedible egg liquid must be placed in a clearly identified container containing a denaturant. This container shall be kept adjacent to, or in the sanitizing room, or near the inspection table and shall be removed from the breaking or sanitizing room as often as is necessary to maintain satisfactory operating conditions, but at least once daily.

(14) Contents of drip trays shall be emptied into a cup and smelled carefully before pouring into egg–liquid bucket. Drip trays shall be emptied at least once for each fifteen dozen eggs or every fifteen minutes.

(15) All egg liquid and ingredient containers and additives such as salt, sugar, and syrups shall be handled in a clean and sanitary manner.

(16) Liquid–egg containers shall not pass through the candling room.

(17) Test kits shall be used to determine the bactericidal strength.

(18) Shell egg containers whenever dirty shall be cleaned and drained; and shall be cleaned, sanitized, and drained at the end of each shift.

(19) Belt type shell egg conveyors shall be cleaned and sanitized approximately every four hours in addition to continuous cleaning during operation. When not in use, belts shall be raised to permit air drying.

(20) Cups, knives, racks, separators, trays, spoons, liquid–egg pails, and other breaking equipment shall be cleaned and sanitized at least every two and one–half hours. This equipment shall also be cleaned and sanitized at the end of each shift and shall be sanitized again immediately prior to use unless operations are resumed within one hour. All washing and sanitizing is to be conducted in the area provided for this purpose.

(21) Sanitized utensils shall be drained on aerated drain racks and shall not be nested.

(22) Dump tanks, draw–off tanks and low pressure liquid egg lines shall be flushed at least every four hours. All such equipment and all other liquid handling equipment, unless cleaned by acceptable in–place cleaning methods, shall be dismantled, cleaned and sanitized after each shift and shall not be reassembled more than two hours prior to use. Such equipment shall be thoroughly flushed with a sanitizing solution and thoroughly drained prior to placing in use.

(23) Strainers, clarifiers, and other devices used for removal of shell particles and other foreign material shall be cleaned and sanitized each time it is necessary to change such equipment, but at least once each four hours of operation and unless gauges are installed which indicate satisfactory operation, pressure strainers shall be cleaned and sanitized at least once each two hours of operation.

(24) Breaking room processing equipment shall not be stored on the floor.

(25) Metal containers and lids for other than dried products shall be thoroughly washed, rinsed, sanitized, and drained immediately prior to filling, except that if equally effective measures approved by the director in writing are followed to assure clean and sanitary containers at the time of filling, the foregoing washing sequence shall not be required.

(26) Liquid egg holding vats and containers (including tank trucks) used for transporting liquid eggs shall be cleaned after each use. Such equipment shall be clean and shall be sanitized immediately prior to placing in use.

(27) Tables, shell conveyors and containers, and containers for inedible egg liquid shall be cleaned and sanitized at the end of each shift.

(28) Those parts of mechanical egg breaking equipment not specifically covered elsewhere in this section shall be cleaned and sanitized as often as necessary to maintain the equipment in a sanitary condition and shall be thoroughly cleaned at least every four hours and at the end of each shift. [Order 941, Regulation 10, filed 2/28/64.]

WAC 16-114-065 Liquid egg cooling facilities. (1) Liquid egg cooling units shall be of approved construction and shall have sufficient capacity to cool all liquid eggs to meet the temperature requirements specified in WAC 16-114-070 for liquid eggs prior to drying or freezing.

(2) Surface type coolers shall be fitted with covers and maintained under sanitary conditions.

(3) If adequate liquid cooling facilities are not provided shell egg temperatures shall be such that the liquid egg temperature specified in WAC 16-114-070 will be produced. [Order 941, Regulation 11, filed 2/28/64.]

WAC 16-114-070 Liquid cooling operations. (1) Liquid-egg storage rooms, including surface cooler and holding tank room, shall be kept clean, free from objectionable odors and condensation.

(2) All shell eggs shall be precooled to temperatures which will produce liquid eggs at a temperature so that the liquid egg at no time during processing, other than while stabilizing or pasteurizing, will exceed 70°F.

(3) All products, other than as provided in subsection (4) of this section, liquid whites and product which is subjected to immediate stabilization or pasteurization, shall be cooled and held at 45°F. or less within one and one-half hours from time of draw-off of the liquid. For the purpose of this section, the time of draw-off is the time the product is placed into cans for freezing or transferred to vats or holding tanks for further processing or shipping. The time elapsed between time of breaking and draw-off shall not exceed forty-five minutes unless precooled to 45°F. or less and maintained at that temperature prior to draw-off. If the forty-five minutes are not used up, the unused portion may be added to the one and one-half hour time requirement.

(4) Egg products containing twenty-five and one-half percent or more egg solids, to which ten percent salt has been added, may be accumulated up to four hours at a temperature not exceeding 60°F.: *Provided*, That immediately thereafter the product is packaged and placed in a freezer. Liquid eggs, other than whites, if to be held more than eight hours, shall be reduced to a temperature of 40°F. or less within one and one-half hours from time of draw-off and held at 40°F. or less until stabilizing or pasteurizing operations are begun or until delivered to the consumer.

(5) Stabilized liquid eggs shall be cooled to 40°F. or less, unless immediately dried or pasteurized following stabilization. The cooling process shall be started immediately following stabilization and be completed within three hours.

(6) Pasteurized liquid egg shall be cooled to 40°F. or less, unless immediately dried or stabilized following pasteurization. The cooling process shall be started immediately following pasteurization and be completed within one and one-half hours.

(7)(a) Liquid whites that are to be stabilized by removal of glucose and dried shall be held at a temperature not exceeding 70°F.: *Provided*, That the stabilization process is begun within eight hours from time of draw-off. If to be held longer than eight hours prior to stabilization, the liquid whites shall be cooled immediately after draw-off to 55°F. and held at that temperature or lower until stabilizing is begun. Drying shall be carried out as soon as possible after the removal of the glucose and the capacity of the drier shall be sufficient to handle the volume of product stabilized so that the storage of stabilized liquid white will not be necessary as a regular operating procedure.

(b) Liquid whites, that are to be frozen, may be broken at temperatures not exceeding 70°F. and if not cooled, shall be processed in a continuous operation and placed in a freezer immediately after draw-off. Liquid whites which are to be frozen, but which are to be held temporarily prior to freezing, shall be chilled to a temperature of 45°F. or lower within one and one-half hours from time of draw-off.

(8) Compliance with temperature requirements applying to liquid eggs shall be considered as satisfactory only if the entire mass of the liquid meets the requirements.

(9) Surface coolers must be kept covered at all times except while being washed and sanitized.

(10) Agitators shall be operated in such a manner as will minimize the production of foam.

(11) Upon written request and under such conditions as may be prescribed by the director, liquid cooling and handling temperatures not otherwise provided for in this section may be approved. [Order 941, Regulation 12, filed 2/28/64.]

WAC 16-114-075 Liquid egg holding. (1) All tanks, vats, drums, or cans used for holding liquid eggs shall be of approved construction, fitted with covers and located in rooms maintained in a sanitary condition.

(2) Liquid-egg holding tanks or vats shall be equipped with an agitator.

(3) Inlets to holding tanks or vats shall be such as to prevent excessive foaming.

(4) Gaskets, if used, shall be of a sanitary type. [Order 941, Regulation 13, filed 2/28/64.]

WAC 16-114-080 Freezing facilities. (1) Freezing rooms, either on or off the premises, shall be capable of freezing all liquid egg products in accordance with the freezing requirements as set forth in WAC 16-114-085. Use of off-premise freezing facilities is permitted only when prior approval in writing from the director is on file.

(2) Fans shall be provided to guarantee adequate air circulation in the freezing room. [Order 941, Regulation 14, filed 2/28/64.]

WAC 16-114-085 Freezing operations. (1) Freezing rooms shall be kept clean and free from objectionable odors.

(2) All egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10°F. within sixty hours from time of draw-off. The temperature of products not solidly frozen shall be taken at the center of the package to determine compliance with this section.

(3) Containers shall be stacked so as to permit circulation of air around each individual container.

(4) The outside of liquid-egg containers shall be clean and free from evidence of liquid egg. [Order 941, Regulation 15, filed 2/28/64.]

WAC 16-114-090 Defrosting facilities. (1) Approved metal defrosting tanks or vats constructed so as to permit ready and thorough cleaning shall be provided.

(2) Frozen egg crushers, when used, shall be of approved metal construction. The crushers shall permit ready and thorough cleaning and the bearings and housings shall be fabricated in such a manner as to prevent contamination of the egg products.

(3) Service tables shall be of approved metal construction without open seams and the surfaces shall be smooth to allow thorough cleaning. [Order 941, Regulation 16, filed 2/28/64.]

WAC 16-114-095 Defrosting operations. (1) Frozen whole eggs, whites and yolks, and yolks shall be turned into a liquid state in a sanitary manner as quickly as possible after the defrosting process has begun.

(2) Each container of frozen eggs shall be checked for condition and odor just prior to being emptied into the crusher or receiving tank. Frozen eggs which have objectionable odors and are unfit for human food (e.g. sour, musty, oil, fermented, or decomposed odors) shall be denatured.

(3) Frozen whites used in the production of dried albumen may be defrosted at room temperature.

(4) Frozen whole eggs, whites and yolks, and yolks may be tempered or partially defrosted for not to exceed forty-eight hours at a room temperature no higher than 40°F., or not to exceed twenty-four hours at a room temperature above 40°F.: *Provided*, That no portion of the defrosted liquid shall exceed 50°F. while in or out of the container.

(a) Frozen eggs packed in metal containers may be placed in running cold tap water without submersion to speed defrosting.

(b) The defrosted liquid shall be held at 40°F. or less, except in the case of the product to be pasteurized or stabilized by glucose removal as provided in WAC 16-114-070. Defrosted liquid shall not be held more than sixteen hours prior to drying.

(5) Sanitary methods shall be used in handling containers, extracting semi-frozen eggs, and in removing adhering egg liquid.

(a) To rinse out containers, the pouring of water from one container into another is not permitted.

(b) Emptied cans shall not be stacked one on the other while waiting final removal of liquid.

(c) Paper or fiber packages of frozen eggs shall not be immersed in water to speed defrosting.

(6) Crushers and other equipment used in defrosting operations shall be dismantled at the end of each shift and shall be washed, rinsed and sanitized.

(a) Where crushers are used intermittently, they shall be flushed after each use and again before being placed in use.

(b) Floors and work tables shall be kept clean. [Order 941, Regulation 17, filed 2/28/64.]

WAC 16-114-100 Drying facilities and operation. Spray drying facilities for the drying of eggs or egg products shall be so constructed as to comply with such standards as shall be approved by the director but in no event shall they be less than those interpretations contained in the U.S. Public Health Service Grade A Dry Milk Products Code. Any other drying facilities may be approved by the director if found to be of equal compliance. Dried egg storage shall be only under such conditions as are approved by the director. [Order 941, Regulation 18, filed 2/28/64.]

WAC 16-114-105 Washing and sanitizing room or area facilities. (1) This room or area shall be well lighted, and of sufficient size to permit operators to properly wash and sanitize all equipment at the rate required by the size of the operation. Adequate ventilation shall be provided to insure the prompt removal of odors and vapors and the air flow shall be away from the breaking room. If the washing and sanitizing room is not a separate room, it shall be an area well segregated from the breaking areas and it shall be well ventilated with air movement directed away from the breaking operations so that odors and vapors do not permeate the breaking areas.

(2) Ceiling and walls shall have a surface of tile, enamel, paint, or other water-resistant material.

(3) Floors shall be free from cracks or rough surfaces which form pockets for accumulation of water and dirt, and intersections with walls shall be impervious to water with ample drainage provided. [Order 941, Regulation 19, filed 2/28/64.]

WAC 16-114-110 Cleaning and sanitizing requirements. (1) **Cleaning.**

(a) Equipment used in egg processing operations which comes in contact with liquid eggs or exposed edible products shall be cleaned to eliminate organic matter and inorganic residues. This may be accomplished by any sanitary means but it is preferable (unless in-place cleaning is employed) to flush soiled equipment with clean cool water, dismantle it when possible and then wash by brushing with warm water containing a detergent and followed by rinsing with clean cool water. It is essential to have the equipment surfaces thoroughly clean if effective sanitizing is to be attained.

(b) Equipment shall be cleaned with such frequency as is specified elsewhere under the sanitary requirements for the particular kind of operation and type of equipment involved.

(c) In-place cleaning shall be considered to be acceptable only if the methods and procedures used accomplish cleaning equivalent to that obtained by thorough manual washing and sanitizing of dismantled equipment. The director shall determine the acceptability of in-place cleaning procedures and may require bacteriological tests and periodic dismantling of equipment as a basis for such determination.

(2) **Sanitizing.**

(a) Sanitizing shall be accomplished by subjecting, for not less than one minute, the equipment surfaces to a hypochlorite or other approved sanitizing solution carrying a minimum initial strength of two hundred p.p.m. of chlorine or its equivalent. The solution shall be changed whenever the strength of the solution drops to one hundred p.p.m. of available chlorine or its equivalent.

(b) Shell eggs which have been sanitized and equipment which comes in contact with edible products shall be rinsed with clean water after sanitizing if other than hypochlorites are used as sanitizing agents. [Order 941, Regulation 20, filed 2/28/64.]

WAC 16-114-115 Health and hygiene of personnel. (1) Personnel facilities, including toilets, lavatories, lockers, and dressing rooms shall be adequate and meet state and local requirements for food processing plants.

(2) Toilets and dressing rooms shall be kept clean and adequately ventilated to eliminate odors and kept adequately supplied with soap, towels, and tissues. Toilet rooms shall be ventilated to the outside of the building.

(3) No person affected with any communicable disease (including, but not being limited to tuberculosis) in a transmissible stage, or who is a carrier of such disease, or with open sores or cloth bandages on hands shall be permitted to come in contact with eggs in any form or with equipment used to process such eggs.

(4) All workers coming into contact with liquid or dried eggs, containers or equipment, shall wear clean outer uniforms.

(5) All plant personnel handling exposed edible product shall wash their hands before beginning work, and upon returning to work after leaving the work room.

(6) Expectorating, or other unsanitary practices, shall not be permitted.

(7) Use of tobacco in any form by workers shall not be permitted in rooms where edible products are exposed.

(8) Hair nets or caps shall be properly worn by all persons employed in breaking and packaging rooms. [Order 941, Regulation 21, filed 2/28/64.]

WAC 16-114-120 Pasteurization of liquid eggs. Pasteurization of liquid eggs shall be in such equipment and under such conditions as are approved by the director. [Order 941, Regulation 22, filed 2/28/64.]

WAC 16-114-125 Labeling. All egg and egg product containers shall bear a label or shall be stamped on the body of the container with (1) the name and place of business of the manufacturer, packer, or processor, (2) an accurate statement of the quantity of the contents in terms of weight or measure, (3) accurate statement as to the description of the contents, and (4) a code or date for identification of each lot. This code or date identifies the contents with a specific date, run or batch of the product.

The time period during which each code lot is packed should be as short as practicable but in no case longer than one day. [Order 941, Regulation 23, filed 2/28/64.]

WAC 16-114-130 Plant specifications and plant approval. (1) Any person desiring to operate an egg processing plant as defined in this order must apply to the director for an inspection of the plant and facilities and must receive written approval of such plant and facilities prior to operation. When an application to operate an egg processing plant has been filed with the director, a survey and inspection of the premises and plant will be made to determine if the facilities and methods of operation are in compliance with this order.

(2) Three copies of drawings properly drawn to scale shall be submitted to the department. The drawings shall consist of floor plans of space to be included in the processing plant, the locations of such features as the principal pieces of equipment, floor drains and washing facilities, hose connections for cleanup purposes, the cardinal points of the compass and the name and address (specific location) of the plant.

(3) The processing plant shall include the breaking room equipment, washing and sanitizing rooms, shell egg washing rooms, shell egg storage rooms, toilet and dressing rooms, store rooms for supplies used in the operation of the plant and all other rooms, compartments or passageways, where products or any ingredients to be used in the preparation of products will be handled or kept and may include other rooms located in the building comprising the egg processing plant. If rooms shown on the drawings are not to be included as part of the processing plant, this should be clearly indicated thereon. Specifications covering the height of ceilings, types of principal pieces of equipment, character of walls, floors, ceilings, lighting, ventilation, including intake and exhaust facilities, water supply and drainage

and such other notations as may be required shall accompany the drawings.

(4) Prior to the operation of an egg breaking plant, a final survey of the plant and premises shall be made by the department to determine if the plant is constructed and facilities are installed in accordance with the approved drawings, and the provisions of this order. Approval for the operation will be granted only when these requirements have been met. Before any egg processing plant is constructed, reconstructed or extensively altered, properly prepared plans shall be submitted to the department for approval before work is begun. Any plant approval may be suspended for:

(a) Failure to maintain plant and equipment in a satisfactory state of repairs; or

(b) The use of operating procedures which are not in accordance with the provisions of this order; or

(c) Alterations of buildings, facilities or equipment which cannot be approved in accordance with the provisions of this order. [Order 941, Regulation 24, filed 2/28/64.]

WAC 16-114-135 Exemptions. (1) The provisions of this order shall apply only to liquid, frozen or dried egg products and the handling, breaking and processing of shell eggs as directly connected with and used in the production of liquid, frozen or dried egg products.

(2) For the purpose of carrying out its teaching, research and extension programs the Washington State University poultry research laboratory(s) may be exempted from certain facility requirements of this order as approved by the director. [Order 941, Regulation 25, filed 2/28/64.]

WAC 16-114-140 Sale of egg products. No egg products shall be sold, offered for sale, held for sale, traded or bartered as food unless:

(1) Such egg products are in containers or packages bearing the official shield of the United States Department of Agriculture showing that such egg products were processed or prepared in an egg plant subject to continuous inspection of said United States Department of Agriculture, or

(2) Such egg products are in containers or packages bearing identification and labels showing that such egg products were processed or prepared in egg plants meeting the requirements of this order and subject to the inspection of said Washington state department of agriculture.

All egg products not marked or prepared as set forth in this regulation, and sold, offered for sale, held for sale, traded or bartered as food in this state, shall be deemed to be adulterated or misbranded. [Order 941, Regulation 26, filed 2/28/64.]

Chapter 16-116 WAC
POULTRY AND RABBIT KILLING ESTABLISHMENTS

WAC

16-116-001 Promulgation.
16-116-010 Equipment—Sanitation.
16-116-020 Slaughter and refrigeration.
16-116-030 Unwholesome meat.
16-116-040 Sale of wild rabbits forbidden.

WAC 16-116-001 Promulgation. I, Sverre N. Omdahl, director of agriculture of the state of Washington, by virtue of the authority vested in me in chapter 257, Laws of 1945, do hereby promulgate the following rules and regulations governing establishments used in the killing, packaging and holding of rabbits and poultry for human consumption. [Order 609, Promulgation, effective 8/7/51.]

WAC 16-116-010 Equipment--Sanitation. Any place where poultry or rabbits are prepared, processed, or sold or offered for sale, and all persons employed in the preparation, processing or sale, and equipment used in such places shall comply with the following requirements:

(1) All equipment shall be at all times maintained in a clean and sanitary condition and all persons employed therein shall operate in a clean and sanitary manner.

(2) There shall be an efficient drainage, and plumbing system for such place and premises on which it is located; and all drains and gutters shall be properly installed with traps and vents approved by the director.

(3) The water supply shall be adequate in quantity and of a safe, sanitary quality and shall meet the standards of the state department of health for drinking water, with adequate facilities for distribution in the plant. Every such place shall make known, and shall afford opportunity for inspection of the source of its water supply. Steam or hot water of not less than 180 degrees F. shall be available therein for sanitation purposes.

(4) The building shall be of sound construction and kept in good repair and shall be constructed and maintained to prevent entry and harboring of rodents and insects. The floors, walls, ceilings, partitions, posts, doors, and other parts of all structures shall be of such materials, construction and finish as will make them susceptible of being readily and thoroughly cleaned. The floors shall be well drained, where necessary. All floors in feeding (where applicable), holding, preparing, processing, refrigeration rooms or compartments or other floors which must be washed to maintain sanitation shall be of concrete, grease-proof tile or other equally impervious or water repellent material and shall be kept in good repair. There shall be abundant light, either natural or artificial, and sufficient ventilation for all rooms and compartments, to insure sanitary conditions.

(5) The rooms and compartments used for any edible food products intended for human consumption shall be separate and distinct from those used for inedible products. The rooms and compartments in which poultry or rabbits are prepared, processed or handled shall be free

from odors from dressing rooms and toilet rooms, catch basins or from any inedible products.

(6) Such place shall be kept free of flies, rats, mice and other vermin.

(7) The use of poisons except as authorized by law is forbidden in such place.

(8) Dogs and cats shall not be admitted into such place.

(9) Adequate sanitary toilet facilities shall be provided on the premises, and shall be in rooms with outside ventilation and separate from rooms or compartments where meat is prepared, processed or stored.

(10) Conveniently located facilities for washing hands, with soap dispensers, and sanitary towels, and separate facilities for sterilizing eviscerating and cutting equipment shall be provided.

(11) Only clean garments shall be worn, and aprons, frocks and other outer clothing shall be of material which is readily cleaned.

(12) Boats, trucks, and other vehicles used in the transportation of such meat shall be maintained in a sanitary condition at all times. If other than a closed truck is used, the meat shall be covered with a clean dust-proof cover, canvas, or other similar type material.

(13) The outer premises of such place shall be kept in a clean and sanitary condition.

(14) No person shall be employed in any such place who has or is afflicted with a contagious disease in its transmittable form.

(15) Scale plans of all major repairs or new construction of any such place shall be submitted to the director for approval before construction starts.

(16) All equipment which is hereafter replaced or newly installed shall be of such material and construction as will facilitate its thorough cleaning and insure cleanliness in the preparation and handling of meat.

(17) All working surfaces used in preparation or processing shall be covered with smooth, noncorrosive, impervious material. [Order 609, Regulation 1, effective 8/7/51.]

WAC 16-116-020 Slaughter and refrigeration. No poultry or rabbit shall be sold or offered for sale unless the following requirements are complied with:

(1) Receiving, feeding and holding of live poultry or rabbits shall not be permitted in the same room where processing, dividing or eviscerating is done.

(2) Adequate refrigeration shall be available for reducing the internal temperature of all dressed poultry and ready-to-cook poultry to 36 degrees above zero F. within 24 hours after slaughter, and shall thereafter at all times be adequately refrigerated.

(3) The internal temperature of dressed rabbit shall be lowered by chilling with ice or water or by refrigeration to at least 40 degrees above zero F., in 6 hours or less after the same is dressed and shall thereafter at all times be adequately refrigerated. No rabbit shall remain in water more than 6 hours. [Order 609, Regulation 2, effective 8/7/51.]

WAC 16-116-030 Unwholesome meat. It shall be unlawful to sell or offer for sale any poultry or rabbit affected by or showing evidence of disease or any condition which may render the same unwholesome or unfit for human consumption. The director may take samples or specimens of any poultry or rabbit prepared or processed or displayed for sale, or being prepared or processed for sale, and may hold the same for examination, analysis or evidence; and may forthwith seize, condemn and destroy any such meat which is unwholesome or unfit for human consumption. [Order 609, Regulation 3, effective 8/7/51.]

WAC 16-116-040 Sale of wild rabbits forbidden. No wild rabbit shall be sold or offered for sale, or possessed or stored in any wholesale or retail shop or other food establishment. [Order 609, Regulation 4, effective 8/7/51.]

Chapter 16-120 WAC
CREAM BUYING STATIONS

WAC

16-120-001 Promulgation.
16-120-005 Definition.
16-120-010 Location.
16-120-020 Floors.
16-120-030 Walls and ceilings.
16-120-040 Window space and artificial light.
16-120-050 Ventilation.
16-120-060 Screening.
16-120-070 Floor space.
16-120-080 Steam.
16-120-090 Wash vats.
16-120-100 Metal racks.
16-120-110 Babcock testing equipment.
16-120-120 Cream temperature.
16-120-130 Penalty.

WAC 16-120-001 Promulgation. I, Fred J. Martin, director of agriculture of the state of Washington, by virtue of the authority vested in me under RCW 43.23-.070 and 15.32.090, do hereby issue the following regulations governing the construction, maintenance and operation of cream buying stations. [Order 449, Promulgation, effective 7/1/46.]

WAC 16-120-005 Definition. For the purpose of these regulations the term "cream buying station" shall mean any building or structure wherein cream is received from the producer and/or stored, kept or handled for reshipment or transfer to a creamery for processing. [Order 449, Definition, effective 7/1/46.]

WAC 16-120-010 Location. Cream buying stations must be located separately from any other business, or occupation, unless separated from such business or occupation by tight walls and shall not be adjacent to any contaminating surroundings. [Order 449, Regulation 1, effective 7/1/46.]

WAC 16-120-020 Floors. The floors shall be concrete or similar impervious material with smooth finish,

in good state of repair, and graded to drain efficiently and completely. [Order 449, Regulation 2, effective 7/1/46.]

WAC 16-120-030 Walls and ceilings. Walls and ceilings shall be of smooth washable finish, in good state of repair, and so constructed as to exclude all vermin and insects. Walls and ceilings shall be painted a light color and kept clean at all times. [Order 449, Regulation 3, effective 7/1/46.]

WAC 16-120-040 Window space and artificial light. Effective window area and adequate artificial light must be provided. All new constructions are to be provided with effective window space equivalent to ten percent or more of the floor area. [Order 449, Regulation 4, effective 7/1/46.]

WAC 16-120-050 Ventilation. Adequate ventilation must be provided to prevent condensation of moisture and odors. [Order 449, Regulation 5, effective 7/1/46.]

WAC 16-120-060 Screening. All doors, windows and outer openings must be effectively screened for the exclusion of flies and insects and screen doors must be self-closing and kept closed when not in use. [Order 449, Regulation 6, effective 7/1/46.]

WAC 16-120-070 Floor space. All cream buying stations are to be of adequate size to allow efficient operation and provide sufficient space for storage of cans and other equipment. All new constructions must have a minimum floor area of 14 x 16 feet. [Order 449, Regulation 7, effective 7/1/46.]

WAC 16-120-080 Steam. Adequate steam must be available at all times to efficiently wash and sterilize cream containers and other equipment. [Order 449, Regulation 8, effective 7/1/46.]

WAC 16-120-090 Wash vats. Two-compartment stationary wash vats of sufficient size to completely immerse a ten gallon milk can must be provided. [Order 449, Regulation 9, effective 7/1/46.]

WAC 16-120-100 Metal racks. Metal racks must be provided for storing containers off the floor. [Order 449, Regulation 10, effective 7/1/46.]

WAC 16-120-110 Babcock testing equipment. Babcock testing equipment must be provided, installed and operated in such manner as to comply with the provisions of the Washington State Dairy Act and department of agriculture Order No. 401. [Order 449, Regulation 11, effective 7/1/46.]

WAC 16-120-120 Cream temperature. All cream being kept or stored for a period of 24 hours or longer in the cream buying station must be held at a temperature not to exceed 55°F. [Order 449, Regulation 12, effective 7/1/46.]

WAC 16-120-130 Penalty. Any person, firm or corporation violating any of these regulations shall be guilty of a violation of the law and punished as by statute provided. [Order 449, Penalty, effective 7/1/46.]

Chapter 16-124 WAC
LICENSED TESTERS, WEIGHERS, SAMPLERS AND GRADERS

WAC

16-124-001 Promulgation.
16-124-010 Illegal testing.
16-124-020 Carbon copies.
16-124-030 Absence of tester.
16-124-040 Marking of samples.
16-124-050 Samples required.
16-124-060 Stirring to sample.
16-124-070 Stoppers.
16-124-080 Temperature.
16-124-090 Storing samples.
16-124-100 Sour cream sampling.
16-124-110 Pipetting.
16-124-120 Cleaning testing equipment.
16-124-130 Centrifuges and thermometers.
16-124-140 Tempering and readings.
16-124-150 Cream and moisture balances.
16-124-160 Laboratory.
16-124-170 Testers' certificates.
16-124-180 Statements.
16-124-190 Penalty.

WAC 16-124-001 Promulgation. I, Fred J. Martin, director of agriculture of the state of Washington, by virtue of authority vested in me under section 10850 as amended by chapter 56, Laws of 1943, and section 6237 of Remington's Revised Statutes, do hereby issue the following regulations governing the operations of licensed testers, weighers, samplers and graders. [Order 465, Promulgation, effective 7/1/46.]

WAC 16-124-010 Illegal testing. It will be a violation of the rules and regulations of this department governing Babcock testing to test samples of milk or cream for other than actual purchase by the licensee or his employer, unless such samples are taken by a licensed sampler in the manner prescribed by the rules and regulations of this department: *Provided, however,* That the licensed tester may test individual samples of milk submitted by a patron shipping milk or cream to the milk plant or factory by whom the licensed tester is employed. [Order 465, Regulation 1, effective 7/1/46.]

WAC 16-124-020 Carbon copies. Every licensed Babcock tester, weigher, sampler and grader is required to make and keep for a period of four months, in a sealed container, one or more legible carbon copies of each and every test made by him or her, properly signed with the tester's name and number of license, containers to be sealed by the inspector. [Order 465, Regulation 2, effective 7/1/46.]

WAC 16-124-030 Absence of tester. When for any reason a licensed tester is obliged to leave his or her station, the employer must, before the tester leaves, provide

a substitute who is duly qualified and holds a tester's license, or notify the supervisor of dairy and livestock to that effect and secure permission. [Order 465, Regulation 3, effective 7/1/46.]

WAC 16-124-040 Marking of samples. All sample bottles of milk and cream and all test bottles in the centrifuge are required to be properly marked with either the shipper's name or number. [Order 465, Regulation 4, effective 7/1/46.]

WAC 16-124-050 Samples required. Samples must be taken from every shipment of milk and cream. Daily composite samples in the case of milk or sweet cream must be taken and individual samples taken in the case of sour cream. The total period for taking composite samples shall not exceed 16 days. [Order 465, Regulation 5, effective 7/1/46.]

WAC 16-124-060 Stirring to sample. Each shipment must be thoroughly stirred in the cans or in the weigh tank at the time of taking the sample and the plant is required to furnish a proper stirrer or stirring device, and sample dipper, milk thief or approved automatic sampler. Proportionate samples must be taken of each shipment of milk or cream. [Order 465, Regulation 6, effective 7/1/46.]

WAC 16-124-070 Stoppers. Sample bottles must be properly stoppered. Rubber or ground glass stoppers are required in the case of composite milk samples. Sour cream samples must be kept in a glass jar with a tight lid. [Order 465, Regulation 7, effective 7/1/46.]

WAC 16-124-080 Temperature. All composite milk and sweet cream samples must be kept protected and in a tamper-proof place between 40° and 50°F. [Order 465, Regulation 8, effective 7/1/46.]

WAC 16-124-090 Storing samples. All composite milk and sweet cream samples must be kept for 10 days after testing in protected place under lock and key and at a temperature between 40° and 50°F. [Order 465, Regulation 9, effective 7/1/46.]

WAC 16-124-100 Sour cream sampling. All samples of sour cream must be tested daily and be kept for a period of 48 hours after testing in a protected, cool place, properly stoppered to avoid evaporation. [Order 465, Regulation 10, effective 7/1/46.]

WAC 16-124-110 Pipetting. All composite samples must be at a temperature of not less than 60°F. or more than 70°F. at time of pipetting. All samples must be thoroughly mised before pipetting by pouring from one container to another until a uniform sample is assured. [Order 465, Regulation 11, effective 7/1/46.]

WAC 16-124-120 Cleaning testing equipment. All testing equipment must at all times be properly cleaned and kept clean. All glassware must be standard and sealed as provided by law. [Order 465, Regulation 12, effective 7/1/46.]

WAC 16-124-130 Centrifuges and thermometers. Centrifuges must be in good working condition and maintained at a temperature of 140°F. A thermometer or thermostatic control must be provided on the centrifuge. [Order 465, Regulation 13, effective 7/1/46.]

WAC 16-124-140 Tempering and readings. All test bottles must be tempered in a water bath covering the entire fat column at a temperature of 135° to 140°F. for not less than five minutes. Readings must be completed immediately following removal of each test bottle from the water bath. Glymol must be used for the reading of cream tests. Accurate thermometers must be provided for the water bath at all times. [Order 465, Regulation 14, effective 7/1/46.]

WAC 16-124-150 Cream and moisture balances. Cream and moisture balances must be placed on a solid, level foundation and protected from drafts and excessive moisture. [Order 465, Regulation 15, effective 7/1/46.]

WAC 16-124-160 Laboratory. A laboratory or enclosed test room must be provided in which to test milk and cream, ample light must be provided, and at all times the room kept in a clean and sanitary condition. [Order 465, Regulation 16, effective 7/1/46.]

WAC 16-124-170 Testers' certificates. Licensed testers' certificates must be conspicuously displayed in the laboratory. [Order 465, Regulation 17, effective 7/1/46.]

WAC 16-124-180 Statements. All statements must be signed by the licensed Babcock tester, or a facsimile of his name and license number. [Order 465, Regulation 18, effective 7/1/46.]

WAC 16-124-190 Penalty. Any person, firm or corporation violating any of these regulations shall be guilty of a violation of the law and punished as by statute provided. [Order 465, Penalty, effective 7/1/46.]

Chapter 16-125 WAC
FARM MILK STORAGE TANKS--REQUIREMENTS

WAC

16-125-001 Promulgation.
16-125-010 Director.
16-125-020 Construction.
16-125-030 Installation.
16-125-040 Tolerances.
16-125-050 Authorized calibrators.
16-125-060 Calibration charts.
16-125-070 Calibration required.
16-125-080 Calibration (gaging) procedure.
16-125-090 Checking (testing) procedure.
16-125-100 Sealing legs.
16-125-110 Effective date.

WAC 16-125-001 Promulgation. I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 15.36, 15.32 and 19.94 RCW, after due notice as provided under chapter 34.04 RCW and a public hearing held in Olympia, Washington, on December 28, 1972 at 10:30 a.m. in the conference room of the General Administration Building, do hereby promulgate the following regulations relating to the construction, installation, and calibration of farm milk storage tanks and persons authorized to perform farm tank calibrations. [Order 1283, § 16-125-001, filed 1/29/73.]

WAC 16-125-010 Director. For the purpose of this order "director" shall mean the director of the department of agriculture of the state of Washington, or his duly authorized representative. [Order 1283, § 16-125-010, filed 1/29/73.]

WAC 16-125-020 Construction. All new tanks must conform with the 3-A sanitary standards for farm milk cooling and holding tanks. Whenever a ladder or platform is needed for sampling, measuring or other purposes, it must be permanently attached to the tank or a wall. All calibrated rods and sight glass tubes must be of one piece construction and permanently attached to the farm tank. All sight glass tubes must be cleaned with a C.I.P. system. [Order 1283, § 16-125-020, filed 1/29/73.]

WAC 16-125-030 Installation. Before any person installs a new tank or relocates a used tank, he must file with the director drawings and detailed information about where and how the milk storage tank is to be put on the farm. There shall be a minimum of two feet clearance between the sides of the tank and the walls of the milkhouse or other permanent equipment and a minimum of three feet on the working side of the tank and at the outlet valve and adequate additional space necessary for normal milkhouse operations is to be provided. There shall be at least 30 inches clearance between the top of the pouring tank and the ceiling and adequate space must be provided above the tank to accommodate the length of the measuring rod.

Provisions of the National Bureau of Standards' Handbook 44 Code on Farm Milk Tanks as adopted under chapter 19.94 RCW applicable to installation and use shall be applicable. [Order 1283, § 16-125-030, filed 1/29/73.]

WAC 16-125-040 Tolerances. The tolerances as recommended by the National Bureau of Standards as adopted under chapter 19.94 RCW shall be applied equally to errors in excess and errors in deficiency. [Order 1283, § 16-125-040, filed 1/29/73.]

WAC 16-125-050 Authorized calibrators. No one may calibrate tanks, check tolerances of calibrated tanks, prepare calibration charts or in any other way participate in establishing a means for determining weight of milk picked up at dairy farms unless authorized by the director. [Order 1283, § 16-125-050, filed 1/29/73.]

WAC 16-125-060 Calibration charts. Within thirty days after this order begins or within thirty days after tank is calibrated charts for each farm milk storage tank used for buying and selling milk must be on file in: (1) Farmer's milkhouse (laminated copy), (2) buyer's plant or office and (3) authorized calibrator's office. Lettering and figures on all charts must be legible. [Order 1283, § 16-125-060, filed 1/29/73.]

WAC 16-125-070 Calibration required. (1) A new tank must be calibrated at the farm and charted by an authorized person.

(2) Relocated tanks:

(a) Open type tanks—calibration must be checked at the farm and if tank cannot be adjusted to current chart, a new chart must be prepared.

(b) Totally enclosed tanks must be calibrated at farm and a new chart prepared.

(3) A tank which the buyer or seller suspects of being out of tolerance must be checked and if out of tolerance it must be calibrated at farm and a new chart prepared.

(a) Person ordering tank check pays for this service. If tank is out of tolerance and a new chart is needed producer pays this cost. [Order 1283, § 16-125-070, filed 1/29/73.]

WAC 16-125-080 Calibration (gaging) procedure. Preparation of initial chart must be done as recommended by the National Bureau of Standards in its Handbook 98, "Examination of Farm Milk Tanks" by use of measure-in method or by a procedure developed by the director. [Order 1283, § 16-125-080, filed 1/29/73.]

WAC 16-125-090 Checking (testing) procedure. A checking operation need not involve the same number of observations as required when the tank was initially calibrated. The measure-in method and other procedures outlined in NBS Handbook 98 or that developed by the director must be followed. The values on the gallonage chart are *required to agree*, within the prescribed tolerances, with the values determined on *all* test observations. [Order 1283, § 16-125-090, filed 1/29/73.]

WAC 16-125-100 Sealing legs. Before an enclosed type tank is calibrated all legs must be set firmly on the floor or footings and sealed in cement or other product approved by the director. Any seals that are broken and to adjust open type tanks to the chart must be sealed after adjustment is made and before the calibrator leaves the farm, the legs must be sealed as prescribed by the director. [Order 1283, § 16-125-100, filed 1/29/73.]

WAC 16-125-110 Effective date. The effective date of this order shall be March 1, 1973. [Order 1283, § 16-125-110, filed 1/29/73.]

Chapter 16-128 WAC
DRY MILK PRODUCTS

WAC

16-128-001 Promulgation.
16-128-010 Definition of terms.
16-128-020 Manufacture and sale of grade A dry milk products.
16-128-030 Permits.
16-128-040 Inspection of milk drying plants.
16-128-050 Labeling of grade A dry milk products.
16-128-060 Milk and milk products used in the manufacture of grade A dry milk products.
16-128-070 Examination of dry milk products.
16-128-080 Bacteriological, chemical, and physical requirements for grade A dry milk products.
16-128-090 Sanitation requirements for milk drying plants.
16-128-100 Notification of disease.
16-128-110 Procedure when infection is suspected.
16-128-120 Sale of out-of-state dry milk products.
16-128-130 Federal dry milk products code interpretations to govern.

WAC 16-128-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 15.32 and 15.36 RCW, after due notice and public hearing held at Olympia on March 15, 1960, do promulgate the following regulations relating to the production, manufacture, and labeling of dry milk products to be designated as grade A. [Order 805, Promulgation, effective 3/18/60.]

WAC 16-128-010 Definition of terms. For the purpose of this order, terms shall apply as herein defined unless the context clearly indicates otherwise:

(1) "Milk" is the whole unadulterated lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within ten days before and seven days after calving, or such longer period as may be necessary to render the milk colostrum free; which milk contains not less than eight and one-quarter percent milk solids not fat, and not less than three and one-half percent milk fat: *Provided*, That nothing in this chapter shall prohibit the sale to creameries, cheese factories, milk plants, or milk distributors of the whole unadulterated milk from any healthy cow whose milk tests below the standards herein fixed;

(2) "Milk products" mean and shall include skim milk, nonfat or defatted milk, cream, condensed or concentrated milk, and any other products made by the addition of any wholesome substance to milk or any of these products;

(3) "Pasteurized milk products" mean and shall include grade A pasteurized milk products regulated under chapter 15.36 RCW;

(4) "Dry milk products" mean and include products resulting from the drying of milk or milk products and any product resulting from the combination of dry milk products with other wholesome dry ingredients;

(5) "Grade A dry milk products" mean and include dry milk products which comply with the applicable provisions of this order;

(6) "Milk drying plant" means and includes any place, premises or establishment where milk or milk products are dried, or where milk products are received, separated, concentrated or otherwise processed for drying;

(7) "Director" means the director of agriculture of the state of Washington or his duly authorized representative (RCW 15.36.060);

(8) "Health officer" means the county or city health officer as defined in Title 70 RCW, or his duly authorized representatives (RCW 15.36.060);

(9) "Person" means any individual partnership, firm, corporation, company, trustee, or association (RCW 15-.36.060). [Order 805, Regulation 1, effective 3/18/60.]

WAC 16-128-020 Manufacture and sale of grade A dry milk products. No person shall produce, manufacture, sell or offer for sale any dry milk product designated as grade A by label or otherwise, except such dry milk product be produced and manufactured in accordance with the requirements of this order. [Order 805, Regulation 2, effective 3/18/60.]

WAC 16-128-030 Permits. Pursuant to RCW 15-.36.080, it shall be unlawful for any person to manufacture, sell or offer for sale any grade A dry milk product who does not possess an appropriate permit from the director or an authorized inspection service as defined in RCW 15.36.560: *Provided*, That the manufacture of dry milk products which do not meet the requirements of this order or which are not in any way designated as grade A, shall not be construed to violate the terms of this order or chapter 15.36 RCW, if such products are processed, packaged and stored separately and are plainly identified.

It shall be unlawful for any person to manufacture in a plant operating under a permit for grade A dry milk products any dry milk product which does not meet the requirements of this order without a permit from the director or health officer of a milk inspection unit who shall require that such dry milk products be processed, packaged, and stored separately from grade A dry milk products, and that each package of such products be plainly marked in such manner as to prevent confusion of the product with grade A dry milk products.

A permit for the manufacture of either grade A dry milk products or dry milk products which do not meet the requirements of this order for grade A dry milk products may be temporarily suspended by the director or health officer of a milk inspection unit upon violation by the holder of any of the terms of this order, or revoked after an opportunity for hearing by the director upon serious or repeated violations. [Order 805, Regulation 3, effective 3/18/60.]

WAC 16-128-040 Inspection of milk drying plants. (1) Upon application for a permit, the director shall inspect the milk drying plant with respect to which the permit is sought. If he is satisfied that the operation of the plant can comply with requirements of this order, he shall issue a permit which shall not be transferable. If a

permit is not issued, the director shall advise the applicant of the reasons therefor, and shall afford him an opportunity for a hearing,

(2) At least once every six months after the issuance of a permit, the director shall inspect all milk drying plants manufacturing dry milk products as defined herein. He shall notify the holder of the permit of any failure to comply with the provisions of this order and, if a violation of regulation is involved, shall allow a reasonable period but in no event less than three working days, to correct conditions: *Provided,* That the director may require the suspension of operations until corrective action has been taken if, in his judgment, continued operation of the plant will result in a serious threat to the public health. Upon the expiration of the period allowed, he shall reinspect the premises. Violation of the same requirement on such reinspection shall call for immediate suspension of permit and/or court action.

(3) The director shall also make such other inspections and investigations as are necessary for the enforcement of this order.

(4) One copy of the inspection report shall be posted by the director in a conspicuous place upon an inside wall of the milk drying plant, and said inspection report shall not be defaced or removed by any person except the director. Another copy of the inspection report shall be filed with the records of the director.

(5) The holder of any permit under this order shall keep accurate daily records of the actual quantities of dry milk products manufactured and sold, together with a list of all sources of milk or milk products from which such products were made, records of inspections and tests, and pasteurization time and temperature records. Such records shall be retained for a period of 12 months, and shall be available for examination in such establishment by the director during normal business hours.

(6) The director shall upon request be afforded access to all parts of any milk drying plant holding a permit from the director at any reasonable time, for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance. [Order 805, Regulation 4, effective 3/18/60.]

WAC 16-128-050 Labeling of grade A dry milk products. (1) Grade A dry milk products shall be packaged in containers which are plainly and permanently labeled or marked with: (a) The common or usual name of the product and, if a mixture of two or more ingredients, the common or usual name of each ingredient; (b) the designation "grade A"; (c) the identity of the plant in which the product was manufactured, either by name and address or by permit number and identity of the regulatory agency issuing such permit; and, in the latter case, the name and address of the distributor, qualified by an expression of connection with the product, such as "distributed by _____," shall also be shown; (d) a code or lot number identifying the contents with a specific date, run, or batch of the product; and (e) the quantity of the contents of the container.

(2) Other information, such as a registered trademark design, may also be included: *Provided,* That it is not misleading and does not obscure any of the labeling required above. [Order 805, Regulation 5, effective 3/18/60.]

WAC 16-128-060 Milk and milk products used in the manufacture of grade A dry milk products. Milk and milk products used in the manufacture of grade A dry milk products shall comply with the requirements for grade A raw milk for pasteurization as provided in chapter 15.36 RCW and shall be produced under the routine supervision of the director, health officer of a milk inspection unit, or produced under provisions which are substantially equivalent to the requirements of chapter 15.36 RCW. [Order 805, Regulation 6, effective 3/18/60.]

WAC 16-128-070 Examination of dry milk products. The director shall collect and examine at least one sample of each grade A dry milk product being manufactured during each month. Samples of milk products resulting from processing for drying shall be taken and examined as often as the director may deem necessary. Bacteriological examinations shall be in accordance with the procedures of the latest current edition of Standard Methods for the Examination of Dairy Products recommended by the American Public Health Association. [Order 805, Regulation 7, effective 3/18/60.]

WAC 16-128-080 Bacteriological, chemical, and physical requirements for grade A dry milk products. (1) Grade A raw milk for pasteurization and grade A raw milk products used for the manufacture of grade A dry milk products shall at no time between receipt at the milk drying plant and pasteurization have a bacterial plate count or a direct microscopic clump count exceeding 200,000 per ml. After pasteurization such milk and milk products shall at no time have a bacterial plate count exceeding 20,000 per ml.: *Provided,* That the above limits shall be increased in the case of concentrated products in proportion to the degree of concentration.

(2) Grade A dry milk products shall have at no time a bacterial plate count exceeding 30,000 per gram, or a coliform count exceeding 90 per gram; shall be free of unwholesome and deleterious materials and shall comply with the chemical and physical requirements for U.S. extra-grade spray process products as promulgated by the U.S. Department of Agriculture and published in the Federal Register for August 5, 1954, and May 23, 1958. [Order 805, Regulation 8, effective 3/18/60.]

WAC 16-128-090 Sanitation requirements for milk drying plants. (1) **Floors.** The floors of all rooms in which milk or milk products are handled or stored, or in which milk utensils are washed, or in which dry milk products are handled, up to and including packaging, but not including rooms used only for storage of packaged dry milk products, shall be constructed of concrete, or other equally impervious and easily cleaned material, and shall be smooth, properly drained, provided with trapped drains, and kept clean and in good repair. Floors

of storage rooms for packaged dry milk products shall be kept clean, dry and in good repair.

(2) **Walls and ceilings.** Walls and ceilings of rooms in which milk and milk products are handled or stored, or in which milk utensils are washed, or in which dry milk products are handled, up to and including packaging, but not including rooms used only for storage of packaged dry milk products, shall have a smooth, washable, light-colored surface, and shall be kept clean and in good repair. Walls and ceilings of storage rooms for packaged dry milk products shall be kept clean.

(3) **Doors and windows.** Unless other effective means are provided to prevent the access of flies, all openings to the outer air from rooms in which fluid milk and milk products are handled and stored, or in which milk utensils are washed, or in which dry milk products are processed or handled, up to and including packaging, but not including rooms used only for storage of packaged dry milk products, shall be effectively screened, and all doors shall be self-closing.

(4) **Lighting and ventilation.** All rooms shall be well lighted and well ventilated.

(5) **Miscellaneous protection from contamination.** The various milk drying plant operations shall be so located and conducted as to prevent any contamination of milk, milk products, dry milk products, or clean equipment. All necessary means shall be used for the elimination of flies, other insects, and rodents. Cans of incoming milk or milk products shall not be unloaded directly into the processing rooms. Rooms in which milk, milk products, dry milk products, or unprotected clean containers are handled or stored, shall not open directly into any stable or living quarters. The milk drying plant, milk containers, utensils and equipment shall be used for no purpose other than the processing of milk, milk products, or dry milk products, and other operations incident thereto, except as may be approved by the director.

(6) **Toilet facilities.** Every milk drying plant shall be provided with adequate and satisfactory flush-toilet facilities. Toilet rooms shall not open directly into any room in which milk, milk products, dry milk products, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing and open outward. Toilet rooms shall be kept in a clean condition, in good repair, and well ventilated. The text of WAC 16-128-100 of this order and a notice directing employees to wash their hands before returning to work shall be posted in all toilet rooms used by employees.

(7) **Water supply.** The water supply shall be easily accessible, adequate, and of a safe, sanitary quality.

(8) **Hand-washing facilities.** Convenient hand-washing facilities shall be provided, including hot and cold running water, soap, approved sanitary towels, and suitable waste disposal facilities. Hand-washing facilities shall be kept clean. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without having washed his hands.

(9) **Sanitary piping.** All piping, including fittings, used to conduct milk and milk products shall be constructed of smooth, impervious, noncorrodible and nontoxic materials; shall be so constructed as to permit proper cleaning, and shall be kept in good repair.

(10) **Construction and repair of containers and equipment.** All multiuse containers and equipment with which milk, milk products, or dry milk products come into contact shall be smooth, impervious, noncorrodible, nontoxic material; shall be so constructed and so located as to be easily cleaned; and shall be kept in good repair. All single-service containers, gaskets, and other articles used shall have been manufactured, packaged, transported and handled in a sanitary manner.

(11) **Disposal of wastes.** All wastes shall be properly disposed of. All plumbing and equipment shall be so designed and so installed as to prevent contamination of processing equipment by backflow.

(12) **Cleaning and bactericidal treatment of containers and equipment.** All milk and milk product containers and equipment, except single-service containers, shall be thoroughly cleaned after each use. Equipment comprising the drying system shall be cleaned more often if necessary to prevent contamination of the product. All multiuse containers shall be subjected effectively to a bactericidal process approved by the director after each cleaning, and all equipment immediately before each usage. When empty, and before being returned to a producer by a milk drying plant, each container shall be thoroughly cleaned and subjected to an effective bactericidal process approved by the director.

(13) **Storage of containers and equipment.** After bactericidal treatment, all cans and other multiuse milk, milk products, or dry milk products containers and equipment shall be transported and stored in such a manner as to be protected from contamination.

(14) **Handling of containers and equipment.** Between bactericidal treatment and use, and during periods of use, containers and equipment shall not be handled or operated in such a manner as to permit contamination of the milk, milk products, or dry milk products. No milk, milk products, or dry milk products shall be permitted to come into contact with equipment with which ungraded or a lower grade of milk, milk products, or dry milk products have been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to a bactericidal process approved by the director.

(15) **Storage of single-service containers and materials.** Single-service containers and materials shall be purchased and stored only in sanitary packages; shall be kept therein in a clean, dry place above the floor until used; and shall be handled in a sanitary manner.

(16) **Pasteurization.** Milk or milk products shall be pasteurized in the plant in which the milk or milk product is dried. Pasteurization shall be taken to refer to the process of heating every particle of milk or milk products (a) to at least 145°F., and holding it at such temperature continuously for at least 30 minutes; (b) to at least 161°F., and holding it at such temperature continuously for at least 15 seconds; or (c) to such other temperature and holding it continuously at such temperature for such time as may be approved by the director. Pasteurization shall be performed only in equipment

which is constructed and operated in a manner approved by the director.

(17) **Cooling.** All milk received for drying, unless processed within 2 hours after receipt, shall be cooled immediately in approved equipment to 50°F., or less, and shall be maintained at that temperature until processed. Fluid milk products resulting from processing prior to drying, shall, if stored, be cooled immediately to 50°F., or less and maintained thereat until processing is resumed.

(18) **Packages and packaging.** Dry milk products shall be packaged in new containers, which shall be sufficiently substantial to protect the contents from contamination. Packaging shall be done only at the place of manufacture and by methods approved by the director.

(19) **Health of personnel.** The health officer or a physician authorized by him shall take a careful morbidity history of each person connected with a milk drying plant or about to be employed by one, whose work will bring him into contact with the processing of milk, milk products or dry milk products or with unsealed containers or processing equipment. If examination or history should suggest that such person may be a carrier of, or infected with, the organisms of typhoid fever, paratyphoid fever, or any other communicable disease likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state health officer for such examinations, and, if the laboratory results so indicate, such person shall be barred from such employment.

Such person shall furnish such information, submit to such physical examinations, and provide such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

No person with an infected cut or lesion on hands or arms shall handle milk, milk products, dry milk products, or unsealed containers, or processing equipment.

(20) **Cleanliness of personnel.** All persons who come into contact with milk, milk products, dry milk products, unsealed containers, or processing equipment, shall wear clean outer garments, and shall keep their hands clean at all times while engaged in such work.

(21) **Vehicles.** Milk tank-cars and tank-trucks shall comply with the construction, cleaning, bactericidal treatment, storage, and handling requirements of WAC 16-128-090(5), (10), (12), (13), and (14). While containing milk, cream, or milk products they shall be sealed and labeled in a manner approved by the director. For each tank shipment, a bill of lading shall be prepared in triplicate, containing the identity of the product, the amount shipped, the grade, the receiving point, the shipping point, the shipper's name, the consignee's name and whether the product is raw, pasteurized or otherwise heat treated. Bills of lading shall be kept on file by the shipper, the consignee, and the carrier for a period of 12 months for the information of the director. [Order 805, Regulation 9, effective 3/18/60.]

WAC 16-128-100 Notification of disease. Pursuant to RCW 15.36.520, no person with any disease in a communicable form, or who is a carrier of such disease, shall work in any milk drying plant in any capacity which brings him into contact with the production, handling, storage, or transportation of milk, milk products, unpackaged dry milk products, containers, or equipment; and no milk drying plant shall employ in any such capacity any such person, or person suspected of having any disease in a communicable form or of being a carrier of such disease. Any processor of dry milk products in whose milk drying plant any communicable disease occurs, or who suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease, shall notify the health officer immediately. [Order 805, Regulation 10, effective 3/18/60.]

WAC 16-128-110 Procedure when infection is suspected. Pursuant to RCW 15.36.530, when reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk, milk products and dry milk products, the health officer is authorized to require any or all of the following measures: (a) The immediate exclusion of that person from handling milk, milk products, and dry milk products; (b) the immediate exclusion of the milk, milk products, and dry milk products concerned from distribution and use; and (c) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges. [Order 805, Regulation 11, effective 3/18/60.]

WAC 16-128-120 Sale of out-of-state dry milk products. Pursuant to RCW 15.36.500, dry milk and dry milk products from outside the state may not be sold in the state of Washington unless produced under provisions equivalent to the requirements of this order: *Provided*, That the director shall satisfy himself that the authority having jurisdiction over the production is properly enforcing such provision. [Order 805, Regulation 12, effective 3/18/60.]

WAC 16-128-130 Federal dry milk products code interpretations to govern. Pursuant to RCW 15.36.540, save as in this order provided, these regulations shall be enforced by the director in accordance with the interpretations contained in the United States Public Health Service Grade A Dry Milk Products Code as from time to time adopted and amended. [Order 805, Regulation 13, effective 3/18/60.]

Chapter 16-129 WAC
LABELING AND ADVERTISING OF PRODUCTS RESEMBLING GENUINE DAIRY PRODUCTS

WAC

16-129-010 Declaration of purpose.
16-129-020 Definitions.
16-129-025 When products deemed not to be filled dairy products.
16-129-030 Products resembling dairy products—When deemed to be misbranded, falsely labeled or falsely advertised.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-129-001 Promulgation. [Order 1101, Promulgation, § 16-129-001, filed 10/18/68, effective 2/1/69.] Repealed by 83-02-031 (Order 1781), filed 12/29/82. Statutory Authority: Chapters 69.04 and 15.38 RCW.

16-129-040 Effective date. [Order 1101, § 16-129-040, filed 10/18/68, effective 2/1/69.] Repealed by 83-02-031 (Order 1781), filed 12/29/82. Statutory Authority: Chapters 69.04 and 15.38 RCW.

WAC 16-129-010 Declaration of purpose. (1) The director finds that because of the advent in the market place of food products which are nondairy food products, and filled dairy products, (a) which closely resemble, and which are made in semblance of genuine dairy products, and (b) which are manufactured in a manner so as to possess in a substantial degree the physical characteristics of genuine dairy products, and (c) which are frequently mistaken both physically and organoleptically for genuine dairy products, and (d) which are held out and sold or marketed as being usable for the same or similar purposes as genuine dairy products, and (e) which are most frequently packaged in the same types, sizes and shapes of glass, paper and plastic containers which historically consumers have associated with the marketing of genuine dairy products, and the labeling, appearance characteristics and other marketing techniques of said packages or containers used for such food products are frequently misleading to consumers in that they are confused and led to believe that they are buying genuine milk products; and the director further finds that as a result of the foregoing conditions and circumstances there is insufficient distinction in the names and other labeling of the said products described above and genuine dairy products; that it is necessary in order to prevent confusion among consumers and for the protection of the public health to promulgate regulations establishing definitions and standards of labeling and advertising for said products.

(2) It is the finding of the director that RCW 69.04-.190 provides that rules may be adopted for the purpose of promoting honesty and fair dealings in the interest of consumers in the following areas: Standards for identity of the product, standards of quality, and standards of fill, and no authority is set for the adoption of regulations as to where the product may be physically located at point of sale. [Statutory Authority: Chapters 69.04 and 15.38 RCW. 83-02-031 (Order 1781), § 16-129-010, filed 12/29/82; Order 1101, § 16-129-010, filed 10/18/68, effective 2/1/69.]

WAC 16-129-020 Definitions. (1) "Products resembling genuine dairy products" means any food product for human consumption other than genuine dairy products, as set forth and defined in subsection (4) of this regulation, and which has the appearance, taste, smell, texture and color of genuine dairy products and which taken as a whole bears a resemblance to, or is in semblance of, any genuine dairy products: *Provided*, That the term "products resembling genuine dairy products" shall not include oleomargarine.

(2) The term "nondairy" means and refers to any product resembling a dairy product as defined in subsection (1) of this regulation and which contains no dairy products or components of dairy products.

(3) "Filled dairy products" means those products which are defined as filled dairy products by RCW 15.38.020.

(4) "Genuine dairy products" means those certain milk products as defined by RCW 15.36.011, and dairy products as defined by RCW 15.32.010 and 15.32.051, or regulations adopted thereunder.

(5) Other terms used in this regulation shall have the definition or definitions as set forth in chapter 69.04 RCW. [Statutory Authority: Chapters 69.04 and 15.38 RCW. 83-02-031 (Order 1781), § 16-129-020, filed 12/29/82; Order 1101, § 16-129-020, filed 10/18/68, effective 2/1/69.]

WAC 16-129-025 When products deemed not to be filled dairy products. A "filled dairy product" as defined by RCW 15.38.020 does not include a product that meets the following conditions:

(1) The product bears a statement on the main display panel of the package or container stating that the food product is an "imitation" followed by the name of the milk product imitated, i.e. "imitation milk," "imitation cheddar cheese," in letters not less than one-half the size of the product name, but in no case may the letters be smaller than 18 point type size; and the label must also bear a statement that the product contains dairy ingredients to which has been added a fat or oil filler; and

(2) The label on the product clearly states the ingredients and nutritional value, to include but not limited to vitamins, minerals, protein, and calories, but makes no representation or comparison to a genuine dairy product. [Statutory Authority: Chapters 69.04 and 15.38 RCW. 83-02-031 (Order 1781), § 16-129-025, filed 12/29/82.]

WAC 16-129-030 Products resembling dairy products--When deemed to be misbranded, falsely labeled or falsely advertised. (1) Any product resembling a genuine dairy product shall be deemed to be misbranded and to have a misleading label when its package or immediate container or dispenser bears a statement, or legend using dairy terms or words or designs commonly associated with dairying or genuine dairy products, except to the extent that such words or terms are necessary to meet legal requirements for labeling: *Provided*, That the term "nondairy" may be used as an informative statement.

(2) Any advertisement or display concerning a product resembling a dairy product shall be deemed to be false and misleading if by its content such advertisement or display makes use of any dairy terms, or words or designs commonly associated with dairying or genuine dairy products, except that any such word may be included in the seller's or manufacturer's registered name under which he regularly does business: *Provided*, That this does not include any name registered as a subterfuge to include a dairy term: *Provided further*, That the

term "nondairy" may be used as an informative statement.

(3) No representation or suggestion that any product resembling a genuine dairy product is approved or sanctioned by the federal food and drug administration, the Washington state department of agriculture, or any other governmental entity, shall be made in any labeling or advertisement.

(4) Any label concerning a product resembling a dairy product shall clearly set forth a list of ingredients of which such product consists. The label shall also set forth and name the specific kind of vegetable fat or oil contained in the product: *Provided*, That, if a blend or variety of oils is used, the ingredient statement shall contain the term "vegetable oil" in the appropriate place in the ingredient statement, with a qualifying phrase following the ingredient statement, such as "vegetable oils are soybean, cottonseed and coconut oils," or "vegetable oil may be cottonseed, coconut or soybean oil." [Statutory Authority: Chapters 69.04 and 15.38 RCW. 83-02-031 (Order 1781), § 16-129-030, filed 12/29/82; Order 1101, § 16-129-030, filed 10/18/68, effective 2/1/69.]

Chapter 16-132 WAC
CHEESE--BRANDING, TRADEMARKS

WAC

16-132-001 Promulgation.
16-132-010 Brand marks.
16-132-020 Registration.
16-132-030 Branding by manufacturers, wholesalers and jobbers.
16-132-040 Application.
16-132-050 Necessity of and effective date of order.
16-132-060 Penalty.

WAC 16-132-001 Promulgation. I, Fred J. Martin, director of agriculture of the state of Washington, under authority vested in me under section 6237, Remington's Revised Statutes of Washington, do hereby promulgate and issue the following regulations. [Order 504, Promulgation, effective 7/15/47.]

WAC 16-132-010 Brand marks. All cheese offered or exposed for sale in the state of Washington shall be durably and plainly marked with a brand upon the circular bandage or cap bandage of such cheese. Such brand shall contain one of the terms, "full milk," "full cream," "whole milk," "half skim," "quarter skim," or "skim" depending on the butterfat content, and also either the name, registered official number or registered trade mark of either the manufacturer, wholesaler or jobber. Such brand shall be in plain uncondensed Gothic type not less than 1/2" in height and shall be continuous with not more than two inches between brands throughout the entire surface of such cheese bandage, and applied with edible indelible ink made from harmless vegetable dyes. Removal of such brand, or the obliteration thereof, shall be a violation of RCW 15.32.700 and punishable as provided by statute. [Order 504, Regulation 1, effective 7/15/47.]

WAC 16-132-020 Registration. Since RCW 15.32-.480, provides that all cheese manufactured for sale in the state of Washington, or imported into the state of Washington, must have stamped on the bandage and on the box or container, the name and address of the manufacturer, it is hereby provided that the purpose of this section may be carried out by registration of the trade mark, together with the name and address of the manufacturer or wholesaler or jobber, with the department of agriculture, or by registration with the department of agriculture of the name and address of the manufacturer or wholesaler or jobber, securing from the department of agriculture an official number, which official number or trademark may be stamped on the bandage of the cheese and the box or container in lieu of the name and address of the manufacturer or wholesaler or jobber. [Order 504, Regulation 2, effective 7/15/47.]

WAC 16-132-030 Branding by manufacturers, wholesalers and jobbers. It is further provided that all cheese held within the state by the manufacturer or the wholesaler or the jobber shall be branded on the cap bandage and on the container or box with the name and address of the manufacturer, or the registered official number, or registered trade mark of such manufacturer. All such manufacturers or wholesalers or jobbers will be held responsible for any violations of standards for cheese branded with their names or trademarks or official numbers. [Order 504, Regulation 3, effective 7/15/47.]

WAC 16-132-040 Application. These regulations shall apply to cheese commonly known as "American cheese" made by the colby, washed curd or cheddar process, and shall not apply to cheeses commonly known as "edam," "pineapple," "brickstein," "limburger," "swiss" or other handmade cheeses. [Order 504, Regulation 4, effective 7/15/47.]

WAC 16-132-050 Necessity of and effective date of order. These regulations are necessary for the enforcement of the state statutes providing for the branding of cheese, and shall take effect July 15, 1947. [Order 504, Effective date, effective 7/15/47.]

WAC 16-132-060 Penalty. Any person violating the regulations of this order shall upon conviction be punished as by statute provided. [Order 504, Penalty, effective 7/15/47.]

Chapter 16-136 WAC
BUTTER SUBSTITUTES

WAC

16-136-001 Promulgation.
16-136-010 Mandatory signs in restaurants.
16-136-020 Penalty.

WAC 16-136-001 Promulgation. I, Sverre N. Omdahl, director of agriculture of the state of Washington, by virtue of authority vested in me under

section 3, chapter 13, Laws of 1949, do make and promulgate the following rules and regulations governing the sale, use or serving of oleomargarine and butter substitutes in eating establishments. [Order 563, Promulgation, effective 3/29/50.]

WAC 16-136-010 Mandatory signs in restaurants. On and after March 29, 1950, it shall be unlawful for any person, firm, association or corporation who operate any hotel, eating house, cafe, restaurant, boarding house or public conveyance to serve or use oleomargarine or butter substitutes unless they shall have in such hotel, eating house, cafe, restaurant, boarding house or public conveyance a conspicuous, durable sign in block, capital letters of not less than two inches in height and one-half inch in width, in ink the words reading, "BUTTER SUBSTITUTES SERVED AND USED HERE"; and if menus are used, the words reading, "butter substitutes served and used here" shall be made a conspicuous part of each menu. [Order 563, Regulation 1, effective 3/29/50.]

WAC 16-136-020 Penalty. Any person violating this regulation shall be deemed guilty of misdemeanor. [Order 563, Penalty, effective 3/29/50.]

Reviser's note: Compare or note repeal of RCW 15.40.020.

Chapter 16-140 WAC
PROCESSING LOW ACID FOODS

WAC

16-140-001 Promulgation.
16-140-010 Definitions.
16-140-020 Sterilizing food commercially—Required equipment.
16-140-030 Sterilizing food commercially—Additional equipment.
16-140-040 Safety valve.
16-140-050 Venting of retorts for removal of air—General considerations.
16-140-060 Venting of horizontal retorts for removal of air—Systems A-H.
16-140-070 Venting of vertical retorts for removal of air—Systems I and J.
16-140-080 Records.
16-140-090 Process requirements.
16-140-100 Process requirements—Authority to establish—Process time, temperature, equipment standards.

WAC 16-140-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, after public notice and hearing held at Olympia, Washington on September 7, 1967 and recessed to October 11, 1967, by virtue of authority vested in me under chapters 34.04 and 69.04 RCW, and chapter 121, Laws of 1967 ex. sess., do hereby promulgate the following regulations governing processing of low acid foods. [Order 1071, Promulgation, filed 10/23/67, effective 12/1/67.]

WAC 16-140-010 Definitions. Pertains to WAC 16-140-010 through 16-140-100. (1) "Department" means the state department of agriculture.

(2) "Cannery" means any establishment where food is processed and preserved in hermetically sealed containers.

(3) "Low acid foods" means with a pH value greater than 4.5.

(4) "Commercial sterilization" when applied to low acid foods packed in hermetically sealed containers means treatment sufficient to destroy pathogenic or toxigenic organisms of greatest known resistance in properly equipped and operated retort equipment approved by the department.

(5) "Process" means heat treatment in terms of time and temperature sufficient to accomplish commercial sterilization of low acid food products packed in hermetically sealed containers published on pages 28 to 52 of the 10th edition of Bulletin 26-L dated September 1966 by the National Canners Association, Washington, D.C. or an equivalent process accepted by department.

(6) "Retort" or "pressure cooker" means nonagitating and discontinuous type equipment used to process low acid foods in hermetically sealed containers in an atmosphere of pure saturated steam to accomplish commercial sterilization.

(7) "Coming-up time" means the time which elapses between the turning on of the steam and the time the retort reaches the processing temperature.

(8) "Initial temperature" means the average temperature of the contents of the container at the time the steam is turned on in the retort for the process. This container should be representative of the coldest cans in the retort load and should have an initial temperature equal to or greater than the initial temperature specified in the process being used.

(9) "Vent" is a valve-controlled opening into a retort, used for the elimination of air during the coming-up time.

(10) A "retort bleeder" is an opening of at least one-eighth inch into a retort which is open during the entire process for the removal of air that may enter the retort with the steam or through a leaky air valve.

(11) A "thermometer bleeder" is a one-eighth inch or larger opening into a thermometer well or pocket. This bleeder is open during the entire process to ensure a continuous flow of steam from the retort past the thermometer bulb in order that the temperature shown will be the same as that in the retort.

(12) An approved type of "plug-cock valve" is one which permits an unrestricted flow of air through the valve.

(13) Pipe size means internal pipe size (I.P.S.). [Order 1071, Regulation 1, filed 10/23/67, effective 12/1/67.]

WAC 16-140-020 Sterilizing food commercially—Required equipment. Required equipment for nonagitating and discontinuous retorts for commercially sterilizing food in hermetically sealed containers processed in an atmosphere of pure saturated steam. (1) Recording thermometer.

(a) Each retort shall be equipped with a recording thermometer which shall be adjusted to agree with the mercury thermometer.

(b) The temperature chart shall be easily readable to 1 degree F. and shall be graduated in not to exceed 2

degrees F. divisions within the range of plus or minus 10 degrees F. of the official process to be used. All charts shall have a working scale of not less than three inches.

(c) No temperature chart shall be used in a recording thermometer unless it is a chart designed for the recording thermometer used on a retort.

(d) It shall be unlawful to use charts with the temperature indicated in code.

(e) Every recording thermometer shall bear the name plate of the original manufacturer having the serial number assigned by the manufacturer, and the manufacturer's chart number die stamped thereon.

(f) All recording thermometers shall be so placed with respect to light that they are conveniently readable.

(2) Mercury thermometer.

(a) Each retort shall be equipped with an indicating mercury-in-glass thermometer calibrated in degrees Fahrenheit and accurate to the smallest division of the thermometer scale at the temperature specified for the process.

(b) The mercury thermometer shall have a temperature range of not more than 100 degrees F. (170 degrees F. – 270 degrees F.) on a scale of at least 7 inches nominal length.

(c) The scale division shall be easily readable to 1 degree F. and shall not exceed 20 degrees F. per inch of graduated scale.

(d) All mercury thermometers shall be placed in respect to light so that they are conveniently readable by the operator.

(e) Mercury thermometers used by each licensee on retorts shall be annually tested for accuracy by the department.

(3) Pressure gauge.

(a) Every retort shall have a properly functioning pressure gauge of the Bourdon type in which the operating mechanism is a complete unit independent of the case. Every gauge shall be equipped with a compensating hair spring.

(b) The minimum diameter of the dial shall be two and one-half inches and located so as to be conveniently readable by the retort operator.

(c) The range of the pressure scale shall be 0 to 30 pounds. A combination vacuum-pressure gauge with a maximum pressure of 30 pounds may be used.

(4) Valves for removal of condensate and air.

(a) Condensate shall not be allowed to accumulate in retorts.

(b) To assure that condensate will not accumulate in a retort during the process, a one-eighth inch or larger petcock or valve shall be installed or a hole drilled in the drain or bottom of the retort and it shall remain open during the entire processing time.

(c) If retorts are equipped with air for pressure cooling, a globe valve must be used on the air line. Air leakage into the retort must be avoided since steam-air mixture will reduce the effectiveness of the process and result in underprocessing.

(5) By-pass around diaphragm control valve on steam inlet. Each diaphragm control valve shall be equipped with a by-pass to allow for hand control in case of an emergency.

(6) Steam inlet.

(a) Horizontal retorts:

(i) For retorts more than 20 feet in length, the steam shall enter the spreader pipe near the center of the retort. For retorts less than 20 feet in length, the steam may enter the spreader pipe either at the center or at the end. If steam enters at the end, the spreader pipe shall be no smaller than the steam inlet.

(ii) The retort shall be equipped with an adequately perforated pipe extending throughout the entire length of the bottom of the retort with perforations arranged so that the steam is directed up and into the load of food containers. The ends of the steam spreader shall be closed.

(b) Vertical retorts: If steam is admitted into the bottom of the retort, it shall be directed up into the load of food containers. Any other position of the steam inlet must be approved by the department.

NOTE: Recommended number of holes in steam spreaders for steam inlet pipe sizes

Size Holes (inches)	1 inch pipe	1-1/4 inch pipe	1-1/2 inch pipe	2 inch pipe	2-1/2 inch pipe
3/16	47–62	81–108	111–148	183–244	260–346
1/4	27–36	45–60	63–84	102–137	147–196
3/8	–	21–28	28–37	45–60	66–88
1/2	–	–	15–20	26–36	36–48

(7) Retort bleeders.

(a) For horizontal retort:

(i) A horizontal retort shall be equipped with bleeders along the top of the retort not more than eight feet apart and there shall be one within approximately one foot of each end of the retort. These bleeders shall be kept wide open during the entire process.

(ii) Any bleeder at least one-eighth inch in size on a thermometer well may be considered to comply with this requirement when the well is in the top of the retort and located at the proper place.

(b) For vertical retort: A vertical retort shall be equipped with a bleeder at the end of the retort opposite the steam inlet. This bleeder shall be wide open during the entire process. In the case of very small retorts (less than 30-inch diameter and less than four feet in depth) a three-thirty-second inch bleeder may be used.

(c) Bleeders are not to be substituted for vents or vice versa.

(8) Thermometer bleeders. Bleeders for all thermometers on all type of retorts. A one-eighth inch or larger bleeder hole shall be kept open for the free escape of steam on all thermometer fittings unless thermometer bulbs are set wholly within the shell of retort proper. The bleeders shall be so located as to provide a full flow of steam past the sensitive part of the thermometer bulb.

(9) Vents for removal of air from retorts during coming-up period. Vents shall be installed and operated in such a way that all the air is removed from the retort before timing of the process is started.

NOTE: See the venting systems described under WAC 16-140-060 and 16-140-070 of these regulations.

(10) Stacking equipment for use in horizontal and vertical retorts.

(a) Stacking equipment (baskets, trays, gondolas, etc.) for all types of containers in discontinuous retorts, when containers are stacked in a vertical position, shall be preferably of strap iron. When perforated sheet metal baskets are used, the perforations in the bottoms shall be at least one-inch holes on two-inch centers or their equivalent, unless other equipment has been approved.

(b) If dividers are used, they shall be of wide mesh material, such as fish nets or onion sacks, or of strap iron or sheet metal having perforations at least the equivalent of one-inch holes on two-inch centers. Close meshed cloth dividers are not permitted. [Order 1071, Regulation 2, filed 10/23/67, effective 12/1/67.]

WAC 16-140-030 Sterilizing food commercially--Additional equipment. Additional equipment suggested but not required by the department. (1) The use of an additional thermometer on each retort is advised to serve primarily as a check instrument, preferably located adjacent to the temperature recorder bulb.

(2) An automatic temperature controller is recommended. [Order 1071, Regulation 3, filed 10/23/67, effective 12/1/67.]

WAC 16-140-040 Safety valve. (1) Retorts shall be equipped with a safety valve of such size and capacities as will comply with the requirements established by the Washington department of labor industries.

IMPORTANT: Policy on existing retort hookups. Retort hookups now in use that approximate but do not exactly conform to the requirements of WAC 16-140-050, 16-140-060, 16-140-070 and 16-140-020(6) shall be allowed to continue in operation subject to approval by the department, providing that on investigation by the department it is determined that the particular retort hookup is capable of providing the necessary safety factors in accomplishing commercial sterilization of low acid foods as required by these regulations.

[Order 1071, Regulation 4, filed 10/23/67, effective 12/1/67.]

WAC 16-140-050 Venting of retorts for removal of air--General considerations. (1) Vents (except drains when used as vents) shall be in the opposite side or end of the retort from that at which the steam is admitted.

(2) Vent valves shall be of the gate or plug cock type, preferably quick acting, except where otherwise specified.

NOTE: A globe valve of one pipe size larger than the minimum vent requirement may be substituted for a gate valve.

(3) For the most efficient operation of a retort, containers shall be so stacked, and the stacking equipment shall be of a type such that the air can be removed rapidly enough to permit a uniform distribution of heat throughout the retort at the time processing temperature is attained. Anything which interferes with the free flow of steam through any part of a retort load makes this requirement more difficult to meet.

NOTE: Use of a drain as a vent in conjunction with venting from the top of the retort is permissible and several combinations of top and bottom vents are described. However, it is more desirable to use venting systems which do not involve the use of the drain. Various arrangements of vents may be used to obtain uniform heat distributions throughout a retort.

The following vent arrangements and cycles of operations have been found to give satisfactory heat distribution. Every retort shall be equipped with one of these installations or some other arrangement of vents which is equally satisfactory. If venting systems other than those described here are desired, or if shorter coming-up times are to be used, the approval of the department shall first be obtained. A special investigation may be required in order to determine the conditions under which such equipment may be used. [Order 1071, Regulation 5, filed 10/23/67, effective 12/1/67.]

WAC 16-140-060 Venting of horizontal retorts for removal of air--Systems A-H.

NOTE: The following venting specifications are for nonagitating (discontinuous) horizontal retorts not exceeding five and one-half feet inside diameter, and are based on data from tests made with round cans in strap iron trays. There is evidence to indicate that the use of perforated sheet metal trays may necessitate supplementary retort venting or modifications in the stacking of containers.

(1) "System A." Venting through multiple one-inch vents discharging directly to the atmosphere.

(a) Equipment. A retort shall be equipped with unrestricted one-inch pipes approximately one foot in length, one for each five feet – or fraction thereof – of retort length, approximately symmetrically placed along the top of the shell, uniformly separated and not more than seven feet apart. There shall be one of the above vents within two and one-half feet of each end of the shell.

(b) Operation. The vent valve shall be wide open when steam is admitted to the retort, and shall remain wide open for at least five minutes after steam is turned on, and until the mercury thermometer on the retort indicates a temperature of at least 225 degrees F., or at least seven minutes to at least 220 degrees F.

(c) If vent pipes are to be extended beyond the valves, the extensions shall be of at least one pipe size larger than the vent pipes entering the retort.

(2) "System B." Venting through the drain valve and through multiple one-inch vents discharging directly to the atmosphere.

(a) Equipment. A retort shall be equipped with unrestricted one–inch pipes approximately one foot in length, one for five feet or fraction thereof – of retort length, approximately symmetrically placed along the top of the shell, uniformly separated and not more than seven feet apart. There shall be one of the above vents within two and one–half feet of each end of the shell.

(b) In addition, the retort shall be equipped with a drain of not less than three–inch pipe size for retorts up to 15 feet in length or of not less than four–inch pipe size for retorts over 15 feet in length.

NOTE: The drain valve may be either globe or gate type.

(c) Operation. The vent valves and the drain valve shall be wide open when steam is admitted to the retort.

(d) The drain valve shall remain wide open for at least two minutes after steam is turned on, and until the mercury thermometer on the retort indicates a temperature of at least 210 degrees F.

(e) The one–inch vent valves shall remain wide open for at least five minutes after steam is turned on, and until the mercury thermometer on the retort indicates a temperature of at least 220 degrees F.

(f) If vent pipes are to be extended beyond the valves, the extensions shall be of at least one pipe size larger than the vent pipes entering the retort.

NOTE: The drain may be extended beyond the valve with pipe the same size as the valve.

(3) "System C." Venting through multiple one–inch vents discharging through a manifold.

(a) Equipment. A retort shall be equipped with unrestricted one–inch pipes, approximately one foot in length, one for each five feet or fraction thereof – of retort length, approximately symmetrically placed along the top of the shell, uniformly separated, not more than seven feet apart, and connected into a manifold. There shall be one of the above vents within two and one–half feet of each end of the shell. The manifold shall be of 2–1/2 inch pipe size for retorts up to 15 feet in length, and of three–inch pipe size for retorts over 15 feet in length. Venting shall be controlled by a vent valve in a pipe leading from, and of a size not smaller than that of the manifold.

(b) Operation. The vent valve shall be wide open when steam is admitted to the retort, and shall remain wide open for at least six minutes after steam is turned on, and until the mercury thermometer on the retort indicates a temperature of at least 225 degrees F. or at least eight minutes to at least 220 degrees F.

(c) If the vent valve is connected into a discharge pipe or system for removal of steam from the building, the header shall be sufficiently large so that venting will not be impaired.

(4) "System D." Venting through the drain valve and through multiple one inch vents discharging through a manifold.

(a) Equipment. A retort shall be equipped with unrestricted one–inch pipes approximately one foot in length, one for each five feet – or fraction thereof – of retort length, approximately symmetrically placed along the top of the shell, uniformly separated, not more than seven feet apart and connected into a manifold. There shall be one of the above vents within two and one–half feet of each end of the shell. The manifold shall be of 2–1/2 inch pipe size for retorts up to 15 feet in length, and of three–inch pipe size for retorts over 15 feet in length. Venting shall be controlled by a vent valve in a pipe leading from, and of a size not smaller than that of the manifold.

(b) In addition, the retort shall be equipped with a drain of not less than three–inch pipe size for retorts up to 15 feet in length or of not less than four–inch pipe size for retorts over 15 feet in length.

NOTE: The drain valves may be either gate or globe type.

(c) Operation. The vent valves and drain valve shall be wide open when steam is admitted to the retort.

(d) The drain valve shall remain wide open for at least three minutes after steam is turned on, and until the mercury thermometer on the retort indicates a temperature of at least 210 degrees F.

(e) The vent valve shall remain wide open for at least five minutes after steam is turned on, and until the mercury thermometer on the retort indicates a temperature of at least 220 degrees F.

(f) If the vent valve is connected into a discharge pipe or system for removal of steam from the building, the header shall be sufficiently large so that venting will not be impaired.

(5) "System E." Venting through the water spreader.

(a) Equipment. The water spreader shall be of not less than 1–1/2 inch pipe size for retorts less than 15 feet in length, with the water inlet connected through the shell so that the spreader pipes extend in both directions from a tee in the water inlet. The water inlet to which the spreader is connected shall be of not less than two–inch pipe size. The vent pipe shall be of at least two–inch pipe size and shall be connected into the water inlet without any restriction in pipe size.

The water spreader shall be of not less than two–inch pipe size for retorts from 15 to 30 feet in length with the water inlet connected through the shell so that the spreader pipes extend in both directions from a tee in the water inlet. The water inlet to which the spreader is connected shall be of not less than 2–1/2 inch pipe size. The vent pipe shall be of at least 2–1/2 inch pipe size and shall be connected into the water inlet without any restrictions in pipe size. If the water enters at or near one end of the retort the water spreader shall be at least as large as the water inlet. For retorts over 30 feet in length, the department shall be consulted for the proper venting requirements.

(b) The water spreader shall have holes of not less than three–sixteenths–inch diameter distributed uniformly along the length of the spreader pipe, and of sufficient number so that their aggregate area is not less than that of a two–inch I.P.S. (3.34 square inches) for retorts up to 15 feet in length, or not less than that of a

2–1/2 inch I.P.S. (4.75 square inches) for retorts having lengths of 15 to 30 feet.

(c) Operation. The vent valve shall be wide open when steam is admitted to the retort, and shall remain wide open for at least five minutes after steam is turned on, and until the mercury thermometer on the retort indicates a temperature of at least 225 degrees F.; or the vent valve shall remain wide open for at least seven minutes to at least 220 degrees F.

(d) If the vent valve is connected into a discharge pipe or system for removal of steam from the building, the header shall be sufficiently large so that venting will not be impaired.

(e) The following table indicates the minimum number of holes permissible in water spreaders when used for venting:

NUMBER OF HOLES WHOSE TOTAL AREA IS EXACTLY EQUAL TO THE AREA OF THE INLET PIPE

Drill Size Inches	For 1 1/2 inch pipe (2.02 sq. in)	For 2 inch pipe (3.34 sq. in)	For 2 1/2 inch pipe (4.75) sq. in.
3/16	74	121	173
7/32	54	89	127
1/4	42	69	97

(6) "System F." Venting through the drain valve and through the water spreader.

(a) Equipment. The water spreader shall be of not less than 1 1/2 inch pipe size for retorts less than 15 feet in length, with the water inlet connected through the shell so that the spreader pipe extends in both directions from a tee in the water inlet. The water inlet to which the spreader is connected shall be of not less than two–inch pipe size. The vent pipe shall be of at least two–inch pipe size and shall be connected into the water inlet without any restriction in pipe size. The water spreader shall be of not less than two–inch pipe size for retorts from 15 feet to 30 feet in length with the water inlet connected through the shell so that the spreader pipe extends in both directions from a tee in the water inlet. The water inlet to which the spreader is connected shall be of not less than 2 1/2 inch pipe size. The vent pipe shall be of at least 2 1/2 inch pipe size and shall be connected into the water inlet without any restrictions in pipe size. If the water enters at or near one end of the retort the water spreader shall be of at least the same size as the water inlet.

For retorts over 30 feet in length, the department shall be consulted for the proper venting requirements.

(b) The water spreader shall have holes of not less than three–sixteenths–inch diameter distributed uniformly along the length of the spreader pipe, and of sufficient number so that their aggregate area is not less than that of two–inch pipe (3.34 square inches) for retorts up to 15 feet in length, or not less than that of a 2 1/2 inch pipe (4.75 square inches) for retorts having lengths of 15 to 30 feet.

NOTE: See table in System E (5) for number and size of holes required.

(c) In addition, the retort shall be equipped with a drain of not less than three–inch pipe size for retorts up to 15 feet in length or of not less than four–inch pipe size for retorts over 15 feet in length. The drain valve may be either globe or gate type.

(d) Operation. The vent valve and the drain valve shall be wide open when steam is admitted to the retort.

(e) The drain valve shall remain wide open for at least two minutes after the steam is turned on, and until the mercury thermometer on the retort indicates a temperature of at least 210 degrees F.

(f) The vent valve shall remain wide open for at least five minutes after steam is turned on, and until the mercury thermometer on the retort indicates a temperature of at least 220 degrees F.

(g) If the vent valve is connected into a discharge pipe or system for removal of steam from the building, the header shall be sufficiently large so that venting will not be impaired.

(7) "System G." Venting through a single 2 1/2 inch top center vent – for retorts less than 15 feet long.

(a) Venting may be accomplished by the use of a single 2 1/2 inch unrestricted vent located at the top of the shell, provided this vent is within two feet of the center of the retort.

(b) Operation. The vent valve shall be wide open when steam is admitted to the retort, and shall remain wide open for at least four minutes after steam is turned on, and until the mercury thermometer on the retort indicates a temperature of at least 220 degrees F.

If the vent valve is connected into a discharge pipe or system for removal of steam from the building, the header shall be sufficiently large so that venting will not be impaired.

(8) "System H." Venting through the drain valve and through a single 1 1/2 inch top center vent for retorts less than 15 feet long.

(a) Venting may be accomplished by the use of the drain valve in conjunction with a single unrestricted 1 1/2 inch vent located at the top of the shell, provided the vent is within two feet of the center of the retort.

(b) In addition, the retort shall be equipped with a drain of not less than four–inch pipe size.

(c) Operation. The vent valve and the drain valve shall be wide open when steam is admitted to the retort.

(d) The drain valve shall remain wide open for at least two minutes after steam is turned on, and until the mercury thermometer on the retort indicates a temperature of at least 210 degrees F.

(e) The vent valve shall remain wide open for at least five minutes after steam is turned on, and until the mercury thermometer on the retort indicates a temperature of at least 220 degrees F.

(f) If the vent valve is connected into a discharge pipe or system for removal of steam from the building, the header shall be sufficiently large so that venting will not be impaired. [Order 1071, Regulation 6, filed 10/23/67, effective 12/1/67.]

WAC 16-140-070 Venting of vertical retorts for removal of air--Systems I and J. (1) The following specifications apply for venting vertical retorts not larger than approximately 42 inches diameter by 96 inches high, when the following equipment is used:

(a) Strap-iron or adequately perforated metal baskets.

(b) Vents located in or near the top of the retort.

(c) At least a one-inch steam line into the bottom of the retort and arranged so that steam is directed up into the load of food containers.

(d) Raised supports for retort basket so constructed that no baffling effect occurs. Baffle plates are not permitted. If dividers are used, they shall be of wide mesh material, such as fish nets or onion sacks, or of strap iron or sheet metal having perforations at least the equivalent of one-inch holes on two-inch centers. Close meshed cloth dividers are not permitted.

(2) "System I." Venting through a single 1 1/2 inch overflow pipe.

(a) Venting of vertical retort may be accomplished through a 1 1/2 inch overflow pipe if it is connected to the retort within at least 10 inches of the top of the shell. The overflow pipe shall have not more than eight feet of 1 1/2 inch pipe beyond the valve. If the vent pipe discharges into a manifold, the manifold shall be sufficiently large so that venting will not be impaired.

(b) Operation. The vent valve shall be wide open when steam is turned on, and it shall remain wide open for at least four minutes after steam is turned on and also until the mercury thermometer reaches a temperature of at least 218 degrees F. or for at least five minutes to at least 215 degrees F.

(3) "System J." Venting through a single one-inch top vent.

(a) Venting of a vertical retort may be accomplished through a single unrestricted one-inch vent located in the lid of the retort. This vent shall be equipped with a one-inch gate valve and shall discharge into the atmosphere, with not more than four feet of one-inch pipe beyond the valve.

(b) The vent valve shall be wide open when steam is turned on, and it shall remain wide open for at least five minutes after steam is turned on and also until the mercury thermometer reaches a temperature of at least 230 degrees F. or for at least seven minutes to at least 220 degrees F. [Order 1071, Regulation 7, filed 10/23/67, effective 12/1/67.]

WAC 16-140-080 Records. (1) Coding. Each cannery must submit to the department a code to appear legibly on the surface of each container that will identify the packer. This code will show the plant where packed, year packed, the product contained therein, batch number or day code. It is understood by the packer that where the container coding to identify each day's production does not identify production for specific periods of the day that the entire day's production shall be considered as one batch in question.

(2) Process record. Each licensee shall keep a daily process record on an approved form, filled in at the time the specific retort operation is observed. The record shall be separate for each batch load and shall include the product, the batch number, the code and the size of containers in each batch, the approximate number of containers in each batch, the processing time and temperature for each batch, and the readings of the recording thermometer, the indicating thermometer, and the pressure gauge for each batch taken after the proper process temperature has been reached.

(3) Recording temperature chart record. Each chart of the recording thermometer shall show the full time and temperature as required for each batch, and the batch number shall be recorded in each respective curve of the chart at the end of each day's operation.

(4) Filing records. Each process record and recording thermometer chart shall be dated and signed by authorized company personnel, shall be held for not less than 24 months, and shall at all times during this period be available to the department. [Order 1071, Regulation 8, filed 10/23/67, effective 12/1/67.]

WAC 16-140-090 Process requirements. (1) All low acid foods packed in hermetically sealed containers, except those under pH control as approved by the department, shall be subject to the specific requirements as to initial temperature, process time and temperature as determined for each product established by these regulations to accomplish commercial sterilization.

(2) Process time and temperature for commercial sterilization shall conform to processes for each specific food product as published on pages 28 to 52 of the 10th edition of Bulletin 26-L dated September 1966 by the National Canners Association, Washington, D.C. of which copies are on file with the department. [Order 1071, Regulation 9, filed 10/23/67, effective 12/1/67.]

WAC 16-140-100 Process requirements--Authority to establish--Process time, temperature, equipment standards. Authority to establish process requirements, process time and temperature standards and equipment standards.

(1) Process time and temperature standards for food products not listed in the 10th edition of Bulletin 26-L by the National Canners Association may be established by the department in consultation with the National Canners Association Research Laboratory, Seattle, or qualified departments of the state universities.

(2) The department may approve process time and temperatures and establish equipment standards for other than nonagitating and discontinuous type retorts if the retorts are used to process low acid foods in hermetically sealed containers in an atmosphere of pure saturated steam and have been shown to be equally effective in commercially sterilizing food products in hermetically sealed containers. [Order 1071, Regulation 10, filed 10/23/67, effective 12/1/67.]

Chapter 16-142 WAC
PERISHABLE PACKAGED FOOD GOODS--PULL DATING

WAC

16-142-001 Promulgation.
16-142-010 Application.
16-142-020 Date.
16-142-030 Package dating.
16-142-040 Placement of "pull date."
16-142-050 Storage.
16-142-060 Effective date.

WAC 16-142-001 Promulgation. (This promulgation relates to Order No. 1329, WAC 16-142-001 through 16-142-060.)

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in chapter 69.04 RCW, after due notice as provided in chapter 34.04 RCW and a public hearing held in Seattle, Washington on December 14th, 1973 at 1:30 p.m. in the Auditorium, Seattle City Light Building, 1015 - 3rd Avenue, do hereby promulgate the following regulations relating to the "pull date" of perishable packaged food goods. [Order 1329, § 16-142-001, filed 1/14/74.]

WAC 16-142-010 Application. "Perishable packaged food goods" as described by law under chapter 69-.04 RCW shall provide an open "pull date" in the manner prescribed herein: The "pull date" shall allow the consumer time for normal home consumption or use under the proper care and storage conditions. [Order 1329, § 16-142-010, filed 1/14/74.]

WAC 16-142-020 Date. The date required by this regulation shall be the last date on which the perishable packaged food goods shall be offered for sale in the channel of regular trade. ("Pull date") provided that:

(A) The packaged perishable foods whose "pull date" has expired may be sold if still wholesome and not a danger to health, and

(1) The "pull date" has not been removed, altered or changed, and

(2) The perishable package food goods is removed from the regular channel of sale and so identified by placard or other means as to fully inform the purchaser that the "pull date" has expired.

[Order 1329, § 16-142-020, filed 1/14/74.]

WAC 16-142-030 Package dating. Perishable packaged food goods subject to this regulation shall be dated in accordance with this section. The date must first show the month and then the day of the month.

The month shall be shown by a minimum of three letters that clearly identify the month such as "Jan." (January), "Feb." (February) and so on through "Dec." (December) or by digits "1" through "12," where "1" signifies January, "2" signifies February and so on through "12" which signifies December. The day of the month must be shown by digits "1" through "31" to show the date within the month specified. If only digits are used to indicate the month, then the month must be separated from the digits for the date within the month by a space or dash. No letters or digits shall immediately precede or follow the "pull date" specified. [Order 1329, § 16-142-030, filed 1/14/74.]

WAC 16-142-040 Placement of "pull date." The date required by this regulation must be placed on each package made available to the purchaser. The date shall be presented in a size, manner and style clearly and easily legible to the purchaser at the time of making or accepting a selection for purchase. [Order 1329, § 16-142-040, filed 1/14/74.]

WAC 16-142-050 Storage. Storage conditions including temperature requirements shall be the same as those set forth in WAC 248-84-001 and 248-84-010 rules and regulations of the state board of health governing food service establishments for perishable foods. [Order 1329, § 16-142-050, filed 1/14/74.]

WAC 16-142-060 Effective date. The effective date of this order shall be February 14, 1974. [Order 1329, § 16-142-060, filed 1/14/74.]

Chapter 16-144 WAC
PROCESSING FROZEN DESSERTS

WAC

16-144-001 Promulgation.
16-144-010 Definitions.
16-144-020 Processing of ice cream.
16-144-030 Processing of other desserts—Frozen and french custards—Labeling—Optional ingredients.
16-144-040 Ice milk—Labeling—Optional ingredients.
16-144-050 Nonfat frozen dairy desserts—Labeling—Optional ingredients.
16-144-060 Dietetic or dietary frozen dairy desserts—Labeling—Optional ingredients.
16-144-070 Fruit sherbets—Labeling—Optional ingredients.
16-144-080 Water ices—Labeling—Optional ingredients.

WAC 16-144-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, after public notice and hearing held at Olympia, Washington on September 6, 1967, by virtue of authority vested in me under chapters 34.04, 15.32 and 15.36 RCW, do hereby promulgate the following regulations governing frozen desserts. [Order 1069, Promulgation, filed 9/20/67, effective 11/1/67.]

WAC 16-144-010 Definitions.

(a) The definitions and standards contained in chapters 15.32 and 69.04 RCW shall apply under this order unless the context of this order clearly indicates otherwise.

(b) Frozen desserts means ice cream, frozen custard, ice milk, nonfat frozen dairy dessert, dietetic frozen desserts, fruit sherbets, and water ices. Such terms shall also include any food product which is prepared or manufactured and which contains as an ingredient a substantial portion of any of the above mentioned frozen desserts.

(c) The terms "pasteurization," "pasteurized" and similar terms used in this order shall mean heating every particle of the product to a temperature of not less than 155 degrees Fahrenheit and holding continuously for at least thirty minutes in approved and properly operated equipment or heating to a temperature of not less than 175 degrees Fahrenheit for not less than 25 seconds continuously in approved and properly operated equipment.

(d) All frozen desserts shall be manufactured, processed, and pasteurized to conform with a bacteriological standard of not to exceed 50,000 per milliliter and a coliform limit not exceeding 10 per milliliter as determined by Standard Methods for the Examination of Dairy Products of the American Public Health Association, and the 11th Edition of Official Methods of Analyses of the Association of Official Agricultural Chemist. The frozen desserts shall be properly pasteurized as evidenced by the phosphatase test. [Order 1069, Regulation 1, filed 9/20/67, effective 11/1/67.]

WAC 16-144-020 Processing of ice cream. Ice cream; identity; label statement of optional ingredients.

(a) Ice cream is the food prepared by freezing, while stirring a pasteurized mix composed of one or more of the optional dairy ingredients specified in paragraph (c) of this section, sweetened with one or more of the optional sweetening ingredients specified in paragraph (d) of this section. One or more of the optional characterizing ingredients specified in paragraph (b) of this section and one or more of the optional ingredients specified in paragraph (d) (5) to (10) may be used to characterize the ice cream. One or more of the optional caseinates specified in paragraph (e) and one or more of the optional ingredients specified in paragraph (f) of this section may be used, subject to the conditions hereinafter set forth. The mix may be seasoned with salt, and may be homogenized. The kind and quantity of optional dairy ingredients used, as specified in paragraph (c) of this section, and the content of milk fat and nonfat milk solids therein, are such that the weights of milk fat and total milk solids are not less than 10 percent and 20 percent, respectively, of the weight of the finished ice cream; but in no case shall the content of milk solids not fat be less than 6 percent, except that when one or more of the bulky optional ingredients as specified in paragraph (b) (3) to (8), inclusive, of this section, are used, the weights of milk fat and total milk solids (exclusive of such fat and solids in any malted milk used) are not less than 10 percent and 20 percent, respectively, of the remainder obtained by subtracting the weight of such optional ingredients, modified as prescribed in this paragraph, from the weight of the finished ice cream; but in no case is the weight of milk fat or total milk solids less than 8 percent and 16 percent, respectively, of the weight of the finished ice cream. The optional caseinates specified in paragraph (e) of this section are not deemed to be milk solids. In calculating the reduction of milk fat and total milk solids from the use of bulky optional ingredients, chocolate and cocoa solids used shall be considered the bulky ingredients of paragraph (b)(3) of this section. In order to make allowance for additional sweetening ingredients needed when bulky ingredients are used, the weight of chocolate or cocoa solids may be multiplied by 2.5; the weight of fruit or nuts used may be multiplied by 1.4; and the weight of partially or wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the original weights before drying and this weight multiplied by 1.4. The finished ice cream contains not less than 1.6 pounds of total solids to the gallon and weighs not less than 4.5 pounds to the gallon. Artificial flavoring in any chocolate, cocoa, confectionery, or other ingredient used is an optional ingredient of the finished ice cream. Coloring including artificial coloring, may be added.

(b) The optional characterizing ingredients referred to in paragraph (a) of this section are:

(1) Ground spice, ground vanilla beans, infusion of coffee or tea, or any natural food flavoring.

(2) Artificial food flavoring.

(3) Chocolate or cocoa, which may be added as such or as a suspension in sirup, and which may contain disodium phosphate or sodium citrate in such quantity that the finished ice cream contains not more than 0.2 percent by weight of disodium phosphate or sodium citrate. For the purposes of this section, the term "cocoa" means one or any combination of two or more of the following: Cocoa, breakfast cocoa, low-fat cocoa, and the unpulverized residual material prepared by removing part of the fat from ground cacao nibs.

(4) Mature fruit or the juice of mature fruit, either of which may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be whole, shredded, or comminuted; it may be sweetened, thickened with pectin or with one or more of the ingredients named in paragraph (f)(2) of this section, subject to the restriction on the total quantity of such substances in ice cream prescribed in that paragraph, and it may be acidulated with citric acid, ascorbic acid, or phosphoric acid. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. In the case of fruit or fruit juice from which part of the water is removed, the substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of the citrus fruits the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juice, cold-pressed citrus oil may be added in an amount not exceeding that which would have been obtained if the peel from the whole fruit had been used. For the purposes of this section, the flesh of the coconut shall be considered a fruit.

(5) Nut meats, which may be roasted, cooked in an edible fat or oil, or preserved in sirup, and which may be salted.

(6) Malted milk.

(7) Confectionery. For the purposes of this section, the term "confectionery" means candy, cakes, cookies, and glaceed fruits.

(8) Properly prepared and cooked cereal.

(9) Distilled alcoholic beverage, including liqueurs or wine, in an amount not to exceed that required for flavoring the ice cream.

(c) The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, dried cream, plastic cream (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, sweetened condensed milk, superheated condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part–skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, skim milk in concentrated or dried form which has been modified by treating the concentrated skim milk with calcium hydroxide and disodium phosphate, concentrated cheese whey, and dried cheese whey. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Any concentrated cheese whey and dried cheese whey used contribute not more than 25 percent by weight of the total nonfat milk solids content of the finished food. Dried cheese whey is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash, not more than 225 milliliters 0.1N HC per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.16 percent, calculated as lactic acid. Concentrated cheese whey has an alkalinity of ash, not more than 115 milliliters 0.1N HC per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.18 percent, calculated as lactic acid. The modified skim milk, when adjusted with water to a total solids content of 9 percent, is substantially free of lactic acid as determined by titration with 0.1N NaOH and it has a pH value in the range of 8.0 to 8.3.

(d) The optional sweetening ingredients referred to in paragraph (a) of this section are:

(1) Sugar (sucrose) or sugar sirup.

(2) Dextrose.

(3) Invert sugar (in paste or sirup form).

(4) Corn sirup, dried corn sirup, glucose sirup, dried glucose sirup.

(5) Maple sirup, maple sugar.

(6) Honey.

(7) Brown sugar.

(8) Malt sirup, maltose sirup, malt extract.

(9) Dried malt sirup, dried maltose sirup, dried malt extract.

(10) Refiner's sirup.

(11) Molasses (other than blackstrap).

(12) Lactose.

(13) Fructose.

(e) The optional caseinates referred to in paragraph (a) of this section which may be added to ice cream mix containing not less than 20 percent total milk solids are: Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, and sodium caseinate. Caseinates may be added in liquid or dry form, but must be free of excess alkali.

(f) Other optional ingredients referred to in paragraph (a) of this section are:

(1) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen egg yolks, and dried egg yolks. Any egg ingredient used is added to the mix before it is pasteurized. The total weight of egg yolk solids in the finished ice cream from one or a combination of two or more such ingredients is less than the minimum prescribed for frozen custard by WAC 16–144–030 (1.4 percent).

(2) Agar–agar, algin (sodium alginate), calcium sulfate, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, lecithin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly or of any combination of two or more such ingredients used (including any such ingredient and pectin added separately to the fruit ingredient) is not more than 0.5 percent of the weight of the finished ice cream. Such ingredients may be added in admixture with dextrin, propylene glycol, or glycerin.

(3) Monoglycerides or diglycerides or both of fat–forming fatty acids. The total weight of such ingredients is not more than 0.2 percent of the weight of the finished ice cream. If the preparation used is one having a high proportion of monoglycerides (over 90 percent), it may be preblended with edible fat, but the amount of such fat does not exceed 20 percent by weight of the blend, and the total amount of the blend used does not exceed 0.2 percent of the weight of the finished ice cream.

(4) Polyoxethylene (20) sorbitan tristearate, polysorbate 80, or both (complying with the provisions of chapter 69.04 RCW, including the limit on either used separately or both used in combination of not more than 0.1 percent by weight of the finished frozen dessert).

(5) Propylene glycol alginate (complying with the provisions of chapter 69.04 RCW, including the limit of not more than 0.5 percent by weight of the finished frozen dessert).

(g)

(1) The name of the food is "ice cream."

(2)

(i) If the food contains no artificial flavor, the label shall bear the common or usual name of the characterizing flavor, e.g., "vanilla," in letters not less than one–half of the height of the letters used in the name of the food.

(ii) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the natural flavor predominates, the label shall bear, wherever the name of the food appears so conspicuously as to

be easily seen under customary conditions of purchase, the common name of the characterizing flavor, in letters not less than one–half the height of the letters used in the name of the food, followed by the word "flavored," in letters not less than one–half of the height of the letters in the name of the characterizing flavor, e.g., "VANILLA flavored," or "PEACH flavored," or "VANILLA flavored and STRAWBERRY flavored."

(iii) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the artificial flavor predominates, or if artificial flavor is used alone, the label shall bear, wherever the name of the food appears so conspicuously as to be easily seen under customary conditions of purchase, the common name of the characterizing flavor, in letters not less than one–half the height of the letters used in declaring the name of the food, preceded by "artificial" or "artificially flavored," in letters not less than one–half the height of the letters in the name of the characterizing flavor, e.g., "artificial VANILLA," or "artificially flavored STRAWBERRY" or "artificially flavored VANILLA and artificially flavored STRAWBERRY."

(3) If the food is subject to the requirements of subparagraph (2)(ii) of this paragraph or if it contains any artificial flavor not simulating the characterizing flavor, the label shall also bear the words "artificial flavor added" or "artificial _____ flavor added," the blank being filled with the common name of the flavor simulated by the artificial flavor in letters of the same size and prominence as the words that precede and follow it. Wherever the name of the characterizing flavor appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words prescribed by this subparagraph shall immediately and conspicuously precede or follow such name, in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6–point on packages containing less than 1 pint, not less than 8–point on packages containing at least 1 pint but less than one–half gallon, not less than 10–point on packages containing at least one–half gallon but less than 1 gallon, and not less than 12–point on packages containing 1 gallon or over: *Provided, however,* That where the characterizing flavor and a trade–mark or brand are presented together, other written, printed, or graphic matter that is a part of or is associated with the trade–mark or brand, may intervene if the required words are in such relationship with the trade–mark or brand as to be clearly related to the characterizing flavor: *And provided further,* That if the finished product contains more than one flavor of ice cream subject to the requirements of this subparagraph, the statements required by this subparagraph need appear only once in each statement of characterizing flavors present in such ice cream, e.g., "VANILLA flavored, CHOCOLATE and STRAWBERRY flavored, artificial flavors added."

(4) If the food contains both a natural characterizing flavor and an artificial flavor simulating the characterizing flavor, any reference to the natural characterizing flavor shall, except as otherwise authorized by this paragraph, be accompanied by a reference to the artificial flavor, displayed with substantially equal prominence, e.g., "strawberry and artificial strawberry flavor."

(5) An artificial flavor simulating the characterizing flavor shall be deemed to predominate:

(i) In the case of vanilla beans or vanilla extract used in combination with vanillin, if the amount of vanillin used is greater than 1 ounce per unit vanilla constituent as that term is defined in paragraph 22.1(c) of Part 22, Title 21, Code of Federal Regulations.

(ii) In the case of fruit or fruit juice used in combination with artificial fruit flavor, if the quantity of the fruit or fruit juice used is such that, in relation to the weight of the finished ice cream, the weight of the fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content) is less than 2 percent in the case of citrus ice cream, 6 percent in the case of berry or cherry ice cream, and 10 percent in the case of ice cream prepared with other fruits.

(iii) In the case of nut meats used in combination with artificial nut flavor, if the quantity of nut meats used is such that, in relation to the finished ice cream, the weight of the nut meats is less than 2 percent.

(iv) In the case of two or more fruits or fruit juices, or nut meats, or both, used in combination with artificial flavors simulating the natural flavors and dispersed throughout the food, if the quantity of any fruit or fruit juice, or nut meat is less than one–half the applicable percentage specified in subdivision (ii) or (iii) of this subparagraph, e.g., 5 percent banana plus 1 percent almond would qualify for "BANANA flavored and ALMOND flavored"; 5 percent pineapple plus 3 percent strawberry would qualify for "PINEAPPLE flavored and STRAWBERRY flavored"; 3 percent raspberry plus 1 percent orange would qualify for "RASPBERRY flavored and ORANGE flavored."

(6) If two or more flavors of ice cream are distinctively combined in one package, e.g., "neopolitan" ice cream, the applicable provisions of this paragraph shall govern each flavor of ice cream comprising the combination. [Order 1069, Regulation 2, filed 9/20/67, effective 11/1/67.]

WAC 16-144-030 Processing of other desserts—Frozen and french custards—Labeling—Optional ingredients. (1) Frozen custard, french ice cream, french custard ice cream; identity; label statement of optional ingredients.

(a) Frozen custard, french ice cream, french custard ice cream conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for ice cream by WAC 16–144–020, except that one or more of the optional egg ingredients permitted by WAC 16–144–020 (f)(1) are used in such quantity that the total weight of egg yolk solids therein is not less than 1.4 percent of the weight of the finished frozen custard: *Provided, however,* That when the ingredients named in WAC 16–144–020 (b)(3) through (8), inclusive, are used the content of egg yolk solids may be reduced in proportion to the bulky ingredient or ingredients added,

under the conditions prescribed by WAC 16-144-020(a) for reduction in milk fat and total milk solids; but in no case is the content of egg yolk solids less than 1.12 percent. [Order 1069, Regulation 3, filed 9/20/67, effective 11/1/67.]

WAC 16-144-040 Ice milk--Labeling--Optional ingredients. Ice milk; identity; label statement of optional ingredients.

Ice milk is the food prepared from the same ingredients and in the same manner prescribed in WAC 16-144-020 for ice cream and complies with all the provisions of WAC 16-144-020 (including the requirements for label statement of optional ingredients), except that:

(a) Its content of milk fat is more than 2 percent but not more than 7 percent.

(b) Its content of total milk solids is not less than 11 percent.

(c) Caseinates may be added when the content of total milk solids is not less than 11 percent.

(d) The provision for reduction in milk fat and total milk solids from the addition of bulky ingredients in regulation 2(a) does not apply.

(e) The quantity of food solids per gallon is not less than 1.3 pounds.

(f) When any artificial coloring is used in ice milk, directly or as a component of any other ingredient, the label shall bear the statement "artificially colored," "artificial coloring added," "with added artificial color," or "----------, an artificial color added," the blank being filled in with the common or usual name of the artificial color; or in lieu thereof, in case the artificial color is a component of another ingredient, "---------- artificially colored."

(g) The name of the food is "ice milk."

(h) If both artificial color and artificial flavoring are used, the label statements may be combined. [Order 1069, Regulation 4, filed 9/20/67, effective 11/1/67.]

WAC 16-144-050 Nonfat frozen dairy desserts--Labeling--Optional ingredients. Nonfat frozen dairy dessert; identity; label statement of optional ingredients.

Nonfat frozen dairy dessert is a food prepared from the same ingredients and in the same manner prescribed in WAC 16-144-020 or 16-144-040 and complies with all the provisions of such section (including the requirements for label statement of provisional ingredients), except that:

(a) Its content of milk fat is 0.5 percent or less.

(b) Its content of total milk solids is not less than 13 percent.

(c) The name of the food is "nonfat frozen dairy dessert." [Order 1069, Regulation 5, filed 9/20/67, effective 11/1/67.]

WAC 16-144-060 Dietetic or dietary frozen dairy desserts--Labeling--Optional ingredients. Dietetic or dietary frozen dairy dessert; identity; label statement of optional ingredients.

Dietetic or dietary frozen dairy dessert is a food prepared from the same ingredients and in the same manner as prescribed in WAC 16-144-020, 16-144-040 or 16-144-050 and which complies with all the provisions for each respective product as described above, except that:

(a) The optional sweetening ingredients are replaced in whole by a low calorie or noncaloric sweetening agent.

(b) Labeling shall comply with WAC 16-144-020, 16-144-040 or 16-144-050, and in addition shall bear such information concerning its vitamin, mineral and other dietary properties as is necessary in order to fully inform purchasers as to its value for such uses. [Order 1069, Regulation 6, filed 9/20/67, effective 11/1/67.]

WAC 16-144-070 Fruit sherbets--Labeling--Optional ingredients. Fruit sherbets; identity; label statement of optional ingredients.

(a) Fruit sherbets are the foods each of which is prepared by freezing, while stirring, a mix composed of one or more of the optional characterizing fruit ingredients specified in paragraph (b) of this section and one or more of the optional ingredients specified in paragraph (c) of this section, sweetened with one or more of the optional sweetening ingredients specified in paragraph (d) of this section. One or more of the optional ingredients specified in paragraph (e) of this section may be used, subject to the conditions hereinafter set forth. The mix of combined dairy ingredients, with or without other ingredients, is pasteurized. The titratable acidity of the finished fruit sherbet, calculated as lactic acid, is not less than 0.35 percent. The mix with or without added water may be seasoned with salt, and may be homogenized. The optional dairy ingredients used and the content of milk fat and nonfat milk solids therein are such that the weight of milk fat is not less than 1 percent and not more than 2 percent, and the weight of total milk solids is not less than 2 percent and not more than 5 percent of the weight of the finished fruit sherbet. The optional caseinates specified in paragraph (e)(5) of this section are not deemed to be milk solids. The finished fruit sherbet weighs not less than 6 pounds to the gallon.

(b) The optional fruit characterizing ingredients referred to in paragraph (a) of this section are any mature fruit or the juice of any mature fruit. The fruit or fruit juice used may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be thickened with pectin or other of the optional ingredients named in paragraph (e)(2) of this section, subject to the restriction on the total quantity of such substances in fruit sherbets prescribed in that paragraph. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. The fruit may be screened, crushed, or otherwise comminuted. It may be acidulated with citric acid, ascorbic acid, or phosphoric acid. In the case of concentrated fruit or fruit juices, from which part of the water is removed, substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of citrus fruits, the whole

fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juices, cold-pressed citrus oil may be added thereto in an amount not exceeding that which would have been obtained if the whole fruit had been used. The quantity of fruit ingredients used is such that, in relation to the weight of the finished sherbet, the weight of fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content), is not less than 2 percent in the case of citrus sherbets, 6 percent in the case of berry sherbets, and 10 percent in the case of sherbets prepared with other fruits. For the purposes of this section, tomatoes and rhubarb are considered as kinds of fruit.

(c) The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, dried cream, plastic cream (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, superheated condensed milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part-skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, concentrated cheese whey, and dried cheese whey. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Dried cheese whey is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash, not more than 225 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.16 percent calculated as lactic acid. Concentrated cheese whey has an alkalinity of ash, not more than 115 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.18 percent, calculated as lactic acid.

(d) The optional sweetening ingredients referred to in paragraph (a) of this section are: Sugar (sucrose), dextrose, invert sugar (paste or sirup), glucose sirup, dried glucose sirup, corn sirup, dried corn sirup, malt sirup, malt extract, dried malt sirup, dried malt extract, maltose sirup, dried maltose sirup.

(e) Other optional ingredients referred to in paragraph (a) of this section are:

(1) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks; but the weight of egg yolk solids therein is less than 0.5 percent of the weight of the finished fruit sherbet.

(2) Agar-agar, algin (sodium alginate), calcium sulfate, egg white, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, hydroxypropyl methylcellulose, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, lecithin, pectin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly or of any combination of two or more such ingredients used (including any such ingredient added separately to the fruit ingredient) is not more than 0.5 percent of the weight of the finished fruit sherbet. Such ingredients may be added in admixture with dextrin, propylene glycol, or glycerin.

(3) Monoglycerides or diglycerides or both of fat-forming fatty acids. The total weight of such ingredients is not more than 0.2 percent of the weight of the finished fruit sherbet. If the preparation used in one having a high proportion of monoglycerides (over 90 percent), it may be preblended with edible fat, but the amount of such fat does not exceed 20 percent by weight of the blend, and the total amount of the blend used does not exceed 0.2 percent of the weight of the finished fruit sherbet.

(4) Polyoxyethylene (20) sorbitan tristearate, polysorbate 80, or both (complying with the provisions of chapter 69.04 RCW, including the limit on either used separately or both used in combination of not more than 0.1 percent by weight of the finished frozen dessert).

(5) Propylene glycol alginate (complying with the provisions of chapter 69.04 RCW, including the limit of not more than 0.5 percent by weight of the finished frozen dessert).

(6) Citric acid, tartaric acid, malic acid, lactic acid, ascorbic acid, phosphoric acid, or any combination of two or more of these in such quantity as seasons the finished food.

(7) Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, sodium caseinate.

(8) Any natural food flavoring.

(9) Any artificial flavoring.

(10) Coloring, including artificial coloring.

(f) The name of each such fruit sherbet is "_____ sherbet," the blank being filled in with the common name of the fruit or fruits from which the fruit ingredients used are obtained. When the names of two or more fruits are included, such names shall be arranged in order of the predominance, if any, by weight of the respective fruit ingredients used.

(g) When the optional ingredients artificial coloring or artificial flavoring are used in fruit sherbet they shall be named on the labels as follows:

(1) The label shall designate artificial coloring by the statement "artificially colored," "artificial coloring added," "with added artificial coloring," or "_____ an artificial color added," the blank being filled in with the name of the artificial coloring used.

(2) The label shall designate artificial flavoring by the statement "artificially flavored," "artificial flavoring added," "with added artificial flavoring," or

"_____ an artificial flavor added," the blank being filled in with the name of the artificial flavoring used.

(3) When ever artificial flavoring is not added as such but as a component of some other ingredient, the label shall include the statement "_____ artificially flavored," the blank being filled in with the name of such other ingredient. Label statements may be combined, as for example, "with added artificial flavoring and artificial coloring."

(h) When one or more of the optional ingredients artificial coloring or artificial flavoring are used and there appears on the label any representation as to the fruit or fruits in the sherbet, such representation shall be immediately and conspicuously accompanied by appropriate label statements as prescribed in paragraph (g) of this section, showing the optional ingredients used.

(i) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written printed, or graphic matter. [Order 1069, Regulation 7, filed 9/20/67, effective 11/1/67.]

WAC 16-144-080 Water ices--Labeling--Optional ingredients. Water ices; identity; label statement of optional ingredients.

(a) Water ices are the foods, each of which is prepared by freezing, while stirring a mix composed of one or more of the optional characterizing fruit ingredients specified in paragraph (b) of this section, sweetened with one or more of the optional sweetening ingredients specified in paragraph (c) of this section. One or more of the optional ingredients specified in paragraph (d) of this section may be used, subject to the conditions hereinafter set forth. The titratable acidity of the finished water ice, calculated as lactic acid, is not less than 0.35 percent. The mix, with or without added water, may be seasoned with salt, and may be homogenized. The finished water ice weighs not less than 6 pounds to the gallon.

(b) The optional fruit ingredients referred to in paragraph (a) of this section are any mature fruit or the juice of any mature fruit. The fruit or fruit juice used may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be thickened with pectin or other of the optional ingredients named in paragraph (d)(1) of this section subject to the restriction on the total quantity of such substances in water ices prescribed in that paragraph. The fruit is prepared by the removal of pits, seeds, skins, and cores where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. The fruit may be screened, crushed, or otherwise comminuted. It may be acidulated with citric acid, ascorbic acid, or phosphoric acid. In the case of fruit or fruit juices from which part of the water is removed, substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of citrus fruits, the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juices, cold-pressed citrus oil may be added thereto in an amount not exceeding that which would have been obtained if the whole fruit had been used. The quantity of fruit ingredients used is such that in relation to the weight of the finished water ice, the weight of fruit or fruit juice as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content) is not less than 2 percent in the case of citrus ices, 6 percent in the case of berry ices, and 10 percent in the case of ices prepared with other fruits.

(c) The optional sweetening ingredients referred to in paragraph (a) of this section are: Sugar (sucrose), dextrose, invert sugar (paste or sirup), glucose sirup, dried glucose sirup, corn sirup, dried corn sirup, malt sirup, malt extract, dried malt sirup, dried malt extract, maltose sirup, dried maltose sirup.

(d) Other optional ingredients referred to in paragraph (a) of this section are:

(1) Agar-agar, algin (sodium alginate), egg white, gelatin, gum acacia, guar seed gum, gum karaya, locust bean gum, oat gum, gum tragacanth, hydroxypropyl methylcellulose, carrageenan, salts of carrageenan, furcelleran, salts of furcelleran, propylene glycol alginate, pectin, psyllium seed husk, sodium carboxymethylcellulose. The total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients used (including any such ingredient added separately to the fruit ingredient), is not more than 0.5 percent of the weight of the finished water ice. Such ingredients may be added in admixture with dextrin, propylene glycol, or glycerin.

(2) Citric acid, tartaric acid, malic acid, lactic acid, ascorbic acid, phosphoric acid, or any combination of two or more of these in such quantity as seasons the finished food.

(3) Any natural flavoring.

(4) Any artificial flavoring.

(5) Coloring, including artificial coloring.

(e) The name of each such water ice is "_____ ice," the blank being filled in with the common name of the fruit or fruits from which the fruit ingredient used is obtained. When the names of two or more fruits are included, such names shall appear in the order of predominance, if any, by weight of the respective fruit ingredients used.

(f) When the optional ingredients artificial coloring and artificial flavoring are used in water ices they shall be named on the labels as follows:

(1) The label shall designate artificial coloring by the statement "artificially colored," "artificial coloring added," "with added artificial coloring," or "_____, an artificial color added," the blank being filled in with the name of the artificial coloring used.

(2) The label shall designate artificial flavoring by the statement "artificially flavored," "artificial flavoring added," "with added artificial flavoring," or "_____, an artificial flavor added," the blank being filled in with the name of the artificial flavoring

used. Label statements may be combined, as for example, "flavoring and artificial coloring added."

(g) Where one or more of the optional ingredients artificial coloring or artificial flavoring are used and there appears on the labeling any representation as to the fruit or fruits in the ice, such representation shall be immediately and conspicuously accompanied by appropriate label statements as prescribed in paragraph (f) of this section, showing the optional ingredients used.

(h) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements set out in this section showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter. [Order 1069, Regulation 8, filed 9/20/67, effective 11/1/67.]

Chapter 16-148 WAC
ABNORMAL MILK

WAC

16-148-001 Promulgation.
16-148-010 Definition of terms.
16-148-020 Examination of producer milk.
16-148-030 Enforcement procedures.

WAC 16-148-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, after public notice and hearing held at Olympia, Washington on September 6, 1967, by virtue of authority vested in me under chapters 34.04, 15.32 and 15.36 RCW, do hereby promulgate the following regulations relating to abnormal milk. [Order 1068, Promulgation, filed 9/20/67, effective 10/1/67.]

WAC 16-148-010 Definition of terms. (1) Leucocytes or leucocyte count shall mean to include the total number of white blood cells present in one milliliter of milk.

(2) D.M.L.C. or direct microscopic leucocyte count shall be the official test for the determination of the number of white blood cells in the milk as outlined in the current edition of Standards Methods for the Examination of Dairy Products of the American Public Health Association, Inc.

(3) The Wisconsin mastitis test shall be the official screening test for abnormal milk. [Order 1068, Regulation 1, filed 9/20/67, effective 11/1/67.]

WAC 16-148-020 Examination of producer milk. (1) A Wisconsin mastitis test or D.M.L.C. shall be conducted on each producer's milk at least four times in each six-month period.

(2) A milk sample having a count of one million or more leucocytes per ml. shall be deemed to be violative of the abnormal milk provisions and RCW 15.36.230.

(3) The Wisconsin mastitis test may be used for screening purposes but shall be confirmed by the D.M.L.C. before the milk producer is notified of official violative results. [Order 1068, Regulation 2, filed 9/20/67, effective 11/1/67.]

WAC 16-148-030 Enforcement procedures. (1) Four samples of each producer's milk shall be examined within the first six months following adoption of this regulation and results shall be reported to the producer for his information before any samples are taken to apply for grading purposes.

(2) Thereafter the three out of four compliance method as defined in RCW 15.36.110 shall apply in the case of all abnormal milk showing one million or more leucocytes per ml. except that a period of eight weeks shall be allowed between the warning notice and the taking of the next official test for enforcement purposes. [Order 1068, Regulation 3, filed 9/20/67, effective 11/1/67.]

Chapter 16-150 WAC
FEDERAL POULTRY INSPECTION REGULATIONS

WAC

16-150-001 Promulgation.
16-150-010 Adopting.

WAC 16-150-001 Promulgation. (This promulgation relates to WAC 16-150-010 only.)

The adoption of these regulations amending the Federal Meat Inspection Regulations adopted by the 1969 and 1971 sessions of the Washington state legislature is necessary to protect the public health and welfare.

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 16.49A RCW, after due notice as provided under chapter 34.04 RCW, and a public hearing held on July 11, 1972 at 10:00 a.m. in the conference room of the General Administration Building, Olympia, Washington, do hereby promulgate the following regulation relating to meat inspection. [Order 1274, § 16-150-001, filed 8/14/72.]

WAC 16-150-010 Adopting. The regulations adopted by the United States Secretary of Agriculture December 20, 1971, and January 26, 1972, amending 9CFR parts 301, 311, 309.16 and 315 of the Federal Meat Inspection Regulations as adopted under the provision of RCW 16.49A.570 as last amended are hereby adopted and made part of said regulations. [Order 1274, § 16-150-010, filed 8/14/72.]

Reviser's note: A pamphlet entitled "Federal register — Volume 37 — Number 95, Part II, Department of Agriculture, Animal and Plant Health Inspection Service. Poultry products inspection regulations was filed as a part of Order 1274, August 14, 1972 and may be inspected at the code reviser's office. Copies of this pamphlet may be obtained by writing the department of agriculture in Olympia, Washington.

Chapter 16-152 WAC
FEDERAL MEAT INSPECTION REGULATIONS

WAC

16-152-001 Promulgation.
16-152-010 Adopting.

WAC 16-152-001 Promulgation. (This promulgation relates to WAC 16-152-010 only.)

The adoption of these regulations amending the Federal Poultry Inspections Regulations adopted by the 1969 and 1971 sessions of the Washington state legislature is necessary to protect the public health and welfare.

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 16.74 RCW, after due notice as provided under chapter 34.04 RCW, and a public hearing held on July 11, 1972 at 11:00 a.m. in the conference room of the General Administration Building, Olympia, Washington, do hereby promulgate the following regulations relating to poultry and poultry products. [Order 1273, § 16-152-001, filed 8/14/72.]

WAC 16-152-010 Adopting. The regulations of the United States secretary of agriculture in amending Title 9 CFR Part 381 of the Federal Poultry Products Inspection Regulations as adopted under the provision of chapter 16.74 RCW as last amended are hereby adopted and made part of said regulations. [Order 1273, § 16-152-010, filed 8/14/72.]

Reviser's note: A pamphlet entitled "Title 9 — Animals and Animal Products — United States Department of Agriculture — Consumer and marketing service — CFR AMENDMENT 72-6" was filed on August 14, 1972 as part of Order 1273 and may be inspected in the office of the code reviser, Legislative Building, Olympia, Washington and can be obtained by writing the department of agriculture, Olympia, Washington 98504.

Chapter 16-200 WAC
FEEDS, FERTILIZERS AND LIVESTOCK REMEDIES

WAC

16-200-512 Screenings, screenings waste or screenings refuse, defined—Established tolerances.
16-200-640 Livestock remedies—Application for registration.
16-200-650 Concentrates, minerals and medicine used in feeds.
16-200-700 Definition, labeling, and registration of customer-formula fertilizers.
16-200-710 Secondary and minor plant nutrients.
16-200-720 Definitions, regulations, and analysis.
16-200-730 Specialty fertilizers.
16-200-740 Fertilizer brand registration.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-200-003, 16-200-004, 16-200-005, 16-200-010 through 16-200-630. [From Orders 779, 761, 629, 599, 591 and Regulations 1 through 63 and 69 of Order 453, filed 3/22/60.]

16-200-001 Promulgation. [Order 453, Promulgation, effective 3/1/46.] Repealed by 81-18-058 (Order 1747), filed 9/1/81. Statutory Authority: RCW 15.53.9018.

16-200-002 Promulgation. [Order 619, Promulgation, effective 2/11/52. Applies to WAC 16-200-512 and to chapter 16-28 WAC.] Repealed by 81-18-058 (Order 1747), filed 9/1/81. Statutory Authority: RCW 15.53.9018.

16-200-006 Promulgation. [Order 1032, Promulgation, filed 9/13/66, effective 11/15/66; Order 999, Promulgation, filed 12/10/65. Applies to WAC 16-200-700 through 16-200-743.] Repealed by 81-18-058 (Order 1747), filed 9/1/81. Statutory Authority: RCW 15.53.9018.

16-200-007 Promulgation. [Order 1164, § 16-200-007, filed 10/1/70; Order 1016, filed 5/20/66. Applies to WAC 16-200-750 through 16-200-870.] Repealed by 81-18-058 (Order 1747), filed 9/1/81. Statutory Authority: RCW 15.53.9018.

16-200-660 through 16-200-690. [Regulation 453, §§ 66, 67, and 68, effective 3/1/46.] Superseded by Order 999, now codified as WAC 16-200-700 through 16-200-740.

16-200-880 Promulgation. [Order 1432, § 16-200-880, filed 3/12/76.] Repealed by 81-18-058 (Order 1747), filed 9/1/81. Statutory Authority: RCW 15.53.9018.

WAC 16-200-512 Screenings, screenings waste or screenings refuse, defined—Established tolerances. (As promulgated in Order 619, effective 2/11/52.) (1) Definitions. Screenings consist of a mixture of mill or elevator run mixture or a combination of varying amounts of materials obtained in the process of cleaning grain or seeds, either or both; such as, light or broken grain or seed, weed seeds, hulls, chaff, joints, straw, elevator dust, or floor sweepings. Screenings waste or screenings refuse is a mixture of materials or a combination of varying amounts of materials obtained in the process of cleaning grain or seed, either or both, or recleaning of screenings; such as, weed seeds, which may be unpalatable or injurious, chaff, hulls, straw, joints, elevator dust, floor sweepings, sand and dirt.

(2) Established tolerances. The following are the established tolerances of weed seeds which may lawfully be contained in screenings, screenings waste or screenings refuse, sold offered or displayed for sale, or which are included in any wheat mixed feed, peas or processed grains: Not more than four or any combination totaling more than four of the following primary noxious weed seeds per pound: Canada Thistle, Perennial Sow Thistle, White Top, Perennial Peppergrass, Russian Knapweed, Leafy Spurge, St. Johnswort, White Horse Nettle,

Camelthorn, Austrian Fieldcress, Blue Flowering Lettuce, Yellow Toadflax, Johnson Grass, and Common Barberry and Mahonia seeds; or not more than one hundred or any combination totaling more than one hundred of the following secondary noxious weed seeds per pound, as defined: Dodder, Poverty weed, Perennial Ragweed, Alkali Mallow, Corn Cockle, Docks, Sheep Sorrel, Charlock, Plantains, Fan Weed, Yellow Star Thistle, Perennial Nutgrass, Puncture Vine, Wild Onion, Perennial Ground Cherry, or any other known noxious weed seeds used for planting, feeding or any other purpose in the state of Washington. [Order 619, Regulations 69 and 70, effective 2/11/52.]

Commercial registered feed lots, use of screenings in: Chapter 16-28 WAC.

Screenings, destruction of or processing for feed purposes—Certificate of authorization: RCW 15.48.090

WAC 16-200-640 Livestock remedies--Application for registration. (1) Each applicant for registration of a livestock remedy shall furnish for each remedy or brand substantially the following information:

(a) Brand or trade name;

(b) Name and address of manufacturer or jobber;

(c) Name and address of responsible agent or agents in the state of Washington;

(d) Ingredients of the remedy;

(e) Species of livestock for which it is recommended;

(f) Diseases of livestock for which it is recommended;

(g) Whether claimed as a cure, a control or a preventative;

(h) Other claims made for it in the treatment of livestock;

(i) Method by which results are accomplished;

(j) Full information as to biological tests and practical tests purporting to justify results claimed;

(k) Copies of charts and records of such tests;

(l) Whether any changes or alteration has been made in ingredients or formula since such tests were made;

(m) A certification that the information furnished is true in all material respects;

(n) Signature of applicant.

(2) The applicant for registration of a livestock remedy shall furnish to the director of agriculture copies of all labels, retail cartons, circulars, advertising claims and other descriptive material used in connection with the promotion, sale, offering or exposing for sale of each brand of livestock remedy for which registration is required.

(3) The registrant of a livestock remedy, or his authorized agent, shall notify the director of agriculture of any changes or proposed changes, during the period of registration, of the labels, retail cartons, circulars, advertising claims or other descriptive material prior to the effective date of such changes.

(4) The registrant of a livestock remedy, or his authorized agent, shall notify the director of agriculture of any proposed change in the ingredients of such remedy, or of any proposed change in the formula of such remedy during the period of registration. [Order 453, Regulation 64, effective 3/1/46.]

WAC 16-200-650 Concentrates, minerals and medicine used in feeds. (1) Materials or products other than those exempted in section 33, chapter 211, Laws of 1939,* used in any manner as feed for domestic animals in its original or unmixed form and commonly known as "concentrates," "minerals," or "medicines," shall be registered and tagged in compliance with chapter 36, Laws of 1939 [section 36, chapter 211, Laws of 1939]*, before being sold, offered for sale or distributed in its original or unmixed form to the consumer in the state of Washington.

(2) Any person selling, offering for sale or distributing any product described herein, whether he be the manufacturer, importer, mixer, distributor, agent or vendor, shall be responsible for the registration and tagging of the same as required by chapter 36, Laws of 1939, [section 36, chapter 211, Laws of 1939]* before being sold, offered for sale or distributed in its original or unmixed form to the consumer in the state of Washington. [Order 453, Regulation 65, effective 3/1/46.]

Reviser's note: *Chapter 211, Laws of 1939 which originally related to feed, fertilizers, and livestock remedies was superseded by chapter 80, Laws of 1953 as to commercial feeds and by chapter 85, Laws of 1953 as to fertilizers, agricultural minerals and limes. The subject matter of chapter 211, Laws of 1939, as affected by said later acts and by the 1961 reenactment of Title 15 RCW, is codified in RCW as follows: Chapter 15.52—Washington Animal Remedy Act, chapter 15-.53—Commercial feed, and chapter 15.54—Fertilizers, agricultural minerals and limes.

WAC 16-200-700 Definition, labeling, and registration of customer-formula fertilizers. (1) Definition. A customer-formula fertilizer is a commercial fertilizer or agricultural mineral formulated according to specifications furnished by a consumer prior to mixing.

(2) Each delivery of a customer-formula fertilizer shall be subject to containing those ingredients specified by the purchaser which shall be shown on the statement or invoice with the amount contained therein in addition to the information required in RCW 15.54.060, 15.54-.070, and 15.54.080 of the Washington Fertilizer Act; *Provided*, That each such delivery of customer-formula fertilizers shall be accompanied by either the statement, invoice, a delivery slip, or a label containing the information required in RCW 15.54.120; *Provided further*, That customer-formula fertilizers distributed in bags must also have attached a label containing the information required in RCW 15.54.120. It is important that the requirement of percentage guarantees on all shipments of customer-formula grade mixes be followed; any official samples taken will be analyzed against these guarantees.

(3) Companies planning to mix customer-formula fertilizers shall include the statement "customer-formula grade mixes" under the column headed GRADES on the brand registration application form.

(4) A record of all invoices of customer-formula grade mixes shall be kept for a period of six months and shall be available to the department upon request. [Order 1032, Regulation 1, filed 9/13/66, effective 10/15/66; Order 999, Regulation 1, filed 12/10/65.]

WAC 16-200-710 Secondary and minor plant nutrients. (1) When secondary and minor plant nutrients are mentioned in any form or manner on a label, they shall be guaranteed on the elemental basis. Sources of the elements guaranteed shall be shown on the label. The minimum percentages accepted for testing and registration are:

Element	Percent
Calcium (Ca)	1.00
Magnesium (Mg)	0.50
Sulfur (S)	1.00
Boron (B)	0.02
Chlorine (Cl)	0.10
Cobalt (Co)	0.0005
Copper (Cu)	0.05
Iron (Fe)	0.10
Manganese (Mn)	0.05
Molybdenum (Mo)	0.0005
Sodium (Na)	0.10
Zinc (Zn)	0.05

(2) The only secondary and minor plant nutrients which will be accepted are listed above. Proposed labels shall be furnished with the registration application form. Warning or caution statements are required on the label for any product which contains 0.03 percent or more of boron in water–soluble form or 0.001 percent or more of molybdenum. Any of the listed elements which are guaranteed shall be listed immediately following guarantees for the primary nutrients, nitrogen, phosphorus, and potassium. [Order 1032, Regulation 2, filed 9/13/66, effective 10/15/66; Order 999, Regulation 2, filed 12/10/65.]

WAC 16-200-720 Definitions, regulations, and analysis. When not specifically stated in chapter 15.54 RCW or otherwise designated by the department, the department will be guided by the definitions of general terms and fertilizer materials as set forth in the official publication of the Association of American Fertilizer Control Officials. The methods of sampling and analysis shall be those of the Association of Official Analytical Chemists or other approved methods. [Order 1032, Regulation 3, filed 9/13/66, effective 10/15/66; Order 999, Regulation 3, filed 12/10/65.]

WAC 16-200-730 Specialty fertilizers. (1) A manipulated vegetable or animal manure, when offered for sale as a specialty fertilizer, distributed for its plant nutrient content and designed for use, or claimed to have value in promoting plant growth, shall have a grade guarantee along with other required label information.

(2) Manipulated manures containing more than 30% acid insoluble ash (sand) shall be labeled "sheep manure and sand," or "sheep manure, sand, and other inert matter," or "sheep manure, sand, and top soil" – (use appropriate term: Steer, cattle, poultry, etc.). Acid insoluble ash shall be calculated on the basis of the manure sample being corrected to 30% moisture.

(3) Manipulated manures containing more than 50% acid insoluble ash (sand) shall be labeled "sand and sheep manure," or "sand, other inert matter, and sheep manure," or "sand, top soil, and sheep manure" – (use appropriate term: Steer, cattle, poultry, etc.). Acid insoluble ash shall be calculated on the basis of the manure sample being corrected to 30% moisture.

(4) Claims for organic fertilizer shall be based on one of the following requirements:

(a) Must be a naturally occurring substance generally recognized as the hydrogen compounds of carbon and their derivatives, or;

(b) Must contain a minimum of 40% (by weight) of organic matter (loss on ignition following oven drying), and must contain a minimum of 40% of the total nitrogen (N) as water insoluble organic nitrogen as determined by AOAC 2.047, or;

(c) Must be synthetic products of similar composition to (a) above in which the water insoluble nitrogen content is at least 60% of the total nitrogen guaranteed.

(5) A qualifying word such as "base" or "fortified" modifying the term organic shall be printed in the same size, color, and type of print as the word organic on the fertilizer label and the product represented shall meet the following requirements:

(a) Must contain a minimum of 15% (by weight) of organic matter (loss on ignition following oven drying), and must contain a minimum of 15% of the total nitrogen (N) as water insoluble organic nitrogen as determined by AOAC 2.047, or;

(b) Must be synthetic products of similar composition to (4)(a) above in which the water insoluble nitrogen content is at least 30% of the total nitrogen guaranteed. [Order 1032, Regulation 4, filed 9/13/66, effective 10/15/66; Order 999, Regulation 4, filed 12/10/65.]

WAC 16-200-740 Fertilizer brand registration. (1) All fertilizer companies, including companies engaged in customer–formula mixing, dry or liquid, shall comply with RCW 15.54.030 which states, "Each brand of commercial fertilizer, agricultural mineral, or lime shall be registered with the department before being sold or offered for sale in this state . . ."

(2) RCW 15.54.010(8) states, "brand" means a term, design, or trademark used in connection with the distribution and sale of one or more grades of commercial fertilizers, agricultural minerals, or lime.

(3) When a fertilizer is mixed, added to, or in any way changed from its original grade or content of secondary or minor nutrients, it is a different product.

(4) When a registered brand grade is changed by any commercial fertilizer manufacturer or ultimate dealer, such manufacturer or ultimate dealer shall have registered a brand as provided under RCW 15.54.030.

(5) Brand name. The addition of another prominent name or design to the registered brand other than descriptive words associated with the grade, shall constitute a different brand, for example: Blue Bird 5–10–10 vs John Doe Blue Bird 5–10–10. [Order 1032, Regulation 5, filed 9/13/66, effective 10/15/66; Order 999, Regulation 5, filed 12/10/65.]

WAC 16-200-743 Fertilizer brand registration--Labeling. The use of multilabeling, including directions for use and grade guarantees for other than the contents of the container, is misleading, and will not be accepted for registration. [Order 1032, Regulation 6, filed 9/13/66, effective 10/15/66; Order 999, Regulation 6, filed 12/10/65.]

WAC 16-200-750 Definitions of feed ingredients. (1) Pea meal is a pea product resulting from the grinding of whole peas which are reasonably free of other crop seeds, weeds, and mold. It shall contain not less than twenty percent crude protein and not more than eight percent crude fiber.

(2) Pea by-products meal is a product containing light and broken peas, and offal from pea cleaning, which includes chips, pea powder, pea hulls, and screenings. It shall contain not less than fifteen percent crude protein nor more than thirty percent crude fiber.

(3) Pea screenings meal consists primarily of the various separates obtained from the screening and cleaning of peas. It shall contain not less than ten percent crude protein nor more than thirty-eight percent crude fiber.

(4) Pea bran consists primarily of the various separates obtained from the pea splitting operation. It shall contain not less than ten percent crude protein nor more than thirty-eight percent crude fiber.

(5) Poultry by-products for mink feed shall consist of nonrendered clean parts of carcasses of slaughtered poultry such as heads, feet, and viscera, free from foreign matter except in such trace amounts as might occur unavoidably in good factory practice.

(6) Fish by-products for mink feed shall consist of nonrendered clean parts of carcasses of fish such as heads, frames, and viscera, free from foreign matter except in such trace amounts as might occur unavoidably in good factory practice.

(7) Grass seed by-products meal or pellets is a ground product consisting of light and broken seeds, hulls, chaff, straw, and a portion of the weed seeds; excluding sand, dirt, and heavy weed seeds.

(8) Grass seed screenings meal or pellets is the product obtained from the cleaning of various grass seed and shall be comprised chiefly of hulls.

(9) Dehydrated alfalfa or grass meal is the aerial portion of the plant cut prior to formation of seed reasonably free of other crop plants, weeds, and mold, which has been finely ground and dried by thermal (artificial) means. If a species name is used, the product must correspond thereto. [Order 1016, filed 5/20/66.]

WAC 16-200-760 Brand and product names. (1) The brand or product name must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "dairy feed," for example, must be suitable for that purpose.

(2) When not specifically stated in chapter 15.53 RCW or otherwise designated by the department, the department will be guided by the definitions of feed ingredients and feed terms as established in the latest official publication of the Association of American Feed Control Officials in accepting product names for single ingredient feeds.

(3) A name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any component of a mixture unless all components are included in the name: *Provided*, That if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name, if in the opinion of the department, the ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product, that it does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients, and that it is not otherwise false or misleading.

(4) The word vitamin, or a contraction thereof, or any word suggesting vitamin, can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in WAC 16-200-770(3).

(5) The term "mineralized" shall not be used in the name of a feed except "Trace mineralized salt." When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

(6) When the brand name carries a percentage value, it shall be understood to signify protein and/or protein equivalent content. If any other percentage values are used in brand names, they must be followed by the proper description.

(7) Commercial feed shall be considered as a distinct brand when differing either in guaranteed analysis, trademark name, or any other characteristic method of marking: *Provided*, That a brand may be sold in various physical forms.

(8) The word "protein" shall not be permitted in the brand name of a feed that contains added nonprotein nitrogen. [Order 1164, § 16-200-760, filed 10/1/70; Order 1016, filed 5/20/66.]

WAC 16-200-770 Expression of guarantees. (1) The sliding-scale method of expressing guarantees (for example, protein fifteen to eighteen percent) is prohibited, except as specifically provided by the law or by regulation.

(2) Drugs in commercial feeds shall be guaranteed in terms of percentage by weight, except that antibiotics present at less than two thousand grams (total) of antibiotics per ton of feed shall be guaranteed in terms of grams per ton of feed or when present at two thousand grams per ton or more they shall be guaranteed in terms of grams per pound of feed.

(3) Guarantees of minimum vitamin content of feeds and feed supplements shall be stated in units or milligrams per pound as provided herein: Vitamin E in USP or International units; vitamin A, other than precursors of vitamin A, in USP units; vitamin D in products offered for poultry feeding in International Chick units, vitamin D for other uses in USP units; all other vitamins as true vitamins, not compounds, excepting only pyridoxine hydrochloride, choline chloride, and thiamine; oils and concentrates containing vitamin A or vitamin D or both may be additionally labeled to show vitamin content in units per gram; and providing that the term "d–pantothenic acid" or calcium pantothenate be used in stating the pantothenic acid guarantee.

(4) Pursuant to RCW 15.53.9016 (1)(c) of the law, all commercial feeds except poultry laying rations, containing five percent or more mineral ingredients, shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca) and salt (NaCl) and the minimum percentages of phosphorus (P) and iodine (I), if added. Minerals, except salt (NaCl), when quantitatively guaranteed, shall be stated in terms of percentage of the element. Should the registrant choose to guarantee minerals of commercial feeds with less than five percent of mineral ingredients, these guarantees shall be stated as above.

(5) Poultry laying rations containing twelve percent or more mineral ingredients shall be considered mineral feeds and subject to the requirements of subsection (4) above.

(6) Commercial feeds which need not be labeled to show guarantees for crude protein, crude fat, and crude fiber are:

(a) Commercial feeds distributed solely as mineral and/or vitamin supplements.

(b) Molasses.

(c) Drug compounds. [Order 1016, filed 5/20/66.]

WAC 16-200-780 Definitions, sampling, and analysis. When not specifically stated in chapter 15.53 RCW or otherwise designated by the department, the department will be guided by the names and definitions for commercial feeds as established by the latest official publication of the Association of American Feed Control Officials. The methods of sampling and analysis shall be from recognized sources such as the Association of Official Analytical Chemists or the Association of American Feed Control Officials. [Order 1016, filed 5/20/66.]

WAC 16-200-790 Ingredient statement. (1) Each ingredient must be specifically named. When not specifically stated in chapter 15.53 RCW or otherwise designated by the department, the department will be guided by the names and definitions as established in the latest official publication of the Association of American Feed Control Officials.

(2) Pursuant to RCW 15.53.9016 (1)(d), collective terms for the grouping of feed ingredients as defined in the official definitions of feed ingredients published in the 1971 official publication of the Association of American Feed Control Officials may be used in lieu of the individual ingredients: *Provided*, That

(a) When a collective term for a group of the ingredients is used on the label, individual ingredients within that group shall not be listed on the label.

(b) The manufacturer shall provide the feed control official, upon request, with a listing of individual ingredients, within the defined groups, that were used in the manufacture of a specific feed.

(3) Moisture guarantees shall be shown as a part of the guaranteed analysis on the labels of all canned pet foods. When water is added in the preparation of canned foods for animals, water must be listed as an ingredient.

(4) The term "dehydrated" may precede the name of any product that has been artificially dried.

(5) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(6) Pursuant to RCW 15.53.9016 (1)(d) of the law, alternative listing of ingredients within the following groups may be shown on the label or label facsimile on an and/or basis.

(a) Corn, hominy feed, wheat, barley, oats, and grain sorghums.

(b) Cottonseed meal, soybean meal, peanut meal, linseed meal, corn gluten meal, safflower meal, and rapeseed meal.

(c) Beet molasses, corn sugar molasses, citrus molasses, and cane molasses.

(d) Wheat bran, wheat mill run, and wheat middlings.

(e) Wheat shorts, wheat red dog, corn germ meal, corn gluten feed, and grain sorghum gluten feed.

(f) Dehydrated alfalfa meal and dehydrated grass meal.

(7) The term "degermed" must precede the name of any product from which the germ was wholly or partially removed.

(8) The use of commercial, copyrighted brand, or trade names in the guarantees and ingredient listing shall not be permitted. [Order 1164, § 16-200-790, filed 10/1/70; Order 1016, filed 5/20/66.]

WAC 16-200-800 Labeling. (1) The information required in RCW 15.53.9016(1) of the law shall not be subordinated or obscured by other statements and designs and must appear in its entirety on the label or on the container: *Provided*, That if required label information is printed on the back of the label, an appropriate statement such as "see reverse side" must be place on the front: *Provided further*, That each sack of customer–formula feed must contain a label bearing the name of the mixer; the name of the purchaser and/or a lot number, which shall be listed on the corresponding invoice; and the name of the medicant, if any. Customer–formula medicated feeds not stored on the customer's property shall have approved medicated label information attached to the lot, adequately identified and separated from other lots of commercial feeds.

(2) The names of all ingredients must be shown in letters or type of the same size.

(3) When feeds carry label information on both tag and bag, there shall be no difference with respect to name, ingredients, and guaranteed composition.

(4) No printed or written matter or design (e.g., picture of animal or bird) of any kind shall be attached to, appear on, or be distributed with feed if such matter is misleading or incorrect, or at variance in any respect with the information on the principal label.

(5) No statement may appear on a label which refers to or compares properties of the package contents to some other competitive product unless such other competitive product is specifically identified. A negative statement is not allowed on a label except when this provides information deemed by the director to be beneficial to the purchaser.

(6) When bulk commercial feeds are sacked and offered for sale, each container shall be accompanied by a registered label in accordance with the provisions of RCW 15.53.9016(1) of the law.

(7) Labeling which suggests that presence of added enzyme-bearing materials improves utilization of a commercial feed is prohibited.

(8) All bulk deliveries of commercial feed shall be accompanied by a registered label or a customer-formula invoice label. [Order 1164, § 16-200-800, filed 10/1/70; Order 1016, filed 5/20/66.]

WAC 16-200-805 Tonnage fees. Pursuant to RCW 15.53.9018, each initial distributor of a commercial feed in this state shall pay to the department of agriculture an inspection fee of eight cents per ton on all commercial feed sold by such person during the year. Exceptions to payment of this fee are as authorized in RCW 15.53-.9018. [Statutory Authority: RCW 15.53.9018. 81-18-058 (Order 1747), § 16-200-805, filed 9/1/81.]

WAC 16-200-810 Minerals. (1) Substances which are intended as feed for animals to primarily supply mineral elements or inorganic nutrients shall be classified as mineral feeds.

(2) When the word "iodized" is used in connection with a feed ingredient, the ingredient shall not contain less than 0.007% iodine, uniformly distributed.

(3) Mineral phosphatic materials for feeding purposes shall be labeled with a guarantee for the minimum percentages of calcium and phosphorus, the maximum percentage of fluorine.

(4) Soft rock phosphate, rock phosphates or other fluorine-bearing ingredients may be used only in such amounts that they will not raise the fluring concentration of the total (grain) ration above the following amounts: 0.009% for cattle; 0.01% for sheep; 0.014% for swine; and 0.035% for poultry.

(5) The fluorine content of any mineral or mineral mixture which is to be used directly for the feeding of domestic animals shall not exceed 0.30% for cattle; 0.35% for sheep; 0.45% for swine; and 0.16% for poultry. [Order 1016, filed 5/20/66.]

WAC 16-200-815 Adulteration. Pursuant to RCW 15.53.902, a commercial feed or feed ingredient shall also be deemed to be adulterated if it contains more than twenty parts per billion aflatoxin B_1. [Statutory Authority: RCW 15.53.902. 82-23-057 (Order 1776), § 16-200-815, filed 11/17/82.]

WAC 16-200-820 Screenings. (1) The admixture of any proportion of grain screenings requires a declaration to that effect in the brand name in type of the same size as in the following:

(a) Wheat bran with ground grain screenings not to exceed run of the mill and in no case to exceed eight percent.

(b) Wheat shorts with ground grain screenings not to exceed run of the mill and in no case to exceed eight percent.

(c) Wheat mill run with ground grain screenings not to exceed run of the mill and in no case to exceed eight percent.

(2) When any proportion of screenings is added as such to a feed mixture, the label must state specifically the appropriate ingredient name, such as grain screenings, mixed screenings, or refuse screenings.

(3) Screenings must not contain any seed or other product injurious to animals, and must be ground fine enough or otherwise treated to destroy the viability of the noxious seeds contained therein.

(4) When screenings or scourings are added to unmixed by-product feeds, the label shall indicate this fact by the term "screenings," in type of the same size as the brand name, appearing either as part of or immediately below the brand name. [Order 1016, filed 5/20/66.]

WAC 16-200-830 Nonprotein nitrogen. (1) Urea and other nonprotein nitrogen products defined in the official publication of the Association of American Feed Control Officials are accepted ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein and are not to be used in commercial feeds for other animals and birds.

(2) If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of nonprotein nitrogen added as such, or exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a caution statement: CAUTION: USE AS DIRECTED. The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

(3) The presence of added nonprotein nitrogen shall not require a duplication of the feeding directions or the warning or caution statements on medicated feed labels which contain adequate feeding directions and/or warning statements as long as those statements include sufficient information to insure the safe and effective use of this product due to the presence of nonprotein nitrogen. [Order 1164, § 16-200-830, filed 10/1/70; Order 1016, filed 5/20/66.]

WAC 16-200-840 Artificial color. An artificial color may be used in feeds only if it has been shown to

be harmless to animals. No material shall be used to enhance the natural color of a feed or feed ingredient whereby inferiority would be concealed. [Order 1016, filed 5/20/66.]

WAC 16-200-850 Medicated feeds. (1) A medicated feed is any feed which contains drug ingredients intended or represented for the cure, mitigation, treatment, or prevention of diseases and internal parasites of animals other than man or which contains drug ingredients intended to affect the structure or any function of the body of animals other than man.

(2) In addition to the information required for nonmedicated feeds, medicated feeds are required to carry the following information in their labeling:

(a) The word "medicated" shall appear directly following and below the product name, in type size no smaller than one-half the type size of the product name.

(b) A purpose statement shall appear below the word "medicated." It shall not differ from that stated in the antibiotic and food additive regulations.

(c) Directions for use of the medicated feed.

(d) The names and amounts of all active drug ingredients. Amounts are not required for low level antibiotics for growth promotion and feed efficiency in feeds which are to be fed continuously as a sole ration.

(e) A warning or caution statement for a withdrawal period when required for the particular drug contained in the feed.

(f) Warnings against misuse.

(3) When not specifically stated in chapter 15.53 RCW or otherwise designated by the department, the department will be guided by the recommendations for registration of, and preparing labels for, medicated feeds as set forth in the official publication of the Association of American Feed Control Officials. [Order 1164, § 16-200-850, filed 10/1/70; Order 1016, filed 5/20/66.]

WAC 16-200-860 Used sacks. Used sacks may be used again if thoroughly cleaned so that all feed and foreign matter is removed; and if the outer surface is free from all matter and labeling deceptive as to the contents of the sack: *Provided*, That sacks used for chemicals, pesticides, treated seeds, or other potential adulterants shall not knowingly be used for feed. [Order 1164, § 16-200-860, filed 10/1/70; Order 1016, filed 5/20/66.]

WAC 16-200-870 Products requiring registration. Feed grade urea, oyster shell flour, ground limestone, defluorinated phosphate, dicalcium phosphate, and similar products when sold for feeding purposes are classified as commercial feeds and are included within the scope of the law. [Order 1016, filed 5/20/66.]

WAC 16-200-890 Definitions--Animal waste products. (1) "Animal wastes" means a material composed of excreta, with or without bedding materials and/or animal drugs and collected from poultry, ruminants or other animals except humans.

(2) "Processed," as applied to animal waste, means thermally dehydrated, dry-stacked, ensiled, oxidized, chemically treated, microbiologically digested, chemically or physically fractionated, or treated by other processes which will enable the product to comply with the standards set forth in this order.

(3) "Processed animal waste product" means a product which shall be specifically identified as follows:

(a) "Dried poultry waste - (DPW)" means a processed animal waste product composed of the feces from commercial poultry, which has been thermally dehydrated to a moisture content not in excess of 12.00 percent.

(b) "Dried poultry waste - NPN extracted" means a processed animal waste product composed of the feces from commercial poultry which has been processed to remove part or all of the equivalent crude protein, NPN as urea and/or uric acid and which has been thermally dehydrated to a moisture content not in excess of 12.00 percent.

(c) "Dried poultry litter - (DPL)" means a processed animal waste product composed of a processed combination of feces from commercial poultry together with litter that was present in the floor production of poultry, which has been thermally dehydrated to a moisture content not in excess of 12.00 percent.

(d) "Dried ruminant waste - (DRW)" means a processed animal waste product composed of processed ruminant excreta which has been thermally dehydrated to a moisture content not in excess of 12.00 percent.

(e) "Undried processed animal waste product" means a processed animal waste product composed of excreta, with or without litter, from poultry, ruminants or any other animal except humans and which contains in excess of 12.00 percent moisture. [Order 1432, § 16-200-890, filed 3/12/76.]

WAC 16-200-900 Registration requirements. (1) No person shall sell, offer or expose for sale, or distribute in this state any processed animal waste product intended, promoted, represented, advertised or distributed for use as a commercial feed or feed ingredient as defined in chapter 15.53 RCW prior to registering such animal waste product with the director of agriculture.

(2) Application for registration shall be made to the director of agriculture on forms provided by the department and shall be accompanied by payment of the statutory registration fees as set forth in chapter 15.53 RCW.

(3) Applications for registration of animal waste products shall be accompanied by the following:

(a) A copy of the label which the applicant proposed to use for the processed animal waste product.

(b) A detailed description of the testing of the processed animal waste product, a sampling schedule and a full description of all tests made, and the results thereof purporting to show the processed animal waste product meets the standards of these rules and regulations for registration.

(c) The director may require an official sample of the processed animal waste product to be distributed in this

state be taken for examination and analysis prior to approval of product registration. [Order 1432, § 16-200-900, filed 3/12/76.]

WAC 16-200-910 Refusing or cancelling registration--Procedure. (1) General provisions: Registration of a processed animal waste product will be refused or cancelled if:

(a) The applicant or the processed animal waste product is determined to be in violation of any Washington state statute or Washington state agency rule or regulation affecting or relating to the sale of commercial feeds in this state.

(b) The processed animal waste product does not meet the Quality Standards as set forth in WAC 16-200-920 of this order.

(c) The processed animal waste product is not labeled in compliance with the requirements of chapter 15.53 RCW including the requirements as specified in WAC 16-200-930 of this order.

(2) The director shall notify the applicant of the manner in which the animal waste product or labeling, or other material required to be submitted with the application fails to comply with the provisions of this order so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of such notice, the applicant does not make the corrections, the director shall refuse to register the processed animal waste product. The applicant may request a hearing as provided for in chapter 34.04 RCW.

(3) The director, when he determines that an animal waste product or its labeling do not comply with the provisions of chapter 15.53 RCW or regulations adopted by this order, shall cancel the registration of such animal waste product after a hearing in accordance with the provisions of chapter 34.04 RCW. [Order 1432, § 16-200-910, filed 3/12/76.]

WAC 16-200-920 Quality standards. (1) No processed animal waste product shall contain any extraneous materials such as, but not limited to, metal, glass, wire or nails, except as set forth in WAC 16-200-920 (5)(d) and (6) of this order.

(2) Dried poultry waste shall contain:

(a) Not less than 20.00 percent crude protein

(b) Not more than 15.00 percent crude fiber

(c) Not more than 35.00 percent ash

(d) Not more than 1.00 percent feathers

(e) Not more than 12.00 percent moisture

(f) Not more than 10.00 percent litter

(3) Dried poultry waste - NPN extracted shall contain:

(a) Not less than 12.00 percent crude protein

(b) Not more than 15.00 percent crude fiber

(c) Not more than 35.00 percent ash

(d) Not more than 1.00 percent feathers

(e) Not more than 12.00 percent moisture

(f) Not more than 10.00 percent litter

(4) Dried poultry litter shall contain:

(a) Not less than 18.00 percent crude protein

(b) Not more than 40.00 percent crude fiber

(c) Not more than 30.00 percent ash

(d) Not more than 5.00 percent feathers

(e) Not more than 12.00 percent moisture

(5) Dried ruminant waste shall contain:

(a) Not less than 12.00 percent crude protein

(b) Not more than 30.00 percent crude fiber

(c) Not more than 30.00 percent ash

(d) Not more than 40.00 percent combined straw, wood, wood shavings, litter, dirt, sand, rocks, and other similar extraneous materials

(e) Not more than 12.00 percent moisture

(6) Undried processed animal waste products shall contain not more than 40.00 percent combined straw, wood, wood shavings, litter, dirt, sand, rocks and other extraneous materials.

(7) Any product labeled as, or containing dried animal waste products, shall be maintained at 12.00 percent moisture or less, to aid in maintaining a stable microbiological quality.

(8) Processed animal waste products shall not contain any harmful pathogenic organisms, pesticide residues, harmful parasites, or drug residues except as allowed in WAC 16-200-930 (1)(a) or other toxic or deleterious substances above levels permitted by department statute or regulation or which could be harmful to the animals or could result in residue in tissues of food products or by-products of animals at levels in excess of those allowed by statute or regulation.

(9) Processed animal waste products shall not contain alfatoxin in excess of 20 parts per billion (ppb) and shall not contain more than a total of 500 parts per million (ppm) of heavy metals as mercury, lead, bismuth, copper, cadmium, arsenic, antimony, and tin. [Order 1432, § 16-200-920, filed 3/12/76.]

WAC 16-200-930 Labeling requirements of animal waste products. (1) General: The label, tag, or label invoice accompanying shipments of animal waste products shall contain information as required by chapter 15.53 RCW and in addition shall include the following information:

(a) If the product contains drugs or drug residues, then the label shall contain the following statement in boldface type at least one-half as large as the largest type appearing on the label: "WARNING: THIS PRODUCT CONTAINS DRUG RESIDUES. DO NOT USE WITHIN 30 DAYS OF SLAUGHTER AND DO NOT USE 30 DAYS PRIOR TO OR DURING THE FOOD PRODUCTION PERIOD OF DAIRY ANIMALS AND/OR HENS."

(b) If the product contains high levels (15 ppm or greater) of copper: "WARNING: CONTAINS HIGH LEVELS OF COPPER: DO NOT FEED TO SHEEP."

(c) Animal waste product labels, tags, or labeling shall contain the following guarantees in percentages by weight in the following order and form:

(i) Minimum crude protein

(ii) Maximum equivalent crude protein from nonprotein nitrogen (NPN)

(iii) Minimum crude fat

(iv) Maximum crude fiber

(v) Minimum and maximum calcium (Ca)

(vi) Minimum phosphorus (P)
(vii) Maximum sodium (Na)
(viii) Maximum ash
(ix) Maximum moisture
(x) Maximum lignin (if the processed animal waste product is dried poultry litter and if the product contains wood-based bedding materials).
(xi) Maximum copper (Cu) (if the processed animal waste product is dried poultry waste or dried poultry litter and does not contain the warning "DO NOT FEED TO SHEEP").

(d) Mixed feeds containing processed animal waste products as an ingredient shall state on the label the maximum percentage and type of processed animal waste product used in the mixed feed.

(e) Processed animal waste product labeling shall contain as part of the product name the animal source and product type. [Order 1432, § 16-200-930, filed 3/12/76.]

WAC 16-200-940 Testing required. (1) The purpose of the sampling and testing requirements of this section shall be to determine the presence of harmful materials or biological contaminants specified in WAC 16-200-920 of this order and to assure compliance with the quality standards as set forth in WAC 16-200-920 of this order.

(2) Any person seeking or receiving registration of any processed animal waste product shall test, by representative sampling and assaying of such samples, and keep accurate records thereof, the processed animal waste product for which the registration is sought or received.

(3) The sample shall be of sufficient size so as to provide meaningful data, statistically reliable in carrying out the purpose of such sampling and analysis.

(4) The registrant, manufacturer, or producer of any such processed animal waste product ingredient shall conform to the following sample and analyses requirements:

(a) Analyses specified to meet the requirements of the quality standards of WAC 16-200-920 of this order shall be conducted on sequential production runs sufficient to establish that the last three consecutive production runs of the feed ingredient are consistently within the limitations specified prior to registration and/or sale of the processed animal waste product.

(b) Following the initial sequential testing, periodic analyses shall be conducted on production runs, no less than one each calendar quarter. Less frequent testing may be allowed where the analytical results show continued uniformity and a consistent margin of compliance. More frequent tests shall be required where the analytical results show a wide range, or show levels close to the established quality standards. Any processed animal waste product that does not meet the quality standards for the product shall be further processed until standards are met, or shall be diverted to nonfeed or nonfood uses, or destroyed. [Order 1432, § 16-200-940, filed 3/12/76.]

WAC 16-200-950 Records required. (1) Any person seeking or receiving registration of any processed animal waste product shall keep for a period of two years, accurate records containing at least the following information:

(a) All sources of raw materials used in the production of processed animal waste products and the date acquired.

(b) All production batches of processed animal waste products including a code or other method to identify the batch or date of production.

(c) All sales and distribution of processed animal waste products including the name and address of the purchaser or to whom distributed, the date, quantity and production code.

(d) Sampling and assay records of the testing required by WAC 16-200-940 of this order. [Order 1432, § 16-200-950, filed 3/12/76.]

Chapter 16-212 WAC
GRAIN, HAY, BEANS AND PEAS--INSPECTION FEES

WAC

16-212-010 Definitions.
16-212-020 Grain and commodity inspection points.
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16-212-050 Certificates.
16-212-060 Inspection and/or weighing fees.
16-212-065 Miscellaneous sampling, testing, inspection and certification of grains and commodities.
16-212-070 Inspection of commodities.
16-212-080 Miscellaneous fees.
16-212-090 Services rendered away from inspection points.
16-212-110 Bonds.
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16-212-130 Net worth requirements.
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16-212-225 Charges.
16-212-230 Certificates of deposit.
16-212-235 Seed warehouseman records.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-212-001 Promulgation. [Order 1267, § 16-212-001, filed 5/31/72; Order 1153, § 16-212-001, filed 5/28/70, effective 7/1/70; Order 1118, § 16-212-001, filed 5/29/69, effective 7/1/69; Order 1031, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 891, filed 7/2/62; Order 790, effective 9/1/59.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW.

16-212-00101 Promulgation. [Order 1358, § 16-212-00101, filed 5/31/74.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW.

16-212-002 Promulgation. [Order 1226, § 16-212-002, filed 1/3/72, effective 2/2/72 through 6/30/72.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW.

16-212-003 Promulgation. [Order 1380, § 16-212-003, filed 1/28/75.] Repealed by 80-06-100 (Order 1705),

filed 5/30/80. Statutory Authority: Chapter 22.09 RCW.

16-212-0031 Promulgation. [Order 1404, § 16-212-003 (codified as WAC 16-212-0031), filed 6/30/75, effective 8/1/75.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW.

16-212-004 Promulgation. [Order 1423, § 16-212-004, filed 9/24/75.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW.

16-212-00401 Promulgation. [Order 1490, § 16-212-003 (codified as WAC 16-212-00401), filed 3/1/77.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW.

16-212-040 Physical analyses. [Order 1267, § 16-212-040, filed 5/31/72; Order 1118, § 16-212-040, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 5, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.

16-212-085 Inspection of corn or sorghum. [Statutory Authority: Chapter 22.09 RCW. 79-11-051 (Order 1659), § 16-212-085, filed 10/16/79.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.

16-212-100 Charges where fees not established. [Order 790, Regulation 10, effective 9/1/59.] Omitted from Order 981, which superseded Order 790.

16-212-140 Testing requirements. [Order 1226, § 16-212-140, filed 1/3/72, effective 2/2/72 through 6/30/72.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.

16-212-150 Fees. [Order 1226, § 16-212-150, filed 1/3/72, effective 2/2/72 through 6/30/72.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.

16-212-200 Promulgation. [Order 1325, § 16-212-200, filed 9/21/73.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.

16-212-210 Establishment of grain inspection office at Colfax, Washington. [Order 1325, § 16-212-210, filed 9/21/73.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.

WAC 16-212-010 Definitions. (1) "Department" means the Washington state department of agriculture.

(2) "Ton" means 2,000 pounds avoirdupois.

(3) "Overtime" means any time worked on Saturdays, Sundays, or holidays and all time worked before 8:00 a.m. or after 5:00 p.m. on Monday through Friday. Overtime fees may be waived by the department where industry operates on a regular basis other than specified herein.

(4) "Fees" means any charge made by the department for inspection and handling of any commodity. [Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-010, filed 3/2/83; Order 1118, § 16-212-010, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 1, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

WAC 16-212-020 Grain and commodity inspection points. The following cities in the state of Washington are hereby designated as inspection points for the purpose of inspecting and weighing standardized grains, hay, beans, peas, lentils and other commodities: Colfax, Kalama, Longview, Pasco, Seattle, Spokane, Tacoma and Vancouver. [Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-020, filed 12/2/81; Order 1404, § 16-212-020, filed 6/30/75; Order 1118, § 16-212-020, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 2, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

WAC 16-212-030 General provisions for hourly charges.

(1) **Straight time, rate per hour** ..... $ 18.00

This hourly rate shall be applied on any job where the fee is not sufficient to provide revenue of $18.00 per hour per man.

(2) **Overtime, and night shift rate per hour:** ..... $ 8.00

Whenever a service is requested before or after regularly scheduled working hours, Monday through Friday, or anytime on Saturdays, Sundays or holidays, a fee of $8.00 per hour per man shall be charged in addition to the regular inspection and weighing fees: *Provided*, That whenever an employee is called from his home after regular working hours, or on Saturdays, Sundays or holidays, a minimum of four hours shall be charged at the rate of $8.00 per hour.

(3) **Scheduled night shifts.**

At all designated inspection points, for night shifts, Monday through Friday (usually from 6:00 p.m. to 3:00 a.m.) that are, or will be, continuous for a period of one month or longer, with only an occasional work stoppage, additional fees per hour will not apply: *Provided*, That the workload is sufficient in size so that inspection and weighing fees generated that shift will defray the department's cost of $18.00 per hour per man. If not, an additional overtime charge shall be assessed to equal $18.00 per hour per man.

(a) The department shall be given at least twenty-one calendar days notice, in writing, of cancellation of any scheduled night shift operation.

(b) The term "occasional work stoppage" shall mean union stop work meetings usually held once per month.

(4) **Standby rate per hour** ..... $ 20.00

Whenever a service is requested before or after working hours, Monday through Friday or anytime on Saturdays, Sundays or holidays, and service cannot be performed through no fault of the department, a standby rate of $20.00 per hour per man shall be charged. Before or after regular working hours, Monday through Friday, a minimum of two hours shall be charged. Anytime on Saturdays, Sundays or holidays a minimum of four hours shall be charged.

[Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-030, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-030, filed 12/2/81. Statutory Authority: Chapter 22.09 RCW. 80-06-100 (Order 1705), § 16-212-030, filed 5/30/80; Order 1490, § 16-212-030, filed 3/1/77; Order 1404, § 16-212-030, filed 6/30/75; Order 1267, § 16-212-030, filed 5/31/72; Order 1118, § 16-212-030, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 3, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

WAC 16-212-050 Certificates.

(1) **Copies of certificates, export, after original issuance, each run** ..... $ 2.50

(The above shall apply to "divided original export certificate." Each numbered set of certificates shall constitute a "run").

(2) Extra copies of inspection, protein or weight certificates ..... per copy ..... $ 2.50

[Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-050, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-050, filed 12/2/81. Statutory Authority: Chapter 22.09 RCW. 80-06-100 (Order 1705), § 16-212-050, filed 5/30/80; Order 1404, § 16-212-050, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-050, filed 5/31/72; Order 1118, § 16-212-050, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 6, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

WAC 16-212-060 Inspection and/or weighing fees.

(1) **Combination inspection and weighing fees.** Ships, barges and transfers of bulk grain.

(a) From vessel to elevator ..... per ton ..... $ 0.12

(b) Bin transfers ..... per ton ..... $ 0.12

(c) From elevator to vessel ..... per ton ..... $ 0.12

(Inspection - $0.065 per ton)
(Weighing - $0.055 per ton)

(2) **Inspection only.** (Sample, inspect, grade and certificate.)

(a) Railroad boxcars or open hopper-type cars at designated hold tracks or at plants for original and all subsequent original inspections ..... per car ..... $ 12.00

(b) Covered hopper-type cars which are sampled by United States Department of Agriculture approved mechanical belt, spout, or leg-type samplers at plants .....per car ..... $ 12.00

(c) Covered hopper-type cars sampled by methods other than by (b) above for original and all subsequent original inspections .....per car ..... $ 19.00

(d) Additional factors requested (that do not affect the grade)

(i) Added to existing certifications....per factor ..... $ 2.00

(ii) Factor certification only.....per certificate (maximum two factors) ..... $ 2.45

(e) Reinspection of rail boxcars and covered hopper-type cars on the basis of file sample....per reinspection ..... $ 7.00

(In case of a material error in grade, a corrected certificate will be issued without a fee.)

(f) If a new sample is requested (refer to (2) above).

(3) **Weigh only.**

(a) From railroad boxcars, covered hopper-type cars, or vessels to elevator ..... per ton (grain only) ..... $ 0.10

(b) From elevator to railroad boxcars, covered hopper-type cars or vessels ..... per ton (grain only) ..... $ 0.10

(c) Bin transfers ..... per ton (grain only) ..... $ 0.10

(d) Weigh only (other than grain) ..... per ton ..... $ 0.11

(e) Weigh (grain by-products into maximum 30-ton portable containers, fitness inspection of container, weigh by-product and sample) ..... per container ..... $ 8.00

(4) **Submitted samples: Inspection; factor information only; and file review** ..... $ 5.75

(Example of factor information only—where the submitted sample is less than 1,000 grams in size, factor information may be provided on request for the above fee.)

(5) **Stowage examinations - ships, barges or vessels.**

(a) Per hold and/or tank ..... $ 21.00

(b) Minimum charge $108.00

(c) Holds and/or tank condition inspections will be made on ships or vessels at anchor in midstream when requested.

(i) A minimum of two hours of regular time at $18.00 per hour (one man) for general cargo vessels and a minimum of four hours of regular time at $18.00 per hour (two men) shall be charged for tankers in addition to the established inspection fee.

(ii) These inspections can only be made at the convenience of the grain inspection office, during daylight hours, under safe working conditions, when weather conditions permit.

(iii) These inspections can only be made within the area of the designated tidewater grain inspection office.

(iv) A ship's or vessel's officer or company agent shall accompany the licensed shiphold inspector(s).

(6) **Trucks.**

(a) Inspect only ..... per truck ..... $ 11.50

(b) Weigh only ..... per truck ..... $ 5.75

(7) **Inspection of sacked grains at inspection points ..... per cwt** ..... $ 0.04

[Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-060, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-060, filed 12/2/81. Statutory Authority: Chapter 22.09 RCW. 80-06-100 (Order 1705), § 16-212-060, filed 5/30/80; Order 1490, § 16-212-060, filed 3/1/77; Order 1404, § 16-212-060, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-060, filed 5/31/72; Order 1118, § 16-212-060, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 4, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

WAC 16-212-065 Miscellaneous sampling, testing, inspection and certification of grains and commodities.

(1) Reinspection per file sample, lot of miscellaneous commodities ..... $ 7.00

(2) Submitted sample certification .. per sample ..... $ 5.75

(3) Sampling service only, to provide a supplemental service sample (minimum charge one hour) per hour ..... $ 18.00

(4) Protein analysis or reinspection (per certificate) ..... $ 4.60

(5) Falling number test (per certificate) .... $ 10.00

[Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-065, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-065, filed 12/2/81; Order 1490, § 16-212-065, filed 3/1/77; Order 1404, § 16-212-065, filed 6/30/75, effective 8/1/75; Order 1380, § 16-212-065, filed 1/28/75; Order 1267, § 16-212-065, filed 5/31/72; Order 1118, § 16-212-065, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 7, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 891, filed 7/2/65.]

WAC 16-212-070 Inspection of commodities.

(1) Hay inspection.

(a) Complete inspection (minimum charge $ 30.00) ..... per ton ..... $ 1.00

(b) Factor inspection (minimum charge $20.00) ..... per ton ..... $ 1.00

(c) Submitted sample inspection ..... per sample ..... $ 5.00

(2) Inspection or reinspection of beans, peas, lentils, and similar commodities (minimum charge) ..... $ 18.00

(a) Inspection or reinspection of bags at inspection points ..... per cwt ..... $ 0.045

(b) Bulk commodity inspection or reinspection at inspection points, per ton ..... $ 0.21

(c) Submitted sample inspection or reinspection ..... per sample ..... $ 11.00

(3) Sampling only, bulk commodities.

(a) Minimum charge ..... $ 10.00

(b) Covered hopper-type cars, per car .... $ 12.00

(4) Whenever the lot size or workload is not of sufficient size so that inspection and/or weighing fees generated will defray the department's cost of $18.00 per hour per man, an additional fee shall be assessed to equal $18.00 per hour per man.

(5) Whenever service is required at points other than at the designated inspection point, car mileage fees as per WAC 16-212-080 (3) shall be charged and added to inspection and weighing charges. [Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-070, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-070, filed 12/2/81; Order 1490, § 16-212-070, filed 3/1/77; Order 1404, § 16-212-070, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-070, filed 5/31/72; Order 1118, § 16-212-070, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 8, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 891, filed 7/2/62; Order 790, effective 9/1/59.]

WAC 16-212-080 Miscellaneous fees.

(1) Mailing samples, minimum charge ... $ 1.00 (actual cost if greater than minimum)

(2) Fee for pickup samples on routes established by the department ..... per sample ..... $ 0.50

(3) Car mileage ..... per mile ..... $ 0.185

(4) In all cases where no fee has been established for services, the charge for such service shall be as provided in WAC 16-212-030, hourly charges.

(5) Any charges made in addition to the basic fees provided for in WAC 16-212-030 through 16-212-070 shall be classified as additional charges. [Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-080, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-080, filed 12/2/81; Order 1490, § 16-212-080, filed 3/1/77; Order 1404, § 16-212-080, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-080, filed 5/31/72; Order 1118, § 16-212-080, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 9, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

WAC 16-212-090 Services rendered away from inspection points. (1) The provisions of this regulation shall apply to the grading, weighing, sampling, and inspection of grain, hay, beans, peas, lentils, and other commodities at places other than inspection points. In addition to the applicable fees for such services, the applicant shall pay the following costs:

(a) Time per hour, per man, including overtime, if any, from office and return.

(b) Mileage from office and return except where transportation is furnished by applicant.

(c) Subsistence allowance if employee is away from station, as defined, first day and all subsequent days.

(d) Incidental costs for postage, telephone, etc. [Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-090, filed 3/2/83; Order 1118, § 16-212-090, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 10, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

WAC 16-212-110 Bonds. (1) A bond of not less than fifty thousand dollars nor more than seven hundred fifty thousand dollars shall be required for each warehouseman and dealer licensed pursuant to chapter 22.09 RCW, the Washington Warehouse Act. The bond amount shall be computed at the rate of eighteen cents per bushel of licensed storage capacity or six percent of gross sales of agricultural commodities, whichever is higher.

(2) For purposes of this section, gross sales include only sales of agricultural commodities purchased from producers covered under the act during the preceding fiscal year of that dealer. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-110,

filed 7/19/83; Order 1423, § 16-212-110, filed 9/24/75; Order 1358, § 16-212-110, filed 5/31/74; Order 1118, § 16-212-110, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 11, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65.]

WAC 16-212-120 Grades and standards. The grades and standards established by the United States Department of Agriculture as of April 1, 1983, for all grains and commodities included within the provisions of this chapter are hereby adopted as the grades and standards for such grains and commodities in this state. [Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-120, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-120, filed 12/2/81; Order 1490, § 16-212-120, filed 3/1/77; Order 1423, § 16-212-120, filed 9/24/75; Order 1267, § 16-212-120, filed 5/31/72; Order 1118, § 16-212-120, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 12, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65.]

WAC 16-212-130 Net worth requirements. A warehouseman must maintain an allowable net worth of twenty cents per bushel of licensed space, with a minimum of twenty-five thousand dollars. A dealer must maintain an allowable net worth of four percent of sales of commodities purchased from producers, with a minimum of twenty-five thousand dollars. A warehouseman who is also a dealer must maintain the higher of these two requirements. For a warehouseman, any deficiency above the twenty-five thousand dollar minimum must be compensated for by increasing the amount of the warehouseman's bond by the amount of the deficiency, up to the seven hundred fifty thousand dollar maximum. For a dealer, any deficiency above the twenty-five thousand dollar minimum must be compensated for by increasing the amount of the dealer's bond by the amount of the deficiency regardless of the seven hundred fifty thousand dollar maximum. In addition, warehousemen who are also dealers must maintain a current asset to current liability ratio of at least point nine to one. Deficiencies must be made up by providing additional bonding in the amount of the deficiency. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-130, filed 7/19/83; Order 1423, § 16-212-130, filed 9/24/75; Order 1358, § 16-212-130, filed 5/31/74; Order 1153, § 16-212-130, filed 5/28/70, effective 7/1/70.]

WAC 16-212-160 Financial statements. Each warehouseman and dealer shall submit to the department an annual financial statement which shall have been audited or reviewed by a certified or licensed public accountant. The statement must be submitted to the department within four months after the conclusion of the warehouseman's or dealer's fiscal year. The statement shall include:

(1) A balance sheet.

(2) An income statement which includes annual gross sales of commodities from producers covered under the act.

(3) A statement of changes in financial position.

(4) Footnotes or schedule disclosure of:

(a) The total bushels received annually by commodity.

(b) The amount of each commodity in storage at end of year.

(c) The amount of each commodity held for depositors.

(d) The amount of each commodity in storage contracted to purchase.

(e) The amount of farm storage contracted but not delivered.

(f) The amount of each commodity sold but not shipped.

(g) The amount of new crop purchases and sales by commodity.

For purposes of this section, commodity refers to those commodities covered under the Washington Warehouse Act, chapter 22.09 RCW. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-160, filed 7/19/83; 79-05-055 (Order 1624), § 16-212-160, filed 4/30/79; Order 1532, § 16-212-160, filed 6/1/77, effective 7/2/77; Order 1423, § 16-212-160, filed 9/24/75.]

WAC 16-212-170 Dealer records. Each dealer shall maintain the following records at a location as required by RCW 22.09.340:

(1) Contracts. Contracts issued to producers must:

(a) Be serially numbered.

(b) Clearly indicate the date title passes.

(c) Show the net price due the producer or charges to be deducted from the selling price.

(d) Show the date payment is due.

(e) Indicate the method of adjustment for over and under deliveries.

(f) Show date paid.

(g) Be maintained in numerical sequence by month payment is due for outstanding contracts, and completed contracts must be filed numerically.

(2) Delayed price contracts. Delayed price contracts must contain the following information and be approved for use in advance by the department:

(a) Indicate in large type the date title will pass.

(b) Show the method for setting price.

(c) Show the date by which the commodity must be priced.

(d) State the method of setting the price if it is not priced by that date.

(e) Charges to be assessed.

(f) Commodity and quantity contracted.

(3) Purchase reports. Each dealer who purchases commodity from a producer must issue a purchase report to the producer at the time of payment which shall:

(a) Be prenumbered.

(b) Show commodity and quantity purchased.

(c) Show price and basis.

(d) Show discounts.

(e) Show itemized charges assessed the producer.

(f) Show the check number and date paid with one copy filed numerically.

(4) Producer ledger. Each dealer must maintain a producer ledger showing:

(a) The name of each producer from whom the dealer has purchased an agricultural commodity.

(b) The amount contracted with corresponding contract number.

(c) Scale ticket numbers, lot numbers and/or bills of lading to apply against the contract.

(d) The purchase voucher number.

(5) Monthly position—Country warehousemen dealers. Each country warehouseman who is also a dealer shall maintain a monthly position record by commodity in regard to producer purchases showing:

(a) The net buy/sell position.

(b) The amount of delayed price grain sold which the producer has not priced.

(c) The amount shipped which has not been paid for.

(6) Monthly position—Other dealers. All dealers not covered under the previous subsection shall maintain a monthly position record by commodity in regard to producer purchases showing:

(a) The amount purchased year to date.

(b) The amount outstanding on delayed price contracts.

(c) The amount contracted and delivered but not yet paid for. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-170, filed 7/19/83; Order 1532, § 16-212-170, filed 6/1/77, effective 7/2/77; Order 1423, § 16-212-170, filed 9/24/75.]

WAC 16-212-180 Warehouseman records. Each warehouseman shall maintain the following records at a location required by RCW 22.09.340:

(1) A printed daily position record showing by commodity:

(a) The amount received.

(b) The amount shipped.

(c) Adjustments.

(d) The amount forwarded to other locations.

(e) The amount in storage.

(f) The amount belonging to depositors.

(g) The amount belonging to the warehouseman.

(2) A depositor ledger for each depositor showing:

(a) The amount deposited each day by scale ticket number.

(b) The amount transferred to warehouse receipts with the corresponding warehouse receipt number.

(c) The amount transferred to other locations.

(d) The amount purchased and purchase report number.

(e) The amount contracted to purchase and contract number.

(f) The amount delivered back to depositors.

(g) The lot numbers and grade.

(h) Any crop divisions.

(3) Scale tickets. In addition to the requirements in RCW 22.09.010(16), scale tickets must:

(a) Show location where the commodity is deposited.

(b) Show that the commodity is insured for current market value.

(c) Plainly indicate that it is NONNEGOTIABLE and NONTRANSFERABLE.

(d) Be filed numerically in the main office.

(4) Shipments. Record of shipments out of a warehouse must be filed by warehouse location. Intra-company transfers must be on a prenumbered form and filed numerically by location. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-180, filed 7/19/83; Order 1532, § 16-212-180, filed 6/1/77, effective 7/2/77.]

WAC 16-212-190 Shipments. Record of shipments of commodities out of a warehouse must be:

(1) Filed by location.

(2) Intra-company transfers must be on prenumbered forms and filed numerically by location. [Order 1532, § 16-212-190, filed 6/1/77, effective 7/2/77.]

WAC 16-212-195 Inventory requirements. A warehouse not licensed prior to July 1, 1983, must meet the following requirements:

(1) Tanks and stices over two hundred bushels per foot must have inventory holes situated in such a manner as to allow the measurement of the high and low points of the commodity.

(2) Conventional flat storage must have an overhead catwalk with a minimum of five feet of headroom. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-195, filed 7/19/83; Order 1532, § 16-212-200 (codified as WAC 16-212-195), filed 6/1/77, effective 7/2/77.]

WAC 16-212-215 Scales. All scales used by warehousemen and dealers must be certified for accuracy annually by the department of agriculture. Scale testing for certification may be performed by the department or by an approved scale company. When scales are tested by the department a seal shall be placed on the scales. The seal shall be dated and shall indicate approval or rejection. When scales are tested by an approved scale company, a copy of a scale test report shall be forwarded to the department and a copy shall be maintained in the warehouseman's file. [Statutory Authority: Chapter 22-.09 RCW. 83-15-036 (Order 1802), § 16-212-215, filed 7/19/83.]

WAC 16-212-220 Signs. A warehouseman shall post at each warehouse licensed under this act a conspicuous sign bearing the words "WASHINGTON BONDED WAREHOUSE" and of sufficient size to be easily read from thirty feet. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-220, filed 7/19/83.]

WAC 16-212-225 Charges. Warehousemen and dealers who receive commodities for storage, handling, or conditioning shall post conspicuously a schedule of all charges, moisture adjustment factors, and disposition and/or ownership of all by-products. A copy of all

charges assessed and billed to each depositor shall be itemized and retained in a numerical file. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-225, filed 7/19/83.]

WAC 16-212-230 Certificates of deposit. A certificate of deposit issued to the department in lieu of a bond shall not be released, canceled or discharged until three years after cancellation of the license unless the department determines that no outstanding claims exist for the subject period. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-230, filed 7/19/83.]

WAC 16-212-235 Seed warehouseman records. Each seed warehouseman handling or treating seed shall:

(1) Daily post to the daily position record all seed delivered out of or returned to a licensed facility. Such seed may be deducted from company-owned, open storage or by the canceling of negotiable receipts.

(2) A subsidiary ledger may be maintained for open storage seed accounts with a total figure posted in the grower ledger at the end of seeding.

(3) A warehouseman may not reduce receipted obligations for seed withdrawal without canceling the receipt.

(4) A warehouseman may deduct seed from the company position on the daily position record on a daily basis even though this may show a negative position: *Provided*, That there is sufficient depositor withdrawals to cover the negative position.

(5) The grower ledger shall be adjusted as soon as practical after seeding or within thirty days. [Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-235, filed 7/19/83.]

Chapter 16-213 WAC
MISCELLANEOUS AGRICULTURAL COMMODITY INSPECTION STANDARDS

WAC

16-213-010 Promulgation.
16-213-100 Safflower seed standards—Definitions.
16-213-110 Application of standards.
16-213-120 Grades, grade requirements, and grade designations.
16-213-130 Special grades for safflower seed.

WAC 16-213-010 Promulgation. I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 22.09 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW and a public hearing held in Olympia, Washington, November 27, 1972, do hereby promulgate the following regulations relating to safflower seed grading standards. [Order 1280, § 16-213-010, filed 12/1/72.]

WAC 16-213-100 Safflower seed standards--Definitions. (1) For the purposes of the official standards of the state of Washington for safflower seed:

(a) **Safflower seed.** Safflower seed shall be any seed which, before the removal of dockage, consists of 50% or more of safflower seed.

(b) **Grades.** Grades shall be "safflower seed"; "sample grade safflower seed"; and special grades provided for in the standards.

(c) **Dockage.** Dockage shall be weed seeds, weed stems, chaff, straw, grain other than safflower seed, empty hulls, sand, dirt, and other foreign material; also, underdeveloped, shriveled, and small pieces of safflower seed kernels removed in properly separating the material other than safflower seed and which cannot be recovered by properly rescreening or recleaning.

(d) **Damaged kernels.** Damaged kernels shall be kernels and pieces of kernels of safflower seed which are damaged by blight and/or mold, or which are heat damaged, sprouted, frosted, badly ground damaged, badly weather damaged, or otherwise materially damaged.

(e) **Heat-damaged kernels.** Heat-damaged kernels shall be kernels and pieces of kernels of safflower seed which have been damaged by heat.

(f) **Stones.** Stones shall be concreted, earthy, or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

(g) **Other grains.** Other grains in safflower seed shall consist of kernels of wheat, barley, and oats. [Order 1280, § 16-213-100, filed 12/1/72.]

WAC 16-213-110 Application of standards. (1) The following principles shall apply in the determination of the grades of safflower seed:

(a) **Basis of determination.** Each determination of other grains, dockage, moisture, temperature, odor, live weevils or other insects injurious to stored safflower seed, and distinctly low quality shall be upon the basis of the seed as a whole. All other determinations shall be upon the basis of the seed when free from dockage.

(b) **Percentages.** All percentages shall be upon the basis of weight.

(c) **Moisture.** Moisture shall be ascertained by the air-oven method prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcement No. 147, issued by the Agricultural Marketing Service, or ascertained by any method which gives equivalent results. [Order 1280, § 16-213-110, filed 12/1/72.]

WAC 16-213-120 Grades, grade requirements, and grade designations. (1) The following grades, grade requirements, and grade designations are applicable under these standards:

(a) **Safflower seed.** The grade "safflower seed" shall be safflower seed with not more than 3.0 percent damaged kernels, not more than 0.1 percent heat-damaged kernels, not more than 3.0 percent other grains, and not more than 8.0 percent moisture.

(b) **Sample grade safflower seed.** The grade "sample grade safflower seed" shall be safflower seed which does not meet the requirements for the grade safflower seed; or which contains stones; or which is musty, or sour, or

heating, or hot; or which has any commercially objectionable foreign odor; or which is otherwise of distinctly low quality.

(c) **Grade designation.** The grade designation for safflower seed shall include the words "safflower seed" or the words "sample grade safflower seed" as the case may be; the name of each applicable special grade; and the word "dockage," together with the percentage thereof.

(d) **Dockage.** The quantity of dockage shall be calculated in terms of percentage based on the total weight of the seed including the dockage. Dockage shall be stated in terms of tenths (1/10) of percent. [Order 1280, § 16-213-120, filed 12/1/72.]

WAC 16-213-130 Special grades for safflower seed. (1) Weevily safflower seed:

(a) **Requirements.** Weevily safflower seed shall be safflower seed which is infested with live weevils or other insects injurious to stored safflower seed.

(b) **Grade designation.** Weevily safflower seed shall be graded and designated according to the grade requirements of the standard applicable to such safflower seed if it were not weevily, and there shall be added to, and made part of the grade designation, the word "weevily." [Order 1280, § 16-213-130, filed 12/1/72.]

Chapter 16-218 WAC
HOPS--CERTIFICATION ANALYSES--FEES

WAC

16-218-001 Promulgation.
16-218-010 Schedule of fees for physical grading.
16-218-02001 Schedule of charges for chemical analyses of hops, hop extract, hop pellets or hop powder.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-218-002 Promulgation. [Order 1372, § 16-218-002, filed 7/5/74.] Repealed by 78-07-074 (Order 1580), filed 6/30/78. Statutory Authority: Chapter 22.09 RCW.

16-218-020 Accessibility for sampling—Checks—Holidays. [Order 815, Regulation 2, effective 7/1/60.] Now codified within WAC 16-218-010.

WAC 16-218-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 22.09 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW and a public hearing held in Yakima, Washington on June 24, 1970, do hereby promulgate the following regulations relating to schedule of fees for the certification analyses of hops. [Order 1156, § 16-218-001, filed 7/1/70; Order 1095, Promulgation, § 16-218-001, filed 6/28/68, effective 8/1/68; Emergency Order 1093, § 16-218-001, filed 6/28/68; Order 995, filed 12/8/65; Order 815, effective 7/1/60.]

WAC 16-218-010 Schedule of fees for physical grading. The schedule of fees, payable to the department for certification of hops pursuant to the standards established by the Federal Grain Inspection Service of the United States Department of Agriculture as authorized by the Agricultural Marketing Act of 1946, as amended, shall be as follows:

(1) **Lot inspection.** Seventy-five cents per bale in each lot, minimum charge shall be fifteen dollars.

(2) **Sample inspection.** Fifteen dollars per unofficial sample submitted.

(3) **Supplemental certificates.** Two dollars per certificate.

(4) **Appeal inspection.** Charges for appeal inspections will be made by the Federal Grain Inspection Service, Portland, Oregon, and payment for appeal inspections shall be made to them.

(5) **Retyping certificates.** A charge of two dollars will be made for retyping certificates if through no fault of the inspection service the information is submitted incorrectly.

(6) **Extra copies.** A charge of fifty cents per set will be made for typing extra copies of a certificate when requested by the original applicant or other financially interested party.

(7) **Extra time and mileage charges.** If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages and mileage rates will be in accordance with current applicable fees charged by the department.

To be considered available for sampling and certification, it is necessary that each and every bale in the lot of hops be readily accessible so that each bale may be properly stenciled and samples drawn from those bales selected by the inspector. [Statutory Authority: Chapter 22.09 RCW. 80-08-048 (Order 1710), § 16-218-010, filed 6/30/80; 79-04-077 (Order 1596), § 16-218-010, filed 3/30/79; 78-07-074 (Order 1580), § 16-218-010, filed 6/30/78; Order 1372, § 16-218-010, filed 7/5/74; Order 1156, § 16-218-010, filed 7/1/70, effective 8/1/70; Order 1095, § 16-218-010, filed 6/28/68, effective 8/1/68; Emergency Order 1093, § 16-218-010, filed 6/28/68; Order 995, Regulation 1, filed 12/8/65; Order 815, Regulations 1 and 2, effective 7/1/60.]

WAC 16-218-02001 Schedule of charges for chemical analyses of hops, hop extract, hop pellets or hop powder. (1) When samples are submitted to the Yakima Chemical and Hop Laboratory, the charges will be: Twenty-five dollars per certificate for the Wollmer hop analysis method; fifteen dollars per certificate for the ASBC spectrophotometric or conductometric methods; and fifteen dollars per certificate for the EBC conductometric method. A submitted sample certificate will be issued.

(2) Official samples of hops drawn by department personnel are composited either from the cores drawn for grade analysis, or from cores specially drawn on federal sampling schedule for brewing value only. Charges for analysis are: Fifteen cents per bale, with a minimum of twenty-five dollars for the Wollmer hop analysis

method; fifteen cents per bale, with a minimum of fifteen dollars for the ASBC spectrophotometric or conductometric methods; and fifteen cents per bale, with a minimum of fifteen dollars for the EBC conductometric method. An official brewing value certificate will be used.

(3) Extra time and mileage charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages and mileage rates will be in accordance with current applicable fees charged by the department.

To be considered available for sampling and certification, it is necessary that each and every bale in the lot of hops be readily accessible so that each bale may be properly stenciled and samples drawn from these bales selected by the inspector.

(4) The fee to be charged by the department for analyses for tannin, isoconversion products from alpha and beta resins, oil analysis and other components, and possible adulterants such as residues, when requested, shall be the actual cost to the department. Such fee shall be based on and include man hour costs, necessary material costs, laboratory equipment use and depreciation costs, and administrative and overhead costs of such tests. [Statutory Authority: Chapter 22.09 RCW. 79-04-077 (Order 1596), § 16-218-02001, filed 3/30/79; 78-07-074 (Order 1580), § 16-218-020 (codified as WAC 16-218-02001), filed 6/30/78.]

Chapter 16-221 WAC
RESTRICTIONS ON LINDANE PRODUCTS

WAC

16-221-001 Promulgation.
16-221-010 Definition.
16-221-020 Declaration.
16-221-030 Registration requirements.
16-221-040 Distribution requirements.

WAC 16-221-001 Promulgation. (This promulgation relates only to WAC 16-221-010, 16-221-020, 16-221-030, and 16-221-040.)

I, Donald W. Moos, director of agriculture, by virtue of the authority vested in me under chapters 15.57 and 17.21 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington, on November 12, 1969, do promulgate the following regulations related to the use of Lindane products intended for use for vaporization. [Order 1127, § 16-221-001, filed 11/28/69, effective 12/31/69.]

WAC 16-221-010 Definition. Lindane (Gamma isomer of benzene hexachloride) is hereinafter referred to as Lindane. [Order 1127, § 16-221-010, filed 11/28/69, effective 12/31/69.]

WAC 16-221-020 Declaration. Lindane products intended for use for vaporization are hereby declared to be "highly toxic" and "restricted use" pesticides in the state of Washington as provided for in the Washington Pesticide Act, chapter 15.57 RCW, RCW 15.57.020(27), (29), and 15.57.060 (1)(a) and (2)(b). [Order 1127, § 16-221-020, filed 11/28/69, effective 12/31/69.]

WAC 16-221-030 Registration requirements. (1) Such Lindane products will not under any circumstances be registered for sale or distribution in this state without the following use precautions included in the precautionary labeling:

(a) Do not use:

(i) In homes or any sleeping quarters.

(ii) Where food or feed is stored, processed, or served or in any area where food or feed may be contaminated.

(iii) Where human exposure to Lindane vapors will exceed eight hours in any one day.

(iv) In vaporizing unit unless unit is mounted above head height and three feet or more from the ceiling.

(b) The label shall contain no direction that will result in the release of Lindane at a rate to exceed one gram per 15,000 cubic feet per 24 hours.

(c) Label registrations for 1970, of Lindane products intended for vaporization that do not meet the above new labeling requirements may be renewed. Such renewals will be effective until June 30, 1970 only, to provide for the orderly removal of these labeled products from the shelves: *Provided*, That no new shipments of products so labeled shall be made to sales outlets within this state after January 1, 1970. After June 30, 1970, all Lindane products so labeled will be subject to stop sale. [Order 1127, § 16-221-030, filed 11/28/69, effective 12/31/69.]

WAC 16-221-040 Distribution requirements. After July 1, 1970 all Lindane products intended for use for vaporization shall be sold only through outlets licensed as pesticide dealers as provided for in the Washington Pesticide Act, chapter 15.57 RCW, RCW 15.57.090. [Order 1127, § 16-221-040, filed 11/28/69, effective 12/31/69.]

Chapter 16-223 WAC
REGISTRATION, DISTRIBUTION AND USE OF DDT AND DDD

WAC

16-223-001 Promulgation.
16-223-002 Promulgation.
16-223-004 Promulgation.
16-223-005 Promulgation.
16-223-010 Definition.
16-223-020 Declaration.
16-223-030 Renewal of 1969 registrations.
16-223-040 Registration requirements.
16-223-050 Distribution requirements.
16-223-060 Prohibiting use and application.
16-223-070 Disposal of restricted use pesticides and their containers.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-223-200 Definition. [Order 1353, § 16-223-200, filed 4/17/74; Order 1220, § 16-223-200, filed 12/28/71; Order 1157, § 16-223-200, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see chapter 16-228 WAC.

16-223-210 Declaration. [Order 1353, § 16-223-210, filed 4/17/74; Order 1271, § 16-223-210, filed 6/7/72, effective 7/16/72; Order 1220, § 16-223-210, filed 12/28/71; Order 1157, § 16-223-210, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see chapter 16-228 WAC.

16-223-220 Essential uses of DDT for 1974. [Order 1353, § 16-223-220, filed 4/17/74; Order 1281, § 16-223-220, filed 12/1/72; Order 1271, § 16-223-220, filed 6/7/72, effective 7/16/72; Order 1220, § 16-223-220, filed 12/28/71; Order 1157, § 16-223-220, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see chapter 16-228 WAC.

16-223-221 Essential users of DDD for 1973. [Order 1281, § 16-223-221, filed 12/1/72; Order 1271, § 16-223-221, filed 6/7/72, effective 7/16/72; Order 1220, § 16-223-221, filed 12/28/71.] Repealed by Order 1353, filed 4/17/74.

16-223-230 Pesticide user permits and pesticide applicator exemption. [Order 1353, § 16-223-230, filed 4/17/74; Order 1281, § 16-223-230, filed 12/1/72; Order 1271, § 16-223-230, filed 6/7/72, effective 7/16/72; Order 1220, § 16-223-230, filed 12/28/71; Order 1157, § 16-223-230, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see WAC 16-228-165.

16-223-240 Dealer and applicator reports required. [Order 1353, § 16-223-240, filed 4/17/74; Order 1281, § 16-223-240, filed 12/1/72; Order 1271, § 16-223-240, filed 6/7/72; Order 1220, § 16-223-240, filed 12/28/71; Order 1157, § 16-223-240, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see chapter 16-228 WAC.

16-223-250 Restricted distribution. [Order 1353, § 16-223-250, filed 4/17/74; Order 1281, § 16-223-250, filed 12/1/72; Order 1220, § 16-223-250, filed 12/28/71; Order 1157, § 16-223-250, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see chapter 16-228 WAC.

WAC 16-223-001 Promulgation. (This promulgation relates only to WAC 16-223-200 through 16-223-250.)

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 190, Laws of 1971 ex. sess. and chapter 17.21 RCW, and due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington, on November 22, 1971, do hereby promulgate the following regulations relating to essential uses of DDT and DDD for 1972. [Order 1220, § 16-223-001, filed 12/28/71; Order 1137, § 16-223-001, filed 12/29/69.]

WAC 16-223-002 Promulgation. (This promulgation relates only to WAC 16-223-200 through 16-223-250.)

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 15.57 and 17.21 RCW, and due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington, on June 29, 1970, do hereby promulgate the following regulations relating to essential uses of DDT for 1971. [Order 1157, § 16-223-002, filed 6/30/70, effective 8/1/70.]

WAC 16-223-004 Promulgation. (This promulgation relates to WAC 16-223-220, 16-223-221, 16-223-230, 16-223-240, and 16-223-250 and Order 1271.)

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 15.58 and 17.21 RCW, and due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington, on November 27, 1972, do hereby promulgate the following regulations relating to essential uses of DDT and DDD for 1973. [Order 1281, § 16-223-004, filed 12/1/72; Order 1271, § 16-223-004, filed 6/7/72.]

WAC 16-223-005 Promulgation. (This promulgation relates only to WAC 16-223-200 through 16-223-250.)

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 15.58 and 17.21 RCW and due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington, on April 17, 1974 do hereby promulgate the following regulations relating to essential uses of DDT. [Order 1353, § 16-223-005, filed 4/17/74.]

WAC 16-223-010 Definition. Dichlorodiphenyltrichloroethane is hereinafter referred to as DDT. Dichlorodiphenyldichloroethane is hereinafter referred to as DDD. [Order 1137, § 16-223-010, filed 12/29/69.]

WAC 16-223-020 Declaration. Any pesticide formulations containing DDT or DDD are hereby declared to be "restricted use pesticides" in the state of Washington because of their persistent characteristics, as provided for in the Washington Pesticide Act, chapter 15.57 RCW, RCW 15.57.020(29) and the Washington Pesticide Application Act, chapter 17.21 RCW, RCW 17.21.020(21). [Order 1137, § 16-223-020, filed 12/29/69.]

WAC 16-223-030 Renewal of 1969 registrations. (1) Current 1969 registrations of DDT and DDD labels may be renewed subject to the following conditions:

(a) To provide for the orderly removal of products from the shelves, current 1969 registrations of DDT and DDD dust labels, home and garden use labels, and labels containing directions for use on shade trees and in aquatic environments and adjacent areas may be renewed. Such renewals will be effective until June 30, 1970 only. After June 30, 1970, all DDT and DDD products so labeled will be subject to "stop sale" orders.

(b) Those 1969 registrations of DDT and DDD labels not affected by WAC 16-223-030 (1)(a) may be renewed for the 1970 annual registration period. [Order 1137, § 16-223-030, filed 12/29/69.]

WAC 16-223-040 Registration requirements. (1) No new registrations of DDT and DDD dust labels, home and garden use labels, and labels containing directions for use on shade trees and in aquatic environments and adjacent areas will be accepted for 1970. Any of these unregistered products found being offered for sale in this state will be subject to "stop sale" orders.

(2) All registrations for DDT and DDD not cancelled by WAC 16-223-030 (1)(a) and 16-223-040(1), shall be cancelled December 31, 1970: *Provided*, That registered uses officially determined by June 30, 1970 to be essential uses may be extended on an annual basis. [Order 1137, § 16-223-040, filed 12/29/69.]

WAC 16-223-050 Distribution requirements. After June 30, 1970, all DDT and DDD products shall be sold only through outlets licensed as pesticide dealers, as provided for in the Washington Pesticide Act, chapter 15.57 RCW, RCW 15.57.060 (1)(a), (2)(d), and 15.57-.090. [Order 1137, § 16-223-050, filed 12/29/69.]

WAC 16-223-060 Prohibiting use and application. The use or application of DDT and DDD shall be limited to those uses registered for use in the state of Washington: *Provided*, That uses in aquatic environments and adjacent areas may be permitted when determined by public health officials to be essential for the control of disease vectors. [Order 1137, § 16-223-060, filed 12/29/69.]

WAC 16-223-070 Disposal of restricted use pesticides and their containers. The restricted use pesticides, DDT and DDD, or their emptied containers shall not be dumped or abandoned where they may present a hazard to persons, animals, or crops or where they may contaminate water or the environment. [Order 1137, § 16-223-070, filed 12/29/69.]

Chapter 16-224 WAC
DESIGNATION OF WAREHOUSE STATIONS

WAC

16-224-010 Combining certain warehouses into stations.
16-224-020 Definition.
16-224-025 Emergency storage.
16-224-030 Contemporary storage.
16-224-040 Historical depositor.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-224-001 Promulgation. [Order 1270, § 16-224-001, filed 5/30/72; Order 1154, § 16-224-001, filed 5/28/70, effective 7/1/70; Order 1119, § 16-224-001, filed 5/28/69, effective 7/1/69; Order 1097, § 16-224-001, filed 7/2/68; Order 1057, filed 7/14/67, effective 8/15/67.] Repealed by 81-15-057 (Order 1745), filed 7/17/81. Statutory Authority: Chapter 22.09 RCW.

16-224-002 Promulgation. [Order 1400, § 16-224-002, filed 5/29/75, effective 7/1/75.] Repealed by 81-15-057 (Order 1745), filed 7/17/81. Statutory Authority: Chapter 22.09 RCW.

16-224-003 Promulgation. [Order 1474, § 16-224-003, filed 6/21/76.] Repealed by 81-15-057 (Order 1745), filed 7/17/81. Statutory Authority: Chapter 22.09 RCW.

WAC 16-224-010 Combining certain warehouses into stations. The department of agriculture will allow the following warehouses to combine certain warehouses into stations as follows:

(1) ACM Feed & Grain, Inc., is combining Mabton, Prosser, and Hogue Ranch into one station – Prosser 722.

(2) Almira Farmers Warehouse Company is combining North Almira, South Almira, Highland, Govan, Almira, Hanson, and Hartline into one station – Almira 179.

(3) Auvil-Warner Company, Inc., is combining Belmont, Oakesdale, and Warner Siding into one station – Belmont 245.

(4) Berger & Plate, Inc. is combining Tekoa, Tilma, Seltice, Garfield, and Tensed into one station – Tekoa 471.

(5) Central Washington Grain Growers, Inc., is combining Almira, Hanson, Hartline, Coulee City, Grand Coulee, Withrow, Supplee, Waterville, Douglas, Alstown, Mansfield, and Brewster into one station – Waterville 852.

(6) Cheney Grain Growers, Inc. is combining Cheney and Rodna into one station – Cheney 330.

(7) Columbia Bean & Produce Co., Inc., is combining Wheeler, Block 89, Royal Slope, Homestead, Quincy, and Bruce into one station – Wheeler 282.

(8) Columbia Producers, Inc., is combining Warden and Royal City into one station – Warden 19.

(9) Davenport Union Warehouse Company is combining Davenport, Mondovi, Omans, and Hunters into one station – Davenport 289.

(10) Edwall Grain Growers, Inc., is combining Edwall, Canby, Waukon, Sprague, and Edens into one station – Edwall 4.

(11) Empire Seed Company is combining Othello, Royal Camp, and Royal City into one station – Othello 256.

(12) Fairfield Grain Growers, Inc., is combining Fairfield and Waverly into one station – Fairfield 525.

(13) Fuhrman's Feed & Farm Supply Co. is combining Kettle Falls, Colville, and Chewelah into one station – Kettle Falls 46.

(14) Full Circle, Inc., is combining Wheeler, Warden, Quincy, Bruce, and Royal City into one station – Wheeler 887.

(15) The Garfield Union Warehouse Company is combining Garfield, Grinnell, Walters, Crabtree, Elberton, and Sokulk into one station – Garfield 24.

(16) Inland Empire Milling Company is combining Pine City, St. John, and Pleasant Valley into one station – St. John 706.

(17) Inland Empire Pea Growers Assoc., Inc., is combining Oakesdale, Garfield, Latah, Spangle, Waverly,

West Fairfield, Fairfield, and Spokane into one station – Spokane 220.

(18) Lacrosse Grain Growers, Inc., is combining Lacrosse, Pampa, Gordon, Hooper, Schreck, Hay, and Dusty into one station – Lacrosse 131.

(19) Lamont Grain Growers, Inc., is combining Lamont and Revere into one station – Lamont 476.

(20) Logan Feed, Inc., is combining Wapato, Harrah, and Toppenish into one station – Toppenish 104.

(21) Oakesdale Grain Growers, Inc., is combining Oakesdale, Seabury, Fairbanks, Warner, Farmington, and Seltice into one station – Oakesdale 71.

(22) Odessa Trading Company is combining Odessa, Nemo, Ruff, Batum, Moody, and Schmierer into one station – Odessa 342.

(23) Odessa Union Warehouse Co-op is combining Odessa, Irby, Lamona, Lauer, Reiman, Jantz, Schoonover, Packard, Harrington, Mohler, Downs, Davenport, Egypt, Rocklyn, and Ephrata into one station – Odessa 305.

(24) Pendleton Grain Growers, Inc., is combining Prosser, Whitstran, and Wycoff Farms into one station – Prosser 648.

(25) Pomeroy Grain Growers, Inc., is combining Pomeroy, Zumwalt, Houser, Dodge, and Central Ferry into one station – Pomeroy 400.

(26) Pomeroy Warehouse & Feed Co., is combining Pomeroy and Gould City into one station – Pomeroy 853.

(27) Quincy Farm Chemicals, Inc., is combining Quincy and Murphy's Corner into one station – Quincy 29.

(28) Reardan Grain Growers, Inc., is combining Reardan, Gravelle, Eleanor, Hite, and Espanola into one station – Reardan 455.

(29) Ritzville Warehouse Company, Inc., is combining Ritzville, Tokio, Ralston, Marcellus, Benge, and Meier into one station – Ritzville 295.

(30) Rockford Grain Growers, Inc., is combining Mead, Rockford, Valleyford, Freeman, Mt. Hope, Worley, and Setters into one station – Rockford 196.

(31) Rosalia Producers, Inc., is combining Rosalia, Plaza, Spring Valley, McCoy, Balder, Spangle, Squaw Canyon, and Pine City into one station – Rosalia 415.

(32) St. John Grain Growers, Inc., is combining St. John, Ewan, Willada, Juno, Sunset, and Pleasant Valley into one station – St. John 534.

(33) Spokane Seed Company is combining Spokane, Colfax, Plaza, and Worley into one station – Spokane 452.

(34) Sunnyside Grain Co., is combining Sunnyside and Mabton into one station – Sunnyside 2.

(35) Union Elevator & Warehouse Company, Inc., is combining Lind, Pizarro, Schrag, Paha, Pence, Bauer, and R. H. Phillips into one station – Lind 474.

(36) Uniontown Co-operative Association is combining Uniontown and Leon into one station – Uniontown 430.

(37) United Grain Growers, Inc., is combining Harrington, Mohler, Downs, Bluestem, Wilbur, Sherman, Wheatridge, Govan and Creston into one station – Harrington 807.

(38) Walla Walla Grain Growers, Inc., is combining Walla Walla, Baker-Langdon, Dixie, Port Kelly, Sapolil, Tracy, Valley Grove, Spring Valley, Reser, Miller, Whitman, Gardena, Clyde, Eureka, Pleasant View, Sheffler, Smith Springs, Rulo, Dry Creek, Ennis, and Paddock into one station – Walla Walla 462.

(39) Washtucna Grain Growers, Inc., is combining Washtucna, Sperry, Fletcher, and Sand Hills into one station – Washtucna 653.

(40) Western Farmers Association is combining Sprague, Keystone, Quincy, Trinidad, Othello, Eltopia, Venner, Moses Lake, and Ellensburg into one station – Sprague 690.

(41) Wheat Growers of Endicott, Inc., is combining Endicott, Thera, and Winona into one station – Endicott 524.

(42) Whitman County Growers, Inc., is combining Cashup, Glenwood, Manning, Mockonema, Steptoe, Thornton, Colfax, Albion, Busby, Ewartsville, Fallon, Parvin, Union Center, Whelan, Pullman, and Kitzmiller into one station – Colfax 74.

(43) Wickes Agriculture is combining Merrills Corner, Basin City, Toppenish, and Stanfield into one station – Merrills Corner 23.

(44) Wilson Creek Union Grain & Trading Company is combining Stratford and Wilson Creek into one station – Wilson Creek 354.

(45) L. F. Zwiesler Company, Inc., is combining Ashue Siding and Harrah into one station – Ashue Siding 76. [Statutory Authority: Chapter 22.09 RCW. 80-06-102 (Order 1687), § 16-224-010, filed 5/30/80; 78-06-075 (Order 1574), § 16-224-010, 5/31/78; Order 1531, § 16-224-010, filed 6/1/77, effective 7/2/77; Order 1474, § 16-224-010, filed 6/21/76; Order 1400, § 16-224-010, filed 5/29/75; Order 1270, § 16-224-010, filed 5/30/72; Order 1154, § 16-224-010, filed 5/28/70, effective 7/1/70; Order 1119, § 16-224-010, filed 5/28/69, effective 7/1/69; Order 1097, § 16-224-010, filed 7/2/68, effective 8/2/68; Order 1057, Regulation 1-22, filed 7/14/67, effective 8/15/67.]

WAC 16-224-020 Definition. "Permanent enclosed storage space" means a structure that has a foundation and both rigid walls and roof. [Statutory Authority: Chapter 22.09 RCW. 81-15-057 (Order 1745), § 16-24-020, filed 7/17/81.]

WAC 16-224-025 Emergency storage. If the director determines that an emergency storage situation exists, a warehouseman may forward grain to other licensed warehouses for storage without canceling the depositor's negotiable receipt under the following conditions:

(1) The warehouseman must obtain department approval prior to shipment.

(2) The warehouseman must demonstrate to the department how he/she will be back in position within thirty days.

(3) The warehouseman must obtain a negotiable receipt in his/her name from the receiving warehouse. [Statutory Authority: Chapter 22.09 RCW. 83–15–036 (Order 1802), § 16–224–025, filed 7/19/83.]

WAC 16–224–030 Contemporary storage. (1) Grain may be stored outside the warehouseman's permanent enclosed storage space only under the following conditions:

(a) When the warehouseman has no permanent enclosed storage space available.

(b) The outside storage must be on ground properly landscaped to provide adequate drainage and must be approved by the department prior to its use.

(c) Stockpiles created by a licensed warehouseman at a location not filled through his/her permanent enclosed storage facility must have a separate letter designation and license fee.

(d) For outside storage up to thirty–three and one–third percent of the warehousemen's permanent enclosed storage capacity, a net worth of twenty–five cents per bushel must be maintained in addition to the net worth requirements of WAC 16–212–130.

(e) A warehouseman may request the department of agriculture to approve his/her outside storage in excess of thirty–three and one–third percent of his/her permanent enclosed storage capacity. The warehouseman shall maintain a net worth of thirty–five cents per bushel on this excess unless it contains adequate aeration and is covered with a covering approved by the department of agriculture, in which case the net worth requirement will be twenty–five cents per bushel.

(f) All outside storage must be properly crowned and must not be in contact with the side of any building or elevator after October 15 of the crop year.

(2) Violation of this regulation constitutes a violation of chapter 22.09 RCW and may result in the suspension of the warehouseman's license. [Statutory Authority: Chapter 22.09 RCW. 83–15–036 (Order 1802), § 16–224–030, filed 7/19/83; 81–15–057 (Order 1745), § 16–224–030, filed 7/17/81.]

WAC 16–224–040 Historical depositor. Prior to allocating warehouse space on the basis of historical deposits, each warehouseman shall, for the purposes of the definition of "historical depositor" as set forth in RCW 22.09.010(12), file with the department of agriculture a policy statement setting forth the criteria that identifies a person who in the normal course of business operations has consistently made deposits, in the same warehouse, of commodities produced on the same land. Any subsequent changes in this policy shall be filed with the department. [Statutory Authority: Chapter 22.09 RCW. 83–15–036 (Order 1802), § 16–224–040, filed 7/19/83. Statutory Authority: RCW 22.09.010(15). 81–21–023 (Order 1750), § 16–224–040, filed 10/13/81.]

Chapter 16–225 WAC

FIELD–STORED HAY

WAC

16–225–001 Promulgation.
16–225–010 License fee.
16–225–020 Bond.
16–225–030 Storage requirements.
16–225–040 Warehouse receipts.
16–225–050 Reports.

WAC 16–225–001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 22.09 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Pasco, Washington, on June 29, 1971, do hereby promulgate the following regulations governing minimum guidelines for the licensing of baled hay storage facilities. [Order 1206, § 16–225–001, filed 6/30/71.]

WAC 16–225–010 License fee. The license fee shall be computed as defined in RCW 22.09.050, the Washington Warehouse Act. In the case of field–stored hay, each individual warehouse shall be limited to a legally described contiguous property leased or owned by the warehouseman and used for hay storage and hereinafter referred to as a warehouse. [Order 1206, § 16–225–010, filed 6/30/71.]

WAC 16–225–020 Bond. The bond shall be computed as required in RCW 22.09.090 at $3.00 per ton times the licensed capacity. Licensed capacity shall be the maximum tonnage expected to be stored at any one time in the company's warehouse or warehouses. [Order 1206, § 16–225–020, filed 6/30/71.]

WAC 16–225–030 Storage requirements. Stacks stored in warehouses in compliance with RCW 22.09–.220 in areas other than the Columbia Basin and the Yakima Valley must be covered to prevent weather damage. All stacks must be rectangular in shape, straight sides, and tightly piled to minimize exposure and deterioration, and to provide an accurate means of inventory. [Order 1206, § 16–225–030, filed 6/30/71.]

WAC 16–225–040 Warehouse receipts. Warehouse receipts issued under RCW 22.09.290 must indicate the bale count and the estimated weight per bale. [Order 1206, § 16–225–040, filed 6/30/71.]

WAC 16–225–050 Reports. Each licensee must submit by the 5th of each month a report to the department showing a bale count and the estimated weight per bale on negotiable receipts and a bale count and the estimated weight per bale in storage. [Order 1206, § 16–225–050, filed 6/30/71.]

Chapter 16-228 WAC
PESTICIDE REGULATIONS

WAC

16-228-003 Promulgation.
16-228-010 Definitions.
16-228-115 Pesticide labeling requirements.
16-228-120 Artificial coloring.
16-228-125 Exemptions for experimental use.
16-228-130 Pesticide-fertilizer registration and labeling.
16-228-140 Pesticide-fertilizer mix restrictions.
16-228-145 Adequate containers.
16-228-14501 Sale or possession of sodium fluoracetate, fluoracetamide, and phosphorus pastes.
16-228-155 Restricted use pesticides—Not for use by home and garden users.
16-228-160 Restriction on distribution, transportation, storage and disposal.
16-228-162 High volatile ester and dust formulations prohibited.
16-228-165 State restricted use pesticides for use by certified applicators only—Requirements for user permits.
16-228-168 Change of exemptions.
16-228-170 Pesticide dealer's licenses.
16-228-172 Permits.
16-228-174 Private commercial applicator license.
16-228-176 Private applicator certification.
16-228-178 Demonstration and research applicator certification.
16-228-180 License denied, revoked or suspended.
16-228-185 Restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers.
16-228-190 Applicator requirements.
16-228-195 Compliance with federal requirements.
16-228-210 Financial responsibility insurance certificate (FRIC).
16-228-215 Application fee and FAA certificate.
16-228-220 Examination requirements.
16-228-225 Regulation of application of rodenticide baits.
16-228-230 Special restrictions on the use of compounds 1080, 1081 and phosphorus paste.
16-228-235 Purpose of order.
16-228-240 Endrin use in orchards—1983 to 1984.
16-228-245 Endrin application to orchards.
16-228-250 Written recommendation—Licensed consultant—Game representative.
16-228-255 Distribution—Dealer records.
16-228-260 Application restrictions.
16-228-265 Posting requirements.
16-228-270 Permit.
16-228-275 Applicator records.
16-228-280 Endrin advisory committee.
16-228-285 Endrin use in orchards after December 31, 1984—Crisis permits—Permit requirements.
16-228-320 Heptachlor treated grain seed—Definition.
16-228-330 Use and distribution.
16-228-900 Penalties.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-228-001 Promulgation. [Order 1470, § 16-228-001, filed 5/14/76.] Repealed by Order 1538, filed 7/29/77, effective 9/1/77.
16-228-150 Responsibilities of pesticide applicators, operators, pesticide dealers and pest control consultants in sales of pesticides and in recommendations and application of pesticides. [Order 1481, § 16-228-150, filed 7/15/76; Order 1470, § 16-228-150, filed 5/14/76. Formerly WAC 16-220-205 and 16-222-130.] Repealed by Order 1538, filed 7/29/77, effective 9/1/77.
16-228-175 Distribution requirements for growth regulating herbicides to be used in counties located east of the crest of the Cascade Mountains. [Order 1470, § 16-228-175, filed 5/14/76. Formerly WAC 16-222-190.] Repealed by Order 1538, filed 7/29/77, effective 9/1/77.
16-228-200 Low flying prohibitions. [Order 1470, § 16-228-200, filed 5/14/76.] Repealed by Order 1538, filed 7/29/77, effective 9/1/77.

WAC 16-228-003 Promulgation. (This promulgation relates to WAC 16-228-150 of Order 1472 and WAC 16-223-200 through 16-223-250 of Order 1353.)

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 15.58 and 17.21 RCW and due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington on July 14, 1976 do hereby promulgate the following regulations relating to the application of pesticides. [Order 1481, § 16-228-003, filed 7/15/76.]

WAC 16-228-010 Definitions. (1) **"Agricultural commodity"** means any plant, or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by man or animals.

(2) **"Authorized agent"** is any person who is authorized to act on behalf of a certified applicator for the purpose of purchasing pesticides listed in WAC 16-228-165(1).

(3) **"Bait box"** for rodenticides is a box constructed of durable metal, wood, plastic, or other treated synthetic material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized persons and domestic animals from gaining access to the bait. The cover shall be provided with a lock that can be unlocked only by a combination, key, special tool, or forced entry. Fragile materials are unacceptable.

(4) **"Bait station"** may be any location where baits are placed to allow rodents to gain access to the bait.

(5) **"Bulk fertilizer"** is a commercial fertilizer, agricultural mineral, or lime, distributed in nonpackaged form.

(6) **"Certified applicator"** means any individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators including, but not limited to licensed commercial applicators, licensed commercial operators, licensed public operators, licensed private-commercial applicators, certified demonstration and research applicators, and certified private applicators.

(7) **"Controlled disposal site"** means any place where solid or liquid waste is disposed: *Provided*, That the area has been designated as a disposal site for waste materials by the jurisdictional health officer: *Provided further*, That the site is fenced, barricaded or otherwise enclosed or attended by some person in charge to facilitate control-access of domestic animals, pets, and unauthorized persons.

(8) **"Demonstration and research applicator"** means (1) individuals who demonstrate to the public the proper

use and techniques of application of EPA or state restricted use pesticides or supervise such demonstration, and (2) persons conducting field research with pesticides, and in doing so, use or supervise the use of EPA or state restricted use pesticides.

(9) **"Direct supervision"** by (a) certified private applicators and private-commercial applicators shall mean that the designated restricted use pesticide shall be applied by a competent person acting under the instructions and control of a certified applicator certified in the category for which the pesticide is being applied who is available if and when needed, even though such certified applicator is not physically present at the time and place of the pesticide is being applied. The certified applicator shall have direct management responsibility and familiarity of the pesticide, manner of application, pest, and land to which the pesticide is being applied; and (b) direct supervision by all other certified applicators means direct on-the-job-supervision.

(10) **"Dry pesticide"** is any granular, pelleted, dust or wettable powder pesticide.

(11) **"EPA"** means the United States Environmental Protection Agency.

(12) **"EPA restricted use pesticide"** means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(13) **"Fertilizer"** as included in this order means any liquid or dry mixed fertilizer, fertilizer material, specialty fertilizer, agricultural mineral, or lime.

(14) **"FIFRA"** means the Federal Insecticide, Fungicide and Rodenticide Act as amended.

(15) **"Floor level"** is considered to be the floor upon which people normally walk——not shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.

(16) **"Food service establishment"** means any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial-feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public, or nonprofit organization routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(17) **"Fumigant"** means any substance or combination of substances that produce gas, fumes, vapors, or smoke, and is used to kill pests in some kind of enclosure.

(18) **"Highly toxic"** for the purpose of this order, are those pesticides determined to be in the Toxicity Category I and are labeled on the front panel with the signal word "danger." In addition if the product was assigned to Toxicity Category I on the basis of its oral, inhalation or dermal toxicity (as distinct from skin and eye local effects) the word "poison" shall appear in red on a background of distinctly contrasting color and the skull and crossbones shall appear in immediate proximity to the word "poison."

(19) **"Private applicator"** means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators by the director for the purposes of producing any agricultural commodity on land owned or rented by him or his employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

(20) **"Private-commercial applicator"** means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators for purposes other than the production of any agricultural commodity on lands owned or rented by him or his employer.

(21) **"State restricted use pesticide"** means any pesticide determined to be a restricted use pesticide by the director under the authority of chapters 17.21 and 15.58 RCW that are restricted to use only by certified applicators.

(22) **"Unreasonable adverse effects on the environment"** means any unreasonable risk to man or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director. [Order 1538, § 16-228-010, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-010, filed 5/14/76. Formerly WAC 16-220-200 (part).]

WAC 16-228-115 Pesticide labeling requirements. Pesticide labeling must meet the standards or criteria of the Federal Insecticide, Fungicide and Rodenticide Act. [Order 1470, § 16-228-115, filed 5/14/76. Formerly WAC 16-222-030.]

WAC 16-228-120 Artificial coloring. (1) No highly toxic pesticide in powdered or granular form or highly toxic pesticide baits having a label recommendation for use in any building, ship, or similar enclosure shall be sold within the state of Washington unless it is distinctly colored or discolored in such a way that it does not resemble any food.

(2) A pesticide in liquid form with colors resembling a beverage or liquid food, which does not have a distinctive odor, shall have an odorous substance added that is distinctly different from any beverage or liquid food. [Order 1470, § 16-228-120, filed 5/14/76. Formerly WAC 16-222-040.]

WAC 16-228-125 Exemptions for experimental use. (1) These regulations shall not apply to the manufacturer or shipper of a pesticide for experimental use only, and which is to be used under supervision of a state agency, or of the federal government, or by others authorized to do experimental work if the label on the container is plainly and conspicuously marked FOR EXPERIMENTAL USE ONLY – NOT TO BE SOLD, has the manufacturer's name and address provided, has the manufacturer's identification and/or code number of contents, and contains such precautions as are known to

be necessary to protect the health of persons who may come in contact with the pesticide.

(2) Pesticides for experimental use may be sold if a written permit has been obtained from the director and the pesticides are sold for experimental purposes subject to restrictions and conditions described in the permit. If the pesticide is to be used on a food or feed crop, a tolerance must be obtained from the environmental protection agency before a permit can be issued. [Order 1470, § 16-228-125, filed 5/14/76. Formerly WAC 16-220-070.]

WAC 16-228-130 Pesticide-fertilizer registration and labeling. (1) Each pesticide-fertilizer mix containing different pesticide active ingredients and/or percentages must be registered with the director: *Provided*, That the fertilizer portion shall be considered an inert ingredient for the purpose of this order: *And provided further*, That such registrations may be to the nearest 0.1% of active ingredient/s.

(2) A registered pesticide label must be attached to each pesticide-fertilizer mix container.

(3) A pesticide-fertilizer label may also contain the fertilizer labeling information as required in the Washington Commercial Fertilizer Act.

(4) A pesticide-fertilizer label shall be registered with the director before distribution or sale. [Order 1470, § 16-228-130, filed 5/14/76. Formerly WAC 16-222-090.]

WAC 16-228-140 Pesticide-fertilizer mix restrictions. No person shall distribute, sell, offer for sale, or hold for sale any dry pesticide incorporated in a dry blended bulk fertilizer mix. [Order 1470, § 16-228-140, filed 5/14/76. Formerly WAC 16-222-100.]

WAC 16-228-145 Adequate containers. Containers, i.e., packages, cartons, bags, cans, barrels, bins, etc., in which pesticides are sold, offered for sale, or transported within the state of Washington shall be of sufficient strength and of such construction as to alleviate danger of spillage or breakage. Pesticides found to be packaged in unsafe containers shall be placed under "stop sale" order: *Provided*, That containers shall meet the minimum specifications of the United States Department of Transportation CFR Title 49, chapter 1, as in effect on the effective date of this order. [Order 1470, § 16-228-145, filed 5/14/76. Formerly WAC 16-222-110.]

WAC 16-228-14501 Sale or possession of sodium fluoracetate, fluoracetamide, and phosphorus pastes. (1) No person shall possess or use sodium fluoracetate (1080) and fluoracetamide (1081) except federal, state, county, or municipal officers or their employees for use in their official duties in pest control, research or chemical laboratories in their respective fields; pest control operators licensed by the state; and wholesalers or jobbers of pesticides for sale to the aforementioned persons, or for export.

(2) No person shall possess or use phosphorus pastes except federal, state, county, or municipal officers or their employees for use in their official duties in pest control; research or chemical laboratories in their respective fields; pest control operators licensed by the state; and wholesalers or jobbers of pesticides for sale to the aforementioned persons or for export. [Order 1470, § 16-228-145 (codified as WAC 16-228-14501), filed 5/14/76. Formerly WAC 16-222-120.]

WAC 16-228-155 Restricted use pesticides--Not for use by home and garden users. (1) The following pesticides are hereby declared to be restricted use pesticides in the state of Washington because of their toxicity to man and animals and shall not be sold to home and garden users. The following pesticides will be registered only when manufactured, labeled, delivered, distributed, sold, or held for sale for use by commercial producers and/or commercial applicators or governmental agencies experienced in the application of pesticides:

1. Aluminum phosphide (phostoxin)
2. Arsenic trioxide (1.6% and above except for the control or eradication of crabgrass and the container thereof is restrictively labeled for such.
3. Azodrin
4. Bidrin
5. Castrix
6. Dasanit
7. Delnav (25.1% and above)
8. DiNitro-O-Cresol (DNOC)
9. DiNitro-O-Sec butyl phenol (DNOSBP)
10. DiSyston (2.1% and above)
11. Dyfonate (11% and above)
12. Endothall (20% and above)
13. Endrin (2.5% and above)
14. EPN
15. Ethion (26% and above)
16. Furadan (carbofuran)
17. Guthion (16% and above)
18. Hydrogen cyanide (hydrocyanic acid) (HCN)
19. Methomyl (lannate or nudrin)(2% and above)
20. Methyl bromide
21. Methyl demeton (meta systox) (25% and above)
22. Methyl parathion
23. Monitor (40% and above)
24. OMPA (schradan)
25. Paraquat (cation equivalent - .5% and above)
26. Parathion
27. Phosdrin
28. Phosphamidon
29. Phosphorus paste (further restricted in WAC 16-228-145)
30. PMA - Phenyl mercuric acetate (1.5% and above)
31. Sodium arsenite
32. Sodium selanate
33. Strychnine and its salts (strychnine alkaloid 1.1% and above)

34. Systox (demeton)
35. Temik
36. 1080 and 1081 (further restricted in WAC 16-228-145)
37. TEPP
38. Thallium compounds (banned for all rodenticide uses)
39. Thimet
40. Trithion (liquid and wettable powder 26% and above; granular and dust 11% and above)
41. Zinc phosphide (2.1% and above)
42. Zinophos

(2) Pesticide dealers shall keep records on the sale of any of the above listed pesticides. These records shall contain the date of sale, the name and amount of the pesticide sold and the name and address of the purchaser. These records shall be kept on file for a period of one year and the director shall have access to these records upon request. [Order 1538, § 16-228-155, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-155, filed 5/14/76. Formerly WAC 16-222-145.]

WAC 16-228-160 Restriction on distribution, transportation, storage and disposal. (1) No person shall handle, transport, store, display, or distribute pesticides in such a manner as to endanger man and his environment or to endanger food, feed, or any other product that may be transported, stored, displayed, or distributed with such pesticides. Toxicities of pesticides shall be considered in distribution, storage, handling, and merchandising practices.

(2) Highly toxic pesticides shall not be transported in the same compartment of the vehicle or other equipment together with clothes, food, feed, or any other material intended for consumption by humans or animals. Any vehicle or other equipment shall be inspected by the owner or his agent for contamination before reuse. In instances where leakage or spillage has occurred, the shipper of the pesticides shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Vehicles or other equipment which have been contaminated must not be returned to service until the contamination has been removed.

(3) Pesticide containers shall be secured during transit by use of side or end racks, bracing, chocks, tiedowns, or other means to prevent their sliding, falling, tipping, rolling, or falling off the vehicle with normal vehicle acceleration, deceleration, or change in direction.

(4) Valves shall be tightly closed and manhole covers shall be secured on cargo or portable tanks used for transporting pesticides, whether tanks are full or empty.

(5) Portable tanks shall be secured to prevent their sliding, falling, tipping, or rolling with normal vehicle acceleration, deceleration, or change in direction. Ends, sidewalls, or doors of van bodies shall not be relied upon for securement.

(6) Pesticides shall not be delivered to a pesticide consignee unless the consignee or his agent is present to accept delivery of the pesticides and signs a delivery slip and/or the pesticides are secured in a proper storage.

(7) Pesticides shall not be stored and/or displayed over or adjacent to meat or vegetable cases, other human foods, animal feeds, or drugs, or in any manner that may result in contamination of food, feed, or clothing. Pesticide products shall not be packaged, sacked, or boxed with any of the above. Pesticides intended for sale or distribution shall only be stored and displayed within an enclosed area of a building or fence and shall not be displayed on sidewalks.

(8) Pesticide dealers shall not sell, offer for sale, or hold for sale highly toxic pesticides in the same department where food for human consumption is displayed or sold. The use of the same "checkstand" or food packaging area is prohibited for the distribution of highly toxic pesticides.

(a) Pesticide dealers shall post in a conspicuous place a list of persons to contact in case of a pesticide accident. This list shall include the name and address of the nearest poison control center, the Washington state department of social and health services, the Community Pesticide Study Project Laboratory in Wenatchee, the county extension agent, the department of agriculture offices in Yakima and Olympia, and the local health officer. All pesticide accidents must be reported to the Washington state department of social and health services.

(10) Pesticides in leaking, broken, corroded, or otherwise damaged containers shall not be displayed, offered for sale, or transported and shall be handled or disposed of in a manner that would not contaminate the environment or cause injury to man and/or animals. Pesticides with obscured or damaged labels shall not be displayed or offered for sale.

(11) No person shall distribute or sell any pesticide unless it is in the registrant's or the manufacturer's unbroken, immediate container and there is affixed to such container its registered pesticide label.

(12) The distribution and use of DDT and DDD shall be prohibited in this state except for the uses determined to be "essential uses" as determined by the pesticide control board as provided for in the Washington Pesticide Control Act, chapter 15.58 RCW, RCW 15.58.390. [Order 1538, § 16-228-160, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-160, filed 5/14/76. Formerly WAC 16-222-150.]

WAC 16-228-162 High volatile ester and dust formulations prohibited. The distribution, use and application of all high volatile ester and dust formulations of restricted use herbicides shall be prohibited throughout the state. [Statutory Authority: Chapters 15.58 and 17-.21 RCW. 80-03-040 (Order 1679), § 16-228-162, filed 2/20/80.]

WAC 16-228-165 State restricted use pesticides for use by certified applicators only--Requirements for user permits. (1) The following pesticides are hereby declared

to be state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator (refer to definition of "direct supervision"). Any EPA restricted use pesticide not listed shall be distributed and used only under these restrictions:

(a) Azodrin
(b) Bidrin
(c) DDD and DDT (for essential uses determined by law)
(d) DiSyston – liquid
(e) Endrin – 2.5% and above
(f) Parathion and methyl parathion – 1.1% and above
(g) Phosdrin
(h) Schradan (OMPA)
(i) Sodium arsenite
(j) Systox (demeton)
(k) Temik
(l) TEPP
(m) Thimet (phorate) – liquid
(n) Tordon 22K – For use on rangeland and permanent grass pastures east of the crest of the Cascade Mountains.
(o) 2,4–D – all formulations distributed in packages of 1 gallon and larger to be used in counties located east of the crest of the Cascade Mountains. Pesticide dealers shall be required to make available to the purchaser a copy of the regulations covering the use of 2,4–D in the area in which the material will be applied.
(p) Zinophos
(q) All pesticide formulations labeled for application onto or into water to control pests in or on water, except those labeled only for use in:
(i) Swimming pools;
(ii) Wholly impounded ornamental pools and fountains;
(iii) Aquariums;
(iv) Closed plumbing and sewage systems;
(v) Enclosed food processing systems;
(vi) Air conditioners and humidifiers;
(vii) Cooling towers;
(viii) And aquatic environments in states other than Washington: *Provided*, That for purposes of this subsection, sales of pesticides bearing combined labeling for uses into or onto water and for other uses may be made by licensed pesticide dealers to noncertified applicators, if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that it is not to be applied into or onto water. If requested by the department, dealers must furnish records on the sales of pesticides labeled for application into or onto water, whether sold for that use or not. Records must include the name and address of the purchaser, the complete product name and/or EPA registration number of the pesticide and the amount purchased.

(2) User permits will be furnished by the Washington state department of agriculture pesticide branch and may be issued by a licensed pesticide dealer.

(3) A certified private applicator or private–commercial applicator may list on his permit the name or names of authorized agent(s) for the purpose of purchasing or receiving above listed pesticides.

(4) Permits shall be on a form furnished by the director and shall include the following:
(a) Permit number
(b) Date of issuance
(c) Name and address of the certified applicator
(d) Crops and acreage to which the pesticides will be applied
(e) Name of authorized agent(s)
(f) Any other information prescribed by the director.

(5) A copy of the permit shall be issued to the certified applicator and a duplicate shall be retained by the pesticide dealer. Permits shall expire on December 31 of each year.

(6) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving the restricted use pesticide listed in WAC 16–228–165(1) by making previous arrangements with the pesticide dealer or the authorized agent provides written authorization to the dealer at the time of purchase. At the time of purchase the pesticide dealer shall require the certified applicator's name and license or certification number.

(7) Licensed dealers shall keep records on each sale of these restricted use pesticides which shall include the following:
(a) Name and address of the certified applicator
(b) Applicator or operator certificate or license number
(c) Name of authorized agent
(d) Date of purchase
(e) Brand and specific pesticide name
(f) Percent active ingredient or pounds active ingredient per gallon
(g) For DDT and DDD – rate of formulation to be applied per acre
(h) Amount sold
(i) Crop to which pesticide will be applied

(8) Pesticide dealers shall keep permits and dealer records for a period of one year from the date of issuance and the director shall have access to these records upon request. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80–03–040 (Order 1679), § 16–228–165, filed 2/20/80; 79–05–003 (Order 1597), § 16–228–165, filed 4/10/79; Order 1538, § 16–228–165, filed 7/29/77, effective 9/1/77; Order 1470, § 16–228–165, filed 5/14/76. Formerly WAC 16–222–160 and 16–223–230.]

WAC 16–228–168 Change of exemptions. The licensing exemption for landscape gardeners provided in chapter 17.21 RCW, RCW 17.21.205; jurisdictional health officers as provided for in chapter 17.21 RCW, RCW 17.21.220; and research personnel provided for in chapter 17.21 RCW, RCW 17.21.203 shall not apply when applying EPA restricted use pesticides or state restricted use pesticides which are restricted to use by certified applicators only: *Provided*, That research personnel shall be required to obtain a demonstration

and research applicator certification. [Order 1538, § 16–228–168, filed 7/29/77, effective 9/1/77.]

WAC 16–228–170 Pesticide dealer's licenses. When more than one pesticide dealer is engaged in the business from the same outlet or location, each pesticide dealer shall obtain a license for said outlet or location. [Order 1470, § 16–228–170, filed 5/14/76. Formerly WAC 16–222–170.]

WAC 16–228–172 Permits. A private applicator certification, demonstration and research applicator certification, and a private–commercial applicator license shall be considered as certified applicator permits as provided for in RCW 17.21.030 and 15.58.040 (2)(h). [Order 1538, § 16–228–172, filed 7/29/77, effective 9/1/77.]

WAC 16–228–174 Private commercial applicator license. It shall be unlawful for any person to act as a private–commercial applicator without having obtained a private–commercial applicator's license from the director. Any person applying for such private–commercial applicator's license shall file an application on a form prescribed by the director. Such application shall state the classifications the applicant is applying for and the method in which these pesticides are to be applied.

The director shall not issue a private–commercial applicator's license before such applicant has passed an examination to demonstrate to the director (1) his ability to apply pesticides in the classification he has applied for, and (2) his knowledge of the nature and effect of pesticides applied under such classifications. The director may renew any applicant's license under the classification for which such applicant is licensed, subject to examination for new knowledge that may be required to apply pesticides. A private–commercial applicator's license shall be valid (1) until revoked, or (2) the director determines that a reexamination is necessary and the licensee does not qualify. [Order 1538, § 16–228–174, filed 7/29/77, effective 9/1/77.]

WAC 16–228–176 Private applicator certification. It shall be unlawful for any person to act as a private applicator without first complying with the certification requirements determined by the director as necessary to prevent unreasonable adverse effects on the environment, including injury to the applicator or other persons, for that specific pesticide use. In determining certification standards, the director shall take into consideration standards of the EPA. A private applicator certification issued by the director shall be valid until revoked or the director determines that a reexamination is necessary and the private applicator does not qualify. If the director does not qualify the private applicator under this section, he shall inform the applicant in writing of the reasons therefore. The licensing exemption for forest landowners and farmers provided for in chapter 17.21 RCW, RCW 17.21.200 shall not apply to the private applicator certification when applying EPA restricted use pesticides or state restricted use pesticides which are restricted to use by certified applicators only. [Order 1538, § 16–228–176, filed 7/29/77, effective 9/1/77.]

WAC 16–228–178 Demonstration and research applicator certification. It shall be unlawful for any person to act as a demonstration and research applicator without having obtained a demonstration and research applicator's certification from the director. Any person applying for this certification shall file an application on a form prescribed by the director.

The director shall not issue a demonstration and research applicator's certificate before such applicant has passed an examination to demonstrate to the director (1) his ability to apply pesticides, (2) his knowledge of the nature and effect of pesticides to be applied. The director may renew any applicant's certification subject to examination for new knowledge that may be required to apply pesticides. A demonstration and research applicator's certificate shall be valid (1) until revoked, or (2) the director determines that a reexamination is necessary and the licensee does not qualify. [Order 1538, § 16–228–178, filed 7/29/77, effective 9/1/77.]

WAC 16–228–180 License denied, revoked or suspended. (1) The director may deny, suspend, or revoke any provision of a license, permit or certification issued under chapters 17.21 and 15.58 RCW if he finds that the applicant or the holder of the license, permit, or certification has committed any of the following acts each of which is declared to be a violation:

(a) Made false or fraudulent claims through any public media such as newspaper, newsletter, TV or radio, misrepresenting the effect of pesticide or application methods to be utilized;

(b) Made a pesticide recommendation or gave advice or used a pesticide inconsistent with the labeling, the EPA or Washington state registration for that pesticide, or in violation of the EPA or Washington state restrictions on the use of that pesticide: *Provided*, That a person will not be in violation when following current EPA pesticide enforcement policies;

(c) Applied known ineffective or improper pesticides or materials;

(d) Operated a faulty or unsafe apparatus;

(e) Operated in a faulty, careless or negligent manner;

(f) Refused or neglected to comply with the provisions of the applicable sections of chapters 15.58 and 17.21 RCW, the rules adopted thereunder, or of any lawful order of the director;

(g) Refused or neglected to keep and maintain records required by chapter 15.58 RCW and regulations adopted thereunder, or to make reports when and as required;

(h) Made false or fraudulent records, invoices, or reports;

(i) Caused the application of a pesticide without having a licensed or certified applicator or operator in direct supervision;

(j) Operated an unlicensed apparatus or an apparatus without a license plate issued for that particular apparatus as provided for in chapter 17.21 RCW;

(k) Used, recommended, or supervised the use of a pesticide which is restricted to use by certified applicators without having qualified as a certified applicator;

(l) Used fraud or misrepresentation in making an application for a license, permit, or certification or renewal of a license, permit or certification;

(m) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license, permit or certification;

(n) Aided or abetted a certified applicator, or licensed person or an uncertified or unlicensed person to evade the provisions of chapters 17.21 and 15.58 RCW, conspired with such a certified applicator or licensed person or an uncertified or unlicensed person to evade the provisions of chapters 17.21 and 15.58 RCW or allowed one's license, permit, or certification to be used by another person;

(o) Made false, misleading statements or reports during or after an inspection concerning any infestation or infection of pests found on land;

(p) Made false or fraudulent reports and/or recommendations;

(q) Impersonated any state, county, or city inspector or official;

(r) Is not qualified to perform as a pest control consultant or pesticide dealer manager or certified applicator in the classifications in which he is licensed to operate or has operated, regardless of whether or not he has previously passed an examination provided for in chapter 15.58 RCW; or

(s) To have in his possession a department pesticide applicator, operator, dealer manager or pest control consultant examination or to remove or cause to remove any said examination from the department without expressed consent from the department. [Order 1538, § 16-228-180, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-180, filed 5/14/76.]

WAC 16-228-185 Restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers. (1) Any person applying pesticides to blooms of fruits, cover crops, and other plants shall regulate the timing and technique of application to minimize hazard to commercially important pollinating insects.

(2) No person shall transport, handle, store, load, apply, or dispose of any pesticide, pesticide container or apparatus in a manner that will pollute water supplies or waterways, or cause damage or injury to land, including humans, desirable plants and animals, pollinating insects, or wildlife: *Provided*, That a pesticide labeled for aquatic use and used as directed shall not be considered a violation of this subsection: *Provided further*, That disposing of pesticides at disposal sites approved by the local health department complies with the requirements of this subsection. Toxicity, volatility, and mobility of pesticides shall be considered in complying with this subsection.

(a) No person shall pollute streams, lakes, and other public water supplies in their pesticide loading and mixing operation. This includes using devices or procedures to prevent "back-syphoning."

(3) None of the following pesticides shall be applied by aircraft or airblast sprayers immediately adjacent to occupied schools in session, hospitals, nursing homes or other similar establishments under conditions that may result in contamination of these establishments or their premises:

Azodrin	Systox (demeton)
DiSyston-liquid	Temik
Endrin	Tepp
Parathion	Thimet (phorate)-liquid
Phosdrin	Zinophos
Schradan (OMPA)	

(4) No person shall apply pesticides if weather conditions are such that physical drift or volatilization may cause damage to adjacent land, including humans, desirable plants or animals.

(5) Requirements for unattended pesticides and their containers:

(a) Good generally accepted housekeeping practices must be maintained for all pesticides and their containers which are covered under chapter 15.58 RCW.

(b) The provisions of subsections (5)(d) and (e) shall not apply to empty pesticide containers when adequately decontaminated (e.g., three successive rinsings); shall not apply to categories 3 and 4 pesticide formulations labeled for home and garden use only; and shall not apply to drums of petroleum oils, limesulfur, and ferrous sulfate.

(c) For the purposes of subsections (5)(d) and (e), pesticides and their containers at the loading area shall not be considered unattended during the spraying operation if the operator maintains either visual control or repeatedly returns at closely spaced intervals.

(d) Category 1 — highly toxic pesticides which labeling requires the signal word "danger" and skull and crossbones insignia and the word "poison" on the label.

(i) These formulations and their containers shall be stored in one of the following enclosures which, when unattended, shall be so constructed and locked (except 5 below) to prevent children, unauthorized persons, livestock, or other animals from gaining entry. Appropriate warning signs shall be posted on these enclosures or containers. The warning signs shall carry the skull and crossbones symbol and the wording "Danger: – Poison (or pesticide or chemical) storage area – keep out" in letters large enough to be legible at a distance of 30 feet. The signs shall be posted to be visible from any direction.

1. Closed vehicle;
2. Closed trailer;
3. Building or room or fenced area with a fence at least six feet high.
4. Foot locker or other container which can be locked.
5. Unattended trucks or trailers must have solid sideracks and secured tailgate at least six feet above ground, ramp or platform level.

6. Bulk storage containers 50 gallons and larger with tight screw-type bungs and/or secured or locked valves.

(e) Category 2 — pesticides which labeling carries the signal word "Warning"; Categories 3 and 4 — pesticides which labeling carries a signal word "caution."

(i) These pesticide formulations and their containers shall be stored in secured storage out of the reach of children in one of the enclosures listed in subsection (d)(i): *Provided*, That metal containers, 28 gallons and larger, with tight screw-type bungs, secured or locked valves and sealed five gallon containers (requiring tool to unseal) shall be considered secured storage for pesticides covered in subsection (e).

7. No person shall disperse a pesticide from any aircraft while in flight except over the target field and at the customary application height for that crop: *Provided*, That emergency dumping shall not be considered a violation of this section. [Order 1538, § 16-228-185, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-185, filed 5/14/76. Formerly WAC 16-222-180.]

WAC 16-228-190 Applicator requirements. (1) Commercial applicators and public operators when applying any pesticide, and private commercial applicators and demonstration and research applicators when applying pesticides restricted to use by certified applicators only, shall keep records which shall include the following:

(a) The name of the person for whom the pesticide was applied.

(b) The address or location of the land where the pesticide was applied.

(c) The year, month, day and time the pesticide was applied.

(d) The person or firm who supplied the pesticide which was applied.

(e) The trade name and/or common name of the pesticide which was applied and/or EPA registration number for that product when available.

(f) The direction and estimated velocity of the wind and the temperature at the time the pesticide was applied: *Provided*, That this subsection does not apply to applications of baits in bait stations and pesticide applications within structures.

(g) The amount, or amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per 100 gallons) of the pesticide used.

(a) For PCO classification, the amount and concentration of the pesticide(s) applied which may be recorded to the nearest ounce of active ingredient or to the nearest gallon of liquid spray; fumigation records shall include the pounds of gas released per 1000 cubic feet of space, the temperature, and the duration of the exposure period.

(h) The pests to be controlled (for PCO classification only).

(i) Specific crop or site to which pesticide was applied.

(j) Apparatus license plate number

(k) Applicator's name and address and the name of the individual making the application.

(2) Application records shall be completed and available to the department the same day the pesticides were applied.

(3) Application records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

(4) Upon written request, the applicator shall provide the customer with a record of each application of pesticides to his land, for the current season, which shall contain the information listed in WAC 16-228-190(1).

(5) All apparatus shall be kept in good repair and shall use only that apparatus capable of performing all functions necessary to insure proper and thorough application of pesticides shall be used. Apparatus shall be cleaned so that no residue remains which may cause injury to land, including humans, desirable plants and animals, from subsequent applications.

(6) On demand of the director, the applicator shall make immediately available for inspection the pesticides being applied and the apparatus used for the application: *Provided*, That this inspection is made at the site of application of where the apparatus is located.

(7) The applicator shall make available necessary safety equipment in proper working order and advise his employees on its use to meet the safety requirements of the pesticide label.

(8) Maintain a uniform mixture at all times in operating apparatus when applying pesticides.

(9) All containers used for prepared mixtures, other than those in an apparatus, shall have a label identifying the contents as a pesticide, the active ingredient, and appropriate cautions. [Order 1538, § 16-228-190, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-190, filed 5/14/76. Formerly chapter 16-222 WAC.]

WAC 16-228-195 Compliance with federal requirements. All pilots and aircraft, used for or engaged in the commercial application of pesticides shall comply fully with the appropriate rules and regulations of the Federal Aviation Administration. [Order 1470, § 16-228-195, filed 5/14/76.]

WAC 16-228-210 Financial responsibility insurance certificate (FRIC). (1) A commercial pesticide applicator's license shall not be issued until a properly executed financial responsibility insurance certificate is filed with the department which shall certify: (Forms to be supplied by the department).

(a) Name of insured (identical to name on application form)

(b) Address of insured

(c) Policy number

(d) Plane number(s) (if applicable)

(e) Effective period

(f) Amount of insurance. Minimum requirements are:

(i) Public liability (personal injury) ($25,000.00); and property damage ($25,000.00); or

(ii) Alternately providing both public liability (personal injury), and property damage liability coverage

within the same limit, providing such policy is issued in an amount of not less than $50,000.00.

(iii) Amount of deductible (if applicable): Maximum deductible, $500 for aerial; $250 for all other applicators.

(g) List of any pesticides or group of pesticides not covered by the policy.

(h) Acknowledgement of provision for 10 days' prior written notice of cancellation or reduction of the insurance coverage. [Order 1470, § 16-228-210, filed 5/14/76.]

WAC 16-228-215 Application fee and FAA certificate. (1) An applicant shall complete the application form for his license and pay the required license application fee prior to being given pesticide examinations, unless prior arrangements have been made.

(2) Applicants for an aerial applicators license shall supply a current copy of their FAA operating certificate to the director prior to issuance of their license. [Order 1470, § 16-228-215, filed 5/14/76.]

WAC 16-228-220 Examination requirements. Any individual who fails any pesticide licensing examination twice shall be required to wait at least 30 days before retaking that examination a third time. Subsequent testing shall be at the director's discretion. [Order 1470, § 16-228-220, filed 5/14/76.]

WAC 16-228-225 Regulation of application of rodenticide baits. (1) PCO applicators and operators shall use rodenticide baits only under the following conditions:

(a) Applicators and operators in charge of baiting operations shall have had training in the use of rodenticides prior to applying them and shall have passed the department's general PCO examinations.

(b) Use only rodenticides that are registered for that use by the environmental protection agency (EPA), or the department; and adhere to the registered label warnings, precautions, use directions, and any regulations restricting their use.

(c) Rodenticides shall be placed only in locations that are not readily accessible to nonpest animals, children, and unauthorized persons, and in a manner that shall preclude contamination of food, feed, drugs, and other consumer commodities. Exposure within buildings shall not be above floor levels.

(d) Baits must be colored or otherwise formulated so that they will be identifiable from foods common to the establishment in which the bait is placed. All compound 1080 solutions shall be dyed black.

(e) When the use of bait boxes is necessary to insure that baits are not readily accessible to nonpest animals, children, and unauthorized persons, the bait boxes shall be of sturdy construction and designed to accomplish that purpose, and shall be labeled clearly with letters on contrasting background showing the following information:

(i) For the rodenticides warfarin, pindone (Pival), diphacinone (Diphacin), coumafuryl (Fumarin), chlorophacinone (Rozol) and other anticoagulants, the words "WARNING" — "RODENT BAIT" in letters not less than one-half inch in height and directly under, in letters not less than one-eighth inch in height the word "ANTICOAGULANT" — and name of the rodenticide.

(ii) For the baits containing zinc phosphide, arsenic, Red Squill, strychnine, alpha naphthylthiourea (Antu), Vacor (DLP-787, or barium carbonate, the words "WARNING" — "RODENT BAIT" — "POISON" in letters not less than one-half inch in height and the skull and crossbones, in red, not smaller than the letters; and in letters not less than one-eighth inch in height, the name of the rodenticide.

(iii) For the baits containing Sodium Fluoroacetate (1080), Fluoroacetamide (1081), and phosphorus paste the words "DANGER" — "RODENT BAIT" — "FATAL POISON" in red letters not less than one-half inch in height and the skull and crossbones insignia in red, not smaller than the letters and on contrasting background; and in letters not less than one-eighth inch in height, the name of the rodenticide.

(iv) The name of the firm and/or applicator, address, and the telephone number.

(v) Thallium shall not be used.

(f) Containers used for exposing rodenticides to pests shall be composed of tough, nonabsorbent, corrosion resistant materials and designed so they cannot be readily overturned or carried off by pest animals. Those containers that are used for exposing rodenticides outside of bait boxes shall bear a legible warning label with wording not less restrictive than requirements on bait boxes for rodenticides being used as per WAC 16-228-225(1)(e), (except of the size of lettering). Food containers, such as "meat boats" and "souffle cups" are unacceptable. Containers used for liquid bait exposure shall be water and/or liquid impervious.

(g) For residential areas, bait portions will be limited at each bait station to quantities containing no more than one-fourth (1/4) of a LD50 dose of the rodenticide for a 70 kilogram (approximately 154 pound) human. LD50 ratings shall be established by the director.

(h) All rodenticide stocks, when not in use or when unattended, shall be kept in locked storage or locked service vehicles. In addition, compounds 1080 and 1081 shall be kept in a locked container within locked storage or locked service vehicle.

(i) All containers used for storing or transporting rodenticide concentrates shall bear an EPA or department registered label, or in the case of bulk prepared baits, a label identifying the contents as rodent bait, the active ingredient and appropriate cautions.

(j) Servicemen's kits which contain rodenticides shall be handled with extra caution and shall not be left where children or other unauthorized persons or nontarget animals might remove contents.

(k) Upon completion of a rodent baiting operation, all bait boxes, containers, and/or throw bags, if they may become readily accessible to the public, shall be recovered for disposal in an approved manner.

(l) Wherever poisoned rodent carcasses jeopardize public sanitation, or create a health hazard to wildlife, domestic animals, or the public, they must be recovered

and disposed of by burning, burying not less than three feet below the soil surface, or placed in proper waste containers and delivered to an approved disposal site.

(m) When anticoagulant baits are placed outdoors they shall be placed into burrows, tunnels, deep holes, or in covered field rodent bait stations. Grain baits coated with anticoagulants and embedded in paraffin may be used in open bait stations. Compliance with WAC 16-228-225(1)(c) shall be maintained.

(n) Strychnine shall be applied only on grain baits except when used for the control of native rodents, such as porcupines, etc., which shall be in accordance with instructions issued by the United States Bureau of Sports Fisheries and Wildlife Service. [Order 1538, § 16-228-225, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-225, filed 5/14/76. Formerly WAC 16-220-210.]

WAC 16-228-230 Special restrictions on the use of compounds 1080, 1081 and phosphorus paste. (1) Compounds 1080 and 1081, and phosphorus paste shall be restricted for use as follows:

(a) No person shall possess or use these rodenticides except federal, state, county, or municipal officers or their employees for use in their official duties in pest control; research or chemical laboratories in their respective fields; pest control applicators and operators licensed by the state; and wholesalers or jobbers who distribute, sell, or export these pesticides to the aforementioned persons.

(b) No person shall use these rodenticides in occupied structures such as private homes, apartment houses, other human dwellings of food service establishments. Those persons authorized in subsection (a) above shall use these rodenticides only when buildings such as grain elevators, seed houses, warehouses, portions of these buildings being baited are under control of the licensee. A controlled building is one that is locked or attended and that is under at least once-a-day surveillance by the licensee, unless authorized as per WAC 16-228-230(1)(g).

(c) Compounds 1080 and 1081 may be used only by authorized persons who have read and will comply with the "Instructions For Using Sodium Fluoroacetate (Compound 1080)," by the National Research Council and all other labeling of the registrant, and are familiar with hazards of the above compounds.

(d) Compounds 1080 and 1081 may be used in warehouses and industrial buildings only when warning signs are used which are not less than 8" x 10" with the words "DANGER" — "FATAL POISON" — "RODENT BAITS" in red letters not less than one inch in height on a contrasting background and the skull and crossbones, in red, not smaller than the letters. These signs must be conspicuously posted at all entrances to the building and portions of the building under control of the licensee. Below is the suggested format:

DANGER

FATAL POISON – RODENT BAIT

IN THIS AREA

 DO NOT TOUCH BAITS 

OR DEAD ANIMALS

Name, address, and phone number of applicator

All authorized personnel in the building must be notified of the baiting; a diagram showing the number of bait stations and the location of each on the premises must be readily available on the property; and a copy of such diagram must be in the possession of the licensee who is performing the baiting operation.

(e) No person shall use compounds 1080 and 1081, or phosphorus paste unless all unused baits are recovered and disposed of appropriately at the end of the baiting operation. Carcasses shall be recovered daily and disposed of as per WAC 16-228-225(1)(l).

(f) Food baits containing compounds 1080 and 1081, or phosphorus paste in nonwater form may be used only in controlled dumps and only if the bait is composed of a dry crumbly particle-type, or in a thin paste so that the bait cannot be readily carried to other areas by rodents. This bait shall be placed in such a manner so that it will not be readily accessible to birds, desirable animals, or the public. When placed in burrows, the bait should be put far enough into the burrow so that domestic animals cannot reach it readily. Baits applied to dumps should be placed beneath objects, in containers, or into holes so that it is inaccessible. Appropriate warning cards, as per WAC 16-228-230(1)(d) shall be conspicuously displayed in adequate numbers whenever compounds 1080 and 1081 or phosphorus baits are used on public property or on private property accessible to the public.

(g) Any authorized person desiring to use these rodenticides in any areas other than licensee-controlled buildings; controlled dumps; sanitary sewers; or in emergency situations where application sites are controlled and attended, such as waterfronts, shall apply for and obtain a permit from the director prior to applying the rodenticide. These permits may be issued by the department if, after an on-site inspection, the department determines that:

(i) Good housekeeping and sanitary procedures are being followed to help control the rodent population;

(ii) Rodent populations and conditions are such that an emergency situation exists and less toxic rodenticides and other control measures will not be adequate for the needed rodent control;

(iii) The applicant designates a competent trained person to be named on the permit, who will accept responsibility for properly collecting and disposing of dead rodents; and

(iv) A date is given for completion of the baiting operation (not more than 30 days duration) when the licensee will service the bait boxes and determine if a renewal of the permit is necessary. [Order 1470, § 16-228-230, filed 5/14/76. Formerly WAC 16-220-215.]

WAC 16-228-235 Purpose of order. The purposes of this administrative order are (1) to provide for an orderly two year phase-out in the use of the pesticide endrin for orchard use in the state of Washington, (2) to provide for a public hearing prior to the 1985 application season to determine whether it is necessary to have a crisis permit process for endrin, (3) to establish criteria for the crisis use (if any) of endrin, and (4) to establish an endrin advisory committee to advise the director regarding the use of endrin. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-235, filed 8/1/83.]

WAC 16-228-240 Endrin use in orchards--1983 to 1984. (1) From the effective date of this order until December 31, 1984, the sale and use of endrin in Washington state orchards shall not exceed six thousand gallons. In administering this provision, the department shall observe the following limitations:

(a) 1983 sale and use of approximately four thousand gallons or less;

(b) 1984 sale and use of approximately two thousand gallons or less;

(2) In administering this provision, the department shall make a fair allocation for distributors, retailers and users of the chemical based upon existing inventories and the historical sale, use and distribution of endrin in local areas in Washington state. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-240, filed 8/1/83.]

WAC 16-228-245 Endrin application to orchards. (1) All references to endrin in WAC 16-228-010 through 16-228-230 shall apply: *Provided*, That when there is a conflict WAC 16-228-235 through 16-228-290 shall prevail.

(2) Applications of endrin shall not be made to an orchard in the state of Washington until:

(a) The orchard has been inspected by a licensed pest control consultant; and

(b) The Washington state department of game has been requested and provided an opportunity to have a department representative inspect the orchard. The orchardist shall contract the department of game and request such an inspection at or about the time the request for inspection is made to the licensed pest control consultant.

(3) The inspection by the consultant and game representative shall be for the purpose of determining whether there is a need for meadow vole control after the following criteria have been met:

(a) There is proof of meadow vole activity. This must be measured by some type of population level monitoring technique, i.e., number of meadow voles per tree or amount of visible feeding on apples on ground, or there is documentation indicating there has been a problem of meadow vole populations migrating into the orchard from bordering lands after snowfall;

(b) Alternative rodenticides have been used and have not been effective;

(c) Proper cultural and integrated pest management practices such as mowing of cover crop and weed control around trees have been followed during the past year and have not been effective.

(d) The application shall not become a source of contamination of streams, rivers, ponds or lakes because of close proximity or direct surface drainage to these bodies of water. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-245, filed 8/1/83.]

WAC 16-228-250 Written recommendation--Licensed consultant--Game representative. (1) The game representative may prepare a written recommendation which shall contain documentation of the criteria set forth in WAC 16-228-245(3). The licensed pest control consultant shall prepare a written recommendation which shall contain documentation of the criteria set forth in WAC 16-228-245(3) and, in addition, shall include the following:

(a) Name and address of the grower;

(b) Address or location of orchard;

(c) Number of acres to be treated;

(d) Number of trees per acre;

(e) Amount of endrin needed to treat the orchard;

(f) Rate of application;

(g) Any special precautions of which the orchardist should be made aware.

(2) Two copies of the consultant's recommendation and the game representative's report, if any, must be given to the grower, one copy must be sent to the department of agriculture within seven days after the recommendation or report is made, and one copy must be retained by the consultant.

(3) This section shall be valid until December 31, 1984. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-250, filed 8/1/83.]

WAC 16-228-255 Distribution--Dealer records. (1) Endrin shall be distributed for meadow vole control only by a licensed pesticide dealer to certified applicators or their duly authorized representative. A copy of any written recommendation by the licensed consultant and game representative and, where applicable, a copy of the permit issued by the department, must be presented to the dealer before the endrin is delivered.

(2) Licensed dealers shall keep records on each sale of endrin which shall include the following:

(a) Name and address of the certified applicator;

(b) Applicator or operator certificate or license number;

(c) Name of authorized agent;

(d) Date of purchase;

(e) Brand name and Environmental Protection Agency registration number;

(f) Amount sold;

(3) Pesticide dealers shall keep the written recommendations or permits and dealer records for a period of two years from the date of distribution. Pesticide dealers shall submit copies of the sales records to the director within thirty days of the date of each sale. [Statutory

Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-255, filed 8/1/83.]

WAC 16-228-260 Application restrictions. (1) The application of endrin shall be restricted to a swath of four feet on each side of the apple tree row. Application shall be made only with ground equipment that is designed to restrict the spray to the four-foot swath with a minimum of drift.

(2) Spray pressure shall not exceed fifty psi: *Provided*, That when a drift control agent has been added to the spray mixture, the spray pressure shall not exceed four hundred psi. Handgun applications using a spray pressure exceeding seventy-five psi must be made with the operator walking next to the four-foot application swath and spraying from the tractor seat shall be prohibited.

(3) Applications shall not be made if the wind velocity is more than five miles per hour from any direction.

(4) Endrin shall not be applied to a snow cover.

(5) Recommendations prepared by licensed pest control consultants shall be on a form prepared by the department and shall set forth these restrictions in the recommendation, together with a certification that the applicators and orchardists who are to use the endrin have been informed of and understand the restrictions set forth in WAC 16-228-260 and 16-228-265. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-260, filed 8/1/83.]

WAC 16-228-265 Posting requirements. (1) Orchards sprayed with endrin must be posted with signs for a period of not less than thirty days from the date of application with the words "POISON - KEEP OUT" printed in both English and Spanish in letters large enough to be legible at a distance of thirty feet and accompanied by a skull and crossbones symbol. The sign also shall contain the statement "area sprayed with endrin."

(2) The signs shall be posted so as to be readily visible from any point of entry into the orchard.

(3) Workers shall be notified that there shall not be reentry into the orchard for thirty days after the application unless rubber boots are worn. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-265, filed 8/1/83.]

WAC 16-228-270 Permit. (1) Until December 31, 1984, a special permit shall be obtained by the grower from the Washington state department of agriculture:

(a) To make an application of endrin after November 30;

(b) To make an application of endrin to any one orchard for two consecutive years; or

(c) To allow border applications of endrin to exceed the four-foot swath limit after evidence of renewable infestation from bordering lands has been documented by a licensed pest control consultant.

(2) No special permit shall be issued except upon the criteria and recommendations required by WAC 16-228-235 through 16-228-265.

(3) This section shall be valid until December 31, 1984. After that date, no application of endrin shall be made to orchards in Washington, unless the department of agriculture establishes a crisis permit process as provided in WAC 16-228-285. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-270, filed 8/1/83.]

WAC 16-228-275 Applicator records. (1) The applicator must keep records on the use of endrin which shall include the following:

(a) Name and address of grower;

(b) Location or address of orchard treated;

(c) Date of application;

(d) Number of acres treated;

(e) Amount of endrin used;

(f) Type of equipment used;

(g) Meadow vole population threshold criteria used;

(h) Name of licensed consultant making recommendation;

(i) Cultural practices and other rodenticides used prior to the use of endrin;

(j) Name of person or firm who supplied the endrin which was applied;

(k) Disposal method for empty containers and spray tank residues;

(l) A certification that all restrictions on application were observed.

(2) Applicators shall submit a copy of these records to the department within thirty days after the date of application. The applicator shall be required to keep these records for a period of two years. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-275, filed 8/1/83.]

WAC 16-228-280 Endrin advisory committee. (1) The director shall appoint an endrin advisory committee as an ad hoc committee of the pesticide advisory board, which shall have the following membership:

(a) A representative of the department of ecology, as designated by the director of that agency;

(b) A representative of the department of social and health services, as designated by the director of that agency;

(c) A representative of the department of agriculture, as designated by the director of that agency;

(d) A representative of the department of game, as designated by the director of that agency;

(e) A representative of Washington State University, as designated by the president of that university;

(f) An orchardist residing in the state of Washington;

(g) A licensed pest control consultant residing in the state of Washington; and

(h) A member of the environmental community residing in the state of Washington.

(2) Upon appointment, the endrin advisory committee shall commence a review of the orchard uses of endrin in Washington considering location, amount, frequency and effectiveness of use. The committee shall also study:

(a) Methods of cultural practices to reduce meadow vole populations in orchards;

(b) Methods of determining the size of meadow vole populations; and

(c) Feasible alternatives to use of endrin in orchards.

(3) The committee's findings shall be set forth in a report to the director of the department of agriculture and the pesticide advisory board, to be submitted prior to December 31, 1984. The committee and the board may, based upon findings of the study, recommend further restrictions regarding distribution, use and application of endrin after December 31, 1984.

(4) The department of agriculture will provide the endrin advisory committee members with travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereinafter amended for each day spent in actual attendance at or traveling to and from meetings of the committee, or special assignments for the committee as approved by the director. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-280, filed 8/1/83.]

WAC 16-228-285 Endrin use in orchards after December 31, 1984--Crisis permits--Permit requirements. (1) After December 31, 1984 and prior to the 1985 application season, the director may conduct a public hearing to determine the criteria for crisis use permits, if it appears that such permits may be needed, taking into consideration the recommendations of the endrin advisory committee and the pesticide advisory board. The director shall not establish a crisis permit process unless the director first finds from the record that:

(a) A substantial need exists among Washington orchardists for a crisis permit process for endrin use;

(b) Alternatives to endrin are insufficient to meet this need;

(c) The horticulture community has requested the establishment of a crisis permit process based on incidents which show an inability to control meadow voles despite the use of alternatives to endrin.

(2) If the director makes the findings required by subsection (1), these determinations shall be set forth in writing and shall explain the basis for his decision.

(3) If the director makes the findings required by subsection (1), a crisis permit process for the use of endrin may be established which shall include but not be limited to the following procedures. The department shall not grant a crisis permit unless an applicant establishes the following:

(a) The criteria in WAC 16-228-245 have been met.

(b) A licensed pest control consultant shall have inspected the orchard and prepared a written recommendation containing information required by WAC 16-228-250 and certifying that the criteria in WAC 16-228-245 have been met.

(c) The Washington state department of game has been requested and provided an opportunity to have a department representative inspect the orchard and submit a written report to the department stating whether the criteria in WAC 16-228-245 have been met. The orchardist shall contact the department of game and request such an inspection at or about the time the request for inspection is made to the licensed pest control consultant.

(d) Two copies of any reports made by the game representative and the consultant's recommendations shall be given to the grower and one copy shall be sent to the department.

(e) To apply for a permit, the grower shall submit to the department copies of any reports and recommendations of the game representative and consultant, together with any additional information which the department may require, and a request for a crisis permit. If, after reviewing the request and supporting documentation, the department concludes that endrin is the only feasible method for controlling meadow voles in the applicants' orchards, that meadow voles pose a substantial threat to the orchard and that there is a crisis that precludes the option of trying additional alternatives to endrin, the department may issue a crisis permit for use of endrin to the applicant. The permit shall specify the amount of endrin which may be used and the time and place where it may be applied, and no applicator may apply a greater amount of endrin than specified in the permit, or apply such endrin in a different place or time than is specified in the permit or without meeting the minimum application restrictions of WAC 16-228-260.

(f) No dealer shall sell any endrin for orchard use after December 31, 1984, except to a purchaser who provides a copy of a crisis permit for the use of endrin from the department of agriculture, and no sale of endrin shall exceed the amount specified in such crisis permit. Dealers shall record the sale of endrin together with a copy of the permit submitted by the purchaser, and such records shall be submitted to the department of agriculture within thirty days of sale. The dealer shall also keep a copy of such records and permits for a period of two years from the date of each sale.

(4) No sale, distribution or application of endrin for orchard use in Washington shall be allowed after December 31, 1984, without a crisis permit from the department of agriculture. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-285, filed 8/1/83.]

WAC 16-228-320 Heptachlor treated grain seed--Definition. Any grain seed treated with heptachlorotetrahydro-4,7-methanoindene (heptachlor) is hereby declared to be a pesticide. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-090 (Order 1641), § 16-228-320, filed 6/29/79.]

WAC 16-228-330 Use and distribution. (1) Heptachlor treated grain seed is hereby declared to be a restricted use pesticide and the use or application of any heptachlor treated grain seed for commercial plantings shall be prohibited on all irrigated land within an area starting at the common boundary of Klickitat and Benton county and the Columbia River; thence north along the county boundary fourteen miles more or less to the common township line between T6N and T7N; thence east along the township line twenty-nine miles more or less to the common range line between R28E and R29E; thence south along the range line six miles more or less to the Columbia River; thence westerly

along the Columbia River to the point of beginning, including the Umatilla National Wildlife Refuge lying in Benton County in Washington state.

(2) Heptachlor treated grain seed shall be secured during transit within the state of Washington by use of side and/or end racks, bracings, chocks, tiedowns, tarps or other means to prevent the treated seed containers or the treated seed from falling or blowing off the vehicle with normal vehicle acceleration, travel speed, deceleration, or change in direction.

(3) Heptachlor treated grain seed shall be handled in such a manner as to prevent any spillage within the state of Washington. Should spillage of the treated seen occur, the seed spill must immediately be cleaned up to prevent any hazard to wildlife, domestic animals or humans.

(4) Heptachlor treated grain seed shall be exempt from the pesticide registration requirements of sections 15.58.050 and 15.58.130 of the Washington Pesticide Control Act chapter 15.58 RCW. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-090 (Order 1641), § 16-228-330, filed 6/29/79.]

WAC 16-228-900 Penalties. Any person who violates the provisions of these regulations shall be guilty of a misdemeanor pursuant to RCW 15.58.330 and 17.21-.310. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-900, filed 8/1/83.]

Chapter 16-230 WAC
USE OF CHEMICALS AND CHEMICALLY TREATED MATERIALS IN CERTAIN COUNTIES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-230-070 Parathion, metacide and methyl parathion—Use when. [Order 916, Regulation 7, filed 4/22/63; Order 887, Regulation 7, filed 4/17/62.] Omitted from Orders 945 and 980 which superseded Orders 916 and 887.

16-230-200 Walla Walla County Area 2. [Order 1545, § 16-230-200, filed 11/30/77.] Repealed by 79-02-046 (Order 1591), filed 1/29/79. Statutory Authority: Chapters 15.58 and 17.21 RCW.

Reviser's note: The table below contains a list of orders of the department of agriculture relating either to prohibition of or restriction in use of certain herbicide chemicals. Although filed in the code reviser's office, these orders are not here published, partly because each is applicable to only limited local areas and partly because most are of short duration. Copies of these orders may be obtained from the department of agriculture.

Counties where applicable	Order Number
Adams	1509, 1435, 1392, 1341, 1290, 1242, 1202, 1190, 1169, 1139
Benton	1510, 1384, 1342, 1285, 1235, 1191, 1007, 933, 900, 883, 880
Chelan	1344, 1295, 1240, 1241, 1202, 1169, 1040, 1039, 938, 909, 883, 878
Columbia	1511, 1437, 1387, 1335, 1243, 1177, 1078, 1003, 905, 883, 872
Douglas	1344, 1295, 1240, 1241, 1202, 1169, 1040, 1039, 938, 937, 910, 909, 883, 878, 877
Douglas/Chelan	1512, 1438, 1390

Counties where applicable	Order Number
Franklin	1513, 1439, 1385, 1343, 1286, 1236, 1192, 1139, 1006, 934, 904, 883, 881
Garfield	1514, 1440, 1388, 1334, 1168, 1131, 1079, 1038, 906, 883, 874
Grant	1515, 1441, 1391, 1345, 1289, 1241, 1202, 1169, 1139, 1040, 938, 909, 883, 878, 706
Klickitat	1516, 1442, 1383, 1337, 1288, 1233
Lincoln	1517, 1443, 1393, 1336, 1293, 706
Okanagan	1518, 1444, 1389, 1333, 1240, 1039, 937, 910, 883, 877
Spokane	1519, 1445, 1394, 1339, 1179, 1108, 963, 943, 908, 883, 875
Walla Walla	1520, 1446, 1386, 1348, 1287, 1198, 1037, 1002, 903, 883, 873
" (Desiccants and defoliants)	1227, 1237, 1130, 1062, 1029, 964
" (Insecticides on corn)	1228, 1140, 1075, 1073, 960
Whitman	1521, 1447, 1395, 1338, 1291, 1129, 1080, 935, 901, 883, 876
Yakima	1522, 1448, 1382, 1340, 1284, 1234, 1178, 1176, 1073, 1042, 883, 882
Miscellaneous areas of state	1508, 1381, 1371, *1357, 1347, 1299, 1298, 1074, 959, 942, 939, 902, 899, 885
All counties of the state	1529, 1434, 1426

*1357 Repealed by Order 1545, filed 11/30/77.

WAC 16-230-001 Promulgation. I, Donald W. Moos, director of agriculture, by virtue of the authority vested in me under chapter 17.21 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Walla Walla on December 13, 1966, do hereby promulgate the following regulations relating to the use and application of restricted use pesticides on blossoming alfalfa, clover, and mint. [Order 1041, Promulgation, filed 2/15/67, effective 3/20/67; Order 980, Promulgation, filed 4/6/65; Order 945, filed 3/30/64; Order 916, filed 4/22/63; Order 887, filed 4/17/62.]

WAC 16-230-010 Restricted use pesticides--Area. (1) The following agricultural pesticides are by this order declared to be restricted use pesticides in all counties of the state of Washington: Abate, Aldrin, Banol, Baytex, BHC (Benzene Hexachloride), Bidrin, Bomyl, Chlordane, Diazinon, Dibrom, Dieldrin, Dilan, Dimethoate (Cygon), Di-Syston, DDT, Delnav, Demeton (Systox), Dylox, Endrin, EPN, Ethion, Ethyl-Methyl Guthion, Heptachlor, Imidan, Lindane, Malathion, Menazon, Metacide, Metasystox R, Methoxychlor, Methyl Parathion, Methyl Trithion, NPD, Parathion, Perthane, Phorate, Phosdrin, Phosphamidon, Phostex, TDE (Rhothane or DDD), TEPP, Thiocron, Thiodan, Toxaphene, Trithion, Vapona, and Zectran.

(2) Area under order. All counties of the state of Washington. [Order 1041, Regulations 2 and 3, filed 2/15/67, effective 3/20/67; Order 980, Regulations 2 and 3, filed 2/30/64; Order 916, Regulation 1, filed 4/22/63; Order 887, Regulation 1, filed 4/17/62.]

WAC 16-230-015 Definition. The term "blossoming alfalfa or clover" as used in this order shall be when there are five or more blooms per square yard on the average in a given field: *Provided,* That following the first cutting the bloom count shall be taken only on the current crop. For the purpose of this regulation, a "bloom" is defined as any clover head or alfalfa raceme containing one or more open flowers. [Order 1041, Regulation 1, filed 2/15/67, effective 3/20/67; Order 980, Regulation 1, filed 4/6/65; Order 945, Regulation 1, filed 3/30/64.]

WAC 16-230-020 Nonuse on blossoming alfalfa and clover crops. The use or application of the following listed pesticides, or any formulation thereof (except where formulation is specified) shall be prohibited on blossoming alfalfa and clover crops.

(a) Aldrin
(b) Banol
(c) Baytex (Fenthion)
(d) BHC (Benzene Hexachloride)
(e) Bidrin
(f) Bomyl
(g) Chlordane
(h) Diazinon
(i) Dibrom (Naled) (dust)
(j) Dimethoate (Cygon)
(k) EPN
(l) Ethyl-Methyl Guthion
(m) Guthion
(n) Heptachlor (except granular)
(o) Imidan
(p) Lindane
(q) Malathion (dust)
(r) Metacide
(s) Methyl Parathion
(t) Methyl Trithion
(u) Parathion
(v) Phosdrin (mevinphos) (dust)
(w) Phosphamidon
(x) Vapona (DDVP) (Dichlorvos)
(y) Zectran

[Order 1041, Regulation 4, filed 2/15/67, effective 3/20/67; Order 980, Regulation 4, filed 4/6/65; Order 945, Regulation 4, filed 3/30/64; Order 916, Regulation 2, filed 4/22/63; Order 887, Regulation 2, filed 4/17/62.]

WAC 16-230-030 Use chemicals--Time when. The use or application of the following listed pesticides or any formulation thereof on blossoming alfalfa and clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise the following morning: *Provided*, That Endrin, Abate, and DDT plus Toxaphene may only be applied to blossoming clover crops pursuant to this regulation and their application to blossoming alfalfa shall be made pursuant to WAC 16-230-050

(a) Abate
(b) DDT
(c) Delnav
(d) Demeton (Systox)
(e) Dibrom (Emulsifiable Concentrate)
(f) Dieldrin (Granular)
(g) Dilan
(h) Di-Syston
(i) Dylox (Trichlorphon)
(j) Endrin
(k) Ethion
(l) Heptachlor (Granular)
(m) Menazon
(n) Metasystox R (Methyl Demeton)
(o) Methoxychlor
(p) NPD
(q) Perthane
(r) Phorate (Thimet-Granular)
(s) Phosdrin (Mevinphos) (Liquid)
(t) Phostex
(u) TDE (Rhothane or DDD)
(v) TEPP
(w) Thiocron
(x) Thiodan (Endosulfan)
(y) Toxaphene
(z) Trithion (Carbopenothion)

[Order 1041, Regulation 5, filed 2/15/67, effective 3/20/67; Order 980, Regulation 5, filed 4/6/65; Order 945, Regulation 5, filed 3/30/64; Order 916, Regulation 3, filed 4/22/63; Order 887, Regulation 3, filed 4/17/62.]

WAC 16-230-040 Spray chemicals--Time when. The use or application of the pesticides known as Dibrom (Naled) (wettable powder), Malathion, and Phorate in emulsifiable, liquid, or wettable powder formulations applied as sprays on blossoming alfalfa or clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight of the same day. [Order 1041, Regulation 6, filed 2/15/67, effective 3/20/67; Order 980, Regulation 6, filed 4/6/65; Order 945, Regulation 6, filed 3/30/64; Order 916, Regulation 4, filed 4/22/63; Order 887, Regulation 4, filed 4/17/62.]

WAC 16-230-050 Endrin spray or dust--Time when. The use or application of the pesticides Endrin, Abate, and DDT plus Toxaphene in either spray or dust formulations applied on blossoming alfalfa is restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight of the same day. [Order 1041, Regulation 7, filed 2/15/67, effective 3/20/67; Order 980, Regulation 7, filed 4/6/65; Order 945, Regulation 7, filed 3/30/64; Order 916, Regulation 5, filed 4/22/63; Order 887, Regulation 5, filed 4/17/62.]

WAC 16-230-060 Dieldrin Sevin--Spray or dust--Time when. The use or application of the pesticides known as Dieldrin and Sevin (Carbaryl) in either spray or dust formulations on alfalfa and clover crops is permissible **only** if applied 7 days or more prior to blossoming. [Order 1041, Regulation 8, filed 2/15/67, effective 3/20/67; Order 980, Regulation 8, filed 4/6/65; Order 945, Regulation 8, filed 3/30/64; Order 916, Regulation 6, filed 4/22/63; Order 887, Regulation 6, filed 4/17/62.]

WAC 16-230-075 Malathion, Phosdrin and TEPP--Time when. The use or application of the pesticides known as Malthion, Phosdrin (mevinphos), and TEPP on blossoming mint crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise: *Provided*, That this time restriction shall apply to TEPP only if the federal registration allowing the use of Kelthane on mint is reinstated. [Order 1041, Regulation 9, filed 2/15/67, effective 3/20/67; Order 980, Regulation 9, filed 4/6/65; Order 945, Regulation 9, filed 3/30/64.]

WAC 16-230-080 Time of sunrise and sunset. (1) The use or application of restricted use insecticides listed in WAC 16-230-030, on blossoming alfalfa in Walla Walla County is restricted to applications only within the period beginning at sunset and ending at 2:00 a.m. the following morning.

(2) For the purpose of this order, the time of sunrise and sunset will be that of the official tables, U.S. Weather Bureau, Yakima, Washington. [Order 1041, Regulation 10, filed 2/15/67, effective 3/20/67; Order 980 (part), filed 4/6/65; Order 945 (part), filed 3/30/64; Order 916 (part), filed 4/22/63; Order 887, Regulation 7, filed 4/17/62.]

WAC 16-230-085 Aircraft carrying restricted use pesticides--Permission required. Aircraft carrying restricted use pesticides are prohibited from turning and/or low flying over cities, towns, or residences belonging to any person other than the owner of the property being treated, *Except* by permission of the person whose residence is involved. [Order 1041, Regulation 11, filed 2/15/67, effective 3/20/67.]

WAC 16-230-090 Restrictions in certain areas. An area north of Harrah and White Swan to the Ahtanum Ridge described as follows:

(1) All irrigated lands lying within an area starting at the SW corner of Sec. 29, T11N, R17E; thence east to and along the Bench Road to the Stephenson Road; thence north one mile to the Progressive Road; thence

east two miles along the Progressive Road to the Barkes Road; thence north two miles to the West Wapato Road; thence east 5 miles to the north Harrah Road; thence north one mile to the Wright Road; thence east 1/2 mile; thence north four miles to the summit of the Ahtanum Ridge.

(2) Restrictions. The use or application of those insecticides listed in WAC 16-230-030, on blossoming mint, is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise the following morning. [Order 1041, Regulation 12, filed 2/15/67, effective 3/20/67.]

WAC 16-230-100 Regulations pertaining to the collection of special program fees on sales of 2,4-D--Promulgation. I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 17.21 and 15.58 RCW, after due notice as provided under chapters 34.04 and 42-.32 RCW, and a public hearing held in Yakima, Washington on September 29, 1975 do hereby promulgate the following regulations relating to special program fees. [Order 1424, § 16-230-100, filed 10/2/75.]

WAC 16-230-101 Promulgation. (This promulgation relates to Order 1424, WAC 16-230-110, 16-230-115 and 16-230-120.)

I, Steward Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 17.21 and 15.58 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW, and a public hearing held in Yakima, Washington on April 28, 1976 do hereby promulgate the following regulations relating to special program fees. [Order 1469, § 16-230-101, filed 5/14/76.]

WAC 16-230-110 Regulations pertaining to the collection of special program fees on sales of 2,4-D--Definitions. For the purpose of these regulations: (1) "First distributor" is any person who distributes to the retail dealer, applicator, or the ultimate user *in the state of Washington* any restricted use herbicide: *Provided*, That any retail dealer, applicator, or ultimate user who obtains a restricted use herbicide from *outside* the state for distribution or use within the state shall be a first distributor for those quantities of restricted use herbicide so obtained.

(2) "Retail dealer" is any person who distributes a restricted use herbicide to the ultimate user or applicator for use within the state.

(3) "Applicator" is a commercial applicator, public operator or any other person who applies pesticides to the lands of another in the state of Washington.

(4) "Ultimate user" is any person other than the applicator who uses a restricted use herbicide in the state of Washington.

(5) "Restricted use herbicide" means all formulations of pesticides containing 2,4-Dichlorophenoxyacetic Acid: *Provided*, That consumer-sized packages no larger than one gallon liquid measure or five pounds dry weight and which are labeled and intended for home and garden use only and fertilizer-pesticide mixes when distributed in packages of fifty pounds or less for home and garden use only shall be excluded. [Order 1469, § 16-230-110, filed 5/14/76; Order 1424, Regulation 1 (codified as WAC 16-230-110), filed 10/2/75.]

WAC 16-230-115 Procedure for collecting special program fees. (1) Each first distributor of a restricted use herbicide in this state shall pay to the department a fee of five cents per pound of active ingredient of restricted use herbicide distributed by such person during the year beginning July 1, 1979 and ending June 30, 1980: *Provided*, That when computing the pounds of active ingredient on which the fees must be paid, distribution for use outside the state by the first distributor may be excluded.

(2) When more than one first distributor is involved in the distribution of a restricted use herbicide the initial first distributor meeting the criteria of WAC 16-230-110(1) is responsible for reporting the pounds of active ingredient of restricted use herbicides and paying the fee, unless the reporting and paying of fees have been made by another distributor of restricted use herbicides as per WAC 16-230-115(3).

(3) Any distributor other than the first distributor may act as an agent in paying the special program fee: *Provided*, That written agreement exists between the distributors, and: *Provided further*, That such written agreement has been approved by the director. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-016 (Order 1637), § 16-230-115, filed 6/12/79; 78-06-076 (Order 1576), § 16-230-115, filed 5/31/78; Order 1534, § 16-230-115, filed 7/1/77; Order 1469, § 16-230-115, filed 5/14/76; Order 1424, Regulation 2 (codified as WAC 16-230-115), filed 10/2/75.]

WAC 16-230-120 Procedure for submitting reports. (1) Each person made responsible by these regulations for the payment of fees for restricted use herbicides distributed in this state shall file a report with the department on January 1, 1980 and July 1, 1980 showing the number of pounds of such restricted use herbicides distributed during the six calendar months immediately preceding the date the report is due. When verifying such reports, the department may accept sales records or other records accurately reflecting the poundage sold. The appropriate fee, no less than the five dollar minimum fee, shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty day grace period. Such grace period shall expire on January 30, 1980 for the January 1, 1980 report and July 30, 1980 for the July 1, 1980 report. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-016 (Order 1637), § 16-230-120, filed 6/12/79; 78-06-076 (Order 1576), § 16-230-120, filed 5/31/78; Order 1534, § 16-230-120, filed 7/1/77; Order 1469, § 16-230-120, filed 5/14/76; Order 1424, Regulation 3 (codified as WAC 16-230-120), filed 10/2/75.]

WAC 16-230-150 Area under order--Restricted use desiccants and defoliants. (1) Area under order: All counties located east of the crest of the Cascade Mountains, including additional restrictions for Walla Walla County.

(2) Restricted use desiccants and defoliants: The following desiccants and defoliants are by this order declared to be restricted use desiccants and defoliants: 6,7–dihydrodipyrido (1,2–a:2',1'c) pyrazidiinimum dibromide, herein and commonly referred to as Diquat; Paraquat dichloride (1,1'–dimethyl–4,4'–bipyridinium dichloride, herein and commonly referred to as Paraquat; Mono (N,N dimethylalkylamine) salt of 7–oxabicyclo (2.2.1) heptane–2,3–dicarbonxylic acid, herein and commonly referred to as the amine salt of Endothall; and Dinoseb (2–sec–Butyl–4,6–dinitrophenol), herein and commonly referred to as Dinitro. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79–05–043 (Order 1598), § 16–230–150, filed 4/26/79; 79–02–046 (Order 1591), § 16–230–150, filed 1/29/79; Order 1545, § 16–230–150, filed 11/30/77.]

WAC 16-230-160 Ground equipment--Nozzle and pressure requirements for the entire area under order. (1) Nozzle requirements – a minimum orifice diameter of 0.072 inches shall be used for application of all restricted use desiccants and defoliants: *Provided*, That applications of Dinitro may use a minimum orifice diameter of 0.052 inches: *Provided further*, That a RD–2 raindrop nozzle shall be allowed.

(2) Pressure requirements – maximum pressure at the nozzles for all applications of restricted use desiccants and defoliants shall be 30 psi. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80–05–005 (Order 1682), § 16–230–160, filed 4/4/80; 79–02–046 (Order 1591), § 16–230–160, filed 1/29/79; Order 1545, § 16–230–160, filed 11/30/77.]

WAC 16-230-170 Aerial equipment--Boom length, pressure, nozzle requirement, nozzle height of discharge and smoke device requirements for the entire area under order. (1) Boom length restrictions:

(a) Fixed wing: The working boom length shall not exceed 3/4 of the distance from the center of aircraft to wing tip on each side of aircraft.

(b) Helicopters: The working boom length shall not exceed 6/7 of the distance from the center of rotor to rotor tip on each side of the aircraft for rotors 40 feet or under or 3/4 of the distance from the center of rotor to rotor tip on each side of the aircraft where the rotor exceeds 40 feet while applying restricted use desiccants and defoliants.

(2) Pressure restrictions: Maximum pressure at the nozzles for all aerial applications of restricted use desiccants and defoliants shall be 25 psi.

(3) Nozzle requirements for applications of restricted use desiccants and defoliants:

(a) Fixed wing:

(i) Aircraft shall not be equipped with core plates or any device or mechanism which would cause a sheet, cone, fan or other dispersion of the discharged material. Nozzle orifices shall not be less than 0.094 inches: *Provided*, That the RD8–46 Raindrop® nozzles may be used with a minimum orifice diameter of 0.156 inches;

(ii) Nozzles shall be directed downward and backward 135 degrees from the direction of flight.

(b) Helicopter:

(i) Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.063 inches;

(ii) Straight stream jet nozzles with a minimum orifice diameter of 0.125 inches with No. 46 core plates or larger;

(iii) RD8–46 Raindrop® nozzles may be used with a minimum orifice diameter of 0.156 inches;

(iv) Nozzles shall be directed downward and backward 135 degrees from the direction of flight for applications over 50 miles per hour and 90 degrees downward and backward for applications under 50 miles per hour.

(4) Height of discharge requirements by aircraft of restricted use desiccants and defoliants: The nozzles must be closed while either descending onto or ascending from the target field, and also ascending or descending over an obstacle or obstruction within the target field that would alter the height of application more than ten feet.

(5) Smoke device requirements: All aircraft applying restricted use desiccants and defoliants shall utilize a smoke device to determine wind directions and temperature inversion situations.

(6) The Washington state department of agriculture may issue a permit upon receipt of a written request to apply restricted use desiccants and defoliants within the area under order as described in WAC 16–230–150 with nozzles, nozzle type, drift control additives and/or arrangements other than those allowed herein. The director will consider safety factors and the possible exposure to susceptible crops in the areas of proposed application before a permit will be issued. [Statutory Authority: RCW 17.21.030. 82–14–081 (Order 1767), § 16–230–170, filed 7/6/82. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80–05–005 (Order 1682), § 16–230–170, filed 4/4/80; 79–02–046 (Order 1591), § 16–230–170, filed 1/29/79; 78–02–053 (Order 1548), § 16–230–170, filed 1/19/78; Order 1545, § 16–230–170, filed 11/30/77.]

WAC 16-230-180 Weather and evening cutoff requirements. (1) Weather conditions: Restricted use desiccants and defoliants shall not be applied when there is a temperature inversion, or if wind or weather conditions are such that damage could result to susceptible crops or ornamentals: *Provided*, That aircraft applications of Paraquat shall be prohibited until the temperature inversion ceiling at the site of application is 1,000 feet or greater. Aircraft must be equipped with thermometers to detect the height of the inversion.

(2) Evening cutoff: All applications of restricted use desiccants and defoliants shall be prohibited from three hours prior to sunset to one hour after sunrise the following morning except for applications of Paraquat in Area 2 and 3 of Walla Walla County (see WAC 16–230–190): *Provided*, That ground applications of Dinitro

may begin at sunrise the following morning. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-05-005 (Order 1682), § 16-230-180, filed 4/4/80; 79-02-046 (Order 1591), § 16-230-180, filed 1/29/79; Order 1545, § 16-230-180, filed 11/30/77.]

WAC 16-230-190 Restrictions on the use of Diquat and Paraquat in Walla Walla County. (1) Area 1 description – town of Walla Walla and vicinity: This area includes all lands lying within the town of Walla Walla and vicinity beginning at the Washington state line at the common boundary line between Sections 15 and 16, T6N, R34E, north along Hoon Road and continuing north on McDonald Bridge Road; across U.P.R.R. and Highway 12; thence north four miles more or less to the northwest corner of Section 10, T7N, R34E; thence east twenty miles to the northeast corner of Section 11, T7N, R37E; thence south seven miles more or less to the Washington–Oregon state line; thence west to point of beginning.

(2) Area 1 restrictions:

(a) The application of Paraquat or Diquat or any mix containing Paraquat or Diquat is hereby prohibited in Area 1: *Provided*, That the department, upon written request, may issue a permit for the use of Paraquat for special weed control in the area lying northwest of Dry Creek in Area 1.

(b) The loading and/or mixing of Paraquat or Diquat for aerial application is prohibited on any airstrip, airfield or any location within Area 1 of Walla Walla County. Aerial application equipment used for Paraquat or Diquat applications must be decontaminated prior to bringing the application equipment back into Area 1 of Walla Walla County: *Provided*, That the loading and/or mixing of Paraquat shall be allowed at the Walla Walla airport and those aircraft are restricted to exit and enter the airport to the north over Sections 10 and 11, T7N, R36E.

(3) Area 2 description – southern portion of Walla Walla County: This area includes all lands lying within an area encompassed by a line beginning at the Washington–Oregon border and the west section line of Section 14, T6N, R33E; thence north along the section lines five miles more or less to the Touchet River North Road; thence north on the Touchet River North Road five miles more or less to the Dodd Road; thence east along the Dodd Road to the Touchet River; thence northerly along the Touchet River to north section line of Section 6, T8N, R34E; thence east along section lines twenty–two miles more or less to the northeast corner of Section 2, T8N, R37E; thence south along section lines seven miles more or less to the southeast corner of Section 2, T7N, R37E; thence west along section lines twenty miles more or less to the southwest corner of Section 3, T7N, R34E; thence south along section lines seven miles more or less to the Washington–Oregon border; thence west along the border five miles more or less to the point of beginning.

(4) Area 2 restrictions:

(a) Paraquat restrictions:

(i) During the period of February 15 through November 1 of any year, the application of Paraquat or any mixture containing Paraquat must have prior approval by obtaining a written permit from the Washington state department of agriculture, and have a pesticide investigator on site at the time of any aerial application.

(ii) The application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature in the morning has risen at least 10 degrees above the night low temperature.

(b) Diquat restrictions:

(i) During a period of February 15 through November 1 of any year, the application of Diquat or any mixture containing Diquat is hereby restricted to ground apparatus only upon obtaining a permit from the Washington state department of agriculture.

(ii) Applications shall be limited to a total of 150 acres per day.

(iii) Prior to July 16 of each year, growers desiring to use Diquat must report their total number of acres of alfalfa seed to the Washington state department of agriculture on a form furnished by the department. By August 10 of each year, the department will allocate each grower the number of acres that Diquat may be used.

(iv) Permits will be valid for only 24 hours and will be issued each day for the following day's application. If weather conditions are such to prevent Diquat application, the department may renew the permits.

(v) Visco elastic additives must be added to all Diquat applications and applicable label directions for that product must be followed.

(5) Area 3 description – an area lying west of Area 2 in the southern part of Walla Walla County: This area includes all lands lying within an area encompassed by a line beginning at the Washington–Oregon border and the east section line of Section 15, T6N, R33E; thence north along the section lines five miles more or less to the Touchet River North Road; thence north on the Touchet River North Road five miles more or less to the Dodd Road; thence southwest along the Dodd Road and Maxwell Road four miles more or less to its intersection with the western section line of Section 6, T7N, R33E; thence south along the section lines eight miles more or less to the Washington–Oregon border; thence east along the Washington–Oregon border four miles more or less to the point of beginning.

(6) Area 3 restrictions:

(a) Paraquat restrictions:

(i) During the period of February 15 through November 1 of any year, the application of Paraquat or any mixture containing Paraquat must have prior approval by obtaining a written permit from the Washington state department of agriculture, and have a pesticide investigator on site at the time of any aerial application.

(ii) The application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature in the morning has

risen at least 10 degrees above the night low temperature.

(b) Diquat restrictions:

(i) During a period of February 15 through November 1 of any year, all applications of Diquat or any mixture containing Diquat is hereby restricted to ground apparatus only upon obtaining a written permit from the Washington state department of agriculture.

(ii) Visco elastic additives must be added to all Diquat applications and applicable label directions for that product must be followed. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-05-005 (Order 1682), § 16-230-190, filed 4/4/80; 79-05-043 (Order 1598), § 16-230-190, filed 4/26/79; 79-02-046 (Order 1591), § 16-230-190, filed 1/29/79; Order 1545, § 16-230-190, filed 11/30/77.]

WAC 16-230-250 Area under order. This order will be in effect in all counties of the state of Washington. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-250, filed 4/21/78.]

WAC 16-230-260 Definitions. (1) "Blossoming crops" as used in this order shall mean when there are five or more blooms per square yard on the average in a given field, when there are one or more open blooms per tree or vine in an orchard or vineyard, and when there are five or more weed blooms per square yard on the average for the area being measured for cover crops in orchards or vineyards, fence lines, ditch banks, or field, vineyard or orchard edges: *Provided*, That white blossomed pea plants and second bloom of pears shall be exempt from this definition.

(2) "Pollen shedding corn" shall mean that stage of growth when 10 percent or more of the corn plants in any one quarter portion of that field are showing spike anthers.

(3) "Properly marked honey bee apiaries" shall mean apiaries marked in accordance with RCW 15.60.030 as follows: "Each person owning or having bees in his possession shall register with the director the location of the bee yard, name, address, and phone number of the owner, and post at the bee yard a registration number as provided for herein, on or before April 1st each year. The director shall issue to each apiarist owning or operating more than twenty-five colonies in the state who is registered with the department a registration number, transferable, which shall be posted conspicuously at the entrance of each apiary at all times, not more than one hundred fifty feet from the bees. Bees placed in orchards for pollination shall be exempt from posting during placement."

(4) "Full bloom" shall be those dates as established by the state department of agriculture plant industry division for full bloom of red delicious apples. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-260, filed 4/21/78.]

WAC 16-230-270 Restrictions--Exemptions. Microencapsulated methyl parathion is hereby declared to be a restricted use pesticide and the use or application of the formulation shall be prohibited on all blossoming crops and on pollen shedding corn: *Provided*, That (1) On or after October 15 through May 15 of the following year, applications of microencapsulated methyl parathion shall be allowed (using label restrictions) on winter wheat for aphid control in the wheat growing areas of Eastern Washington.

(2) The application of microencapsulated methyl parathion shall be allowed (using label restrictions) in the Palouse area of Spokane and Whitman counties. This area shall be bounded on the north by an east-west line along longitude 47°30', in the southern portion of Spokane County, to the southern boundary of Whitman County. Applications of microencapsulated methyl parathion on white blooming peas in this area shall be prohibited within 1/2 mile of the breaks of the Snake River Canyon.

(3) Applications of microencapsulated formulations of methyl parathion shall be prohibited on orchards up to thirty days after full bloom of each year in the area under order.

(4) The use of microencapsulated methyl parathion shall be allowed, (using label restrictions) during the period starting thirty days after full bloom to sixty days after full bloom in all orchards within designated areas in the Wenatchee River Valley area from the mouth of the Wenatchee River through Leavenworth, excluding Mission Creek and Brender canyons; Entiat proper and the Entiat Valley area from the mouth of the Entiat River through Ardenvoir; and the Howard Flats area and the Chelan-Manson area from the mouth of the Chelan River to the town of Lake Chelan on the south side of Lake Chelan and to Antilon Creek on the north side of Lake Chelan. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-04-018 (Order 1595), § 16-230-270, filed 3/16/79; 78-05-042 (Order 1573), § 16-230-270, filed 4/21/78.]

WAC 16-230-280 Six-mile radius. The application of microencapsulated methyl parathion shall be prohibited on all blossoming crops and pollen shedding corn when properly marked honey bee apiaries occur within a six-mile radius of the blossoming crop or pollen shedding corn to be treated: *Provided*, That designated orchard areas in WAC 16-230-270(4) shall be excluded from this requirement during the period starting thirty days from full bloom to sixty days from full bloom. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-280, filed 4/21/78.]

WAC 16-230-290 Distribution. Microencapsulated methyl parathion shall be distributed only by licensed pesticide dealers to certified applicators or their authorized representative. Microencapsulated methyl parathion shall be applied only by certified applicators or by persons under the direct supervision of a certified applicator. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-290, filed 4/21/78.]

WAC 16-230-300 Supersedure. This order supersedes all previous restrictions related to the use of methyl parathion formulations where a conflict may exist in Order No. 1299 (relating to the restricted use of insecticides on corn actively shedding pollen). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-300, filed 4/21/78.]

WAC 16-230-400 Area under order. All lands lying within the borders of Spokane County. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-01-038 (Order 1585), § 16-230-400, filed 12/20/78.]

WAC 16-230-410 Restricted use herbicides. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides, including 2,4-D, 2,4,5-T, 2,4,5-TP and MCPA are hereby declared to be restricted use herbicides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-01-038 (Order 1585), § 16-230-410, filed 12/20/78.]

WAC 16-230-420 Area 2. (1) This area includes all lands lying within a boundary line starting at the intersection of State Highway 2 and Christianson Road; thence north two miles more or less to the northwest corner of Section 17, T25N, R41E; thence east five miles more or less to Hayford Road; thence north eight miles more or less to the northwest corner of Section 6, T26N, R41E; thence east ten miles more or less to the northeast corner of Section 3, T26N, R43E; thence south five miles more or less to the northeast corner of Section 34, T26N, R43E; thence east fourteen miles more or less to the Idaho-Washington border; thence south seven miles more or less to the common boundary line between T24N and 25N; thence west six miles more or less to Chapman Road; thence south one mile more or less along Chapman Road to the common boundary line between Sections 1 and 12, T24N, R44E; thence east thirteen miles more or less to the Cheney-Spokane Road; thence southwesterly along the Cheney-Spokane Road two miles more or less to the common boundary line between Sections 14 and 15, T24N, R42E; thence south one and one-half miles more or less to the southeast corner of Section 22, T24N, R42E; thence west one and one-half miles more or less to the Cheney-Spokane Highway; thence southerly one mile more or less along the Cheney-Spokane Highway to the common boundary line between Section 28 and 33, T24N, R42E; thence east six miles more or less to Interstate 90; thence southerly three miles more or less to the intersection of Interstate 90 and Salnave Road; thence northwesterly along the Salnave Road three miles more or less to its intersection with the Medical Lake-Tyler Road; thence north four miles more or less to the intersection of Hallet and Richey Road; thence east one mile more or less along Hallet Road to the intersection of Hallet Road and Brooks Road; thence north three miles more or less on Brooks Road to the intersection of Brooks Road and Highway 2; thence east one mile more or less along Highway 2 to the point of beginning.

(2) Area 2 restrictions.

(a) On and after May 1 through October 15, ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.036 inches.

(b) For roadside and right-of-way application drift reduction type systems such as directo-spray, raindrop or invert systems must be used.

(c) The use or application of low volatile ester formulations of restricted use herbicides is prohibited from May 1 through October 15: *Provided*, That the department, upon written request, may issue a permit for the use of low volatile formulations for special weed control.

(d) The application of restricted use herbicides is prohibited from three hours prior to sunset to sunrise the next day: *Provided*, That lawn and turf residential weed control, using nonvolatile formulations are exempt from the evening cutoff.

(e) The aerial application of restricted use herbicides is prohibited within Area 2: *Provided*, That the department may issue a special permit, upon written request, for special weed control.

(f) Restricted use herbicides shall not be applied on or after May 1 through October 15 when the temperature is 85° or above at the point of application.

(g) Ground applications of restricted use herbicides shall be allowed when using No. 2RD or 2RA raindrop nozzles: *Provided*, That the mean sustained wind velocity is fifteen miles per hour or less. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-039 (Order 1678), § 16-230-420, filed 2/20/80; 79-01-038 (Order 1585), § 16-230-420, filed 12/20/78.]

WAC 16-230-430 Area 3. (1) An area within a distance of two-thirds of a mile of the city limits of incorporated cities and towns and the same distance from the center of any unincorporated town comprised of ten or more inhabited, closely grouped residences within Area 4 exclusive of Area 2.

(2) Area 3 restrictions[.]

(a) The aerial application of restricted use herbicides is prohibited within Area 3: *Provided*, That the department, upon written request, may issue a permit to allow aerial applications of nonvolatile formulations of restricted use herbicides up to one-half mile of the city limits of incorporated towns and cities and up to one-half mile of the center of any unincorporated towns comprised of ten or more inhabited[,] closely grouped residences.

(b) On and after May 1 through October 15, aerial applications shall be made using the danger area restrictions (see WAC 16-230-675).

(c) Ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(d) Ground applications of restricted use herbicides shall be allowed when using No. 2RD or 2RA raindrop nozzles: *Provided*, That the mean sustained wind velocity is fifteen miles per hour or less. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-039 (Order 1678), § 16-230-430, filed 2/20/80; 79-01-038 (Order 1585), § 16-230-430, filed 12/20/78.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-230-440 Area 4. (1) All remaining lands in Spokane County.

(2) Area 4 restrictions[.]

(a) On and after May 1 through October 15, ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 15, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(c) Ground applications of restricted use herbicides shall be allowed when using No. 2RD or 2RA raindrop nozzles: *Provided*, That the mean sustained wind velocity is fifteen miles per hour or less. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-039 (Order 1678), § 16-230-440, filed 2/20/80; 79-01-038 (Order 1585), § 16-230-440, filed 12/20/78.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-230-450 Farm operator to notify. The landowner or person in charge of the farming operation shall notify the aerial applicator he hires of any susceptible crops planted or to be planted bordering the field to which restricted use herbicides are to be applied. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-01-038 (Order 1585), § 16-230-450, filed 12/20/78.]

WAC 16-230-460 Commercial greenhouse notification. The owners of commercial greenhouses located in the area under order shall be notified in person or by certified mail by aerial applicators and public operators at least 48 hours prior to the application of allowable restricted use herbicides to be applied within 1/2 mile of the above greenhouses. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-01-038 (Order 1585), § 16-230-460, filed 12/20/78.]

WAC 16-230-470 Wind conditions. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over 12 miles per hour throughout the year. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-01-038 (Order 1585), § 16-230-470, filed 12/20/78.]

WAC 16-230-510 Definition. Picloram means all registered pesticide products containing 4-amino-3,5,6-trichloropicolinic acid as the potassium salt. This formulation may be known as Tordon. [Statutory Authority: Chapters 15.57 and 17.21 RCW. 79-07-091 (Order 1633), § 16-230-510, filed 6/29/79.]

WAC 16-230-520 Use and application. Picloram (Tordon) is hereby declared to be a restricted use pesticide and the use or application of any formulation of picloram shall be prohibited in the following portion of Spokane County: An area beginning at the intersection of Brooks Road and State Highway 902; thence northerly along the Brooks Road four miles more or less to State Highway 2; thence easterly along State Highway 2 four miles more or less to the Craig Road; thence northerly on Craig Road for 1/2 mile more or less to the Airway Heights city limits; thence easterly one mile more or less along the north boundary of the Airway Heights city limits; thence southerly 1/2 mile more or less along the east boundary of the Airway Heights city limits to State Highway 2; thence easterly one mile along State Highway 2 to the Hayford Road; thence southerly three miles more or less along the Hayford Road to State Highway 902; thence westerly along State Highway 902 to the point of beginning. [Statutory Authority: Chapters 15.57 and 17.21 RCW. 79-07-091 (Order 1633), § 16-230-520, filed 6/29/79.]

WAC 16-230-600 High volatile ester and dust formulations and area under order. (1) The distribution, use and application of all high volatile ester and dust formulations of restricted use herbicides shall be prohibited throughout the state.

(2) WAC 16-230-605 through 16-230-675 shall apply to all counties located east of the crest of the Cascade Mountains. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-600, filed 2/20/80.]

WAC 16-230-605 Specific county orders. The regulations in this order will not preclude any additional restrictions on the application of restricted use herbicides provided for in regulations for specific counties located east of the Cascade Mountains. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-605, filed 2/20/80.]

WAC 16-230-610 Restricted use herbicides and definitions. (1) All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

(2) High and low volatile esters mean those formulations labeled as high and low volatile in Interpretation 17, Revision 1 of Title 7 under the Federal Insecticide, Fungicide, and Rodenticide Act. High volatile 2,4-D includes those esters with five or less carbon atoms, such as but not limited to methyl, ethyl, isopropyl, n-butyl, isobutyl, and n-pentyl.

(3) Commercial vineyard means a parcel of land from which the grape crop is intended to be sold to a processor or for commercial fresh market. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-610, filed 2/20/80.]

WAC 16-230-615 Sale and distribution. Liquid formulations of restricted use herbicides distributed in

packages of one gallon and larger in counties located east of the crest of the Cascade Mountains shall be sold and distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-615, filed 2/20/80.]

WAC 16-230-620 Low volatile. The sale of low volatile formulations of restricted use herbicides in containers of less than one gallon is prohibited. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-620, filed 2/20/80.]

WAC 16-230-625 Mixing and loading. The mixing of restricted use herbicides, the loading and decontamination of equipment used to apply restricted use herbicides, and aircraft entering on to and exiting from landing sites must be done in a manner as not to cause possible damage to susceptible crops. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-625, filed 2/20/80.]

WAC 16-230-630 Storage. Restricted use herbicides shall not be stored in areas where their use is prohibited unless they are in a sealed container (tight screw type bungs, tightly closed lids or packages), and the outside of the containers not contaminated with the restricted use herbicide. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-630, filed 2/20/80.]

WAC 16-230-635 Oil-type carriers, emulsifiers, and spreader stickers. Oil-type carriers, emulsifiers and spreader stickers may be used when not in excess of one pint per acre: *Provided*, That oil-type carriers in excess of one pint per acre may be used with invert systems: *Provided further*, That invert systems may be used on aircraft by written permit only. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-635, filed 2/20/80.]

WAC 16-230-640 Weather and temperature conditions. Restricted use herbicides shall not be applied on and after May 1 through October 31 of each year when there is a temperature inversion; or throughout the year if weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization, or the temperature is 85°F. or above at the point of application: *Provided*, That application at the rate of fifty gallons or more per acre shall be exempt from the 85°F. temperature cutoff requirement. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-640, filed 2/20/80.]

WAC 16-230-645 Evening cutoff. On and after May 1 through October 31 of each year, the application of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: *Provided*, That if there is a mean sustained legal wind velocity of not less than five miles per hour the application of restricted use herbicides shall be allowed in Areas 3 and 4 up to one hour prior to sunset in all counties under order except Benton, Franklin, Yakima, and Walla Walla counties. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-645, filed 2/20/80.]

WAC 16-230-650 Application permit. The Washington state department of agriculture may issue a permit, upon receipt of a written request, to mix, load and apply certain restricted use herbicides for purposes of critical weed control when such activities are restricted in the area under order. The director will consider recommendations of the 2,4-D committee for the county in question. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-650, filed 2/20/80.]

WAC 16-230-655 Ground equipment pressure requirements. Pressure shall not exceed 25 psi at the nozzles: *Provided*, That pressure up to 50 psi at the nozzle may be used for an invert system and for equipment with handguns. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-655, filed 2/20/80.]

WAC 16-230-660 Turning and low flying of aircraft. Aircraft carrying restricted use herbicides are prohibited from turning and/or low flying during spraying operations over cities and towns unless authorized by the city or town in question pursuant to an agreement for pesticide applications; or residences, windbreaks, orchards or susceptible crops belonging to any person other than the owner of the property being treated, except by permission of the person whose residence, windbreak, orchard or susceptible crop is involved. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-660, filed 2/20/80.]

WAC 16-230-665 Aircraft restrictions near vineyards. Aerial application of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: *Provided*, That the Washington state department of agriculture may approve written requests and issue permit for aerial application of restricted use herbicides that may be applied to lands located one-half to one mile from commercial vineyards. EXCEPTIONS are found in Franklin and Grant County orders. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-665, filed 2/20/80.]

WAC 16-230-670 Aircraft boom length and pressure requirements. In all Areas 1 and 2, the working boom length on fixed wing aircraft shall not exceed 3/4 of the wing span and the working boom length on helicopters shall not exceed 6/7 of the total rotor length or 3/4 of the total rotor length where the rotor length exceeds forty feet.

Pressure for aerial equipment shall not exceed 25 psi at the nozzles: *Provided*, That helicopters shall be allowed to use up to 35 psi in Area 3 and 4: *Provided further*, That pressure up to 50 psi at the nozzle may be used with invert systems which are allowed by written permit only. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-670, filed 2/20/80.]

WAC 16-230-675 Minimum nozzle orifice and core plate sizes for aircraft application. Minimum nozzle orifice and core plate sizes shall be as listed in the dormant season, caution, warning, and danger area restrictions. (1) DORMANT SEASON AREA. (Dormant season only – refer to specific county regulations.)

(a) Fixed wing –

(1) [(i)] Minimum nozzle orifice of 0.063 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.075 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(b) Helicopter –

Minimum nozzle orifice of 0.047 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 90 degrees or more from the direction of flight. Pressure over 35 psi is prohibited.

(2) CAUTION AREA.

(a) Fixed wing –

(i) Minimum nozzle orifice of 0.075 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 45 or larger core plate). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(b) Helicopter –

(i) Area 2 –

Minimum nozzle orifice of 0.063 inches (may use No. 46 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) Areas 3 and 4 –

Minimum nozzle orifice of 0.063 inches (may use No. 45 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(3) WARNING AREA

(a) Fixed wing –

(i) Minimum nozzle orifice of 0.075 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate in all counties under order except Franklin County and Benton County). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight: *Provided*, That RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used. Nozzles shall be directed downward and backward 170 degrees or more from direction of flight.

(iii) No flat fan nozzles shall be allowed.

(b) Helicopter –

(i) Minimum nozzle orifice of 0.047 inches for applications made under sixty miles per hour (no core plate) and minimum orifice of 0.063 for applications made over sixty miles per hour (no core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate in all counties under order except Franklin County and Benton County). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight: *Provided*, That RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used.

(iii) No flat fan nozzles shall be allowed.

(4) DANGER AREA

(a) Fixed wing – minimum nozzle or

(i) Minimum nozzle orifice of 0.075 inches (no core plate): *Provided*, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter –

(i) Minimum nozzle orifice of 0.063 inches (no core plate): *Provided*, That RD8 nozzles with orifice size of 0.125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-675, filed 2/20/80.]

Chapter 16-231 WAC
RESTRICTED USE HERBICIDES

WAC

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16-231-940 Distribution, use and application.

WAC 16-231-001 Area under order. All lands lying within the boundaries of Benton County. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-038 (Order 1677), § 16-231-001, filed 2/20/80.]

WAC 16-231-005 Restricted use herbicides. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-038 (Order 1677), § 16-231-005, filed 2/20/80.]

WAC 16-231-010 Oil-type carriers. On and after April 5 through October 31, oil-type carriers are prohibited for brush control: *Provided*, That oil-type carriers may be used in invert systems the entire year. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-038 (Order 1677), § 16-231-010, filed 2/20/80.]

WAC 16-231-015 Area 1. (1) Area 1 description. (Prosser to Finley and vicinity.) This area includes all lands in Sections 1 through 12, and 15 through 19, T8N, R24E; Sections 5, 6 and 7, T8N, R25E; all of T9N, R24E; Sections 1 through 34, T9N, R25E; Sections 1 through 24, T9N, R26E; all of T9N, R27E; that portion of T10N, R27E and R28E and T8N, R28E, lying south of the Yakima River, and that portion of T8N, R28E, lying north of the Burlington Northern Railroad tracks; Sections 29 through 36, T9N, R29E; Sections 1 through 6, 10 through 13, and those portions of Sections 7, 8, 9, 14, 15, 23, and 24, T8N, R29E, lying north and east of the K.I.D. Canal; Sections 4 through 10, 14 through 28, 35, 36, and those portions of 29, 30, 32, 33 and 34, T8N, R30E lying north and east of the K.I.D. Canal, and the Atomic Energy Commission reservation.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: *Provided*, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of restricted use herbicides are prohibited: *Provided*, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(d) The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield, or any location within Area 1, and turning and/or low flying over Area 1 is also prohibited when loaded with restricted use herbicides or prior to cleaning equipment following use of these herbicides. [Statutory Authority: Chapters 15-.58 and 17.21 RCW. 80-03-038 (Order 1677), § 16-231-015, filed 2/20/80.]

WAC 16-231-020 Area 2. (1) Area 2 description. (Buffer zone surrounding Prosser, Benton City, Kiona and Kennewick areas.) Section 19 through 36, T10N, R24E, R25E and R26E; those portions of Sections 30 and 31, T10N, R27E, lying west of the Yakima River; Sections 13, 14, and 20 through 36, T8N, R24E; Sections 1 through 4, 8 through 12, 15 through 22, T8N, R25E; Sections 35 and 36, T9N, R25E; Sections 1 through 12, T8N, R26E; Sections 25 through 36, T9N, R26E; Sections 1 through 16, Sections 21 through 25, and Section 36, T8N, R27E; Sections 1, 2, 11, and 12, T7N, R28E; that portion of T8N, R28E lying south of the Burlington Northern Railroad tracks; Sections 1 through 12, T7N, R29E; Sections 15 through 22, Sections 25 through 36 and those portions of Sections 7, 8, 9, 14, 15, 23 and 24 lying south and west of the K.I.D.

Canal, T8N, R29E; Sections 1 through 12, T7N, R30E; Sections 31 and those portions of Sections 29, 30, 32, 33 and 34 lying south and west of the K.I.D. Canal, T8N, R30E; and those portions of Sections 5 through 8, T7N, R31E, lying in Benton County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be made using danger area restrictions (see WAC 16-230-675): *Provided*, That aircraft applications of restricted use herbicides on other than growing crops shall be considered through written request to the Washington state department of agriculture. Aircraft applications shall be prohibited within one mile of commercial vineyards and within one-quarter mile of other susceptible crops. On and after November 1 through April 4 of the following year, aircraft applications shall be made using caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-038 (Order 1677), § 16-231-020, filed 2/20/80.]

WAC 16-231-025 Area 3. (1) Area 3 description. The remaining portions of Benton County – the Rattlesnake Hills and the Horse Heaven Hills.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using warning area restrictions (see WAC 16-230-675), and aircraft applications of restricted use herbicides on other than growing crops shall be considered through written request to the Washington state department of agriculture. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-038 (Order 1677), § 16-231-025, filed 2/20/80.]

WAC 16-231-030 Wind conditions. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, and 3 when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That such application shall be prohibited in Area 1 on and after April 5 through October 31 when the mean sustained wind velocity is over ten miles per hour. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-038 (Order 1677), § 16-231-030, filed 2/20/80.]

WAC 16-231-035 Distribution, use and application. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165 (1)(o) and (9), 16-228-175, and 16-230-600 through 16-230-675. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-038 (Order 1677), § 16-231-035, filed 2/20/80.]

WAC 16-231-100 Area under order. All lands lying within the boundaries of Franklin County. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-100, filed 2/20/80.]

WAC 16-231-105 Restricted use herbicides. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-105, filed 2/20/80.]

WAC 16-231-110 Oil-type carriers. On and after April 5 through October 31, oil-type carriers are prohibited for brush control: *Provided*, That oil-type carriers may be used in invert systems the entire year. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-110, filed 2/20/80.]

WAC 16-231-115 Area 1. (1) Area 1 description. (Lands generally within the Columbia Basin irrigation project.) This area includes all lands lying within a boundary line starting at the Columbia River and the south section line of Section 24, T13N, R27E; thence east along the section lines and the Basin Hill Road seventeen miles more or less to State Highway 17; thence northerly along State Highway 17, five miles more or less to State Highway 260; thence east along State Highway 260 five miles more or less to the Moor Road; thence north two miles more or less to the Burlington Northern Railroad tracks; thence northwesterly four miles more or less along the Burlington Northern tracks to the Adams County line; thence west nineteen miles more or less along the Adams County line to the northwest corner of Section 6, T14N, R28E; thence south four miles along the Grant County line to the southwest corner of Section 19, T14N, R28E; thence west four miles more or less to the Columbia River; thence southerly and easterly along the Columbia River six miles more or less to the south section line of Section 24, T13N, R27E.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year: *Provided*, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of

0.052 inches: *Provided*, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be allowed using the caution area restrictions (see WAC 16-230-675). On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be allowed using the danger area restrictions (see WAC 16-230-675).

(d) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: *Provided*, That on and after April 5 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: *Provided further*, That on and after April 5 through April 30 written requests to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 81-07-044 (Order 1726), § 16-231-115, filed 3/16/81; 80-03-037 (Order 1676), § 16-231-115, filed 2/20/80.]

WAC 16-231-120 Area 1A. (1) Area 1A description. This area includes all lands lying within a boundary line starting at the Snake River and the east section line of Section 25, T9N, R30E,; thence north fifteen miles more or less along the section lines to the northeast corner of Section 12, T11N, R30E; thence west one mile more or less to State Highway 17; thence north along State Highway 17 nine miles more or less to the Basin Hill Road; thence west seventeen miles more or less along the Basin Hill Road and the section lines to the south section of Section 24, T13N, R27E and the Columbia River; thence south and southeasterly along the Columbia River to the Snake River; thence northeasterly along the Snake River to the east section line of Section 25, T9N, R30 E.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year: *Provided*, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: *Provided*, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the department: *Provided*, That on and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be allowed using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 81-07-044 (Order 1726), § 16-231-120, filed 3/16/81; 80-03-037 (Order 1676), § 16-231-120, filed 2/20/80.]

WAC 16-231-125 Area 2. (1) Area 2 description. This area includes all of the lands in Franklin County lying west and south of a line starting at the northwest corner of Section 36, T14N, R30E; thence east along the Hendricks Road five miles more or less to the northeast corner of Section 34, T14N, R31E; thence south fifteen miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road to the Brass Road; thence easterly along the Brass Road to the Bannenburg Road; thence southeasterly along the Bannenburg Road to the northwest corner of Section 6, T10N, R33E; thence south along the section line to the Snake River; thence southwesterly along the Snake River to the east section line of Section 25, T9N, R30E; thence north fifteen miles more or less along the section lines to the northeast corner of Section 12, T11N, R30E; thence west one mile more or less to State Highway 17; thence northerly along State Highway 17 fourteen miles more or less to the northwest corner of Section 36, T14N, R30E.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year: *Provided*, That ground applications of low volatile formulations of restricted use herbicides may be made from April 5 through April 30 using nozzles having a minimum orifice diameter of 0.036 inches.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 81-07-044 (Order 1726), § 16-231-125, filed 3/16/81; 80-03-037 (Order 1676), § 16-231-125, filed 2/20/80.]

WAC 16-231-130 Area 3. (1) Area 3 description. (Dry land area south and east of Connell.) An area beginning at the northeast corner of Section 3, T14N, R33E and the Reeder Road; thence south along the Reeder Road to and along the Black Road to the Swanson Road; thence east and south along the Swanson Road to State Highway 260; thence southerly along State Highway 260 to the Munt Road; thence south along the Munt Road to the Largent Road; thence east along the Largent Road to the Pasco-Kahlotus Highway to the Walker Road; thence southerly along the Walker Road to the Snake River; thence southerly along the Snake River to the east boundary line of Area 2; thence northerly along the east boundary line of Area 2 and Area 1 to the Franklin-Adams county line; thence east fifteen miles more or less along the county line to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 16 through October 31 of each year.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-130, filed 2/20/80.]

WAC 16-231-135 Area 4. (1) Area 4 description. (Dry land area.) All of the remaining lands in Franklin County lying east of Area 3.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-135, filed 2/20/80.]

WAC 16-231-140 Restrictions on aircraft. The loading and/or mixing of restricted use herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-140, filed 2/20/80.]

WAC 16-231-145 Wind conditions. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That such applications shall be prohibited in Area 1 and 1A on and after April 5 through October 31 when the mean sustained wind velocity is over ten miles per hour. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-145, filed 2/20/80.]

WAC 16-231-150 Distribution, use and application. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165 (1)(o) and (9), 16-228-175, and 16-230-600 through 16-230-675. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-150, filed 2/20/80.]

WAC 16-231-200 Area under order. All lands lying within the boundaries of Yakima County. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-200, filed 2/20/80.]

WAC 16-231-205 Restricted use herbicides. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-205, filed 2/20/80.]

WAC 16-231-210 Oil-type carriers. On and after April 5 through October 31, oil-type carriers are prohibited for brush control: *Provided*, That oil-type carriers may be used in invert systems the entire year. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-210, filed 2/20/80.]

WAC 16-231-215 Area 1. (1) Area 1 description. (An area south of the Yakima firing center including the upper and lower Yakima Valley.) An area starting at the Yakima-Benton County line and the northeast corner of Section 1, T11N, R23E; thence west along section lines seventeen miles more or less to the southeast corner of Section 31, T12N, R21E; thence north eight miles along section lines to the northeast corner of Section 30, T13N, R21E; thence west along section lines eleven miles to the Yakima River; thence northwesterly along the Yakima River four miles more or less to the junction of the Yakima and Naches Rivers; thence northwesterly along the Naches River for seven miles more or less to the northwest corner of Section 31, T14N, R18E; thence south one mile along the section line to the southwest corner of Section 31, T14N, R18E; thence west along section lines six miles to the northwest corner of Section 6, T13N, R17E; thence south twenty-four miles along section lines to the southwest corner of Section 31, T10N, R17E; thence east twenty-four miles along section lines to the southeast corner of Section 36, T10N, R20E; thence south six miles along section lines to the southwest corner of Section 31, T9N, R21E; thence east six miles along section lines to the northwest corner of Section 6, T8N, R22E; thence south six miles along section lines to the southwest corner of Section 31, T8N, R22E; thence east twelve miles along section lines to the Benton County line; thence north twenty-four miles to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31: *Provided*, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops at any time.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: *Provided*, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of restricted use herbicides shall be allowed only on nonirrigated lands on and after November 1 through April 4 of the following year and shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications of restricted

use herbicides shall be prohibited on and after April 5 through October 31: *Provided*, That aircraft applications shall be allowed using the warning area restrictions in those dry land wheat growing areas east of Moxee and on the Rattlesnake Ridge up to within one mile of commercial grape plantings and to within one-quarter mile of other susceptible crops: *Provided*, That hormone sprays may be applied to orchards to prevent fruit drop. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-215, filed 2/20/80.]

WAC 16-231-220 Area 1A. (1) Area 1A description. (Tieton-Naches Area.) That portion of T14N, R17E and those portions of Sections 31, 32 and 33, T15N, R17E, lying southwest of the Naches-Selah Canal; and that portion of T14N, R16E, and those portions of Sections 35 and 36 lying southeast of the Tieton and Naches rivers.

(2) Area 1A restrictions. On and after April 15 through October 31, the use and application of low volatile formulations of restricted use herbicides is prohibited. On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be allowed using the warning area restrictions (see WAC 16-230-675) on dry land wheat up to within one-quarter mile of susceptible crops. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-220, filed 2/20/80.]

WAC 16-231-225 Area 2. (1) Area 2 descriptions. All remaining lands in Yakima County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be made using the warning area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-225, filed 2/20/80.]

WAC 16-231-230 Restrictions on mixing and loading. The mixing and/or loading of restricted use herbicides is limited to those formulations which may be applied in that area. The loading of aircraft is prohibited in any area where aerial application of restricted use herbicides is prohibited. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-230, filed 2/20/80.]

WAC 16-231-235 Wind conditions. The use or application of restricted use herbicides shall be prohibited in Areas 1, 1A and 2 when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That such application shall be prohibited in Areas 1 and 1A on and after April 5 through October 31 when the mean sustained wind velocity is over ten miles per hour. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-235, filed 2/20/80.]

WAC 16-231-240 Distribution, use and application. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165 (1)(o) and (9), and 16-230-600 through 16-230-675. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-240, filed 2/20/80.]

WAC 16-231-300 Area under order. All lands lying within the boundaries of Adams County. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-300, filed 2/20/80.]

WAC 16-231-305 Restricted use herbicides. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-305, filed 2/20/80.]

WAC 16-231-310 Oil-type carriers. On and after May 16 through October 31, oil-type carriers are prohibited for brush control: *Provided*, That oil-type carriers may be used in invert systems the entire year. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-310, filed 2/20/80.]

WAC 16-231-315 Area 1. (1) Area 1 description. (Lands generally lying within the Columbia Basin irrigation project east of Warden and in the Othello area.) An area starting at the intersection of the East Low Canal and Grant-Adams County line in Section 18, T18N, R31E; thence southerly along the East Low Canal to the intersection of the East Low Canal and the Grant-Adams County line near the southwestern corner of Section 17, T17N, R31E; thence north six miles more or less to the point of beginning; and also all lands within a line starting at the intersection of the East Low Canal and the Grant-Adams County line near the corner of Section 6, T16N, R30E; thence southeasterly along the East Low Canal to the Adams-Franklin County line and the southwest corner of Section 31, T15N, R28E; thence north along the Grant-Adams County line beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: *Provided*, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: *Provided*, That applications of restricted

use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17-.21 RCW. 80-03-035 (Order 1674), § 16-231-315, filed 2/20/80.]

WAC 16-231-320 Area 2. (1) Area 2 description. (Buffer area east of Area 1.) Beginning at the Grant-Adams County line Section 6, T18N, R31E; thence east six miles more or less along the Burlington Northern Railroad tracks to Kulm Road; thence south three miles more or less along Kulm Road to Franz Road; thence east one mile along Franz Road to Roxboro Road; thence south fourteen miles along the Roxboro Road to Cunningham Road; thence southeasterly one mile more or less along Cunningham Road to Lind-Hatton Road; thence southerly three miles more or less along Lind-Hatton Road to Roxboro Road; thence southerly three miles more or less to the Adams-Franklin County line; thence west seven miles more or less along Adams-Franklin County line to the East Low Canal; thence northwesterly along the East Low Canal to the Grant-Adams County line; thence east five miles more or less and three miles north more or less along the Grant-Adams County line to the East Low Canal; thence northeasterly along East Low Canal to the Grant-Adams County line; thence north two miles more or less along Grant-Adams County line to the point of beginning.

(2) Area 2 restrictions.

(a) On and after May 1 through October 31, the use or application of low volatile formulations of restricted use herbicides shall be prohibited.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the warning area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-320, filed 2/20/80.]

WAC 16-231-325 Area 3. (1) Area 3 description. An area starting at the northwest corner of Section 6, T20N, R31E, on the Lincoln-Adams County line; thence east twenty-three miles more or less on the Davis Road to Paha-Packard Road; thence south seventeen miles more or less along the Paha-Packard Road to the intersection of Paha-Packard Road and SR 395; thence southwesterly twenty-six miles more or less along SR 395 to the Adams-Franklin County line; thence west one mile more or less along Muse Road to the Roxboro Road; thence northerly and westerly thirty-one miles more or less along the east and north boundary of Area 2 to the Grant-Adams County line; thence north twelve miles more or less along the Grant-Adams County line to the point of beginning.

(2) Area 2 restrictions.

(a) On and after May 16 through October 31, the use and application of low volatile formulations of restricted use herbicides shall be prohibited.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-325, filed 2/20/80.]

WAC 16-231-330 Area 4. (1) Area 4 description. (Outlying area east of Area 3.)

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications or restricted use herbicides shall be made using caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15-.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-330, filed 2/20/80.]

WAC 16-231-335 Aerial applications near vineyards. Aerial applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard in the area under order: *Provided*, That aerial application of restricted use herbicides to lands located within one-half mile to one mile from commercial vineyards shall be considered through written request to the Washington state department of agriculture. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-335, filed 2/20/80.]

WAC 16-231-340 Wind conditions. (1) Area 1 and 2. (a) The use or application of restricted use herbicides shall be prohibited on and after April 16 through October 31 when the mean sustained wind velocity is over ten miles per hour.

(b) The use or application of restricted use herbicides shall be prohibited on and after November 1 through April 15 of the following year when the mean sustained wind velocity is over twelve miles per hour: *Provided*, That application of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre.

(2) Area 3 and 4. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour: *Provided*, That ground applications of restricted use herbicides are allowed when using No. 2RD or 2RA raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less: *Provided further*, That application of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty

gallons or more per acre. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-340, filed 2/20/80.]

WAC 16-231-345 Distribution, use and application. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165 (1)(o) and (9), 16-228-175, and 16-230-600 through 16-230-675. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-345, filed 2/20/80.]

WAC 16-231-400 Area under order. All lands lying within the boundaries of Columbia County. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-034 (Order 1673), § 16-231-400, filed 2/20/80.]

WAC 16-231-405 Restricted use herbicides. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-034 (Order 1673), § 16-231-405, filed 2/20/80.]

WAC 16-231-410 Oil-type carriers. On and after May 1 through October 31, oil-type carriers are prohibited for brush control: *Provided*, That oil-type carriers may be used in invert systems the entire year. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-034 (Order 1673), § 16-231-410, filed 2/20/80.]

WAC 16-231-415 Area 2. (1) Area 2 description. (Huntsville, Dayton, Baileysburg, and vicinity.) Sections 1 through 12, T9N, R38E; Sections 24, 25, 26 and 30 through 36, T10N, R38E; Sections 19, 20 and 28 through 33, T10N, R39E; Sections 2 through 11, 15 through 17, 21 and 22 and that portion of Section 20 lying east of the Payne Hollow Road in T9N, R39E in Columbia County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches. On and after November 1 through April 30, ground application shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the warning area restrictions (see WAC 16-230-675). On and after November 1 through April 30, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17-.21 RCW. 80-03-034 (Order 1673), § 16-231-415, filed 2/20/80.]

WAC 16-231-420 Area 4. (1) Area 4 description. This area includes all remaining lands in Columbia County.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-034 (Order 1673), § 16-231-420, filed 2/20/80.]

WAC 16-231-425 Wind conditions. The use or application of restricted use herbicides shall be prohibited in Area 2 and 4 when the mean sustained velocity is over twelve miles per hour throughout the year: *Provided*, That such application shall be prohibited in Area 2 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-034 (Order 1673), § 16-231-425, filed 2/20/80.]

WAC 16-231-430 Distribution, use and application. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165 (1)(o) and (9), 16-228-175, and 16-230-600 through 16-230-675. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-034 (Order 1673), § 16-231-430, filed 2/20/80.]

WAC 16-231-500 Area under order. All lands lying within the boundaries of Whitman County. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-033 (Order 1672), § 16-231-500, filed 2/20/80.]

WAC 16-231-505 Restricted use herbicides. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-033 (Order 1672), § 16-231-505, filed 2/20/80.]

WAC 16-231-510 Area 1. (1) Area 1 description. (Cities and/or towns and Pullman vicinity.) The areas within a distance of one mile of the city limits of any incorporated city or town and the same distance from the center of any unincorporated town comprised of ten or more inhabited, closely grouped residences within Whitman County: *Provided*, That the area under this regulation shall also include all of the lands in Section 28 through 33, T15N, R45E; Sections 25, 26, 27, 34, 35, and 36, T15N, R44E; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21, T14N, R45E; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, T14N, R44E.

(2) Area 1 restrictions. (a) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited throughout the year: *Provided*, That the low volatile formulation of MCPA shall be allowed on and after November 1 through April 15 of each year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the warning area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17-.21 RCW. 80-03-033 (Order 1672), § 16-231-510, filed 2/20/80.]

WAC 16-231-515 Area 3. (1) Area 3 description. (Eastern portion of Whitman County.) An area east of a north-south line starting at the Whitman-Spokane County line and State Highway 195; thence southerly along Highway 195 to Colfax; thence southerly along County Roads No. 478 and No. 141 to the junction of County Roads No. 141 and No. 451; thence southerly on County Road No. 451 to County Road No. 143; thence southerly along County Road No. 143 to Almota and the Snake River.

(2) Area 3 restrictions.

(a) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17-.21 RCW. 80-03-033 (Order 1672), § 16-231-515, filed 2/20/80.]

WAC 16-231-520 Area 4. (1) Area 4 description. (Outlying area west of Area 3.) All remaining lands in Whitman County west of Area 3.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-033 (Order 1672), § 16-231-520, filed 2/20/80.]

WAC 16-231-525 Farm operator to notify. The landowner or person in charge of farming operations shall notify the aerial applicator he hires of any susceptible crops planted or to be planted bordering the field to which restricted use herbicides are to be applied. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-033 (Order 1672), § 16-231-525, filed 2/20/80.]

WAC 16-231-530 Wind conditions. (1) Areas 1 and 3.

(a) On and after April 15 through October 31, the use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over seven miles per hour.

(b) On and after November 1 through April 14 the following year, the use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour.

(2) Area 4. The use or application of restricted use herbicides is prohibited when the mean sustained wind velocity is over twelve miles per hour: *Provided*, That ground applications of restricted use herbicides are allowed when using No. 2RD or No. 2RA raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-033 (Order 1672), § 16-231-530, filed 2/20/80.]

WAC 16-231-535 Distribution, use and application. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165 (1)(o) and (9), 16-228-175, and 16-230-660 through 16-230-675. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-033 (Order 1672), § 16-231-535, filed 2/20/80.]

WAC 16-231-600 Area under order. All lands lying within the boundaries of Klickitat County. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-029 (Order 1668), § 16-231-600, filed 2/20/80.]

WAC 16-231-605 Restricted use herbicides. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-029 (Order 1668), § 16-231-605, filed 2/20/80.]

WAC 16-231-610 Oil-type carriers. On and after May 1 through September 30, oil-type carriers are prohibited for brush control: *Provided*, That oil-type carriers may be used in invert systems the entire year. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-029 (Order 1668), § 16-231-610, filed 2/20/80.]

WAC 16-231-615 Area 3. (1) Area 3 description. All lands within the boundaries of Klickitat County.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 1 through September 30 of each year: *Provided*, That on and after May 1 through May 14 of each year, low volatile formulations shall be considered through written request to the department of agriculture.

(b) On and after May 1 through September 30, ground applications of restricted use herbicides shall be

made with nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through September 30, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17-.21 RCW. 80-03-029 (Order 1668), § 16-231-615, filed 2/20/80.]

WAC 16-231-620 Wind conditions. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour throughout the year. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-029 (Order 1668), § 16-231-620, filed 2/20/80.]

WAC 16-231-625 Distribution, use and application. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165 (1)(o) and (9), 16-228-175, and 16-230-600 through 16-230-675. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-029 (Order 1668), § 16-231-625, filed 2/20/80.]

WAC 16-231-700 Area under order. All lands lying within the boundaries of Okanogan County. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-027 (Order 1666), § 16-231-700, filed 2/20/80.]

WAC 16-231-705 Restricted use herbicides. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-027 (Order 1666), § 16-231-705, filed 2/20/80.]

WAC 16-231-710 Area 1. (1) Area 1 description. (Okanogan County) An area starting at the intersection of the east boundary line of Section 24, T29N, R25E, and the Columbia River; thence north 19 miles more or less to the southwest corner of Section 7, T32N, R26E; thence east three miles to the southeast corner of Section 9; thence north two miles to the northeast corner of Section 4; thence east three miles more or less to the southeast corner of Section 36, T33N, R26E; thence north four miles to the southwest corner of Section 7, T33N, R27E; thence east two miles to the southeast corner of Section 8; thence north six miles to the northeast corner of Section 17, T34N, R27E; thence west eight miles to the northwest corner of Section 18, T34N, R26N; thence south four miles to the southwest corner of Section 31; thence west three miles to the northwest corner of Section 3, T33N, R25E; thence south four miles to the southwest corner of Section 22, T33N, R25E; thence west three miles to the northwest corner of Section 30; thence south two miles to the southwest corner of Section 31; thence west two miles to the northwest corner of Section 2, T32N, R24E; thence south ten miles to the southwest corner of Section 23, T31N, R24E; thence west four miles to the northwest corner of Section 30; thence south seven miles more or less to the north bank of the Columbia River; thence easterly along the north bank of the Columbia River to the point of beginning.

(2) Area 1 restrictions. (a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 15 though October 31 of each year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aerial applications of restricted use herbicides shall be made using caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-027 (Order 1666), § 16-231-710, filed 2/20/80.]

WAC 16-231-715 Area 4. (1) Area 4 description. This area includes all remaining lands in Okanogan County.

(2) Area 4 restrictions. On and after May 1 through October 31, aerial applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-027 (Order 1666), § 16-231-715, filed 2/20/80.]

WAC 16-231-720 Wind conditions. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour throughout the year. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-027 (Order 1666), § 16-231-720, filed 2/20/80.]

WAC 16-231-725 Restrictions on aircraft. The loading and/or mixing of restricted use herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-027 (Order 1666), § 16-231-725, filed 2/20/80.]

WAC 16-231-730 Distribution, use and application. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165 (1)(o) and (9), 16-228-175, and 16-230-600 through 16-230-675. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-027 (Order 1666), § 16-231-730, filed 2/20/80.]

WAC 16-231-800 Area under order. All lands lying within the boundaries of Douglas and Chelan Counties. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-800, filed 2/20/80.]

WAC 16-231-805 Restricted use herbicides. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides, including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides. [Statutory Authority: Chapters

15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-805, filed 2/20/80.]

WAC 16-231-810 Area 1. (1) Area 1 description – Chelan County. An area starting at the southeast corner of Section 32, T21N, R22E; thence west one mile to the southwest corner of Section 32; thence north five miles more or less to the right of way of the Malaga Road; thence along and including the Malaga Road right of way to the city limits of Wenatchee; thence east to the Columbia River, and along the west bank of the Columbia River to the point of beginning.

(2) Area 1 description – Douglas County. An area on the east bank of the Columbia River, beginning at the southwest corner of Section 33, T21N, R22E; thence east one mile to the southeast corner of Section 33; thence north one mile to the southwest corner of Section 27; thence east one mile to the southeast corner of Section 27; thence north one mile to the southwest corner of Section 23, thence east one mile to the southeast corner of Section 23; thence north one mile to the northeast corner of Section 23; thence west one mile to the northwest corner of Section 23; thence north one mile to the northeast corner of Section 15; thence west one mile to the northwest corner of Section 15; thence north two miles to the northeast corner of Section 4; thence west one mile more or less to and including the right of way of State Road 28; thence northwest along the highway right of way to the east section line of Section 25, T22N, R21E; thence north five miles more or less to the northeast corner of Section 1, T22N, R21E; thence west eight miles more or less to the east bank of the Columbia River; thence southeasterly along the east bank of the Columbia River to the point of beginning.

(3) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aerial applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-810, filed 2/20/80.]

WAC 16-231-815 Area 2. (1) Area 2 description. (Buffer area — a protective area around Azwell, Manson, and the mouth of the Moses-Coulee.)

(a) Chelan County – those areas lying within a one mile radius from the center of the towns of Azwell and Manson. Sections 13, 14, 15 and 16, T28N, R21E.

(b) Douglas County – (Moses-Coulee and Bridgeport area.) Section 1, 2, 3, 10, 11, 12, 13, 14, 24, 25, 26, 34, 35, and 36, N21N, R22E, and Sections 1, 2, 3, 4, 9, 10, 11, 12 and those portions of Sections 13, 14, 15 and 16, T20N, R22E.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-815, filed 2/20/80.]

WAC 16-231-820 Area 3. (1) Area 3 description. (Buffer area between Rock Island and Palisades.) An area starting at the northwest corner of Section 6, T22N, R22E; thence east along the township line twelve miles to the Douglas-Grant county line; thence southwesterly along the county line to the east boundary line of Area 2; thence north and west along the Area 2 boundary line to the Area 1 boundary line; thence northerly along the Area 1 boundary line to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-820, filed 2/20/80.]

WAC 16-231-825 Area 4. (1) Area 4 description. All remaining lands in Douglas County.

(2) Area 4 restrictions. On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-825, filed 2/20/80.]

WAC 16-231-830 Restrictions on aircraft. The loading and/or mixing of restricted use herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-830, filed 2/20/80.]

WAC 16-231-835 Aerial applications near vineyards. Aerial application of restricted use herbicides shall be prohibited within one mile of any commercial vineyard in the area under order: *Provided*, That aerial application of restricted use herbicides to lands located

within one-half mile to one mile from commercial vineyards shall be considered through written request to the Washington state department of agriculture. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-835, filed 2/20/80.]

WAC 16-231-840 Wind conditions. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3 and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through April 15 of the following year, and over seven miles per hour from April 16 through October 31. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-840, filed 2/20/80.]

WAC 16-231-845 Distribution, use and application. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165 (1)(o) and (9), 16-228-175, and 16-230-600 through 16-230-675. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-845, filed 2/20/80.]

WAC 16-231-900 Area under order. All lands lying within the boundaries of Grant County. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-900, filed 2/20/80.]

WAC 16-231-905 Restricted use herbicides. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-905, filed 2/20/80.]

WAC 16-231-910 Area 1. (1) Area 1 description. (Lands generally within the Columbia Basin irrigation project.) An area starting at the southwest corner of Section 21, T14N, R27E; thence east along the county line four miles more or less to the southeast corner of Section 24, T14N, R27E; thence north along the county line sixteen miles to the southwest corner of Section 31, T17N, R28E; thence east along the county line thirteen miles more or less to the East Low Canal; thence northerly and easterly along the East Low Canal to the Adams County line; thence north along the Grant-Adams County lines six miles more or less to the East Low Canal; thence northwesterly along the East Low Canal to the southeast boundary of Block 70; thence easterly, northerly, and westerly, encompassing Block 70, Soap Lake and Block 701, to the West Main Canal; thence southwesterly along the West Main Canal to the north boundary line of Unit 1, Block 73; thence westerly along the northern boundary line of Block 73 to the northwest corner of Unit 278; then due west to the Willow Springs Draw; thence down Willow Springs Draw to the Columbia River; thence southerly and easterly along the Columbia River to the point of beginning.

(2) Area 1 restrictions. (a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: *Provided*, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: *Provided*, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

(e) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: *Provided*, That on and after April 15 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: *Provided further*, That on and after April 15 through April 30 written request to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-910, filed 2/20/80.]

WAC 16-231-915 Area 2. (1) Area 2 description. (Buffer area.) An area lying north and east of Area 1 starting at the junction of the Grant-Douglas County line and the Columbia River near Trinidad; thence north and easterly along the county line to the southwest corner of Section 35, T23N, R26E; thence east along section lines twelve miles to Grant County Road J/NW; thence south one mile along Grant County Road J/NW to the Burlington Northern Railroad tracks; thence east fourteen miles more or less to the Grant-Lincoln County line; thence south twenty-five miles more or less along the Grant-Lincoln and Grant-Adams County line to the northern boundary line of Area 1 (East Low Canal); thence northerly and westerly along the northern boundary line of Area 1 to the point of beginning; and also an area near Warden starting at the East Low Canal near the southeast corner of Section 13, T17N, R30E; thence westerly and southerly along the East Low Canal to the Grant-Adams County line near the corner of Section 32, T17N, R30E; thence east five miles and north three miles along the Grant-Adams County line to the point of beginning.

(2) Area 2 restrictions. (a) On and after May 1 through October 31, the use or application of low volatile formulations of restricted use herbicides shall be prohibited.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the warning area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-915, filed 2/20/80.]

WAC 16-231-920 Area 3. (1) Area 3 description. (Outlying area.) An area starting at the intersection of the Burlington Northern Railroad tracks near the northeast corner of Section 13, T22N, R30E; thence north nineteen miles more or less along the Grant County line to Highway 2; thence westerly along Highway 2 to the Douglas County line; thence southwesterly along the Douglas County line to the southwest corner of Section 35, T23N, R26E; thence east along section lines twelve miles to Grant County Road J/NW; thence south one mile along Grant County Road J/NW to the Burlington Northern Railroad tracks near Stratford; thence easterly along the Burlington Northern Railroad tracks fourteen miles more or less to the point of beginning.

(2) Area 3 restrictions. (a) On and after May 16 through October 31, the use and application of low volatile formulations of restricted use herbicides shall be prohibited.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-920, filed 2/20/80.]

WAC 16-231-925 Area 4. (1) Area 4 description. All remaining lands in Grant County lying north of Highway 2.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-925, filed 2/20/80.]

WAC 16-231-930 Restrictions on airstrips. The loading and/or mixing of restricted use herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-930, filed 2/20/80.]

WAC 16-231-935 Wind conditions. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through April 15 of the following year, and over ten miles per hour from April 16 through October 31: *Provided*, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-935, filed 2/20/80.]

WAC 16-231-940 Distribution, use and application. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165 (1)(o) and (9), 16-228-175, and 16-230-600 through 16-230-675. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-940, filed 2/20/80.]

Chapter 16-232 WAC
RESTRICTED USE HERBICIDES IN CERTAIN COUNTIES

WAC

16-232-001 Area under order.
16-232-005 Restricted use herbicides.
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16-232-020 Area 2A.
16-232-025 Area 3.
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16-232-305 Restricted use herbicides.
16-232-310 Area 1.
16-232-315 Wind conditions.
16-232-320 Distribution, use and application.

WAC 16-232-001 Area under order. All lands lying within the boundaries of Walla Walla County. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-026 (Order 1665), § 16-232-001, filed 2/20/80.]

WAC 16-232-005 Restricted use herbicides. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides, including 2,4-D,

2,4,5–T and MCPA are by this order declared to be restricted use herbicides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80–03–026 (Order 1665), § 16–232–005, filed 2/20/80.]

WAC 16–232–010 Area 1. (1) Area 1 description. (Columbia River Buffer area.) An area starting at the intersection of the Northern Pacific Railroad and the Washington–Oregon state line, [Section 15,] T6N, R32E; thence north nineteen miles more or less to the Snake River; thence westerly along the Snake River and southerly along the Columbia River to the Washington–Oregon state line; thence east to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 5 through April 30, aerial applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16–230–675).

(d) On and after May 1 through October 31, aerial applications shall be prohibited except by written permit issued by the department. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 81–07–041 (Order 1724), § 16–232–010, filed 3/13/81; 80–03–026 (Order 1665), § 16–232–010, filed 2/20/80.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16–232–015 Area 2. (1) Area 2 description. (Walla Walla and vicinity, Dixie, Waitsburg, and Prescott areas.) Those areas lying within a one mile radius from the center of the town of Dixie and within one mile of the city limits of the towns of Waitsburg and Prescott and an area starting at the Washington–Oregon state line and the southeast corner of Section 16, T6N, R36E; thence north one mile more or less to the southwest corner of Section 3, T6N, R36E; thence east two miles to the southeast corner of Section 2, T6N, R36E; thence north three miles to the southwest corner of Section 24, T7N, R36E; thence east one mile to the southeast corner of Section 24, T7N, R36E; thence north one mile to the southwest corner of Section 18, T7N, R37E; thence east one mile to the southeast corner of Section 18, T7N, R37E; thence north one mile to the northeast corner of Section 18, T7N, R37E; thence west nine miles to the northwest corner of Section 14, T7N, R35E; thence south one mile to the northwest corner of Section 23, T7N, R35E; thence west one mile to the northwest corner of Section 22, T7N, R35E; thence south to State Road 410; thence westerly along State Road 410 to the York Road and south along the York and Saver Road to the Frog Hollow Road; thence east along the Frog Hollow Road to the Locker Road; thence south along the Locker Road to the Washington–Oregon state line; thence east along the state line to the point of beginning.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16–230–675). Aircraft applications shall be prohibited on and after April 15 through October 31: *Provided*, That the aerial application of MCPA shall be allowed using warning area restrictions (see WAC 16–230–675): *Provided further*, That aerial applications of nonvolatile formulations of restricted use herbicides from one–half to one mile of the center of the town of Dixie and from the city limits of Waitsburg, Prescott and Walla Walla shall be considered through written request to the Washington state department of agriculture.

(d) Restrictions on the use of airstrips. The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield or any location within Area 2: *Provided*, That the municipal airport located northeast of Walla Walla shall not be subject to this provision. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80–03–026 (Order 1665), § 16–232–015, filed 2/20/80.]

WAC 16–232–020 Area 2A. (1) Area 2A description. (Buffer area surrounding Walla Walla.) An area starting at the intersection of the Northern Pacific Railroad and the Washington–Oregon state line, T6N, R32E; thence north six miles more or less to the northwest corner of Section 14, T7N, R32E; thence east ten miles more or less to the southwest corner of Section 9, T7N, R34E; thence north one mile to the northwest corner of Section 9, T7N, R34E; thence east two miles to the southwest corner of Section 2, T7N, R34E; thence north one mile to the northwest corner of Section 2, T7N, R34E; thence east two miles to the southwest corner of Section 31, T8N, R35E; thence north six miles to the northwest corner of Section 6, T8N, R35E; thence east twenty–four miles to and along the Columbia–Walla Walla county line to the northeast corner of Section 1, T8N, R38E; thence south fourteen miles more or less to the Washington–Oregon state line and west to the point of beginning.

(2) Area 2A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: *Provided*, That 2,4–DB shall be allowed on alfalfa seed crops at any time.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17-.21 RCW. 80-03-026 (Order 1665), § 16-232-020, filed 2/20/80.]

WAC 16-232-025 Area 3. (1) Area 3 description. All of the remaining lands within the border of Walla Walla County.

(2) Area 3 restrictions.

(a) The use and application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 15 through October 31.

(b) On and after May 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 15 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-026 (Order 1665), § 16-232-025, filed 2/20/80.]

WAC 16-232-030 Aerial application near vineyards. Aerial applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: *Provided*, That aerial application of restricted use herbicides to lands located within one-half to one mile from commercial vineyards shall be considered through written request of the Washington state department of agriculture. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-026 (Order 1665), § 16-232-030, filed 2/20/80.]

WAC 16-232-035 Wind conditions. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, 2A and 3 when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That such applications shall be prohibited in Areas 1 and 2 on and after April 5 through October 31 when the mean sustained wind velocity is over seven miles per hour. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-026 (Order 1665), § 16-232-035, filed 2/20/80.]

WAC 16-232-040 Distribution, use and application. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165 (1)(o) and (9), 16-228-175, and 16-230-600 through 16-230-675. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-026 (Order 1665), § 16-232-040, filed 2/20/80.]

WAC 16-232-100 Area under order. All lands lying within the boundaries of Lincoln County. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-100, filed 2/20/80.]

WAC 16-232-105 Restricted use herbicides. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-105, filed 2/20/80.]

WAC 16-232-110 Oil-type carriers. On and after May 15 through October 31, oil-type carriers are prohibited for brush control: *Provided*, That oil-type carriers may be used in invert systems the entire year. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-110, filed 2/20/80.]

WAC 16-232-115 Area 3. (1) Area 3 description. (Southwestern Lincoln County.) Beginning at the Grant-Lincoln County line and State Highway 2; thence northeasterly two and one-half miles more or less along State Highway 2 to the Almira South Road; thence south seven miles more or less along the Almira South Road to the Monson Road; thence east six miles more or less along the Monson Road to State Highway 21; thence south twenty-seven miles more or less along State Highway 21 to the Lincoln-Adams County line; thence west thirteen and one-half miles more or less along the common boundary line between Lincoln and Adams Counties to the Grant County line; thence north twenty-nine and one-half miles more or less along the common boundary line between Grant County and Lincoln County to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 16 through October 31 of each year.

(b) On and after May 16 through October 31 of each year, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 16 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-115, filed 2/20/80.]

WAC 16-232-120 Area 4. (1) Area 4 description. All remaining lands in Lincoln County.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-120, filed 2/20/80.]

WAC 16-232-125 Wind conditions. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour: *Provided*, That ground applications of restricted use herbicides are allowed when using No. 2

RD or No. 2 RA raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-125, filed 2/20/80.]

WAC 16-232-130 Distribution, use and application. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165 (1)(o) and (9), 16-228-175, and 16-230-600 through 16-230-675. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-130, filed 2/20/80.]

WAC 16-232-200 Area under order. All lands lying within the boundaries of Garfield County. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-200, filed 2/20/80.]

WAC 16-232-205 Restricted use herbicides. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-205, filed 2/20/80.]

WAC 16-232-210 Area 2. (1) Area 2 description. The city of Pomeroy and those sections and partial sections lying within one mile east, one mile south and one mile west of the city limits of Pomeroy.

(2) Area 2 restrictions. (a) On and after May 1 through October 31, ground applications shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) Aerial applications of restricted use herbicides shall be prohibited. [Statutory Authority: Chapters 15-.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-210, filed 2/20/80.]

WAC 16-232-215 Area 3. (1) Area 3 description. An area starting at the intersection of the Snake River and the west boundary of Section 18, T14N, R43E; thence south to and along the Lambie Grade Road to and along the Casey Creek Road to the southeast corner of Section 8, T13N, R43E; thence east along section lines one and one-half miles more or less to the Snake River; thence northwesterly along the Snake River to the point of beginning.

(2) Area 3 restrictions. (a) The use and application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 16 through August 31.

(b) On and after April 16 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 16 through October 31, aerial applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-215, filed 2/20/80.]

WAC 16-232-220 Area 4. (1) Area 4 description. This area includes all remaining lands in Garfield County.

(2) Area 4 restrictions. (a) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-220, filed 2/20/80.]

WAC 16-232-225 Wind conditions. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That such applications shall be prohibited in Areas 2 and 3 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-225, filed 2/20/80.]

WAC 16-232-230 Distribution, use and application. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165 (1)(o) and (9), 16-228-175, and 16-230-600 through 16-230-675. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-230, filed 2/20/80.]

WAC 16-232-300 Area under order. All lands lying within the boundaries of Kittitas County. [Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-300, filed 3/31/82.]

WAC 16-232-305 Restricted use herbicides. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides. [Statutory Authority: RCW 17-.21.030. 82-08-030 (Order 1754), § 16-232-305, filed 3/31/82.]

WAC 16-232-310 Area 1. (1) Area 1 description. An area starting at the intersection of Canyon Road and Thrall Road on the south line of Section 30, T17 N, R19E, thence east along Thrall Road three and one-half miles more or less to Billeter Road; thence south approximately one-half mile; thence east approximately one and one-half miles to Wilson Road; thence south on Wilson Road for one-half mile to intersection of Fourth Parallel Road; thence east on Fourth Parallel Road for approximately three-fourths mile to Anderson Road; thence south on Anderson Road for one-half mile more or less to E. Kern Road; thence east on E. Kern Road

for approximately one–half mile; thence south approximately one and one–half miles to the north boundary of Section 18, T16, R20; thence west for two and one–half miles to intersection of I82; thence northwest for approximately three miles to the northeast corner of Section 5, T16, R19; thence west for two miles more or less to the Canyon Road; thence north for one mile more or less on the Canyon Road to the point of beginning.

(2) Area 1 restrictions.

(a) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using danger area restrictions (see WAC 16–230–675). On and after April 15 through October 31, aircraft applications are prohibited within 500 feet of all orchards: *Provided*, That aircraft applications may be allowed when written permission is received from the owner of the orchard.

(b) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31 of each year on all lands within 500 feet of all orchards: *Provided*, That low volatile ester formulations may be used when written permission is received from the owner of the orchard.

(c) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches on all lands within 500 feet of all orchards. [Statutory Authority: RCW 17.21.030. 82–08–030 (Order 1754), § 16–232–310, filed 3/31/82.]

WAC 16–232–315 Wind conditions. The use or application of restricted use herbicides shall be prohibited in Area 1 when the mean sustained wind velocity is over twelve miles on and after April 15 through October 31: *Provided*, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre. [Statutory Authority: RCW 17.21.030. 82–08–030 (Order 1754), § 16–232–315, filed 3/31/82.]

WAC 16–232–320 Distribution, use and application. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16–230–600 through 16–230–675 and 16–228–165 (1)(o). [Statutory Authority: RCW 17.21.030. 82–08–030 (Order 1754), § 16–232–320, filed 3/31/82.]

Chapter 16–234 WAC
NEGOTIABLE WAREHOUSE RECEIPTS–– PRINTING

WAC

16–234–001 Promulgation.
16–234–010 Printing by private printer—When.
16–234–020 Bond requirements.
16–234–030 Completion of printing.

WAC 16–234–001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 22.09 RCW, Laws of 1963, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on June 17, 1965, do hereby promulgate the following regulations governing the printing of negotiable warehouse receipts by private printers. [Order 983, Promulgation, filed 6/18/65.]

WAC 16–234–010 Printing by private printer–– When. The department of agriculture will allow warehousemen to have their negotiable warehouse receipts printed by a private printer only when the state printer cannot supply said receipts printed by a private printer only when the state printer cannot supply said receipts within a reasonable time in the form requested and at a competitive price as determined by the director. [Order 983, Regulation 1, filed 6/18/65.]

WAC 16–234–020 Bond requirements. Warehousemen who require receipts as set forth in WAC 16–234–010 shall apply to the director and furnish the following:

(1) A bond for one thousand dollars as provided for in RCW 22.09.300.

(2) Complete the department's "requisition for negotiable warehouse receipts" form, and forward to the department for both approval and forwarding to said private printer. [Order 983, Regulation 2, filed 6/18/65.]

WAC 16–234–030 Completion of printing. Upon receipt of a completed "requisition for negotiable warehouse receipts" form, the private printer shall print the authorized negotiable warehouse receipts and upon completion of printing notify the department by use of the "affidavit of printer" form the number of negotiable warehouse receipts printed and the inclusive numbers as specified. [Order 983, Regulation 3, filed 6/18/65.]

Chapter 16–300 WAC
NOXIOUS WEED SEEDS

WAC

16–300–010 Prohibited noxious weed seeds.
16–300–020 Restricted noxious weed seeds.
16–300–025 Tolerances for seed law enforcement.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16–300–001 Promulgation. [Order 946, filed 4/20/64; Order 849, effective 6/30/61.] Superseded by Order 1149, § 16–300–002, filed 4/16/70.

16–300–002 Promulgation. [Order 1149, § 16–300–002, filed 4/16/70.] Superseded by Order 1413, § 16–300–003, filed 8/15/75.

16–300–003 Promulgation. [Order 1413, § 16–300–003, filed 8/15/75.] Repealed by 79–05–066 (Order 1604), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

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 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.
Hairy whitetop	Cardaria pubescens (C.A. Mey.)
Hoary cress	Cardaria draba (L.) Desv.
Jointed goatgrass (only in small grain)	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.
Silverleaf nightshade	Solanum elaeagnifolium Cav.
Sorghum perennial such as, but not limited to, johnsongrass, sorghum almum, and perennial sweet sudangrass	Sorghum spp.
Tansy ragwort	Senecio jacobaea L.
Yellow-flowering skeleton weed	Chondrilla juncea L.

[Statutory Authority: RCW 15.49.310 and 15.49.370. 83-11-029 (Order 1796), § 16-300-010, filed 5/16/83; Order 1413, § 16-300-010, filed 8/15/75; Order 1149, § 16-300-010, filed 4/16/70; Order 946, Regulation 1, filed 4/20/64; Order 849, Regulation 1, effective 6/30/61.]

WAC 16-300-020 Restricted noxious weed seeds. (1) Restricted (secondary) noxious weed seeds are the seeds of weeds which are objectionable in fields, lawns, and gardens of this state, but which can be controlled 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 restricted noxious weed seeds listed below in excess of the number declared on the label.

English or Common Name	Botanical or Scientific Name
Bermudagrass	Cynodon dactylon (L.) Pers.
Blue lettuce	Lactuca pulchella (Pursh.) DC.
Docks and Sorrel	Rumex spp.
Dodder	Cuscuta spp.
Field pennycress (fanweed)	Thlaspi arvense
Field sandbur	Cenchrus pauciflorus Benth.
Gromwell (only in small grain)	Lithosperum arvense
Halogeton	Halogeton glomeratus C.A. Mey.
Medusahead	Elymus caput-medusae L. or Taeniatherum asperum (Sim.) Nevski
Plantains	Plantago spp.
Poverty weed	Iva axillaris Pursh.
Puncturevine	Tribulus terrestris L.
St. Johnswort	Hypericum perforatum L.
Dalmation toadflax	Linaria dalmatica (L.) Mill.
Yellow toadflax	Linaria vulgaris Hill.
Western ragweed	Ambrosia psilostachya DC.
Wild mustard	Brassica kaber (DC.) L.C. Wheeler Var.
Wild oat	Avena fatua L.
Yellow starthistle	Centaurea solstitialis L.

For the purpose of seed certification, see WAC 16-316-165 for the list of objectionable weeds.

[Statutory Authority: RCW 15.49.310 and 15.49.370. 83-11-029 (Order 1796), § 16-300-020, filed 5/16/83. Statutory Authority: RCW 15.49.370. 82-08-031 (Order 1755), § 16-300-020, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 79-05-066 (Order 1604), § 16-300-020, filed 4/30/79; 78-03-103 (Order 1554), § 16-300-020, filed 3/1/78, effective 4/1/78; Order 1413, § 16-300-020, filed 8/15/75; Order 1149, § 16-300-020, filed 4/16/70; Order 946, Regulation 2, filed 4/20/64; Order 849, Regulation 2, effective 6/30/61.]

WAC 16-300-025 Tolerances for seed law enforcement. Tolerances used for seed law enforcement shall be in accord with those of the federal seed act and/or those of the Association of Official Seed Analysts as amended, except for the tolerances for secondary noxious and primary noxious weed seed which shall be as the Washington state seed law specifies for labeling. [Statutory Authority: RCW 15.49.310 and 15.49.370. 83-11-029 (Order 1796), § 16-300-025, filed 5/16/83.]

Chapter 16-304 WAC
SAMPLING AND TESTING OF SEEDS

WAC

16-304-010 Germination standards for vegetable seeds.
16-304-020 Sampling in the administration of the Washington State Seed Act.
16-304-040 Schedule of charges.
16-304-050 Miscellaneous charges.
16-304-100 Definitions.
16-304-110 Annual seed inspection charge.

16-304-120 Registrant records.
16-304-130 Effective dates.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-304-001 Promulgation. [Order 1244, § 16-304-001, filed 4/13/72, effective 5/14/72; Order 1018, Promulgation, filed 5/31/66; Order 848, Promulgation, effective 6/30/61; as amended by Order 917, filed 4/25/63.] Repealed by 83-11-030 (Order 1797), filed 5/16/83. Statutory Authority: RCW 15.49.310, 15.49.370, and 15.49.400.

16-304-002 Promulgation. [Order 1245, § 16-304-002, filed 4/13/72, effective 5/14/72; Order 1195, § 16-304-002, filed 4/16/71; Order 115, § 16-304-002, filed 4/17/69, effective 5/18/69.] Repealed by 79-05-072 (Order 1616), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-304-003 Promulgation. [Order 1361, § 16-304-003, filed 6/12/74.] Repealed by 79-05-072 (Order 1616), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-304-006 Promulgation. [Order 1477, § 16-304-006, filed 6/18/76.] Repealed by 79-05-072 (Order 1616), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-304-030 Tolerances for seed law enforcement. [Order 1018, Regulation 3, filed 5/30/61; Order 848, Regulation 3, effective 6/30/61.] Repealed by 83-11-030 (Order 1797), filed 5/16/83. Statutory Authority: RCW 15-.49.310, 15.49.370, and 15.49.400.

16-304-060 Additional miscellaneous charges. [Order 1018, Regulation 6, filed 5/31/66; Order 848, Regulation 6, effective 6/30/61.] Repealed by Order 1115, filed 4/17/69, effective 5/18/69.

WAC 16-304-010 Germination standards for vegetable seeds.

	Percent*		Percent*
Artichoke	60	Leek	60
Asparagus	70	Lettuce	80
Beans (except Lima)	75	Muskmelon	75
Beans (Lima)	70	Mustard	75
Beets	65	Okra	50
Broccoli	75	Onion	70
Brussels Sprouts	70	Parsley	60
Cabbage	75	Parsnip	60
Carrot	55	Pea	80
Cauliflower	75	Pepper	55
Celery and Celeriac	55	Pumpkin	75
Chicory	65	Radish	75
Citron	65	Rhubarb	60
Collards	80	Rutabaga	75
Corn	75	Salsify	75
Cornsalad	70	Sorrel	60
Cress, garden	40	Spinach (except New Zealand)	60
Cress, water	25	Spinach (New Zealand)	40
Cucumber	80	Squash	75
Dandelion	45	Swiss Chard	65
Eggplant	60	Tomato	75
Endive	70	Tomato, husk	50
Kale	75	Turnip	80
Kohlrabi	75	Watermelon	70

*Including hard seeds when present.

[Order 1244, § 16-304-010, filed 4/13/72, effective 5/14/72; Order 1018, Regulation 1, filed 5/31/66; Order 848, Regulation 1, effective 6/30/61.]

WAC 16-304-020 Sampling in the administration of the Washington State Seed Act. (1) **General procedure for sampling seed shall be as follows:**

(a) In order to secure a representative sample, equal portions shall be taken from evenly distributed parts of the quantity of seed to be sampled. Access shall be had to all parts of that quantity.

(b) For free-flowing seed in bags or bulk, a probe or trier shall be used. For small free-flowing seed in bags, a probe or trier long enough to sample all portions of the bag or container shall be used.

(c) Nonfree-flowing seed, such as certain grass seed, uncleaned seed, or screenings, difficult to sample with a probe or trier, shall be sampled by thrusting the hand into the bulk and withdrawing representative portions.

(d) Composite samples shall be obtained to determine the quality of a lot of seed, such as the percentages of pure seed, other crop seed, weed seed, inert matter, noxious weed seed, germination, varietal purity, freedom from disease, and effectiveness of seed treatment. Individual bag samples may be obtained to determine whether the seed is of uniform quality.

(2) **Sampling equipment.** The trier shall be designed so that it will remove an equal volume of seed from each part of the bag through which the trier travels. Unless the trier has partitions in the seed chamber, it must be inserted into the bags horizontally.

(3) **Obtaining representative samples.**

(a) For lots of one to six bags, sample each bag and take a total of at least five cores or handsfull.

(b) For lots of more than six bags, sample five bags plus at least ten percent of the number of bags in the lot. (Round numbers with decimals to the nearest whole number.) Regardless of the lot size, it is not necessary to sample more than thirty bags.

Examples:

No. bags in lots	7	10	23	50	100	200	300	400
No. bags to sample	6	6	7	10	15	25	30	30

(c) For sampling bulk seed to obtain a composite sample, take at least as many cores or handsfull as if the same quantity of seed were in bags of an ordinary size. Take the cores or handsfull from well-distributed points throughout the bulk.

(d) Seed in small containers shall be sampled by taking entire unopened container in sufficient numbers to supply a minimum size sample as required in paragraph 4. The contents of a single container or the combined contents of multiple containers of the same lot shall be considered representative of the entire lot of seed sampled.

(4) **Minimum weights of seed samples to be submitted for testing:** See WAC 16-304-040, Schedule of charges. [Statutory Authority: RCW 15.49.310, 15.49.370, and 15.49.400. 83-11-030 (Order 1797), § 16-304-020, filed 5/16/83; Order 1244, § 16-304-020, filed 4/13/72, effective 5/14/72; Order 1018, Regulation 2,

filed 5/31/66; Order 848, Regulation 2, effective 6/30/61.]

WAC 16-304-040 Schedule of charges. (1) Testing fees shall be as follows:

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY AND GERM (c)	TETRA-ZOLIUM 200 Seeds
Bentgrass	2 oz.	$26.00	$13.00	$14.00	$40.00	$18.00
Bluegrass	4 oz.	18.00	11.00	12.00	30.00	18.00
Bromegrass	6 oz.	19.00	11.00	10.00	30.00	18.00
Fescue	4 oz.	18.00	11.00	10.00	28.00	18.00
Orchardgrass	4 oz.	21.00	13.00	11.00	32.00	18.00
Ryegrass	4 oz.	18.00	11.00	9.50	27.50	18.00
Crested Wheatgrass	4 oz.	21.50	13.00	11.00	32.50	18.00
Other Wheatgrasses	6 oz.	31.00	19.00	11.00	42.00	18.00
Other grasses	4 oz.	15.00	9.50	9.50	24.50	18.00
Beans and peas	1 1/4 lb.	11.00	6.50	10.00	21.00	18.00
Cereals	1 1/4 lb.	11.50	8.00	10.00	21.50	18.00
Other crops	4 oz.	11.50	8.00	10.00	21.50	18.00
Mixture (for each additional kind)		9.50		11.00		18.00
Beets		12.00	7.50	15.00	27.00	

(a) Purity – analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: 1 gram – bluegrass; 5 grams – alfalfa; and 100 grams – wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: 10 grams – bluegrass; 50 grams – alfalfa; 500 grams – wheat).

(b) Germination – test prescribed by Federal Seed Act to determine percent germination of seed sample based on 400 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 5 grams $14.00

Poa annua check for other grasses – each 10 grams $14.00

(c) Sod seed analysis –

Bluegrass $49.00

Fescue $35.00

Ryegrass $28.00

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

Bluegrass test includes purity, 25 gram all weed/all crop, except 10 gram Poa annua exam. Ryegrass and Fescue test includes purity, 100 gram all weed/all crop. (Fluorescent required on ryegrass; germ and fluorescent test additional fee.)

(d) Fluorescent test – (400 seed test) $11.00

(e) Pest and disease, soil exam or similar .... $14.00 (Reported on seed analysis certificate.) A visual examination of a representative sample.

(f) Sod analysis check – 50 gram exam to evaluate if a lot appears to be sod quality (phone report only) $13.00

(g) Variety separation of Kentucky bluegrass . $16.00

If separated at time of purity analysis ..... $ 8.00

(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 will not be mailed until all tests are completed.

(b) Samples must be plainly labeled "inventory samples."

(c) Samples will be reported according to the sender's designation. The laboratory will assume no responsibility for correct identification. These samples and tests will not become a part of our permanent record.

(d) The fee for this service will 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 ..... $ 8.00

(b) Phone reports on test result, per call ..... $ 2.50

(c) Preliminary report on germination (phone report only) ..... $ 7.00

(d) Morphological test..... $ 7.00 (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 (or hourly fee when applicable)

(g) ISTA test – purity and germination fee plus 50 percent

(h) Seed count $14.00

(i) Extra charge for samples requiring special preparation for germination, i.e. beets, pelleted seeds, etc. ..... $ 5.50

(j) Hourly fee for miscellaneous services $16.00

[Statutory Authority: RCW 15.49.310, 15.49.370, and 15.49.400. 83–11–030 (Order 1797), § 16–304–040, filed 5/16/83. Statutory Authority: RCW 15.49.370. 82–08–032 (Order 1756), § 16–304–040, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80–06–103 (Order 1688), § 16–304–040, filed 5/30/80; 79–05–072 (Order 1616), § 16–304–040, filed 4/30/79; Order 1501, § 16–304–040, filed 3/31/77; Order 1477, § 16–304–040, filed 6/18/76; Order 1245, § 16–304–040, filed 4/13/72; Order 1195, § 16–304–040, filed 4/16/71; Order 1115, § 16–304–040, filed 4/17/69, effective 5/18/69; Order 1018, Regulation 4, filed 5/31/66; Order 917, Regulation 8, filed 4/25/63; Order 848, Regulation 4, effective 6/30/61.]

WAC 16–304–050 Miscellaneous charges.

(1) Sanitary certificate $20.00

(2) Service sampling or similar service: The fee for each service requested shall be:

(a) Peas, beans, small grains or seeds of similar size per cwt ..... $ 0.03

(b) For all other kinds – per cwt ..... $ 0.15

(c) Minimum charge $16.00

(3) Tagging and sealing or similar service: The fee for each service requested shall be:

(a) For all kinds of seed – per cwt ..... $ 0.15

(b) Minimum fee $16.00

(4) Checkweighing, checkloading, or similar service shall be – per hour $16.00

Minimum fee $16.00

(5) If requested to make a special trip to provide a service, the person requesting said service may be charged at the rate of $16.00 per hour travel time plus mileage fee set by statute plus the specific fee for said service. All standby time shall be charged at the rate of $16.00 per man hour.

(6) Test plot examinations or consultant work in plots, fields, conditioning plants, etc. shall be at the rate of $16.00 per hour plus mileage and travel time.

(7) Requests for services not listed – most appropriate fee.

[Statutory Authority: RCW 15.49.370. 82–08–032 (Order 1756), § 16–304–050, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 81–11–020 (Order 1736), § 16–304–050, filed 5/15/81; 80–06–103 (Order 1688), § 16–304–050, filed 5/30/80; Order 1477, § 16–304–050, filed 6/18/76; Order 1361, § 16–304–050, filed 6/12/74; Order 1195, § 16–304–050, filed 4/16/71; Order 1115, § 16–304–050, filed 4/17/69, effective 5/18/69; Order 1018, Regulation 5, filed 5/31/66; Order 848, Regulation 5, effective 6/30/61.]

WAC 16–304–100 Definitions. (1) "Fiscal year" shall mean the twelve month period July 1 through June 30.

(2) "Seed labeling permit" means a permit issued by the Department pursuant to RCW 15.49.400 to a person labeling seed for distribution in this state.

(3) "Seed branch advisory committee" means a committee elected by the Washington seed council and shall be composed of representatives of the small grains, pea and lentil, bean and vegetable, small seeded legumes and grass seed industries, together with the president of the Washington seed council who acts as chairman.

(4) "Stock seed" means breeders, prebasic, or like initial generation of seed. [Statutory Authority: Chapter 15.49 RCW. 78–04–070 (Order 1571), § 16–304–100, filed 3/31/78, effective 7/1/78.]

WAC 16–304–110 Annual seed inspection charge. Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington State Seed Act, shall also, pursuant to RCW 15.49.310 and 15.49.370, pay a general seed inspection charge annually to the department in the amount of 10 cents per one hundred dollars gross annual dollar sales in excess of $10,000 of agricultural and/or vegetable seed distributed in this state during the preceding fiscal year: *Provided*, That no assessment shall be collected on (1) seed for which the assessment has been previously collected,

except when such seed has been relabeled; (2) agricultural or vegetable seed distributed out of state; (3) seed distributed in containers of four ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the United States Department of Agriculture national foundation seed project: *Provided further*, That erroneous and overpayments shall be refunded on request. Requests for refund must be filed by June 30 of the year following the due date. Agricultural and/or vegetable seeds distributed under bailment contract shall be valued at the producer–processor agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, 1981 through June 30, 1982 shall be due August 1, 1982 and payable by February 1, 1983. The assessment fees for the period beginning July 1, 1982 through June 30, 1983 shall be due August 1, 1983 and payable by February 1, 1984.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of $10.00, whichever is greater, shall be added to all assessments not paid by February 1. These funds shall only be used for seed control activities. The annual seed labeling permit may not be issued until all assessments and penalties have been satisfied. [Statutory Authority: RCW 15.49-.310, 15.49.370 and 15.49.400. 82-10-067 (Order 1764), § 16-304-110, filed 5/5/82, effective 7/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-101 (Order 1683), § 16-304-110, filed 5/30/80; 79-05-062 (Order 1605), § 16-304-110, filed 4/30/79; 78-04-070 (Order 1571), § 16-304-110, filed 3/31/78, effective 7/1/78.]

WAC 16-304-120 Registrant records. Each seed labeling registrant shall maintain reasonable and necessary records accurately reflecting the gross annual dollar value of agricultural and/or vegetable seed distributed in this state. [Statutory Authority: Chapter 15.49 RCW. 78-04-070 (Order 1571), § 16-304-120, filed 3/31/78, effective 7/1/78.]

WAC 16-304-130 Effective dates. This regulation is effective through June 30, 1984. Between January 1, 1984 and March 1, 1984, the assessment program shall be reviewed by the seed branch advisory committee, who will recommend whether to continue the seed assessment program. Such recommendations shall be considered at a public hearing under the authority of chapter 42.30 RCW, the Open Public Meetings Act, and chapter 34.04 RCW, the Administrative Procedure Act. The advisory committee shall also recommend the objectives of the seed quality control activities and shall review expenditures of assessment funds to verify such funds are being used only for seed quality control activities. [Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 82-10-067 (Order 1764), § 16-304-130, filed 5/5/82, effective 7/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-101 (Order 1683), § 16-304-130, filed 5/30/80; 78-04-070 (Order 1571), § 16-304-130, filed 3/31/78, effective 7/1/78.]

Chapter 16-313 WAC
BLENDING OF CERTIFIED SEED

WAC

16-313-010 Definition.
16-313-015 Field run and remill blends.
16-313-020 Blend data sheet.
16-313-030 Equipment and procedure.
16-313-035 Size of blend.
16-313-040 Supervision.
16-313-050 Registered class.
16-313-060 Quality standards for certified class.
16-313-070 Objectionable weeds.
16-313-080 Prohibited noxious weeds.
16-313-090 Calculated analysis.
16-313-100 Tetrazolium test.
16-313-110 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-313-001 Promulgation. [Order 1246, § 16-313-001, filed 4/13/72, effective 5/14/72; Order 979, Promulgation, filed 4/15/65; Order 709, effective 1/1/55.] Repealed by 79-05-059 (Order 1615), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

WAC 16-313-010 Definition. The term "blend or blending" as related to this order shall be the process of commingling two or more lots of seed to form one lot of uniform quality. [Order 979, Regulation 1, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-015 Field run and remill blends. (1) Upon approval, field run lots may be commingled to facilitate processing. The blend fee shall not apply.

(2) Remill lots may be blended prior to testing to facilitate processing. A blend data sheet shall be filed prior to blending and laboratory analysis completed before tags can be issued. [Statutory Authority: Chapter 15.49 RCW. 79-05-059 (Order 1615), § 16-313-015, filed 4/30/79; Order 1496, § 16-313-015, filed 3/31/77.]

WAC 16-313-020 Blend data sheet. A blend data sheet listing lots to be used, analysis of each, and pounds to be used from each shall be submitted to the certifying agency for approval prior to blending. (Forms available at the Seed Branch, Yakima, Washington.) [Order 979, Regulation 2, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-030 Equipment and procedure. The equipment to be used and the procedure followed in blending shall be approved by the certifying agency. [Order 979, Regulation 3, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-035 Size of blend. Size of blend permitted shall be dependent on such factors as quality of lots being used and the facilities of the processing plant with the maximum size allowable based on car lot rate structure. [Order 1246, § 16-313-035, filed 4/13/72, effective 5/14/72.]

except when such seed has been relabeled; (2) agricultural or vegetable seed distributed out of state; (3) seed distributed in containers of four ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the United States Department of Agriculture national foundation seed project: *Provided further*, That erroneous and overpayments shall be refunded on request. Requests for refund must be filed by June 30 of the year following the due date. Agricultural and/or vegetable seeds distributed under bailment contract shall be valued at the producer–processor agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, 1981 through June 30, 1982 shall be due August 1, 1982 and payable by February 1, 1983. The assessment fees for the period beginning July 1, 1982 through June 30, 1983 shall be due August 1, 1983 and payable by February 1, 1984.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of $10.00, whichever is greater, shall be added to all assessments not paid by February 1. These funds shall only be used for seed control activities. The annual seed labeling permit may not be issued until all assessments and penalties have been satisfied. [Statutory Authority: RCW 15.49-.310, 15.49.370 and 15.49.400. 82-10-067 (Order 1764), § 16-304-110, filed 5/5/82, effective 7/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-101 (Order 1683), § 16-304-110, filed 5/30/80; 79-05-062 (Order 1605), § 16-304-110, filed 4/30/79; 78-04-070 (Order 1571), § 16-304-110, filed 3/31/78, effective 7/1/78.]

WAC 16-304-120 Registrant records. Each seed labeling registrant shall maintain reasonable and necessary records accurately reflecting the gross annual dollar value of agricultural and/or vegetable seed distributed in this state. [Statutory Authority: Chapter 15.49 RCW. 78-04-070 (Order 1571), § 16-304-120, filed 3/31/78, effective 7/1/78.]

WAC 16-304-130 Effective dates. This regulation is effective through June 30, 1984. Between January 1, 1984 and March 1, 1984, the assessment program shall be reviewed by the seed branch advisory committee, who will recommend whether to continue the seed assessment program. Such recommendations shall be considered at a public hearing under the authority of chapter 42.30 RCW, the Open Public Meetings Act, and chapter 34.04 RCW, the Administrative Procedure Act. The advisory committee shall also recommend the objectives of the seed quality control activities and shall review expenditures of assessment funds to verify such funds are being used only for seed quality control activities. [Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 82-10-067 (Order 1764), § 16-304-130, filed 5/5/82, effective 7/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-101 (Order 1683), § 16-304-130, filed 5/30/80; 78-04-070 (Order 1571), § 16-304-130, filed 3/31/78, effective 7/1/78.]

Chapter 16-313 WAC
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16-313-010 Definition.
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16-313-050 Registered class.
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16-313-070 Objectionable weeds.
16-313-080 Prohibited noxious weeds.
16-313-090 Calculated analysis.
16-313-100 Tetrazolium test.
16-313-110 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-313-001 Promulgation. [Order 1246, § 16-313-001, filed 4/13/72, effective 5/14/72; Order 979, Promulgation, filed 4/15/65; Order 709, effective 1/1/55.] Repealed by 79-05-059 (Order 1615), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

WAC 16-313-010 Definition. The term "blend or blending" as related to this order shall be the process of commingling two or more lots of seed to form one lot of uniform quality. [Order 979, Regulation 1, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-015 Field run and remill blends. (1) Upon approval, field run lots may be commingled to facilitate processing. The blend fee shall not apply.

(2) Remill lots may be blended prior to testing to facilitate processing. A blend data sheet shall be filed prior to blending and laboratory analysis completed before tags can be issued. [Statutory Authority: Chapter 15.49 RCW. 79-05-059 (Order 1615), § 16-313-015, filed 4/30/79; Order 1496, § 16-313-015, filed 3/31/77.]

WAC 16-313-020 Blend data sheet. A blend data sheet listing lots to be used, analysis of each, and pounds to be used from each shall be submitted to the certifying agency for approval prior to blending. (Forms available at the Seed Branch, Yakima, Washington.) [Order 979, Regulation 2, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-030 Equipment and procedure. The equipment to be used and the procedure followed in blending shall be approved by the certifying agency. [Order 979, Regulation 3, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-035 Size of blend. Size of blend permitted shall be dependent on such factors as quality of lots being used and the facilities of the processing plant with the maximum size allowable based on car lot rate structure. [Order 1246, § 16-313-035, filed 4/13/72, effective 5/14/72.]

WAC 16-313-040 Supervision. A representative of the certifying agency may supervise the blending operation. [Order 1496, § 16-313-040, filed 3/31/77; Order 979, Regulation 4, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-050 Registered class. All lots used in a registered class blend shall have passed registered class purity and germination standards. [Order 979, Regulation 5, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-060 Quality standards for certified class. Individual lots to be eligible for blending shall not exceed the following:

(1) Inert (maximum) – two times the amount allowed in certification standards.

(2) Crop (maximum) – four times the amount allowed in certification standards.

(3) Weeds (maximum) – two times the amount allowed in certification standards.

(4) Germination or tetrazolium test shall not be less than the minimum certification standard for germination minus one-half of the difference between that standard and one hundred percent.

(5) Sweet clover – individual lots of alfalfa or clover shall not contain more than one hundred eighty sweet clover seeds per pound. [Order 979, Regulation 6, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-070 Objectionable weeds. Individual lots of grass seed shall not contain more than one hundred eighty per pound and alfalfa and clover shall not contain more than ninety per pound of objectionable weed seeds. [Order 979, Regulation 7, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-080 Prohibited noxious weeds. Individual lots must be free of prohibited noxious weed seeds. [Order 979, Regulation 8, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-090 Calculated analysis. Blends will be eligible for tagging prior to analysis of the official sample of the blend upon meeting the following conditions:

(1) The calculated percent of impurities (weeds, crop, inert, etc.) shall be twenty percent less than the maximum allowed in rules for seed certification.

(2) The calculated percent of germination shall be not less than the minimum germination standard in the rules for seed certification.

(3) All the lots blended have met certification standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-059 (Order 1615), § 16-313-090, filed 4/30/79; Order 979, Regulation 9, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-100 Tetrazolium test. A tetrazolium test may be used in lieu of a germination test. [Order 979, Regulation 10, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-110 Fees. Fees for blending shall be five cents per one hundred pounds based on the pounds of seed bagged plus cost of a purity and germination which is required on the official sample of each blend. All fees payable by persons or firm requesting permission for said blend. [Order 979, Regulation 11, filed 4/15/65; Order 709, effective 1/1/55.]

Chapter 16-316 WAC
SEED CERTIFICATION

WAC

16-316-035 Bentgrass and redtop certification standards.
16-316-0401 Certification fees.
16-316-0451 Land requirements.
16-316-0501 Isolation requirements.
16-316-0551 Field tolerances.
16-316-0601 Seed standards.
16-316-0901 Standards for verification of turf seed ingredients.
16-316-100 General seed certification standards.
16-316-105 By whom certified.
16-316-110 Varieties eligible.
16-316-115 Limitation of generations.
16-316-120 Seed classes.
16-316-125 Labels and sealing requirements.
16-316-130 Agency deviation from certification standards.
16-316-135 Agency power to reject.
16-316-140 Rejection for color or appearance.
16-316-145 Agency power to refuse certification.
16-316-150 Specific crop regulations.
16-316-151 Land history.
16-316-155 Penalty.
16-316-160 Prohibited noxious weeds.
16-316-165 Objectionable weeds.
16-316-170 Procedure to follow for certification.
16-316-175 All growers in certification program.
16-316-180 Field inspections.
16-316-185 The seed processor.
16-316-190 Containers and lot numbers.
16-316-195 Sampling.
16-316-196 Off-type.
16-316-197 Fee responsibility.
16-316-205 Withdrawal from certification.
16-316-210 Completion of certification.
16-316-212 Refunds.
16-316-214 Limitation of liability.
16-316-215 Rules and procedures for organization for economic cooperation and development scheme for varietal certification (O.E.C.D.).
16-316-220 Alfalfa seed certification standards.
16-316-230 Certification fees.
16-316-235 Land requirements.
16-316-240 Isolation requirements.
16-316-245 Field tolerances.
16-316-250 Seed standards.
16-316-260 Bean seed certification standards.
16-316-270 Certification fees.
16-316-275 Land requirements.
16-316-280 Field tolerances.
16-316-285 Inspection requirements.
16-316-290 Seed standards.
16-316-295 Regulation and procedure for issuance of phyto-sanitary certificate.
16-316-310 Application for inspection and due dates.
16-316-315 Fee and charges.
16-316-320 Land and production requirements.
16-316-326 Phyto-sanitary certificate for peas.
16-316-327 Phyto-sanitary certificate for beans.
16-316-328 Phyto-sanitary certificate for other crops and diseases.
16-316-340 Grass seed certification standards.
16-316-350 Certification fees.

16-316-355 Land requirements.
16-316-360 Isolation requirements.
16-316-365 Field tolerances.
16-316-370 Seed standards.
16-316-430 Red clover seed certification standards.
16-316-440 Certification fees.
16-316-445 Land requirements.
16-316-450 Isolation requirements.
16-316-455 Field tolerances.
16-316-460 Seed standards.
16-316-470 Field pea, lentil, soybean, sorghum and small grains seed certification standards.
16-316-472 Eligible varieties and eligible stock seed.
16-316-474 Application and fees.
16-316-480 Field standards.
16-316-484 Mechanical sampling.
16-316-486 Certified seed sale certificate.
16-316-525 Eligible variety and stock seed.
16-316-570 Labeling and sealing of certified seed of small grains by grower.
16-316-572 Certifying agency issuance of certificate.
16-316-575 Foundation seed certification standards.
16-316-590 Proprietary variety certification standards—Definition.
16-316-595 Application procedure.
16-316-600 Genetic purity certification.
16-316-610 Sod quality certified seed standards.
16-316-615 Varieties eligible, certification fees, land and isolation requirements, and field tolerances.
16-316-620 Standards.
16-316-622 Ryegrass standards.
16-316-625 Sod seed analysis certificate.
16-316-630 Sod quality seed tag.
16-316-635 Service fee.
16-316-637 Sod quality mixture.
16-316-650 White clover and trefoil seed certification standards.
16-316-660 Certification fees.
16-316-665 Land requirements.
16-316-670 Isolation requirements.
16-316-675 Field tolerances.
16-316-680 Seed standards.
16-316-701 Definitions of terms for standards.
16-316-715 Miscellaneous field and seed inspection standards.
16-316-717 Field pea standards.
16-316-719 Lentil standards.
16-316-721 Soybean standards.
16-316-723 Sorghum standards.
16-316-724 Small grains standards.
16-316-727 Chick pea standards.
16-316-730 Interagency seed certification standards.
16-316-735 Rules.
16-316-738 Procedure for field pea, lentil, soybean, small grain and sorghum seed.
16-316-740 Procedure for all other kinds.
16-316-745 Seed produced out of state—Certification.
16-316-750 Seed produced out of state—Special handling for previously tagged and sealed seeds.
16-316-755 Eligibility for interagency certification.
16-316-760 Interagency blends.
16-316-790 Varieties eligible for seed certification.
16-316-800 Grass varieties eligible.
16-316-810 Red clover varieties eligible.
16-316-815 Other clover varieties.
16-316-820 Alfalfa varieties eligible.
16-316-830 Bean varieties eligible.
16-316-840 White clover and trefoil varieties eligible.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-316-001 Promulgation. [Order 1045, Promulgation, filed 3/27/67, effective 5/1/67; Order 969, filed 3/30/65; Order 948, filed 4/21/64; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69.

16-316-0011 Promulgation. [Order 1249, § 16-316-0011, filed 4/13/72, effective 5/14/72; Order 1181, § 16-316-0011, filed 4/16/71.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0012 Promulgation. [Order 1305, § 16-316-0012, filed 4/24/73; Order 1260, § 16-316-0012, filed 4/13/72, effective 5/14/72; Order 1182, § 16-316-0012, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0013 Promulgation. [Order 1304, § 16-316-0013, filed 4/24/73; Order 1183, § 16-316-0013, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0014 Promulgation. [Order 1306, § 16-316-0014, filed 4/24/73; Order 1252, § 16-316-0014, filed 4/13/72, effective 5/14/72; Order 1184, § 16-316-0014, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0015 Promulgation. [Order 1050, Promulgation, filed 4/4/67, effective 5/5/67; Order 1009, filed 3/4/66; Order 970, filed 4/1/65; Order 948, filed 4/21/64; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69.

16-316-0016 Promulgation. [Order 1313, § 16-316-0016, filed 4/24/73; Order 1255, § 16-316-0016, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-0016, filed 4/16/71.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0017 Promulgation. [Order 1302, § 16-316-0017, filed 4/24/73; Order 1186, § 16-316-0017, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0018 Promulgation. [Order 1303, § 16-316-0018, filed 4/24/73; Order 1187, § 16-316-0018, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0019 Promulgation. [Order 1311, § 16-316-0019, filed 4/24/73; Order 1258, § 16-316-0019, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-0019, filed 4/16/71.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-002 Promulgation. [Order 1049, Promulgation, filed 4/4/67, effective 5/5/67; Order 1019, filed 5/27/66; Order 1008, filed 3/4/66; Order 975, filed 4/8/64; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1183, filed 4/16/71.

16-316-0020 Promulgation. [Order 1259, § 16-316-0020, filed 4/13/72, effective 5/14/72.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0021 Promulgation. [Order 1020, filed 5/27/66.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0022 Promulgation. [Order 1256, § 16-316-0022, filed 4/13/72, effective 5/14/72.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0023 Promulgation. [Order 1307, § 16-316-0023, filed 4/24/73; Order 1253, § 16-316-0023, filed 4/13/72,

effective 5/14/72.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0024 Promulgation. [Order 1257, § 16-316-0024, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0025 Promulgation. [Order 1046, Promulgation, filed 3/27/67, effective 5/1/67; Order 971, filed 4/2/65; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0026 Promulgation. [Order 1251, § 16-316-0026, filed 4/13/72, effective 5/14/72.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0027 Promulgation. [Order 1312, § 16-316-0027, filed 4/24/73; Order 1254, § 16-316-0027, filed 4/13/72, effective 5/14/72.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0028 Promulgation. [Order 1250, § 16-316-0028, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0029 Promulgation. [Order 1368, § 16-316-0029, filed 6/12/74.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-003 Promulgation. [Order 972, Promulgation, filed 4/8/65; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0031 Promulgation. [Order 1408, § 16-316-0031, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0032 Promulgation. [Order 1409, § 16-316-0032, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0033 Promulgation. [Order 1410, § 16-316-0033, filed 8/17/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0034 Promulgation. [Order 1411, § 16-316-0034, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0035 Promulgation. [Order 974, Promulgation, filed 4/2/65; Order 948, filed 4/21/64; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69.

16-316-0036 Promulgation. [Order 1362, § 16-316-0035, (codified as WAC 16-316-0036), filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0037 Promulgation. [Order 1415, § 16-316-0037, filed 8/15/75.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0038 Promulgation. [Order 1417, § 16-316-0038, filed 8/15/75.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0039 Promulgation. [Order 1418, § 16-316-0039, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-004 Promulgation. [Order 1047, Promulgation, filed 3/28/67, effective 5/1/67; Order 973, filed 4/2/65; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0041 Promulgation. [Order 1419, § 16-316-0041, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0042 Promulgation. [Order 1420, § 16-316-0042, filed 8/15/75.] Repealed by 79-05-065 (Order 1603), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0043 Promulgation. [Order 1416, § 16-316-0038 (codified § 16-316-0043), filed 8/15/75.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0044 Promulgation. [Order 1414, § 16-316-0037 (codified § 16-316-0044), filed 8/15/75.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0045 Promulgation. [Order 978, Promulgation, filed 4/15/65; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0046 Promulgation. [Order 1451, § 16-316-0046, filed 5/13/76; Order 1412, § 16-316-0035 (codified as WAC 16-316-0046), filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0047 Promulgation. [Order 1453, § 16-316-0047, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0048 Promulgation. [Order 1454, § 16-316-0048, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0049 Promulgation. [Order 1457, § 16-316-0049, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-005 Promulgation. [Order 1051, Promulgation, filed 4/13/67, effective 5/15/67; Order 1012, filed 3/4/66; Order 977, filed 4/15/65; Order 948, filed 4/21/64; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69. For later enactment concerning WAC 16-316-060, see WAC 16-316-0085.

16-316-0051 Promulgation. [Order 1359, § 16-316-005 (codified as WAC 16-316-0051), filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0052 Promulgation. [Order 1458, § 16-316-0052, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0053 Promulgation. [Order 1459, § 16-316-0053, filed 5/13/76.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0054 Promulgation. [Order 1462, § 16-316-0054, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0055 Promulgation. [Order 976, filed 4/8/65; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69.

16-316-0056 Promulgation. [Order 1464, § 16-316-0056, filed 5/13/76; Order 1366, § 16-316-0055 (codified as WAC 16-316-0056), filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0057 Promulgation. [Order 1456, § 16-316-0057, filed 5/13/76.] Repealed by 79-05-065 (Order 1603), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0058 Promulgation. [Order 1466, § 16-316-0058, filed 5/13/76.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0059 Promulgation. [Order 1460, § 16-316-0059, filed 5/13/76.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-006 Promulgation. [Order 1010, filed 3/4/66.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0061 Promulgation. [Order 1461, § 16-316-0061, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0062 Promulgation. [Order 1465, § 16-316-0062, filed 5/13/76.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0063 Promulgation. [Order 1455, § 16-316-0063, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0064 Promulgation. [Order 1542, § 16-316-0064, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0065 Promulgation. [Order 1011, filed 3/4/66.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0066 Promulgation. [Order 1485, § 16-316-0066, filed 9/8/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-007 Promulgation. [Order 1360, § 16-316-007, filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0071 Promulgation. [Order 1463, § 16-316-0055, (codified as WAC 16-316-0071), filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0075 Promulgation. [Order 1363, § 16-316-0075, filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-008 Promulgation. [Order 1048, Promulgation, filed 4/4/67; effective 5/5/67.] Repealed by Order 1187, filed 4/16/71.

16-316-0081 Promulgation. [Order 1375, § 16-316-008 (codified as WAC 16-316-0081), filed 7/31/74.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-0085 Promulgation. [Orders 1111, 1183, 1184, 1185, 1187, § 16-316-0085, filed 4/17/69, effective 5/18/69.] Repealed by Orders 1181, 1182, filed 4/16/71.

16-316-0086 Promulgation. [Order 1148, § 16-316-0086, filed 4/16/70 and Order 1367, § 16-316-085 (codified as WAC 16-316-0086), filed 6/12/74.] Repealed by Orders 1181, 1182, 1183, 1184, 1185, 1186, 1187, filed 4/16/71 and 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-009 Promulgation. [Order 1113, § 16-316-009, filed 4/17/69, effective 5/18/69.] Repealed by Order 1148, filed 4/16/70.

16-316-0091 Promulgation. [Order 1301, § 16-316-009 (codified as WAC 16-316-0091), filed 4/24/73.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0092 Promulgation. [Order 1112, § 16-316-0090 (codified as WAC 16-316-0092), filed 4/17/69, effective 5/18/69.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-0095 Promulgation. [Order 1114, § 16-316-0095, filed 4/17/69, effective 5/18/69.] Repealed by Order 1188, filed 4/16/71.

16-316-0096 Promulgation. [Order 1365, § 16-316-0095 (codified as WAC 16-316-0096), filed 6/12/74.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.

16-316-010 General seed certification standards. [Order 1148, § 16-316-010, filed 4/16/70; Order 1111, § 16-316-010, filed 4/16/69, effective 5/18/69; Order 1083, § 16-316-010, filed 3/29/68, effective 5/1/68; Order 1045, Regulations 1-3, filed 3/27/67, effective 5/1/67 (Regulation 2 of Order 1045 was codified as WAC 16-316-015); Order 969, Regulations 1-2, filed 3/30/65; Order 948 (part), filed 4/21/64; Order 884, Regulations 1-2 (part), filed 1/31/62; Order 850, filed 5/24/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1182, filed 4/16/71.

16-316-015 Procedure to follow for certification. [Order 1047, Regulation 2, filed 3/27/67, effective 5/1/67; Order 969, Regulation 2, filed 3/30/65; Order 948 (part), filed 4/21/64; Order 884, Regulations 1 and 2 (part), filed 1/31/62; Order 850 (part), filed 5/24/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69. For later enactment see WAC 16-316-010.

16-316-016 Organization for economic cooperation and development certification scheme. [Order 1045, Regulation 3, filed 3/27/67, effective 5/1/67.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69. For later enactment see WAC 16-316-010.

16-316-020 Alfalfa seed certification standards. [Order 1148, § 16-316-020, filed 4/16/70; Order 1111, § 16-316-020, filed 4/17/69, effective 5/18/69; Order 1082, filed 3/29/68, effective 5/1/68; Order 1050, Regulations 1-7, filed 4/4/67, effective 5/5/67; Order 1009, Regulations 1-7, filed 3/4/66; Order 970, filed 4/1/65; Order 948, Regulation 2, filed 4/21/64; Order 917, Regulation 1, filed 4/25/63; Order 884, Regulation 3, filed 1/31/62; Order 850, Regulation 3, effective 6/30/61; Order 842, Regulation 2, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1182, filed 4/16/71.

16-316-025 Bean seed certification standards. [Order 1148, § 16-316-025, filed 4/16/70; Order 1111, § 16-316-025, filed 4/17/69, effective 5/18/69; Order 1049, Regulations 1-7, filed 4/4/67, effective 5/5/67; Order 1019, Regulations 1-7, filed 5/27/66; Order 1008, Regulations 1-7, filed 3/4/66; Order 975, filed 4/8/65; Order 917, Regulation 2, filed 4/25/63; Order 884, Regulation 4, filed 1/31/62; Order 850, Regulation 4, filed 5/24/61; Order 842, Regulation 4, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1183, filed 4/16/71.

16-316-027 Regulations for bean seed phyto-sanitary certificates. [Order 1020, filed 5/27/66.] Repealed by Order 1251, filed 4/13/72, effective 5/14/72.

16-316-030 Grass seed certification standards. [Order 1148, § 16-316-030, filed 4/16/70; Order 1111, § 16-316-030, filed 4/17/69, effective 5/18/69; Order 1046, Regulation 1, filed 3/27/67, effective 5/1/67; Order 971, filed 4/2/65; Order 917, Regulations 3, 4, and 5, filed 4/25/63; Order 884, Regulation 5, filed 1/31/62; Order 850, Regulation 5, filed 5/24/61; Order 842, Regulation 5, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1184, filed 4/16/71.

16-316-040 White clover seed certification standards. [Order 974, filed 4/2/65; Order 948, Regulation 3, filed 4/21/64; Order 884, Regulation 7, filed 1/31/62; Order 850, Regulation 7, filed 5/24/61; Order 842, Regulation 7, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69.

16-316-045 Red clover seed certification standards. [Order 1148, § 16-316-045, filed 4/16/70; Order 1111, § 16-316-045, filed 4/17/69, effective 5/18/69; Order 1047, Regulation 1, filed 3/28/67, effective 5/1/67; Order 973, filed 4/2/65; Order 917, Regulation 6, filed 4/25/63; Order 884, Regulation 8, filed 1/31/62; Order 850, Regulation 8, filed 5/24/61; Order 842, Regulation 8, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1253, filed 4/13/72, effective 5/14/72.

16-316-050 Sorghum seed certification standards. [Order 884, Regulation 9, filed 1/31/62; Order 850, Regulation 9, filed 5/24/61; Order 842, Regulation 9, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Decodified pursuant to Order 969, § 2, filed 3/30/65.

16-316-055 Field pea seed certification standards. [Order 978, filed 4/15/65; Order 884, Regulation 10, filed 1/31/62; Order 850, Regulation 10, filed 5/24/61; Order 842, Regulation 10, filed 4/6/61; Order 811, filed 5/30/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by Order 1254, filed 4/13/72, effective 5/14/72.

16-316-060 Small grain seed certification standards. [Order 1148, § 16-316-060, filed 4/16/70; Order 1111, § 16-316-060, filed 4/17/69, effective 5/18/69; Order 1081, filed 3/29/68, effective 5/1/68; Order 1051, Regulations 1-9, filed 4/13/67, effective 5/15/67; Order 1012, Regulations 1-8, filed 3/4/66; Order 977, filed 4/15/65; Order 948, Regulations 4 and 5, filed 4/21/64; Order 917, Regulation 7, filed 4/25/63; Order 884, Regulation 11, filed 1/31/62; Order 850, Regulation 11, filed 5/24/61; Order 842, Regulation 11, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1185, filed 4/16/71.

16-316-065 Birdsfoot trefoil seed certification standards. [Order 976, filed 4/8/65; Order 884, Regulation 12, filed 1/31/62; Order 850, Regulation 12, filed 5/24/61; Order 842, Regulation 12, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69.

16-316-070 Production of foundation seed. [Order 1010, filed 3/4/66.] Repealed by Order 1256, filed 4/13/72, effective 5/14/72.

16-316-075 Proprietary variety certification standards. [Order 1111, § 16-316-075, filed 4/17/69, effective 5/18/69; Order 1011, filed 3/4/66.] Repealed by Order 1257, filed 4/13/72, effective 5/14/72.

16-316-080 Sod quality certified seed standards. [Order 1148, § 16-316-080, filed 4/16/70; Order 1112, § 16-316-080, filed 4/17/69, effective 5/18/69.] Repealed by Order 1186, filed 4/16/71.

16-316-085 Crownvetch, white clover, and trefoil seed certification standards. [Order 1148, § 16-316-085, filed 4/16/70; Order 1111, § 16-316-085, filed 4/17/69, effective 5/18/69; Order 1048, Regulations 1-7, filed 4/4/67, effective 5/5/67.] Repealed by Order 1187, filed 4/16/71.

16-316-090 Standards for verification of turf seed ingredients. [Order 1113, § 16-316-090, filed 4/17/69, effective 5/18/69.] Repealed by Order 1148, filed 4/16/70. See WAC 16-316-0901.

16-316-095 Lentil seed certification standards. [Order 1114, § 16-316-095, filed 4/17/69, effective 5/18/69.] Repealed by Order 1188, filed 4/16/71.

16-316-200 Analysis and definitions. [Order 1181, § 16-316-200, filed 4/16/71.] Repealed by Order 1452, filed 5/13/76.

16-316-225 Varieties eligible. [Order 1305, § 16-316-225, filed 4/24/73; Order 1260, § 16-316-225, filed 4/13/72, effective 5/14/72; Order 1182, § 16-316-225, filed 4/16/71.] Repealed by Order 1359, filed 6/12/74.

16-316-265 Varieties eligible. [Order 1304, § 16-316-265, filed 4/24/73; Order 1183, § 16-316-265, filed 4/16/71.] Repealed by Order 1360, filed 6/12/74.

16-316-300 Diseases for which phyto-sanitary certificates will be issued. [Order 1251, § 16-316-300, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-071 (Order 1626), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-305 Phyto-sanitary eligibility. [Order 1251, § 16-316-305, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-071 (Order 1626), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-325 Inspection requirements. [Order 1251, § 16-316-325, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-071 (Order 1626), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-316-345 Varieties eligible. [Order 1306, § 16-316-345, filed 4/24/73; Order 1252, § 16-316-345, filed 4/13/72, effective 5/14/72; Order 1184, § 16-316-345, filed 4/16/71.] Repealed by Order 1362, filed 6/12/74.

16-316-356 Variety restrictions. [Order 1485, § 16-316-356, filed 9/8/76.] Repealed by 78-03-112 (Order 1560), filed 3/1/78, effective 4/1/78. Statutory Authority: Chapter 15.49 RCW.

16-316-435 Varieties eligible. [Order 1253, § 16-316-435, filed 4/13/72, effective 5/14/72.] Repealed by Order 1363, filed 6/12/74.

16-316-476 Land requirements. [Order 1458, § 16-316-476, filed 5/13/76; Order 1312, § 16-316-476, filed 4/24/73; Order 1254, § 16-316-476, filed 4/13/72, effective 5/14/72.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-478 Isolation requirements. [Statutory Authority: Chapter 15.49 RCW. 80-06-112 (Order 1693), § 16-316-478, filed 5/30/80; Order 1458, § 16-316-478, filed 5/13/76; Order 1312, § 16-316-478, filed 4/24/73; Order 1254, § 16-316-478, filed 4/13/72, effective 5/14/72.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-482 Seed standards. [Order 1492, § 16-316-482, filed 3/31/77; Order 1458, § 16-316-482, filed 5/13/76; Order 1366, § 16-316-482, filed 6/12/74; Order 1312, § 16-316-482, filed 4/24/73; Order 1254, § 16-316-482, filed 4/13/72, effective 5/14/72.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-520 Small grain seed certification standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-056 (Order 1622), § 16-316-520, filed 4/30/79; Order 1459, § 16-316-520, filed 5/13/76; Order 1185, § 16-316-520, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-530 Application and fees. [Statutory Authority: Chapter 15.49 RCW. 79-05-056 (Order 1622), § 16-316-530, filed 4/30/79; 78-03-113 (Order 1562), § 16-316-530, filed 3/1/78, effective 4/1/78; Order 1459, § 16-316-530, filed 5/13/76; Order 1367, § 16-316-530, filed 6/12/74; Order 1313, § 16-316-530, filed 4/24/73; Order 1255, § 16-316-530, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-530, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-535 Land requirements. [Order 1459, § 16-316-535, filed 5/13/76; Order 1367, § 16-316-535, filed 6/12/74; Order 1313, § 16-316-535, filed 4/24/73; Order 1255, § 16-316-535, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-535, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-540 Isolation requirements. [Statutory Authority: Chapter 15.49 RCW. 79-05-056 (Order 1622), § 16-316-540, filed 4/30/79; Order 1459, § 16-316-540, filed 5/13/76; Order 1313, § 16-316-540, filed 4/24/73; Order 1185, § 16-316-540, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-545 Field standards. [Statutory Authority: Chapter 15.49 RCW. 80-06-106 (Order 1694), § 16-316-545, filed 5/30/80; 79-05-056 (Order 1622), § 16-316-545, filed 4/30/79; Order 1459, § 16-316-545, filed 5/13/76; Order 1415, § 16-316-545, filed 8/15/75; Order 1367, § 16-316-545, filed 6/12/74; Order 1313, § 16-316-545, filed 4/24/73; Order 1255, § 16-316-545, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-545, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-550 Seed standards. [Statutory Authority: Chapter 15.49 RCW. 79-09-095 (Order 1646), § 16-316-550, filed 8/31/79; 79-05-056 (Order 1622), § 16-316-550, filed 4/30/79; Order 1493, § 16-316-550, filed 3/31/77; Order 1459, § 16-316-550, filed 5/13/76; Order 1415, § 16-316-550, filed 8/15/75; Order 1367, § 16-316-550, filed 6/12/74; Order 1313, § 16-316-550, filed 4/24/73; Order 1244, § 16-316-550, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-550, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-555 Mechanical sampling. [Order 1459, § 16-316-555, filed 5/13/76; Order 1313, § 16-316-555, filed 4/24/73; Order 1244, § 16-316-555, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-555, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-560 Seed-borne diseases. [Order 1459, § 16-316-560, filed 5/13/76; Order 1185, § 16-316-560, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-565 Certified seed sale certificate. [Order 1493, § 16-316-565, filed 3/31/77; Order 1459, § 16-316-565, filed 5/13/76; Order 1415, § 16-316-565, filed 8/15/75; Order 1185, § 16-316-565, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-655 Varieties eligible. [Order 1303, § 16-316-655, filed 4/24/73; Order 1187, § 16-316-655, filed 4/16/71.] Repealed by Order 1408, filed 8/15/75.

16-316-690 Lentil seed certification standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-058 (Order 1618), § 16-316-690, filed 4/30/79; Order 1464, § 16-316-690, filed 5/13/76; Order 1188, § 16-316-690, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-695 Eligible variety and stock seed. [Statutory Authority: Chapter 15.49 RCW. 80-06-113 (Order 1696), § 16-316-695, filed 5/30/80; Order 1464, § 16-316-695, filed 5/13/76; Order 1258, § 16-316-695, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-695, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-700 Application and fees. [Statutory Authority: Chapter 15.49 RCW. 78-03-109 (Order 1564), § 16-316-700, filed 3/1/78, effective 4/1/78; Order 1464, § 16-316-700, filed 5/13/76; Order 1368, § 16-316-700, filed 6/12/74; Order 1311, § 16-316-700, filed 4/24/73; Order 1258, § 16-316-700, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-700, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-705 Land requirements. [Order 1464, § 16-316-705, filed 5/13/76; Order 1311, § 16-316-705, filed 4/23/73; Order 1188, § 16-316-705, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-710 Isolation requirements. [Order 1464, § 16-316-710, filed 5/13/76; Order 1311, § 16-316-710, filed 4/24/73; Order 1258, § 16-316-710, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-710, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-720 Field tolerances. [Order 1188, § 16-316-720, filed 4/16/71.] Repealed by Order 1258, filed 4/13/72, effective 5/14/72. Later promulgation, see WAC 16-316-720 (codified as WAC 16-316-72001) Order 1464, filed 5/13/76.

16-316-72001 Field tolerances. [Order 1464, § 16-316-720, (codified as WAC 16-316-72001), filed 5/13/76.] Repealed by 78-03-109 (Order 1564), filed 3/1/78, effective 4/1/78. Statutory Authority: Chapter 15.49 RCW.

16-316-725 Seed standards. [Order 1494, § 16-316-725, filed 3/31/77; Order 1464, § 16-316-725, filed 5/13/76; Order 1368, § 16-316-725, filed 6/12/74; Order 1311, § 16-316-725, filed 4/24/73; Order 1258, § 16-316-725, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-725, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-726 Mechanical sampling. [Order 1464, § 16-316-726, filed 5/13/76; Order 1311, § 16-316-726, filed 4/24/73; Order 1258, § 16-316-726, filed 4/13/72, effective 5/14/72.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-728 Certified seed sale certificate. [Order 1494, § 16-316-728, filed 3/31/77; Order 1464, § 16-316-728, filed 5/13/76; Order 1417, § 16-316-728, filed 8/15/75; Order 1258, § 16-316-728, filed 4/13/72, effective 5/14/72.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-900 Soybean seed certification standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-061 (Order 1617), § 16-316-900, filed 4/30/79; Order 1466, § 16-316-900, filed 5/13/76; Order 1375, § 16-316-900, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-905 Eligible variety and stock seed. [Order 1466, § 16-316-905, filed 5/13/76; Order 1414, § 16-316-905, filed 8/15/75; Order 1375, § 16-316-905, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-910 Application and fees. [Statutory Authority: Chapter 15.49 RCW. 78-03-100 (Order 1569), § 16-316-

910, filed 3/1/78, effective 4/1/78; Order 1466, § 16-316-910, filed 5/13/76; Order 1375, § 16-316-910, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-915 Land requirements. [Order 1466, § 16-316-915, filed 5/13/76; Order 1375, § 16-316-915, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-920 Isolation requirements. [Order 1466, § 16-316-920, filed 5/13/76; Order 1375, § 16-316-920, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-925 Field standards. [Statutory Authority: Chapter 15.49 RCW. 80-06-108 (Order 1698), § 16-316-925, filed 5/30/80; 79-05-061 (Order 1617), § 16-316-925, filed 4/30/79; Order 1466, § 16-316-925, filed 5/13/76; Order 1375, § 16-316-925, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-930 Seed standards. [Order 1491, § 16-316-930, filed 3/31/77; Order 1466, § 16-316-930, filed 5/13/76; Order 1375, § 16-316-930, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-935 Mechanical sampling. [Order 1466, § 16-316-935, filed 5/13/76; Order 1375, § 16-316-935, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

16-316-940 Certified seed sale certificate. [Order 1491, § 16-316-940, filed 3/31/77; Order 1466, § 16-316-940, filed 5/13/76; Order 1414, § 16-316-940, filed 8/15/75; Order 1375, § 16-316-940, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

WAC 16-316-035 Bentgrass and redtop certification standards. (1) The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations constitute the standards for bentgrass [and] redtop seed certification. [Statutory Authority: Chapter 15.49 RCW. 80-06-117 (Order 1689), § 16-316-035, filed 5/30/80; Order 1451, § 16-316-035, filed 5/13/76; Order 1419, § 16-316-035, filed 8/15/75; Order 1111, § 16-316-035, filed 4/17/69, effective 5/18/69; Order 972, filed 4/8/65; Order 884, Regulation 6, filed 1/31/62; Order 850, Regulation 6, filed 5/24/61; Order 842, Regulation 6, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-316-0401 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 $10.00

(b) *Late seedling penalty fee:* $10.00

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

(2) **Renewal applications:**Due May 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) *Renewal application fee:*

Per variety, per grower $10.00

(b) *Late renewal penalty fee:* $10.00

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

(3) **Reinspection:**Other than isolation (each field) $20.00

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.

(4) **Inspection and final certification fees:**Inspection and final certification fees will be based on pounds sampled and billed upon completion of required tests.

(a) *Inspection and final certification fee:*..... $ 0.60 per 100 pounds.

(If no seed is tagged, 20¢ of the final certification fee is refundable upon request.)

(b) *Service fee for out-of-state origin* ..... $ 0.30 per 100 pounds.

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

(d) *Payment of fees* shall be the responsibility of the person signing the application. However the processor may assume responsibility.

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

(6) **Purity and germination test** ..... fees as established by the director

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

(8) Fees for reissue of tags shall be $ 0.05 a tag with minimum fee of $5.00. [Statutory Authority: Chapter 15.49 RCW. 79-05-064 (Order 1599), § 16-316-0401, filed 4/30/79; Order 1451, § 16-316-040 (codified as WAC 16-316-0401), filed 5/13/76; Order 1419, § 16-316-040 (codified as WAC 16-316-0401), filed 8/15/75. Formerly WAC 16-316-035 (part).]

WAC 16-316-0451 Land requirements. (1) A field to be eligible for production of foundation seed shall not have grown or seeded to an Agrostis species during the previous five years, and for the production of registered or certified seed shall not have [been] grown or seeded to an Agrostis species during the previous year unless the previous crop was of the same variety or strain and certified.

(2) Reseeding of a field because of failure or partial failure of the first seeding may be done with permission of the seed branch. [Statutory Authority: Chapter 15.49 RCW. 80-06-117 (Order 1689), § 16-316-0451, filed 5/30/80; Order 1451, § 16-316-045 (codified as WAC

16-316-0451), filed 5/13/76; Order 1419, § 16-316-045 (codified as WAC 16-316-0451), filed 8/15/75.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-316-0501 Isolation requirements. (1) A seed field to be eligible for the production of foundation, registered, or certified seed must be isolated from any other variety or strain of the same species in accordance with the requirements in the following table:

Class of seed produced	Isolation requirements*	
	Less than 5 acres	More than 5 acres
Foundation	1320 feet	900 feet
Registered	600 feet	300 feet
Certified	300 feet	165 feet

* This distance must be maintained between all other varieties or fields of the same variety not meeting varietal purity requirements for certification.

(2) Isolation between different classes (generations) of the same variety shall be as follows:

Class being produced	Distance required from fields planted with:	Fields less than 5 acres	Fields more than 5 acres
Foundation	Foundation or Registered	330 feet	225 feet
Registered	Registered or Certified	165 feet	75 feet
*Certified	Certified	75 feet	45 feet

* Applicable only to varieties certified on generation basis.

(3) A strip at least five feet in width and which is mowed, uncropped or planted to some crop other than the kind in question shall constitute a field boundary. [Order 1451, § 16-316-050 (codified as WAC 16-316-0501), filed 5/13/76; Order 1419, § 16-316-050 (codified as WAC 16-316-0501), filed 8/15/75.]

WAC 16-316-0551 Field tolerances. Field tolerances shall be as follows:

(1) Maximum other varieties permitted in fields producing:

Foundation: 0%
Registered: 0%
Certified: 2%

(2) A trace of redtop is permitted in certified blue tag bentgrass fields.

(3) Prohibited noxious weeds must be controlled to prevent seed formation. [Statutory Authority: Chapter 15.49 RCW. 79-05-064 (Order 1599), § 16-316-0551, filed 4/30/79; Order 1451, § 16-316-055 (codified as WAC 16-316-0551), filed 5/13/76; Order 1419, § 16-316-055 (codified as WAC 16-316-0551), filed 8/15/75.]

WAC 16-316-0601 Seed standards. Seed standards shall be as follows:

Bentgrass Specific Seed Standards		Foundation	Registered	Certified
Pure Seed**	(Minimum)	98.00%	98.00%	98.00%
Other Crop Seed	(Maximum)	.20%	.20%	.60%
Inert Matter	(Maximum)	2.00%	2.00%	2.00%
Weed Seed	(Maximum)	.30%	.30%	.40%*
Germination	(Minimum)	85.00%	85.00%	85.00%

Redtop Specific Seed Standards		Foundation	Registered	Certified
Pure Seed**	(Minimum)	96.00%	96.00%	92.00%
Other Crop Seed	(Maximum)	.20%	.20%	.60%
Inert Matter	(Maximum)	4.00%	4.00%	8.00%
Weed Seed	(Maximum)	.30%	.30%	.50%
Germination	(Minimum)	80.00%	80.00%	80.00%

(a) Blue tag seed shall not contain over 900 seeds per pound, singly or collectively, of the following weeds: Plantain spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.

(b) Seed must not contain more than 90 per pound for blue tag, singly or collectively of objectionable weeds (see general rules). Seed must be free of the seed of weeds listed as prohibited noxious.

* A maximum of .50% weed seed will be allowed in bentgrass containing silver hairgrass providing the total of all other weed seed does not exceed .40%.

** 1.50% other fine bentgrasses and .50% redtop will be allowed in certified bentgrass containing a minimum of 98.00% total bentgrass.

[Statutory Authority: Chapter 15.49 RCW. 80-06-117 (Order 1689), § 16-316-0601, filed 5/30/80; Order 1451, § 16-316-060 (codified as WAC 16-316-0601), filed 5/13/76; Order 1419, § 16-316-060 (codified as WAC 16-316-0601), filed 8/15/75. Formerly WAC 16-316-035 (part).]

WAC 16-316-0901 Standards for verification of turf seed ingredients. (1) The general rules for seed certification are basic and together with the following specific regulations constitute the rules for certification identity of mixtures of different kinds of certified seed.

(2) A blend data sheet, including proof of certification, verifying the origin and the certifying agency along with the analysis and pounds of each lot must be submitted to the certifying agency for approval.

(3) Each lot of certified seed shall:

(a) Meet standards acceptable to the certifying agency.

(b) Be sampled under supervision of the certifying agency prior to blending. The sample shall be obtained

in accordance with official sampling procedures. The sample shall be identified with:

(i) The verification of certification, origin, and certifying agency;

(ii) The kind/variety;

(iii) The analysis and size of lot.

(4) The certifying agency reserves the right to:

(a) Refuse permission to use individual lots;

(b) Approve the equipment to be used and procedure to follow in blending;

(c) Approve the containers and labeling to be used;

(d) Sample the final blend.

(5) The certifying agency will identify each container with an official certification label verifying that the individual lots used were certified seed lots.

(6) For a mixture to be labeled sod quality each component shall meet sod quality standards.

(7) Fees for turf seed blending shall be 30¢ per 100 pounds based on the pounds of seed packaged, and 2¢ for each label used. [Statutory Authority: Chapter 15.49 RCW. 79-09-098 (Order 1649), § 16-316-0901, filed 8/31/79; 79-05-064 (Order 1599), § 16-316-0901, filed 4/30/79; Order 1301, § 16-316-090 (codified as WAC 16-316-0901), filed 4/24/73.]

WAC 16-316-100 General seed certification standards. The purpose of seed certification is to maintain and make available sources of high quality seeds and propagating material of plant varieties so grown and distributed as to insure genetic identity and genetic purity. The word seed or seeds as used in these standards shall be understood to include all propagating materials. [Order 1452, § 16-316-100, filed 5/13/76; Order 1181, § 16-316-100, filed 4/16/71.]

WAC 16-316-105 By whom certified. (1) Seed certification in the state of Washington is conducted by the Washington state department of agriculture in cooperation with the Washington State Crop Improvement Association, Inc.; Institute of Agricultural Sciences, Washington State University; and Association of Official Seed Certifying Agencies.

(2) Designation of the Washington State Crop Improvement Association, Inc. to assist in the certification of certain agricultural seeds was initiated in 1953. A revised memorandum of agreement between the Washington state department of agriculture and the Washington State Crop Improvement Association, Inc. designates the Washington State Crop Improvement Association, Inc., to act as the director's duly authorized agent for the purpose of certifying seed of field peas, lentils, soybeans, small grain, sorghum and forest trees.

(3) Certification of seeds other than field peas, lentils, soybeans, small grain, sorghum and forest trees shall be conducted by the seed branch, state department of agriculture, Yakima. [Order 1452, § 16-316-105, filed 5/13/76; Order 1181, § 16-316-105, filed 4/16/71.]

WAC 16-316-110 Varieties eligible. (1) Only those varieties that are accepted by the certifying agency as meriting certification, in accordance with the criteria listed below, shall be eligible for certification. For those crops for which National Variety Review Boards exist, it is recommended that varieties be submitted to appropriate board to determine their merit for certification.

(2) Acceptance of a variety for certification shall be based on the following:

(a) A statement and supporting evidence by the originator, developer, or owner requesting certification that the variety has been adequately tested to determine its value and probable area of adaptation, and that it merits certification, and that it is distinguishable from other varieties as set forth in Article 5, International Code of Nomenclature for Cultivated Plants, which reads as follows: "The term cultivar (variety) denotes an assemblage of cultivated individuals which are distinguished by any characters (morphological, physiological, cytological, chemical or others) significant for the purposes of agriculture, forestry, or horticulture, and which, when reproduced (sexually or asexually) retain their distinguishing features."

(b) A statement on origin and breeding procedure.

(c) A description of the morphological characteristics, (such as color, height, uniformity, leaf, head or flower characteristics, etc.) physiological characteristics, disease and insect reactions, and any other identifying characteristics of value to field inspectors and such other pertinent factors as the breeder or sponsor considers relevant.

(d) Evidence of performance, including data on yield, insect or disease resistance and other factors supporting the value of the variety. These performance tests may be conducted by private seed firms or agricultural experiment stations, and shall include appropriate check varieties which are used extensively in the area of intended usage.

(e) A statement giving suggested region of probable adaptation and purposes for which the variety will be used. This shall include where the breeder of the variety has tested it and anticipates recommending and merchandising.

(f) Procedure for maintenance of stock seed classes shall be described. At the time a variety is accepted for certification, a sample lot of breeder seed shall be presented to the certifying agency. This is to be retained as a control varietal sample against which all future seed stock released for certified seed production may be tested to establish continued trueness of variety. [Statutory Authority: Chapter 15.49 RCW. 78-03-114 (Order 1557), § 16-316-110, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-110, filed 5/13/76; Order 1249, § 16-316-110, filed 4/13/72, effective 5/14/72; Order 1181, § 16-316-110, filed 4/16/71.]

WAC 16-316-115 Limitation of generations. (1) Except as provided elsewhere in this section, the number of generations through which a variety may be multiplied shall be limited to that specified by the originating breeder or owner of a variety.

(2) The following exceptions to the above limitations of generations are permitted:

(a) Unlimited recertification of the certified class may be permitted for crop varieties where foundation seed is not being maintained.

(b) The production of an additional generation of the certified class may be permitted on a one-year basis when:

(i) An emergency is declared prior to the planting season by the certifying agency stating that foundation and registered seed supplies in the United States are not adequate to plant the needed acreage of the variety.

(ii) Permission of the originating breeder and/or owner of the variety is obtained (if applicable).

(iii) The additional generation of certified seed produced to meet the emergency need is declared to be ineligible for certification. [Statutory Authority: Chapter 15.49 RCW. 78-03-114 (Order 1557), § 16-316-115, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-115, filed 5/13/76; Order 1181, § 16-316-115, filed 4/16/71.]

WAC 16-316-120 Seed classes. (1) Four classes of seed shall be recognized in seed certification, namely: Breeder, foundation, registered, and certified.

(2) Breeder seed is seed or vegetative propagating material directly controlled by the originating, or in certain cases, the sponsoring plant breeder, institution, or firm. Breeder seed supplies the source for the initial and recurring increase of foundation seed.

(3) Foundation seed (identified by white tags) shall be first-generation seed increased from breeder seed or its equivalent. Production must be carefully supervised and approved by the certifying agency and/or the agricultural experiment station. Increase may be vegetative or seed.

(4) Registered seed (identified by purple tags) shall be the progeny of foundation seed that is so handled as to maintain satisfactory genetic identity and purity and that has been approved and certified by the certifying agency.

(5) Certified seed (identified by blue tags) shall be the progeny of foundation, registered or certified seed that is so handled as to maintain satisfactory genetic identity and purity and that has been approved and certified by the certifying agency. [Order 1452, § 16-316-120, filed 5/13/76; Order 1181, § 16-316-120, filed 4/16/71.]

WAC 16-316-125 Labels and sealing requirements. (1) The certification tag or label attached to the container is evidence of the genetic identity and purity of the contents. Certification tags, labels, and seals must be obtained from the certifying agency and must be attached to seed containers under the supervision of the certifying agency.

(2) Certification is valid only if the tag or label is affixed to each container in a manner approved by the certifying agency.

(3) Tags or labels shall not be removed and reused without permission of the certifying agency.

(4) Certified seed sale certificates or proper invoices may be used in lieu of tags or labels with the approval of the certifying agency. [Order 1452, § 16-316-125, filed 5/13/76; Order 1181, § 16-316-125, filed 4/16/71.]

WAC 16-316-130 Agency deviation from certification standards. Seed that fails to meet certification requirements because of genetic purity is not eligible for tagging. At the discretion of the certifying agency, seed that fails to meet certification requirements on factors other than genetic purity may be designated substandard. The certification tag or label attached to such seed shall clearly show the respects in which the seed is substandard. [Order 1452, § 16-316-130, filed 5/13/76; Order 1181, § 16-316-130, filed 4/16/71.]

WAC 16-316-135 Agency power to reject. The certifying agency shall have authority to reject from certification any lot of seed not meeting these regulations. [Order 1452, § 16-316-135, filed 5/13/76; Order 1181, § 16-316-135, filed 4/16/71.]

WAC 16-316-140 Rejection for color or appearance. The certifying agency reserves the right to refuse certification on any lot of seed if, in the opinion of the certifying agency, the color, appearance, or condition of the seed might be detrimental to the certification program. [Order 1452, § 16-316-140, filed 5/13/76; Order 1181, § 16-316-140, filed 4/16/71.]

WAC 16-316-145 Agency power to refuse certification. The certifying agency shall have the authority to refuse certification if the labeling of containers is misleading or may tend to be confusing as to its contents. [Order 1452, § 16-316-145, filed 5/13/76; Order 1181, § 16-316-145, filed 4/16/71.]

WAC 16-316-150 Specific crop regulations. Crops approved for certification for which rules are not in effect may be certified under the latest minimum rules for seed certification published by the Association of Official Seed Certifying Agencies. Fees for such certification shall be the most applicable fees in effect. [Order 1452, § 16-316-150, filed 5/13/76; Order 1181, § 16-316-150, filed 4/16/71.]

WAC 16-316-151 Land history. (See specific crop rules) requirements may be modified upon approval of the seed certification agency when a cultural practice has proven to be successful. Cultural practice may include mechanical means such as deep plowing and/or chemical means such as fumigants or other material for seed bed preparation. Materials and methods must be a matter of record. Whichever method used, it must be approved and adequate to insure varietal purity. [Statutory Authority: Chapter 15.49 RCW. 78-03-114 (Order 1557), § 16-316-151, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-151, filed 5/13/76.]

WAC 16-316-155 Penalty. (1) Persons found guilty of violation or misuse or abuse of these regulations shall be subject to prosecution under the Washington State Seed Act.

(2) Proof of violation may result in removal of privileges of certifying, dealing in or handling certified seeds for at least one year. [Order 1452, § 16-316-155, filed 5/13/76; Order 1181, § 16-316-155, filed 4/16/71.]

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.
Silverleaf nightshade	Solanum elaeagnifolium Cav.
Sorghum perennial such as, but not limited to, johnsongrass, sorghum almum, and perennial sweet sudangrass	Sorghum spp.
Tansy ragwort	Senecio jacobaea L.
Yellow-flowering skeleton weed	Chondrilla juncea L.

[Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-160, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 79-09-097 (Order 1648), § 16-316-160, filed 8/31/79; Order 1452, § 16-316-160, filed 5/13/76; Order 1181, § 16-316-160, filed 4/16/71.]

WAC 16-316-165 Objectionable weeds. The following weeds shall be considered objectionable weeds for the purpose of seed certification:

English or Common Name	Botanical or Scientific Name
Bermudagrass	Cynodon dactylon (L.) Pers.
Blue lettuce	Lactuca pulchella (Pursh.) DC.
Docks and Sorrel	Rumex spp.
Field pennycress (fanweed)	Thlaspi arvense
Field sandbur	Cenchrus pauciflorus Benth.
Halogeton	Halogeton glomeratus C.A. Mey.
Medusahead	Elymus caput-medusae L. or Taeniatherum asperum (Sim) Nevski
Plantains	Plantago spp.
Poverty weed	Iva axillaris Pursh.
Puncturevine	Tribulus terrestris L.
St. Johnswort	Hypericum perforatum L.
Dalmation toadflax	Linaria dalmatica (L.) Mill.
Yellow toadflax	Linaria vulgaris Hill.
Western ragweed	Ambrosia psilostachya DC.
Wild mustard	Brassica kaber (DC.) L.C. Wheeler Var.
Wild oat	Avena fatua L.
Yellow starthistle	Centaurea solstitialis L.
Gromwell (in small grain)	Lithospermum arvense

[Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-165, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 79-05-068 (Order 1612), § 16-316-165, filed 4/30/79; 78-03-114 (Order 1557), § 16-316-165, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-165, filed 5/13/76; Order 1181, § 16-316-165, filed 4/16/71.]

WAC 16-316-170 Procedure to follow for certification. (1) Persons who wish to participate in this program must submit applications for seed certification with required fees in accordance with the requirements of these regulations and specific rules for each crop. The responsibility for payment of all fees rests with the applicant. (Applications are available from certified seed processors or the seed branch office in Yakima)

(2) Seedling applications (applications for new planting of alfalfa, clover and grasses) are to be submitted as follows:

(a) Separate applications must be submitted for each crop and variety.

(b) Applications are due with required application fee within sixty days after planting. Late applications (those received more than sixty days after planting) may be accepted at the discretion of the certifying agency and are assessed a late seedling application fee.

(c) Attach official tags/labels and/or other verification from seed stock planted.

(d) Additional fees are not required when it is necessary for a grower to reseed due to failure to get a stand. The grower shall advise the certifying agency the date of reseeding, and submit proof of seed stock used to reseed. Reseeding must be done within one year of original planting date.

(3) Annual crops (beans, peas, grain): *An application* must be submitted each year a grower plans to produce seed for certification.

(a) A separate application is required for each crop and variety.

(b) Attach official tags/labels and/or other verification from seed stock planted.

(4) Perennial crops (alfalfa, clover, grass): After a stand is established, *a renewal application* shall be submitted each year that a grower plans to produce seed for certification.

(5) Refer to certification regulations for the specific crop you plan to certify.

(6) Washington State University, its official agents and U.S.D.A. Plant Material Center may be exempt from paying fees on seed stock. [Order 1452, § 16-316-170, filed 5/13/76; Order 1181, § 16-316-170, filed 4/16/71.]

WAC 16-316-175 All growers in certification program. All growers in the certification program shall: (1) Show that reasonable precaution has been taken to control contaminating crops and varieties, noxious weeds, and seedborne diseases.

(2) Exercise precaution to prevent crop and lot mixture when harvesting.

(3) Identify his crop as it is delivered to the processor with the assigned field number or numbers.

(4) Have his seed cleaned at a seed processor that has been approved by the seed branch, department of agriculture. [Statutory Authority: Chapter 15.49 RCW. 79-09-097 (Order 1648), § 16-316-175, filed 8/31/79; 79-05-068 (Order 1612), § 16-316-175, filed 4/30/79; Order 1452, § 16-316-175, filed 5/13/76; Order 1249, § 16-316-175, filed 4/13/72, effective 5/14/72; Order 1181, § 16-316-175, filed 4/16/71.]

WAC 16-316-180 Field inspections. Field inspections shall be made as follows:

(1) A seedling field shall be inspected at the most appropriate time after receipt of seedling application. A seedling producing inspection will be made prior to harvest if the field produces seed the same year of planting.

(2) Field inspections shall be made each year that a crop of certified seed is to be produced when factors affecting certification are most evident.

(3) A field will not be eligible for certification unless a field inspection has been made prior to defoliation or harvesting.

(4) The unit of certification will be the entire field standing at the time of inspection. A portion of a field may be certified if the area to be certified is clearly defined.

(5) A field producing foundation or registered seed that warrants a rejection because of noxious weeds may be reclassified to certified blue tag class if upon reinspection these fields meet certified blue tag standards.

(6) Excessive objectionable weeds may be cause for rejection of a field. Excessive weeds, poor stands, lack of vigor, or other conditions which make inspection inaccurate may also be cause for rejection.

(7) If a field is rejected, the [grower] [growers] may apply for reinspection after the cause for rejection has been corrected. No more than two reinspections will be granted each field. (See specific crop rules for reinspection fee.) [Statutory Authority: Chapter 15.49 RCW. 79-09-097 (Order 1648), § 16-316-180, filed 8/31/79; 78-03-114 (Order 1557), § 16-316-180, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-180, filed 5/13/76; Order 1181, § 16-316-180, filed 4/16/71.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

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

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

(8) Have his permit to process seed for certification rescinded should a subsequent inspection reveal that the processing 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 then be removed from the list of approved processors, and the growers of seed for certification notified of the same. [Order 1452, § 16-316-185, filed 5/13/76; Order 1181, § 16-316-185, filed 4/16/71.]

WAC 16-316-190 Containers and lot numbers. (1) When harvesting, use clean equipment and take all precautions to prevent mixture. The field number must be on all containers or bulk delivery documents to insure identity when delivered to processor.

(2) All seed for certification shall be packaged in clean, new containers of uniform weight and identified with a lot number when tagged and sealed.

(3) The required lot number shall identify the producer and year of production for each lot of seed. This requirement may be satisfied by use of a processor's code. [Statutory Authority: Chapter 15.49 RCW. 79-05-068 (Order 1612), § 16-316-190, filed 4/30/79; Order 1452, § 16-316-190, filed 5/13/76; Order 1181, § 16-316-190, filed 4/16/71.]

WAC 16-316-195 Sampling. A representative sample of each lot of seed for certification shall be obtained by the certifying agency for laboratory analysis. The sample shall be obtained in accordance with official sampling procedures or with mechanical sampling device approved by the certifying agency. The entire lot must be cleaned and in condition for sale at the time of sampling. [Order 1452, § 16-316-195, filed 5/13/76; Order 1181, § 16-316-195, filed 4/16/71.]

WAC 16-316-196 Off-type. The term "off-type" means a plant or seed which deviates in one or more characteristics from that which has been described as being usual for the strain or variety. [Order 1498, § 16-316-196, filed 3/31/77.]

WAC 16-316-197 Fee responsibility. The processor shall be responsible for sampling, testing, production and final certification fees, and may request the responsibility for additional fees. [Order 1498, § 16-316-197, filed 3/31/77.]

WAC 16-316-205 Withdrawal from certification. The applicant may withdraw a field from field inspection by notifying the certifying agency before the field in [is] inspected. [Order 1452, § 16-316-205, filed 5/13/76; Order 1181, § 16-316-205, filed 4/16/71.]

WAC 16-316-210 Completion of certification. All seed carrying official tags (and seals, when required) must have met seed certification standards before distribution. [Order 1452, § 16-316-210, filed 5/13/76; Order 1181, § 16-316-210, filed 4/16/71.]

WAC 16-316-212 Refunds. Request for refund of refundable fees must be submitted by June 30 of the year following harvest. [Order 1452, § 16-316-212, filed 5/13/76.]

WAC 16-316-214 Limitation of liability. The Washington state department of agriculture warrants that the seed has been produced and conditioned according to the certification rules and regulations promulgated under the Washington State Seed Act, chapter 15.49 RCW. The department of agriculture makes no warranty, expressed or implied, or any representation as to the freedom from disease or quality of certified seed. [Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-214, filed 3/31/82, effective 5/1/82.]

WAC 16-316-215 Rules and procedures for organization for economic cooperation and development scheme for varietal certification (O.E.C.D.). (1) O.E.C.D. certification is an international certification scheme limited to federal government membership. The agricultural research service of the United States Department of Agriculture is responsible for implementing the O.E.C.D. seed certification schemes in the United States. The state department of agriculture, by virtue of a memorandum of agreement with the agricultural research service, United States Department of Agriculture, is authorized to implement O.E.C.D. certification in the state of Washington.

(2) The general and specific crop certification standards established by Washington state department of agriculture and the O.E.C.D. Scheme for varietal certification are basic and, together with the following specific rules, constitute the rules for O.E.C.D. seed certification.

(3) **Varieties eligible.**

(a) Crop varieties of U.S. origin will be eligible for O.E.C.D. certification only if accepted into Washingtons state's certification program.

(b) Crop varieties, of origin other than U.S., will be eligible for O.E.C.D. certification only if listed in O.E.C.D. publication, "List of Cultivars Eligible for Certification."

(4) **Classes of seed eligible.**

Washington and U.S. Seed Classes	Label Color	Equivalent O.E.C.D. Seed Classes	O.E.C.D. Label Color
Breeder	——	PreBasic	——
Foundation	White	Basic	White
Registered	Purple	Basic	White
Certified	Blue	1st Generation Certified Seed	Blue
Certified produced from Certified	Blue	2nd Generation Certified Seed	Red

(a) Breeder or prebasic must be planted to be eligible to produce basic white label.

(b) Foundation white label, registered purple label, or basic white label must be planted to be eligible to produce 1st generation blue label.

(c) Certified or 1st generation blue label must be planted to be eligible to produce 2nd generation red label.

(5) **Seed stock sample.** Each lot of O.E.C.D. seed stock must be sampled under supervision of the certifying agency before seals are broken. Sample will be used as control for growout test and a portion may be submitted to seed laboratory for analysis if deemed necessary. Seed stock lots without official tags may not be granted O.E.C.D. approval.

(6) The department of agriculture must obtain approval from the originating country for each O.E.C.D. seed stock lot to be planted in the state of Washington for O.E.C.D. production. Request for O.E.C.D. approval will be submitted by the seed branch to ARS-Beltsville, Maryland, who then contacts the originating country.

(7) **Application for certification and fees.**

(a) Applicant desiring plantings to be eligible for O.E.C.D. certification must submit applications and fees as required for certification of that crop under Washingtons state's certification standards. Certification requirements and procedures for each kind shall be the genetic standards in Washingtons state certification program supplemented by O.E.C.D. standards and by the limitations specified by originating country; such as, length of stand and number of seed crops eligible.

These seed lots will not be required to meet Washington's minimum purity or germination certified seed standards; however, all seed must be officially sampled and tested prior to tagging.

(b) Washington O.E.C.D. eligible lots may, with approval of both agencies involved, be blended with O.E.C.D. eligible seed of other state agencies. Applicant is responsible for all fees of both agencies involved.

(c) Seed produced out of state and processed in Washington must be O.E.C.D. tagged by the state of origin.

(8) **Tagging and sealing.** O.E.C.D. tags will be printed and issued according to O.E.C.D. rules. Seed branch will issue an O.E.C.D. reference number; e.g. (USA-W-78-000), which will be printed on each tag. It is recommended that O.E.C.D. reference numbers be stenciled on each bag. Extra statement on the O.E.C.D. tag such as, "date of sealing," etc. will be kept to a minimum.

(9) **Bagging sample.** A bagging sample of each lot of O.E.C.D. seed tagged must be drawn under supervision of the certifying agency. One hundred to two hundred fifty grams of the sample will be held for the originating

country, the balance will be used for required post control grow-out tests.

(10) **O.E.C.D. certificate.** The seed branch will issue an O.E.C.D. certificate showing kind, variety, reference number, date of sealing, number of containers, weight of lot, class of seed and O.E.C.D. reference number of seed stock used for each lot tagged and sealed upon receipt of tagging report and bagging sample. One copy of the O.E.C.D. certificate is to be mailed to the shipper, one copy to ARS-USDA, one copy attached to bagging sample and one copy for seed branch files.

(11) **Grow-out tests.** As prescribed by O.E.C.D. rules, at least one of four domestic lots tagged and all lots of foreign varieties O.E.C.D. tagged will be planted in grow-out tests.

(12) **Special O.E.C.D. fees.** In addition to fees required by applicable Washington certification rules, the following fees are in addition and will apply to all seed tagged O.E.C.D.:

(a) O.E.C.D. certificate ..... $10.00 each

(b) O.E.C.D. grow-out test (each entry) (no charge for control entry) ..... $40.00 each entry

(c) Fees for seed stock sampling or services not listed in this order shall be the most applicable fee established by the director of agriculture.

(d) All fees payable by person requesting O.E.C.D. certificate. Certifying agency may require fees payable in advance. [Statutory Authority: RCW 15.49.310, 15-.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-215, filed 5/16/83. Statutory Authority: Chapter 15.49 RCW. 79-09-096 (Order 1647), § 16-316-215, filed 8/31/79; 79-05-069 (Order 1613), § 16-316-215, filed 4/30/79; 78-03-102 (Order 1558), § 16-316-215, filed 3/1/78, effective 4/1/78; Order 1250, § 16-316-215, filed 4/13/72, effective 5/14/72; Order 1181, § 16-316-215, filed 4/16/71.]

WAC 16-316-220 Alfalfa seed certification standards. The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations constitute the standards for alfalfa seed certification. [Order 1453, § 16-316-220, filed 5/13/76; Order 1359, § 16-316-220, filed 6/12/74; Order 1181, § 16-316-220, filed 4/16/71.]

WAC 16-316-230 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 $10.00

(b) *Late seedling penalty fee:* $10.00
This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) *Seedling acreage fee:* (per acre) ..... $ 1.50
(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 $10.00 late penalty fee at the discretion of the certifying agency.

(2) **Renewal applications:** Due June 7, however, may be accepted after due date at the discretion of the certifying agency.

(a) *Renewal application fee:*
Per variety, per grower $10.00

(b) *Renewal acreage fee:* (per acre) ..... $ 1.50
(Refundable if acreage is withdrawn before inspection.)

(c) *Late renewal penalty fee:* $10.00
This additional fee shall be charged for each renewal application received after June 15.

(3) **Reinspection:** Other than isolation (each field) $20.00
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.: ..... $ 0.40
The sampling and production fees are billed at completion of tests. If none of the seed is tagged, $ 0.10 of the $ 0.30 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 order shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be $ 0.05 a tag with a minimum fee of $5.00.

[Statutory Authority: Chapter 15.49 RCW. 81-11-023 (Order 1735), § 16-316-230, filed 5/15/81; 79-05-077 (Order 1609), § 16-316-230, filed 4/30/79; Order 1499, § 16-316-230, filed 3/31/77; Order 1453, § 16-316-230, filed 5/13/76; Order 1305, § 16-316-230, filed 4/24/73; Order 1182, § 16-316-230, filed 4/16/71.]

WAC 16-316-235 Land requirements. (1) A field to be planted with breeder seed for the production of foundation seed, or with foundation seed for the production of registered seed, must not have been grown or seeded to alfalfa during the preceding four years.

(2) A field to be planted with foundation or registered seed for the production of certified seed must not have been grown or seeded to alfalfa during the preceding two years: Except the time interval may be reduced to one year if the new planting is of the same variety and class.

(3) Reseeding of a field due to failure or partial failure of the first seeding may be done with permission of the certifying agency.

(4) Ditchbanks, roadways, etc. adjacent to a certified field must be free of volunteer alfalfa and prohibited noxious weeds.

(5) Volunteer alfalfa plants in the field may be cause for rejection or reclassification of a seed field.

(6) No manure or other contaminating materials shall be applied during the establishment and production period of the stand. [Statutory Authority: Chapter 15.49 RCW. 80-06-110 (Order 1690), § 16-316-235, filed 5/30/80; Order 1453, § 16-316-235, filed 5/13/76; Order 1359, § 16-316-235, filed 6/12/74; Order 1182, § 16-316-235, filed 4/16/71.]

WAC 16-316-240 Isolation requirements. (1) Alfalfa for certification shall be isolated from all other alfalfa varieties or fields of the same alfalfa variety not meeting varietal purity requirements for certification as follows:

Class Being Produced	Fields less than five acres	Fields five acres or more
Foundation	900 feet	600 feet
Registered	450 feet	300 feet
Certified	165 feet	165 feet

(2) Isolation between different classes (generations) of the same variety shall be as follows:

Class Being Produced	Distance Required from Fields Planted with:	Fields less than 5 acres	Fields 5 acres or more
Foundation	Foundation or Registered	225 feet	150 feet
Registered	Registered or Certified	115 feet	75 feet
Certified	Certified	75 feet	45 feet

(3) In cases where an adjoining field is planted with a different variety of alfalfa, or alfalfa of a lower class, isolation may be obtained by measuring off the required strip in the certified field. This isolation strip may be mowed for hay or it may be harvested for uncertified seed under the following conditions:

(a) The grower must apply for certification of the entire field and clearly stake off the isolation strip. The entire field must pass all certification requirements, except for isolation at time of inspection. The field report will show rejection due to lack of isolation.

(b) The grower may harvest either the certified portion of the field, or the uncertified isolation strip first and deliver this portion to the processing plant. After this seed is weighed and lotted in, the grower will request a reinspection of the uncut portion. After reinspection, if everything is in order, the field will be passed and the remainder of the field can then be harvested.

(4) Isolation is not required when the isolation zone is less than ten percent of the entire field being certified: *Provided*, That there is a clear (3m) line of demarcation between adjacent varieties. The isolation zone is the area calculated by the length of the common border with other varieties by average width of the certified field falling within the 50m isolation distance requirement. [Statutory Authority: Chapter 15.49 RCW. 79-09-104 (Order 1655), § 16-316-240, filed 8/31/79; Order 1453, § 16-316-240, filed 5/13/76; Order 1409, § 16-316-240, filed 8/15/75; Order 1359, § 16-316-240, filed 6/12/74; Order 1182, § 16-316-240, filed 4/16/71.]

WAC 16-316-245 Field tolerances. Field tolerances shall be as follows:

	Field Producing*		
	Foundation	Registered	Certified
Other varieties	0.10%	0.5%	1.0%
Sweet clover	none	5 plants/acre	20 plants/acre
Red clover	none	4 plants/acre	20 plants/acre

* Prohibited noxious weeds must be controlled to prevent seed formation.

[Order 1499, § 16-316-245, filed 3/31/77; Order 1453, § 16-316-245, filed 5/13/76; Order 1182, § 16-316-245, filed 4/16/71.]

WAC 16-316-250 Seed standards. (1) Seed standards shall be as follows:

Purity		Foundation	Registered	Blue Tag Certified
Pure seed	(Min.)	99.00%	99.00%	99.00%
Other crops	(Max.)	.10%	.10%	.25%
Sweet clover	(Max.)	none	none	90 per lb.
Inert matter	(Max.)	1.00%	1.00%	1.00%
Weed seed	(Max.)	.10%	.20%	.25%
Objectionable weed seeds: Maximum total		none	none	18 per lb.
Germination (Min. total germination and hard seed)		80.00%	85.00%	85.00%
or *Tetrazolium* (Min. total of Tetrazolium and hard seed)		82.00%	87.00%	87.00%

(2) Alfalfa seed must be free of prohibited noxious weed seeds. Further, the foundation class must also be free of Brassica spp.

(3) Foundation or registered seed that has been rejected in the laboratory for prohibited noxious weed seeds may be reclassified to the certified blue tag class and may not be eligible for seed stock even though it is recleaned and meets certification standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-077 (Order 1609), § 16-316-250, filed 4/30/79; Order 1499, § 16-316-250, filed 3/31/77; Order 1453, § 16-316-250, filed 5/13/76; Order 1182, § 16-316-250, filed 4/16/71.]

WAC 16-316-260 Bean seed certification standards. The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations, constitute the standards for certification of bean seed. [Order 1454, § 16-316-260, filed

5/13/76; Order 1360, § 16-316-260, filed 6/12/74; Order 1183, § 16-316-260, filed 4/16/71.]

WAC 16-316-270 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 $10.00

(b) *Acreage fee:*

(i) One inspection: (per acre) ..... $ 1.50

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

(ii) Two inspections: (per acre) ..... $ 3.00

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:* $10.00

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

(2) **Reinspection:** (each field) $20.00

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.: ..... $ 0.30

The production fees are billed at 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 order shall be the most applicable fee established by the director of agriculture. [Statutory Authority: RCW 15-.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-270, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-111 (Order 1691), § 16-316-270, filed 5/30/80; 79-05-067 (Order 1611), § 16-316-270, filed 4/30/79; Order 1500, § 16-316-270, filed 4/11/77; Order 1454, § 16-316-270, filed 5/13/76; Order 1411, § 16-316-270, filed 8/15/75; Order 1304, § 16-316-270, filed 4/24/73; Order 1183, § 16-316-270, filed 4/16/71.]

WAC 16-316-275 Land requirements. (1) A field to be eligible for the production of certified seed must not have been planted to beans of the same variety and strain the preceding three years. This requirement is waived if the previous crop was of the same variety and of a certified class equal or superior to that of the crop seeded. The field to be planted must have been free of bacterial diseases the previous two years.

(2) A field will not be eligible for production of certified seed for more than two consecutive years. [Statutory Authority: Chapter 15.49 RCW. 79-05-067 (Order 1611), § 16-316-275, filed 4/30/79; Order 1454, § 16-316-275, filed 5/13/76; Order 1183, § 16-316-275, filed 4/16/71.]

WAC 16-316-280 Field tolerances. Field tolerances shall be as follows:

(1)

	Field Producing		
	Found-ation	Regis-tered	Certi-fied
Other varieties or off-type plants	none	0.1%	0.2%
Other crops	none	0.1%	0.1%
Total seed-borne diseases	none	0.5%	1.5%
Bacterial bean blights and wilt	none	none	none
Anthracnose	none	none	none
Mosaic seed-borne	none	0.5%	0.5%

(2) Snap beans and kidney beans grown under sprinkler irrigation will not be eligible for certification. Further snap and kidney beans shall be isolated by 1320 feet from known bacterial blight.

(3) Fields must be rogued of weeds, off-type plants, volunteer plants, and plants showing symptoms of seed-borne diseases. Excessive night-shade shall be a cause for rejection.

(4) A field to be eligible for certification must have clean, cultivated boundaries at least ten feet wide.

(5) Excessive weeds, poor stands, lack of vigor, or any other condition which is apt to make inspection inaccurate may be cause for rejection of the field. [Statutory Authority: Chapter 15.49 RCW. 79-05-067 (Order 1611), § 16-316-280, filed 4/30/79; Order 1454, § 16-316-280, filed 5/13/76; Order 1411, § 16-316-280, filed 8/15/75; Order 1183, § 16-316-280, filed 4/16/71.]

WAC 16-316-285 Inspection requirements. Inspection requirements shall be as follows: (1) When factors affecting certification are most evident. The 2nd inspection, when required, shall be a windrow inspection.

(2) A greenhouse test may be required if the certifying agency deems it necessary.

(3) The combined results of field inspections, laboratory test, and greenhouse test, when required, will determine final certification. [Statutory Authority: Chapter 15.49 RCW. 79-05-067 (Order 1611), § 16-316-285, filed 4/30/79; Order 1454, § 16-316-285, filed 5/13/76; Order 1360, § 16-316-285, filed 6/12/74; Order 1183, § 16-316-285, filed 4/16/71.]

WAC 16-316-290 Seed standards. Seed standards shall be as follows:

(1)

Purity		Foun-ation	Regis-tered	Blue Tag Certi-fied
Pure seed	(Min.)	98%	98%	98%
Other crops & varieties	(Max.)	none	none	2/100 lbs.
Badly damaged seed	(Max.)		2%	2%
Inert matter	(Max.)		2%	2%
Splits & cracks	(Max.)		2%	2%
Weed seed	(Max.)		none	none
Germination (minimum)			85%	85%

(2) Total inert matter, splits and cracks, and badly damaged seed shall not exceed 2% except for foundation class.

(3) Test reports will show percent of discolored beans for information only.

(4) Rough handling of bean seed in the combine or cleaning plant reduces germination materially. Precautions must be taken against such treatment and the seed safeguarded against high drops. [Statutory Authority: Chapter 15.49 RCW. 79-05-067 (Order 1611), § 16-316-290, filed 4/30/79; Order 1454, § 16-316-290, filed 5/13/76; Order 1183, § 16-316-290, filed 4/16/71.]

WAC 16-316-295 Regulation and procedure for issuance of phyto-sanitary certificate. (1) Phyto-sanitary certificate is a certificate stating a specific seed crop was inspected a predetermined number of times and a specified disease was not found; or a certificate based on area surveillance stating a specific disease, as far as known, does not occur in the area of production. [Order 1455, § 16-316-295, filed 5/13/76; Order 1251, § 16-316-295, filed 4/13/72, effective 5/14/72.]

WAC 16-316-310 Application for inspection and due dates. (1) The applicant must submit an application for each field stating the disease or diseases for which inspection is requested.

(a) Due dates for applications for field inspections are as follows:

(i) Western Washington: Fall plantings ... April 15
Spring plantings ... June 1
(ii) Eastern Washington: Fall plantings ... April 15
Peas in Columbia Basin ... May 15
Peas East Highway 395 (Palouse) ... June 15
Beans ... July 1
All other crops ... June 1

(b) Applications for crops requiring a fall inspection are due 30 days prior to inspection time and not later than September 15. Applications may be accepted after September 15 at the discretion of the seed branch.

(2) To be eligible for *pseudomonas pisi* phyto-sanitary certificate for peas or other diseases based on area surveillance, the applicant must file a report listing acreage and general location (such as block and unit if possible) before May 1.

(3) Applications received after due date will be assessed a late fee – acceptance is at the discretion of the certifying agency.

(4) Each applicant shall submit applications and/or required reports stating diseases for which inspection is to be made and the number of inspections required and/or requested.

(5) Applications must be submitted to the Seed Branch, 2015 South 1st Street, Yakima, Washington 98903, before due date with required fees.

(6) Only one kind of crop is permitted on each application. [Statutory Authority: Chapter 15.49 RCW. 81-11-021 (Order 1737), § 16-316-310, filed 5/15/81; 79-09-101 (Order 1652), § 16-316-310, filed 8/31/79; Order 1502, § 16-316-310, filed 3/31/77; Order 1455, § 16-316-310, filed 5/13/76; Order 1251, § 16-316-310, filed 4/13/72, effective 5/14/72.]

WAC 16-316-315 Fee and charges. (1) Fee for area and field inspection:

(a) Field inspection (payable with application). For each required inspection (per acre or fraction thereof) ... $ 4.00
(with minimum fee of $20.00 per field per inspection)
An additional charge of $ 0.50 per acre shall be charged for each disease requested in excess of two.

(b) Area inspection (per 100 lbs) ... $ 0.05
Billed at time certificate is issued with a minimum of $20.00 and a maximum of $150.00 per certificate.

(2) Late application penalty fee ... $10.00
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 100 lbs) ... $ 0.05

(b) Other crops (per 100 lbs) ... $ 0.15

(4) Serology test: ... Fee to be established by the state of Idaho.

An official 5 pound sample is required from each 10,000 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 order shall be set on the basis of the actual cost to the department of agriculture or the most appropriate fee established will be used.

(6) Laboratory analysis of plant material: An additional fee of $18.00 per field shall be charged when necessary to examine plant material in the laboratory to verify disease. [Statutory Authority: Chapter 15.49 RCW. 81-11-021 (Order 1737), § 16-316-315, filed 5/15/81; 79-05-071 (Order 1626), § 16-316-315, filed 4/30/79; 78-03-101 (Order 1559), § 16-316-315, filed

3/1/78, effective 4/1/78; Order 1455, § 16-316-315, filed 5/13/76; Order 1251, § 16-316-315, filed 4/13/72, effective 5/14/72.]

WAC 16-316-320 Land and production requirements. (1) A field to be eligible for production of a crop for phyto-sanitary certificates must not have been planted to said crop within the past three years if said crop was known to be contaminated with specific disease in question.

(2) A field must have clean, cultivated boundaries.

(3) Excessive weeds, poor stands, lack of vigor, or any other condition which is likely to make inspection inaccurate may be cause for rejection.

(4) Additional land and/or production requirements may be adopted after consultation with industry representative and area specialist for specific disease and/or crops.

(5) The department of agriculture may, in addition to the following inspection procedures, require a laboratory (serology) test and/or a greenhouse test or other testing methods.

(6) The combined results of field inspection and laboratory (serology), greenhouse tests and/or other testing methods, when required or available, may be used to determine final eligibility for phyto-sanitary certificate. [Order 1455, § 16-316-320, filed 5/13/76; Order 1410, § 16-316-320, filed 8/15/75; Order 1251, § 16-316-320, filed 4/13/72, effective 5/14/72.]

WAC 16-316-326 Phyto-sanitary certificate for peas. (1) Specific diseases of peas for which phyto-sanitary certificate will be issued:

(a) *Pseudomonas pisi* (Sackett)

(b) *Pea Seed-borne Mosaic Virus* – based on two field inspections.

(2) Pea seed to be eligible for a phyto-sanitary certificate stating freedom from *Pseudomonas pisi* (Sackett):

(a) Based on area inspection must be free of the disease in question as determined by area inspection of at least [ten percent] of the acreage. The department of agriculture will also conduct a survey of county extension agents, extension pathologists, and plant pathologists at experiment stations and Washington State University. Each company desiring his production eligible must make inspections of the fields throughout the growing season. If symptoms of said disease are found, it must be reported to the Seed Branch, Department of Agriculture, 2015 South 1st Street, Yakima, Washington 98903, immediately. At the end of the growing season, and not later than September 1, each applicant must file a report with the seed branch, department of agriculture, based on company pathologist inspections and what other information he may have if the disease in question was or was not observed.

(b) Based on field inspection must be free of said disease as determined by one field inspection made during growing stage most optimum for detecting of said disease.

(3) Pea seed to be eligible for certificate stating freedom from *Pea Seed-borne Mosaic Virus* must be free of said disease as determined by one inspection at two to four weeks after seedling emergence, and second inspection one to two weeks before dry pod stage.

It is recommended that breeding nurseries, isolation nurseries, and/or small seed-increase plots be entered for inspection. [Statutory Authority: Chapter 15.49 RCW. 81-11-021 (Order 1737), § 16-316-326, filed 5/15/81; 79-05-071 (Order 1626), § 16-316-326, filed 4/30/79; 78-03-101 (Order 1559), § 16-316-326, filed 3/1/78, effective 4/1/78; Order 1455, § 16-316-326, filed 5/13/76.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-316-327 Phyto-sanitary certificate for beans. (1) Specific bacterial diseases of beans for which phyto-sanitary certificates will be issued are:

(a) *Halo Blight – Pseudomonas phaseolicola* (Burk.) Dows.

(b) *Common Bean Blight – Xanthomonas phaseoli* (E.F. Sm.) Dows.

(c) *Fuscous Blight – Xanthomonas phaseoli* var. *fuscans* (Burk.)

(d) *Bean Bacterial Wilt – Corynebacterium flaccumfaciens* (Hedges) Dows.

(e) Or any varieties or new strains of these diseases.

(2) Common bean seed to be eligible for a phyto-sanitary certificate covering the bacterial diseases listed above, must be free of the diseases in question as determined by field inspection during the growing season and by a windrow inspection. (Serology test and greenhouse test may be accepted in lieu of windrow inspection at the discretion of the department of agriculture.)

(3) Snap beans and kidney beans grown under sprinkler irrigation will not be eligible for phyto-sanitary certificates covering bacterial diseases.

(4) To be eligible for phyto-sanitary certificate, field planted must be free of halo blight the previous two years.

(5) To be eligible for phyto-sanitary certificate, field must be 1320 feet from an incident of diseases listed in paragraph (1) of this section. It is recommended that equipment be disinfected between fields.

(6) Field inspection requirements:

At least two field inspections are required for beans being inspected for the bacterial diseases listed above:

(a) The first inspection is required when factors effecting diseases are most evident.

(b) The second inspection is required when the plants are in the windrow. [Statutory Authority: Chapter 15.49 RCW. 79-05-071 (Order 1626), § 16-316-327, filed 4/30/79; Order 1455, § 16-316-327, filed 5/13/76.]

WAC 16-316-328 Phyto-sanitary certificate for other crops and diseases. (1) Phyto-sanitary certificates may be issued covering other crops and other diseases depending upon occurrence, symptoms, and hosts. Inspection procedures and requirements for issuing phyto-sanitary certificates will be determined after consultation with area specialists.

(a) To be eligible for phyto-sanitary certificates, applicant must submit his request as early as possible to allow adequate time to develop procedures and requirements.

(b) Only one field inspection will be provided unless it is determined that it is necessary to make inspections at different times during the growing season to detect symptoms of the disease in question. [Order 1455, § 16-316-328, filed 5/13/76.]

WAC 16-316-340 Grass seed certification standards. The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations, constitute the standards for grass seed certification. (See specific regulations for bentgrass standards.) In addition to these standards, each lot of seed stock subject to annual bluegrass quarantine must be in compliance with said quarantine to be eligible for certification. [Statutory Authority: Chapter 15.49 RCW. 78-03-112 (Order 1560), § 16-316-340, filed 3/1/78, effective 4/1/78; Order 1485, § 16-316-340, filed 9/8/76; Order 1418, § 16-316-340, filed 8/15/75; Order 1362, § 16-316-340, filed 6/12/74; Order 1184, § 16-316-340, filed 4/16/71.]

WAC 16-316-350 Certification fees. (1) **Seedling applications:** Due within sixty days after 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 $10.00

(b) **Late seedling penalty fee:**(per kind) $10.00
This additional fee shall be charged for seedling applications received more than sixty days after planting.

(c) **Seedling producing application fee:**
Per variety, per grower $10.00
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 are due July 31: *Provided*, That such application may be accepted after due date with $10.00 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 $10.00

(b) **Late renewal penalty fee:**(per kind) $10.00
This additional fee shall be charged for renewal applications received after May 1.

(3) **Reinspection:** Other than isolation (each field) $20.00
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.

(4) **Inspection and final certification fees:** Inspection and final certification fees will 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 must 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** ..... $ 0.60
per one hundred pounds. (If no seed is tagged, $0.20 of the final certification fee is refundable upon request.)

(ii) **Service fee for out-of-state origin** ..... $ 0.30
per one hundred pounds.

(iii) **Blend fee** shall be as established by blend regulation, 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** ..... $ 1.00
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 ..... $ 0.95
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 will 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 must be made by June 30 following final disposition of the blend.

(5) **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.

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

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

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

(9) **Fees for reissue of tags** shall be $0.10 per tag with a minimum fee of $10.00.

[Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-350, filed 5/16/83. Statutory Authority: Chapter 15.49 RCW. 79-09-100 (Order 1650), § 16-316-350, filed 8/31/79; 79-05-060 (Order 1610), § 16-316-350, filed 4/30/79; 78-03-112 (Order 1560), § 16-316-350, filed 3/1/78, effective 4/1/78; Order 1485, § 16-316-350, filed 9/8/76; Order 1362, § 16-316-350, filed 6/12/74; Order 1306, § 16-316-350, filed 4/24/73; Order 1252, § 16-316-350, filed 4/13/72, effective 5/14/72; Order 1184, § 16-316-350, filed 4/16/71.]

WAC 16-316-355 Land requirements. (1) A field to be planted with breeder seed for the production of foundation seed must not have grown or have been seeded to the same species, sub-species, variety, or strain of grass during the preceding five years. The field must be planted in spaced rows.

(2) A field to be planted with foundation seed for the production of registered seed must not have grown or have been seeded to the same species, sub-species, variety, or strain of grass during the preceding three years.

(3) A field to be planted with foundation, registered, or certified seed for the production of certified seed must not have grown or have been seeded to the same species, sub-species, variety or strain of grass during the preceding year unless the previous planting was of the same species, sub-species, variety, or strain and eligible to produce foundation, registered or certified seed.

(4) Reseeding of a field because of failure or partial failure of the first seeding may be done with permission of the seed branch.

(5) Grasses of the same kind growing in fence rows and other areas adjacent to the field must be controlled to prevent blooming. [Order 1485, § 16-316-355, filed 9/8/76; Order 1418, § 16-316-355, filed 8/15/75; Order 1362, § 16-316-355, filed 6/12/74; Order 1306, § 16-316-355, filed 4/24/73; Order 1184, § 16-316-355, filed 4/16/71.]

WAC 16-316-360 Isolation requirements. (1) A seed field to be eligible for the production of foundation, registered or certified seed must 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	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 15 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 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 apply for certification of the entire field and before inspection clearly stake off the border removal portion.

(b) A reinspection will 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 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 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 request a reinspection; if everything is in order, the field will be passed and the border strip can be harvested as uncertified seed. [Order 1504, § 16-316-360, filed 3/31/77; Order 1485, § 16-316-360, filed 9/8/76; Order 1418, § 16-316-360, filed 8/15/75; Order 1362, § 16-316-360, filed 6/12/73; Order 1184, § 16-316-360, filed 4/16/71.]

WAC 16-316-365 Field tolerances. Field tolerances shall be as follows:

(1) Maximum other varieties permitted in fields producing:

Foundation:0%
Registered:0.5%
Certified: 2%

Prohibited noxious weeds must be controlled to prevent seed formation. [Order 1485, § 16-316-365, filed 9/8/76; Order 1184, § 16-316-365, filed 4/16/71.]

WAC 16-316-370 Seed standards. Seed standards for grass shall be as follows:

PART ONE OF TABLE

Crop & type of Reproduction	Symbol (as defined in WAC 16-316-360)	Min. % Germ Fndt. Reg.	Cert.	Min. % Pure Fndt. Reg.	Cert.	Max. % Inert Fndt. Reg.	Cert.
Bluegrass							
Sherman	(A)	70	70	90	90	10	10
Canby	(A)	70	70	90	90	10	10
Kentucky	(A)	80(e)	80(e)	97	97(d)	3	3
Merion Kentucky	(A)	80(e)	80(e)	92	92(d)	8	8
Canada	(A)	80	80	96	92(d)	4	8
Smooth Brome	(C)	80	85	95	95	5	5
Meadow Brome	(C)	80	85	95	95	5	5
Mountain Brome	(S)	85	85	95	95	5	5
Deertongue	(C)	50	50	97	95	3	5
Fescue							
Tall	(C)	80	85	95	97	5	3
Hard Fescue	(C)	80	85	95	95	5	5
Other Fescue	(C)	80	90	95	95	5	5
Orchardgrass	(C)	80	85 80 for Pennlate & Latar	85	90	15	10
Ryegrass	(C)	85(g)	90(g)	96	97	4	3
Pennfine	(C)	85(g)	85(g)	96	97	4	3
Timothy	(C)	80	85	97	97	3	3
Wheatgrass							
Beardless	(C)	80	85	90	90	10	10
Intermediate	(C)	80	85	95	95	5	5
Pubescent	(C)	80	85	95	95	5	5
Streambank	(C)	80	85	90	90	10	10
Crested, and Siberian	(C)	80	85	90	95	10	5
Slender	(S)	80	85	90	95	10	5
Tall	(C)	80	85	95	95	5	5
Indian Ricegrass	(C)	80	80	95	90	5	10
Puccinellia distans	(C)	80	80	95	95	5	5

PART TWO OF TABLE

Crop & type of Reproduction	Max. % Weeds(b) Fndt. Reg.	Cert.	Max. % Other Crop Fndt.(a) Reg.	Cert.	Max. No. seeds of other grass spp. Fndt.	Reg.
Bluegrass						
Sherman	.05	.3	.1	.5	1/10 grams	1/1 gram
Canby	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Kentucky	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Merion Kentucky	.05	.3	.1	.5(d)	1/10 grams	2/1 gram
Canada	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Smooth Brome	.05	.3(c)	.1	.5	1/50 grams	10/50 grams
Meadow Brome	.05	.3(c)	.1	.5	1/50 grams	10/50 grams
Mountain Brome	.3	.5	.5	1.0	1/50 grams	10/50 grams
Deertongue	.50	.5(c)	1.0	1.0	1%	——
Fescue						
Tall	.03	.3(c)	.1	.5	2/50 grams	10/50 grams
Hard Fescue	.03	.3(c)	.1	.5	1/50 grams	5/50 grams
Other Fescue	.03	.3(c)	.1	.5	1/50 grams	5/50 grams
Orchardgrass	.03	.3(c)	.1	.5	3/50 grams	10/50 grams
Ryegrass	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Pennfine	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Timothy	.1	.3	.1	.5	1/50 grams	5/50 grams

Crop & type of Reproduction	Max. % Weeds(b) Fndt. Reg.	Cert.	Max. % Other Crop Fndt.(a) Reg.	Cert.	Max. No. seeds of other grass spp. Fndt.	Reg.
Wheatgrass						
Beardless	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Intermediate	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Pubescent	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Streambank	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Crested, and Siberian	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Slender	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Tall	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Indian Ricegrass	.3	.5	.5	1.0	1/50 grams	5/50 grams
Puccinellia distans	.3	.5	.5	1.0	1/10 grams	1/1 grams

[The following (a)–(f) are notes to the above table.]

(a) Not to exceed twenty–five hundredths of one percent other grass species for certified seed.

(b) Grass seed must not contain more than 45 per lb. for registered seed, 90 per pound for blue tag seed, singly or collectively, of objectionable weed seeds. (See current general rules.) Grass seed must be free of the seed of prohibited noxious weeds.

(c) A tolerance of .5% will be allowed for samples containing weedy bromus spp., provided the total of all other weed seeds does not exceed .3%.

(d) A 3% tolerance of other Kentucky Bluegrass varieties will be allowed in Merion. (Note: Containing minimum 92% Merion.) In Canada Bluegrass, 3% Kentucky Bluegrass will be permitted.

(e) A standard tetrazolium (200 seed) test may be used in lieu of germination test.

(f) A tolerance of .8% will be allowed in registered and certified wheatgrass containing small grain seed, providing the total of all other crop seed does not exceed .1% for registered class and .5% for certified class.

(g) Acceptable maximum fluorescence allowed:

Variety	Foundation	Registered	Certified
NK–100	3 – 12%	——	3 – 12%
Norlea	2%	——	5%
Pelo	1%	2%	5%
Pennfine	0 – 1%	——	0 – 3%
Cropper	0	——	3%
NK–200	0	——	3%
Yorktown	0	0	2%
Loretta		——	2%

[Statutory Authority: RCW 15.49.310 and 15.49.370. 82–08–033 (Order 1757), § 16–316–370, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 79–09–100 (Order 1650), § 16–316–370, filed 8/31/79; 79–05–060 (Order 1610), § 16–316–370, filed 4/30/79; 78–03–112 (Order 1560), § 16–316–370, filed 3/1/78, effective 4/1/78; Order 1504, § 16–316–370, filed 3/31/77; Order 1485, § 16–316–370, filed 9/8/76; Order 1418, § 16–316–370, filed 8/15/75; Order 1362, § 16–316–370, filed 6/12/74; Order 1306, § 16–316–370, filed 4/24/73; Order 1252, § 16–316–370, filed 4/13/72, effective 5/14/72; Order 1184, § 16–316–370, filed 4/16/71.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16–316–430 Red clover seed certification standards. The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations, constitute the standards for red clover seed certification. [Order 1457, § 16–316–430, filed 5/13/76; Order 1363, § 16–316–430, filed 6/12/74; Order 1253, § 16–316–430, filed 4/13/72, effective 5/14/72.]

WAC 16–316–440 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 $10.00

(b) *Late seedling penalty fee:* $10.00
This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) *Seedling acreage fee:* (per acre) ..... $ 1.50
(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 $10.00 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 $10.00

(b) *Renewal acreage fee:* (per acre)..... $ 1.50
(Refundable if acreage is withdrawn before inspection.)

(c) *Late renewal penalty fee:* $10.00
This additional fee shall be charged for each renewal application received after June 15.

(3) **Reinspection:** Other than isolation (each field)..... $20.00

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.: ..... $ 0.40
The production fee is billed at completion of tests. If none of the seed is tagged, $ 0.10 of the $ 0.30 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 order shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be $0.05 a tag with a minimum fee of $5.00. [Statutory Authority: Chapter 15.49 RCW. 81-11-019 (Order 1734), § 16-316-440, filed 5/15/81; 79-05-078 (Order 1621), § 16-316-440, filed 4/30/79; Order 1495, § 16-316-440, filed 3/31/77; Order 1457, § 16-316-440, filed 5/13/76; Order 1307, § 16-316-440, filed 4/24/73; Order 1253, § 16-316-440, filed 4/13/72, effective 5/14/72.]

WAC 16-316-445 Land requirements. (1) A field to be planted with breeder seed for the production of foundation seed must not have been grown or seeded to red clover during the preceding six years, three years of which the land must have been cultivated.

(2) A field to be planted with foundation seed for the production of certified seed must not have been grown or seeded to red clover during the preceding three years. The time interval may be shortened to one year if one cultivated crop or clean fallow has intervened and the new planting is of the same variety and class.

(3) A stand of red clover will not be eligible to produce certified seed after two seed crops. These crops may be produced either in the same or in consecutive years.

(4) Reseeding of a field, because of failure or partial failure of the first seeding, may be done with permission of the certifying agency.

(5) Ditchbanks, roadways, etc., adjacent to a certified field must be free of volunteer red clover and prohibited noxious weeds.

(6) Volunteer plants in the field may be cause for rejection or reclassification of the seed field.

(7) No manure or contaminating material shall be applied one year preceding, or during the establishment and productive period of the stand.

(8) A stand of red clover over three years old is not eligible for certification. [Statutory Authority: Chapter 15.49 RCW. 80-06-109 (Order 1692), § 16-316-445, filed 5/30/80; Order 1457, § 16-316-445, filed 5/13/76; Order 1253, § 16-316-445, filed 4/13/72, effective 5/14/72.]

WAC 16-316-450 Isolation requirements. (1) Red clover for certification shall be isolated from all other red clover varieties or fields of the same variety not meeting varietal purity requirements for certification as follows:

Class Being Produced	Fields less than five acres	Fields five acres or more
Foundation	900 feet	600 feet
Certified	165 feet	165 feet

(2) Isolation between different classes (generations) of the same variety shall be as follows:

Class Being Produced	Distance Required from Fields Planted with:	Fields less than 5 acres	Fields 5 acres or more
Foundation	Foundation or Certified	225 feet	150 feet
Certified	Certified	75 feet	45 feet

(3) In cases where an adjoining field is planted with a different variety of red clover, or red clover of a lower class, isolation may be obtained by measuring off the required strip in the certified field. This isolation strip may be mowed for hay or it may be harvested for uncertified seed under the following conditions:

(a) The grower must apply for certification of the entire field and clearly stake off the isolation strip. The entire field must pass all certification requirements, except for isolation at time of inspection. The field report will show rejection due to lack of isolation.

(b) The grower may harvest either the certified portion of the field or the uncertified isolation strip first and deliver that portion to the processing plant. After this seed is weighed and lotted in, the grower will then request a reinspection of the uncut portion. After reinspection, if everything is in order, the field will be passed and the remainder of the field can then be harvested. [Statutory Authority: Chapter 15.49 RCW. 78-03-111 (Order 1561), § 16-316-450, filed 3/1/78, effective 4/1/78; Order 1495, § 16-316-450, filed 3/31/77; Order 1457, § 16-316-450, filed 5/13/76; Order 1363, § 16-316-450, filed 6/12/74; Order 1253, § 16-316-450, filed 4/13/72, effective 5/14/72.]

WAC 16-316-455 Field tolerances. Field tolerances shall be as follows:

		Field Producing* Foundation	Certified
Other varieties	(Max.)	0.00%	0.50%
Alfalfa	(Max.)	None	10 plants/acre
Sweet Clover	(Max.)	None	20 plants/acre

* Prohibited noxious weeds must be controlled to prevent seed formation.

[Order 1457, § 16-316-455, filed 5/13/76; Order 1253, § 16-316-455, filed 5/14/72, effective 4/13/72.]

WAC 16-316-460 Seed standards. Seed standards shall be as follows:

(1)

Purity		Foundation	Blue Tag Certified
Pure seed	(Min.)	99.00%	99.00%
Other crops	(Max.)	18 per lb.	0.25%
Inert matter	(Max.)	1.00%	1.00%
Sweet clover	(Max.)	9 per lb.	90 per lb.
Weed seed	(Max.)	0.15%	0.25%
Objectionable weed seeds	(Max.)	none	90 per lb.
Germination (Minimum total germination and hard seeds)		85.00%	85.00%
OR *Tetrazolium* (Minimum total tetrazolium and hard seeds)		87.00%	87.00%

(2) Red clover seed must be free of prohibited noxious weed seeds. FURTHER, the foundation class must also be free of Brassica spp.

(3) Foundation seed that has been rejected in the laboratory for prohibited noxious weed seeds may be reclassified to the certified blue tag class and may not be eligible for seed stock even though it is recleaned and meets certification standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-078 (Order 1621), § 16-316-460, filed 4/30/79; Order 1457, § 16-316-460, filed 5/13/76; Order 1363, § 16-316-460, filed 6/12/74; Order 1253, § 16-316-460, filed 4/13/72, effective 5/14/72.]

WAC 16-316-470 Field pea, lentil, soybean, sorghum and small grains seed certification standards. The general seed certification standards are basic and together with the following specific standards constitute the standards for seed certification of field pea, lentil, soybean, sorghum, and small grains. [Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-470, filed 7/10/81; 79-05-074 (Order 1600), § 16-316-470, filed 4/30/79; Order 1458, § 16-316-470, filed 5/13/76; Order 1254, § 16-316-470, filed 4/13/72, effective 5/14/72.]

WAC 16-316-472 Eligible varieties and eligible stock seed. (1) The eligibility of varieties shall be approved by the certifying agency.

(2) Foundation seed is eligible to produce registered seed or certified seed.

(3) Registered seed is eligible to produce certified seed.

(4) Certified seed is not eligible for recertification, except as provided in general seed certification standards. [Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-472, filed 7/10/81; 80-06-112 (Order 1693), § 16-316-472, filed 5/30/80; 79-09-105 (Order 1656), § 16-316-472, filed 8/31/79; Order 1492, § 16-316-472, filed 3/31/77; Order 1458, § 16-316-472, filed 5/13/76; Order 1312, § 16-316-472, filed 4/24/73; Order 1254, § 16-316-472, filed 4/13/72, effective 5/14/72.]

WAC 16-316-474 Application and fees. (1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field must 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 winter varieties; July 1 for 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

(b) Field inspection fee per acre ..... $ 1.10

(c) Late application fee $10.00

(d) Reinspection fee $20.00

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

(e) Final certification fee ..... $ 0.14

per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee ..... $ 0.14

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 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. [Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-474, filed 5/16/83. Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-474, filed 7/10/81; 78-03-110 (Order 1563), § 16-316-474, filed 3/1/78, effective 4/1/78; Order 1458, § 16-316-474, filed 5/13/76; Order 1366, § 16-316-474, filed 6/12/74; Order 1312, § 16-316-474, filed 4/24/73; Order 1254, § 16-316-474, filed 4/13/72, effective 5/14/72.]

WAC 16-316-480 Field standards.

Factor		Foundation	Registered	Certified
Off-types	(Max.)	None	10 plants /acre	20 plants /acre
Vetch	(Max.)	None	None	5 plants /acre

Factor	Foun-dation	Regis-tered	Certi-fied
Austrian pea, rye	None	None	None

(a) The field inspection will be made when the seedcrop is in full bloom.

(b) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass, or excess weeds, or mechanical field mixing, shall be cause for rejection. [Statutory Authority: Chapter 15.49 RCW. 80-06-112 (Order 1693), § 16-316-480, filed 5/30/80; Order 1458, § 16-316-480, filed 5/13/76; Order 1366, § 16-316-480, filed 6/12/74; Order 1312, § 16-316-480, filed 4/24/73; Order 1254, § 16-316-480, filed 4/13/72, effective 5/14/72.]

WAC 16-316-484 Mechanical sampling. Seed for certification must be sampled by automatic mechanical sampler installed by a conditioning plant and acceptable to the certifying agency, or alternatively must be sampled by a representative of the certifying agency and in which latter case the sampling fee shall be charged to the conditioning plant. It is recommended that conditioners limit the amount of seed a sample represents to as small an amount as possible in line with the scope of their individual operations. [Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-484, filed 5/16/83. Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-484, filed 7/10/81; Order 1458, § 16-316-484, filed 5/13/76; Order 1312, § 16-316-484, filed 4/24/73; Order 1254, § 16-316-484, filed 4/13/72, effective 5/14/72.]

WAC 16-316-486 Certified seed sale certificate. (1) A certified seed sale certificate must be executed for seed pending final certification whenever it is transshipped.

(2) A certified seed sale certificate or a copy of invoice available to certifying agency showing identification of certifying agency, variety, type and kind, certification class, pounds, field number and/or lot number, purchaser, vendor, and date must be executed for certified seed when in bulk. [Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-486, filed 7/10/81; Order 1492, § 16-316-486, filed 3/31/77; Order 1458, § 16-316-486, filed 5/13/76; Order 1416, § 16-316-486, filed 8/15/75; Order 1312, § 16-316-486, filed 4/24/73; Order 1254, § 16-316-486, filed 4/13/72, effective 5/14/72.]

WAC 16-316-525 Eligible variety and stock seed.

Kind, type	Variety
Barley, spring	Advance Belford, Blazer, Gus (P), Karl, Kimberly, Klages, Kombar (P), Larker, Lud (P), Onda (P), Stepford (P), Steptoe, Vanguard, Woodvale
Barley, winter	Boyer, Kamiak
Oat, spring	Appaloosa, Cayuse, Corbit, Harmon, Otana Park, Toral
Rye, winter	Puma, Rymin
Wheat, spring	Borah, Fielder, Fieldwin, Kitt, Marfed, Prodax (P), Prostar (P), RF-75 (P), Urquie, Walladay, Wampum, Wared, WS-1 (P), W-444 (P), WS-25 (P), 711 (P)
Wheat, winter	Barbee, Daws, Faro, Gaines, Hatton, Hyslop, Jacmar (P), Luke, McCall, McDermid, Moro, Nugaines, Paha, Raeder, Sprague, Stephens, Tyee, Wanser, Yamhill
Triticale, spring	

(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.

[Statutory Authority: Chapter 15.49 RCW. 80-06-106 (Order 1694), § 16-316-525, filed 5/30/80; 79-09-095 (Order 1646), § 16-316-525, filed 8/31/79; 79-05-056 (Order 1622), § 16-316-525, filed 4/30/79; 78-03-113 (Order 1562), § 16-316-525, filed 3/1/78, effective 4/1/78; Order 1493, § 16-316-525, filed 3/31/77; Order 1459, § 16-316-525, filed 5/13/76; Order 1415, § 16-316-525, filed 8/15/75; Order 1367, § 16-316-525, filed 6/12/74; Order 1313, § 16-316-525, filed 4/24/73; Order 1255, § 16-316-525, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-525, filed 4/16/71.]

WAC 16-316-570 Labeling and sealing of certified seed of small grains by grower. The certifying agency may authorize a grower who has his own equipment and conditions his own seed to label and seal certified seed of small grains. [Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-570, filed 7/10/81; Order 1459, § 16-316-570, filed 5/13/76; Order 1367, § 16-316-570, filed 6/12/74; Order 1313, § 16-316-570, filed 4/24/73; Order 1185, § 16-316-570, filed 4/16/71.]

WAC 16-316-572 Certifying agency issuance of certificate. The issuance by Washington State Crop Improvement Association, Inc., the certifying agency, of a certified seed label or certificate for a lot of seed affirms solely that such seed properly identified by a dealer has been subjected to the seed certification standards and procedures implemented by Washington State Crop Improvement Association, Inc., and that Washington State Crop Improvement Association, Inc. has acted in accordance with those standards and procedures established for seed certification. The issuance of a certified seed label or certificate for a lot of seed neither warrants that any other person or entity has acted in accordance with such standards and procedures, nor constitutes any other warranty, express or implied, with respect to yield, quality, incidence of off-types or other contaminating

seeds, or tolerance to diseases, insects, or growing conditions, or any other characteristics of the seed. [Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-572, filed 7/10/81.]

WAC 16-316-575 Foundation seed certification standards. The general seed certification standards are basic and together with specific crop standards and the following regulations, constitute the standards for production of foundation seed.

(1) Seed to be eligible for foundation certification tags, or O.E.C.D. basic tags, must be approved by the originating plant breeder or his designated agent, and in compliance with the following standards:

(a) **Preplanting report.** A preplanting inspection, an industry responsibility, should be made of fields to be planted with breeder seed. A written report of the preplant inspection, performed by either a representative of the person issuing the contract or, if not possible, by the grower himself, shall be submitted to the certifying agency. The report shall show the grower's name, number of acres, location, crop history for past six years, the crops to be planted, origin of breeder seed, isolation status, and weed and crop present.

(b) **Planting requirement.** To distinguish between any possible volunteer and the crop seeded, all fields must be planted in distinct rows. Plants outside defined rows may be construed as volunteers.

(c) **Combine inspection.** The combine must be inspected prior to harvesting foundation or O.E.C.D. basic seed. After the machine is cleaned, submit a request to the certifying agency for a combine inspection, giving date, time, and location where combine inspection may be made. Fee: $10.00 plus mileage if special trip.

(d) **Processing plant inspection.** The processing plant must be inspected before processing foundation or O.E.C.D. basic seed and periodic inspections will be made during processing. Submit request to the certifying agency. Fee: $10.00 plus mileage if special trip.

(e) **Recleaning, rebagging, etc.** Recleaning, rebagging, preinoculation, treating, or other processes must be approved and under supervision by the certifying agency. Approval must be obtained before the seal is broken and the seed must be retagged and resealed on completion.

(f) If a proprietary variety, the above combine inspection (c), and processing plant inspection (d), responsibility may be assigned the proprietor or his designee upon their request. A report covering required inspections must be filed with the certifying agency. [Order 1460, § 16-316-575, filed 5/13/76; Order 1412, § 16-316-575, filed 8/15/75; Order 1256, § 16-316-575, filed 4/13/72, effective 5/14/72.]

WAC 16-316-590 Proprietary variety certification standards--Definition. Proprietary variety means that crop variety for which a person or company, hereafter referred to as owner, has exclusive production and/or marketing rights. The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations, constitute the standards for proprietary variety certification. [Order 1461, § 16-316-590, filed 5/13/76; Order 1257, § 16-316-590, filed 4/13/72, effective 5/14/72.]

WAC 16-316-595 Application procedure. (1) The owner or his designee must submit to the certifying agency, prior to due dates specified in crop standards, a list of growers who will submit applications for certification showing the variety, acreage authorized, processor authorized, and also advising whether the variety is under genetic purity certification or under complete certification.

(2) Each application received by the certifying agency shall be subject to approval from the list submitted by the owner.

(3) The certifying agency shall refuse certification of any seed that appears in a processing plant not authorized by the owner.

(4) The owner or applicant may withdraw the application for certification at any time prior to tagging.

(5) The owner or his representative shall be responsible for fees due and owing on that seed on which he has withdrawn the application for certification. [Order 1461, § 16-316-595, filed 5/13/76; Order 1257, § 16-316-595, filed 4/13/72, effective 5/14/72.]

WAC 16-316-600 Genetic purity certification. (1) The general certification standards and specific crop certification standards are basic and, together with the following exceptions and specific regulations, constitute the rules for genetic purity seed certification.

(2) Only proprietary varieties and O.E.C.D. varieties not of U.S. origin to be tagged under the O.E.C.D. scheme are eligible for genetic purity certification.

(3) Only the specific crop certification standards that pertain to genetic purity such as land requirements and isolation shall apply, however, in addition fields must not contain other varieties or off-type plants in excess of established standards; and the grower is expected to control noxious weeds to prevent seed formation.

(4) Excessive prohibited and/or objectionable weeds, poor stands, lack of vigor, or other conditions which make inspection inaccurate may be cause for rejection of a field.

(5) **Field inspection.** A field inspection shall be made each year at the time the seed crop is in bloom, or at such other times as may be most advantageous to determine genetic purity. A complete record shall be maintained on the condition of the field (weeds, crop mixtures, etc.) and all such information reported to the authorized agent and/or grower. Upon completion of all requirements for field inspection, a final field inspection report shall be issued stating that seed produced from said field passed genetic purity requirements.

(6) **Seed standards.** Seed to be certified must not contain seeds of other varieties or off-types in excess of established standards. The quality of each lot of seed represented to be certified must be that which is normally acceptable in the marketing of high quality seed. The certifying agency shall test all lots to determine the

purity and germination quality. Failure to maintain acceptable quality shall be considered cause for revoking permission to participate in seed certification by genetic purity.

(7) **Processing requirements.** Only those cleaning plants approved by the certifying agency are permitted to process seed for certification. Complete records must be kept of all processing. Blending of seed lots of the same variety from fields passing field inspections may be permitted with prior approval and if in accordance with regulations for blending. Sampling and all other operations involving certified seed shall be under supervision of the certifying agency. The sample shall be obtained in accordance with official sampling procedures. The entire lot must be cleaned and in condition for sale at the time of sampling. This sample will be submitted to the seed laboratory for testing to evaluate quality. Lots of questionable quality may be rejected and not eligible for certification.

(8) Certification tags will be clearly marked, "genetic purity certified."

(9) Fees for genetic purity certification are as established for each commodity under Washington certification and the authorized agent or grower is responsible for all authorized fees. [Statutory Authority: Chapter 15.49 RCW. 79-05-073 (Order 1601), § 16-316-600, filed 4/30/79; Order 1461, § 16-316-600, filed 5/13/76; Order 1257, § 16-316-600, filed 4/13/72, effective 5/14/72.]

WAC 16-316-610 Sod quality certified seed standards. The general rules for seed certification and grass seed certification standards are basic and together with the following specific rules, constitute the rules for sod quality grass seed certification. [Order 1462, § 16-316-610, filed 5/13/76; Order 1186, § 16-316-610, filed 4/16/71.]

WAC 16-316-615 Varieties eligible, certification fees, land and isolation requirements, and field tolerances. The varieties eligible and certification scheme of each; the certification fees; the land requirements; the isolation requirements; and field tolerances shall be as listed in grass seed certification standards. [Order 1462, § 16-316-615, filed 5/13/76; Order 1186, § 16-316-615, filed 4/16/71.]

WAC 16-316-620 Standards. Seed standards for sod quality grass seed are as follows:

Variety	Minimum Purity	Minimum Germination	Maximum* Other Crop	Maximum** Weed
Merion Kentucky Bluegrass	95%	80%	0.1%	.02%
Other varieties of Kentucky Bluegrass	97%	80%	0.1%	.02%
Red Fescue	98%	90%	0.1%	.02%
Chewings Fescue	98%	90%	0.1%	.02%

*Must be free of ryegrass, orchardgrass, timothy, bentgrass, big bluegrass, Poa trivialis, smooth brome, reed canarygrass, tall fescue, clover, meadow foxtail and Canby bluegrass. Maximum allowable Canada bluegrass .02%.

**Must be free of dock, chickweed, crabgrass, plantain, short-awn foxtail, black medic, annual bluegrass, velvetgrass, Rattail fescue and prohibited noxious weed seeds.

[Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-620, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 79-05-057 (Order 1619), § 16-316-620, filed 4/30/79; 78-03-107 (Order 1565), § 16-316-620, filed 3/1/78, effective 4/1/78; Order 1503, § 16-316-620, filed 3/31/77; Order 1462, § 16-316-620, filed 5/13/76; Order 1302, § 16-316-620, filed 4/24/73; Order 1186, § 16-316-620, filed 4/16/71.]

WAC 16-316-622 Ryegrass standards. Seed standards for sod quality ryegrass seed are as follows:

Variety	Minimum Purity	Minimum Germination	Maximum Other Crop*	Maximum*** Weed
Ryegrass**	98%	90%	0.10%	.02%

*Must be free of orchardgrass, timothy, bentgrass, big bluegrass, Poa trivialis, smooth brome, reed canarygrass, tall fescue, clover and meadow foxtail. Maximum allowable Canada bluegrass 0.02%.

**Maximum fluorescence levels as determined by breeder or variety owner.

***Must be free of dock, chickweed, crabgrass, plantain, black medic, annual bluegrass, velvetgrass, short-awn foxtail, and prohibited noxious weed seeds. An additional 0.07% of bromus spp. will be allowed.

[Statutory Authority: Chapter 15.49 RCW. 80-06-107 (Order 1695), § 16-316-622, filed 5/30/80; 79-05-057 (Order 1619), § 16-316-622, filed 4/30/79; 78-03-107 (Order 1565), § 16-316-622, filed 3/1/78, effective 4/1/78; Order 1503, § 16-316-622, filed 3/31/77.]

WAC 16-316-625 Sod seed analysis certificate. A sod seed analysis certificate will be the basis of determining if a lot meets sod quality standards. This certificate consists of a purity analysis, a 25 gram noxious all weed all crop exam, a 10 gram Poa annual check and a germination test on an official sample. (Except a 50 gram noxious all weed all crop exam will be required for fescues and ryegrass.) [Statutory Authority: Chapter 15.49 RCW. 78-03-107 (Order 1565), § 16-316-625, filed 3/1/78, effective 4/1/78; Order 1462, § 16-316-625, filed 5/13/76; Order 1302, § 16-316-625, filed 4/24/73; Order 1186, § 16-316-625, filed 4/16/71.]

WAC 16-316-630 Sod quality seed tag. In addition to the certification tag, seed meeting sod quality certified seed standards will be tagged with a special "sod quality seed" tag. [Order 1462, § 16-316-630, filed 5/13/76; Order 1186, § 16-316-630, filed 4/16/71.]

WAC 16-316-635 Service fee. Service fee for sod quality seed tags and tagging shall be $0.25 per cwt. Official sampling fee shall be charged when resampling is required. [Order 1462, § 16-316-635, filed 5/13/76; Order 1186, § 16-316-635, filed 4/16/71.]

WAC 16-316-637 Sod quality mixture. Two or more sod quality lots may be blended and tagged as a "sod quality mixture." Appropriate tags will be issued and blend fee shall be applicable. Sample of final mixture shall be submitted to the certifying agency. [Order 1503, § 16-316-637, filed 3/31/77.]

WAC 16-316-650 White clover and trefoil seed certification standards. The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations, constitute the standards for white clover and trefoil seed certification. [Order 1497, § 16-316-650, filed 3/31/77; Order 1463, § 16-316-650, filed 5/13/76; Order 1408, § 16-316-650, filed 8/15/75; Order 1187, § 16-316-650, filed 4/16/71.]

WAC 16-316-660 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 $10.00

(b) *Late seedling penalty fee:* $10.00
This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) *Seedling acreage fee:* (per acre) ..... $ 1.50
(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 $10.00 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 $10.00

(b) *Renewal acreage fee:* (per acre) ..... $ 1.50
(Refundable if acreage is withdrawn before inspection.)

(c) *Late renewal penalty fee:* $10.00
This additional fee shall be charged for each renewal application received after June 15.

(3) **Reinspection:** Other than isolation (each field) $20.00
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. ..... $ 0.40
The production fee is billed at completion of tests. If none of the seed is tagged, $ 0.10 of the $ 0.30 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 order shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be $0.05 a tag with a minimum fee of $5.00. [Statutory Authority: Chapter 15.49 RCW. 81-11-022 (Order 1738), § 16-316-660, filed 5/15/81; 79-05-076 (Order 1602), § 16-316-660, filed 4/30/79; Order 1497, § 16-316-660, filed 3/31/77; Order 1463, § 16-316-660, filed 5/13/76; Order 1303, § 16-316-660, filed 4/24/73; Order 1187, § 16-316-660, filed 4/16/71.]

WAC 16-316-665 Land requirements. (1) Breeder seed for the production of foundation seed shall not be planted on land on which the same kind has been previously planted. During the year immediately prior to seeding, the land shall have been in a cultivated crop or fallow and the land shall be free from volunteer plants as determined by field inspection during the season in which the seedling is established.

(2) Foundation seed for the production of registered or certified seed shall be planted on land on which no other variety or strain of the same kind has been grown or planted during the season in which the seedling is established.

(3) Foundation or registered trefoil seed for the production of certified seed shall be planted on land on which no other variety or strain of trefoil has been grown or planted during the three years prior to the present planting.

(4) Reseeding of a field due to failure or partial failure of the first seeding may be done with permission of the certifying agency.

(5) Certification of trefoil shall be limited to stands not exceeding five years of age, except for a variety grown outside its region of adaptation, in which case certification shall be limited to stands not exceeding three years of age.

(6) Foundation or certified producing white clover fields shall be eligible for certification for only two harvest years following the year of seeding, provided that

seed production the first year is prevented. Foundation fields may be reclassified to the next lower class after being harvested for seed for two years.

(7) Ditchbanks, roadways, etc., adjacent to a certified field must be free of volunteer plants of the same kind and prohibited noxious weeds.

(8) Volunteer plants in the field may be cause for rejection or reclassification of the seed field.

(9) No manure or other contaminating materials shall be applied during the establishment and production period of the stand. [Order 1497, § 16-316-665, filed 3/31/77; Order 1463, § 16-316-665, filed 5/13/76; Order 1187, § 16-316-665, filed 4/16/71.]

WAC 16-316-670 Isolation requirements. (1) Fields for certification shall be isolated from all other fields of the same variety not meeting varietal purity requirements for certification as follows:

Class Being Produced	Fields less than five acres	Fields five acres or more
Foundation	900 feet	600 feet
Registered	450 feet	300 feet
Certified	165 feet*	165 feet

* 330 feet required for trefoil

(2) Isolation between different classes (generations) of the same variety shall be as follows:

Class Being Produced	Distance Required from Fields Planted with:	Fields less than five acres	Fields five acres or more
Foundation	Foundation or Registered	225 feet	150 feet
Registered	Registered or Certified	115 feet	75 feet
Certified	Certified	75 feet	45 feet

(3) In cases where an adjoining field is planted with a different variety, or of a lower class, isolation may be obtained by measuring off the required strip in the certified field. This isolation strip may be mowed for hay or it may be harvested for uncertified seed under the following conditions:

(a) The grower must apply for certification of the entire field and clearly stake off the isolation strip. The entire field must pass all certification requirements, except for isolation, at time of inspection. The field report will show rejection due to lack of isolation.

(b) The grower may harvest either the certified portion of the field, or the uncertified isolation strip first and deliver this portion to the processing plant. After this seed is weighed and lotted in, the grower will request a reinspection of the uncut portion. After reinspection, if everything is in order, the field will be passed and the remainder of the field can then be harvested. [Order 1497, § 16-316-670, filed 3/31/77; Order 1463, § 16-316-670, filed 5/13/76; Order 1408, § 16-316-670, filed 8/15/75; Order 1187, § 16-316-670, filed 4/16/71.]

WAC 16-316-675 Field tolerances. Field tolerances shall be as follows:

Factor	Maximum permitted (Ratio of Plant) Field Producing* Foundation	Registered	Certified
Other Variety	1:1000	1:400	1:100
Sweet Clover	1:1000	1:400	1:100
Other Inseparable Crops	1:1000	1:400	1:100

* Prohibited noxious weeds must be controlled to prevent seed formation.

[Order 1463, § 16-316-675, filed 5/13/76; Order 1187, § 16-316-675, filed 4/16/71.]

WAC 16-316-680 Seed standards. (1) Seed standards shall be as follows:

[CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. In the following columns, "WHITE CLOVER" AND "TREFOIL," which read across the page in the originally filed order, will be covered in two separate tables listed vertically down the page.]

PART I OF TABLE

		WHITE CLOVER Found.	Reg.	Cert.
Pure Seed	(Min)	98.0%	99.00%	99.0%
Other Crop	(Max)	0.1%	.25%	0.3%
Inert	(Max)	2.0%	1.00%	1.0%
Weed Seed	(Max)	0.1%	0.25%	0.3%
Sweet Clover	(Max)	—	90/lb	90/lb
Objectionable Weed Seeds	(Max)	10/lb	90/lb	90/lb
Germination (Germination + Hard Seed)	(Min)	85.0%	85.0%	85.0%
or Tetrazolium (Minimum total tetrazolium and hard seeds)				87.0%

PART II OF TABLE

		TREFOIL Found.	Reg.	Cert.
Pure Seed	(Min)	98.0%	98.00%	99.0%
Other Crop	(Max)	0.1%	0.2%	0.5%
Inert	(Max)	2.0%	2.0%	1.0%
Weed Seed	(Max)	0.2%	0.25%	0.3%
Sweet Clover	(Max)	None	9/lb	90/lb
Objectionable Weed Seeds	(Max)	None	45/lb	90/lb

		TREFOIL		
		Found.	Reg.	Cert.
Germination (Germination + Hard Seed) or Tetrazolium (Minimum total tetrazolium and hard seeds)	(Min)	85.0%	85.0%	85.0% 87.0%

(2) White clover and trefoil seed must be free of prohibited noxious weed seeds. Further, the foundation class must also be free of Brassica spp.

(3) Foundation seed that has been rejected in the laboratory for prohibited noxious weed seeds may be reclassified to the certified blue tag class and may not be eligible for seed stock even though it is recleaned and meets certification standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-076 (Order 1602), § 16-316-680, filed 4/30/79; 78-03-106 (Order 1566), § 16-316-680, filed 3/1/78, effective 4/1/78; Order 1497, § 16-316-680, filed 3/31/77; Order 1463, § 16-316-680, filed 5/13/76; Order 1303, § 16-316-680, filed 4/24/73; Order 1187, § 16-316-680, filed 4/16/71.]

WAC 16-316-701 Definitions of terms for standards. (1) "Land standards" means the number of years that must elapse between the destruction of a stand of a kind, and establishment of a stand of a specified class of a variety of the same kind (i.e., number of years out of production of same crop kind).

(2) "Isolation standards" means the distance in feet from any contaminating source (i.e., distance from other fields of same crop kind).

(3) "Field standards" means the tolerances permitted as determined by established field inspection procedures.

(4) "Seed standards" means the tolerances permitted as determined by established seed inspection procedures.

(5) "Tolerances stated as 'none', or 'no' or 'zero'" means none found as determined by established inspection procedures. [Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-701, filed 7/10/81.]

WAC 16-316-715 Miscellaneous field and seed inspection standards. (1) The field inspection will be made:

(a) For field pea – when seedcrop is in full bloom;

(b) For lentil – when seedcrop is in full bloom;

(c) For soybean – when seedcrop is in full bloom and/or of mature color;

(d) For sorghum – when seedcrop is in full bloom, and optionally again when seedcrop begins to show mature color;

(e) For small grains – when seedcrop is fully headed and of mature color.

(2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in bindweeds, Canada thistle or jointed goatgrass, or excess weeds, or mechanical field mixing, shall be cause for rejection upon inspection for field standards.

(3) No prohibited noxious weed seeds are permitted upon inspection for seed standards.

(4) Germination minimum refers to germination when sampled.

(5) If chemically controllable seed-borne diseases are noted upon inspection for field standards and seed standards for small grains, treatment of seed is required. [Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-715, filed 7/10/81; 80-06-113 (Order 1696), § 16-316-715, filed 5/30/80; Order 1464, § 16-316-715, filed 5/13/76; Order 1368, § 16-316-715, filed 6/12/74; Order 1311, § 16-316-715, filed 4/24/73; Order 1258, § 16-316-715, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-715, filed 4/16/71.]

WAC 16-316-717 Field pea standards. (1) Field pea – land, isolation, and field standards:

	LAND	ISOLATION	FIELD	
CLASS	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	5*	3	None	None**
Registered	3*	3	10	None**
Certified	2*	3	20	5**

* Also required is minimum number of years the following crop kinds were out of production:

	NUMBER OF YEARS MINIMUM	
	Lentil	Austrian pea
Foundation	5	10
Registered	3	10
Certified	2	10

** Refers to vetch, except that no Austrian pea or rye is permitted.

(2) Field pea – seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	99.00	1.00	None	None	90.00
Registered	None	99.00	1.00	None	0.25**	90.00
Certified	1	99.00	1.00	3*	0.25**	90.00

* No Austrian pea or rye is permitted.
** Other tolerance for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM
Registered	1/lb
Certified	2/lb

[Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-717, filed 7/10/81.]

WAC 16-316-719 Lentil standards. (1) Lentil – land, isolation, and field standards.

CLASS	LAND MINIMUM YEARS	ISOLATION MINIMUM FEET	FIELD OFF-TYPE MAXIMUM PLANTS/ACRE	FIELD OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	5	300*	None	None
Registered	4	20*	10	10**
Certified	3	20*	30	30**

* Reduce to three feet from fields producing a certified class of the same variety. In addition, each lentil field for certification must be isolated from small grain fields by three feet. To prevent mechanical field mixing of swathed lentil seedcrop, the planting of small grain between lentil fields, except for three feet of isolation, is recommended.
** Refers to barley and vetch, each.

(2) Lentil – seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	99.00*	1.00*	None	None	85.00
Registered	1	99.00*	1.00*	0.05**	0.05***	85.00
Certified	4	99.00*	1.00*	0.10**	0.05**	85.00

* A total of three percent inert matter will be allowed in samples containing decorticated seed provided total of all other inert matter does not exceed one percent.
** No vetch is permitted.
*** Other tolerance for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM
Registered	1/lb
Certified	2/lb

[Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-719, filed 7/10/81.]

WAC 16-316-721 Soybean standards. (1) Soybean – land, isolation, and field standards:

CLASS	LAND STANDARDS MINIMUM YEARS	ISOLATION STANDARDS MINIMUM FEET	FIELD STANDARDS OFF-TYPE MAXIMUM %	FIELD STANDARDS OTHER CROP MAXIMUM NO STANDARD
Foundation	1*	3	0.10	—
Registered	1*	3	0.01	—
Certified	1*	3	0.20	—

* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

(2) Soybean – seed standards:

CLASS	OFF-TYPE MAXIMUM %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM SEEDS/LB	GERMINATION MINIMUM %
Foundation	0.10	98.00	2.00	None	None	85.00
Registered	0.20	98.00	2.00	None	1	85.00
Certified	0.20	98.00	2.00	1 per 2 lb.	2	85.00

[Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-721, filed 7/10/81.]

WAC 16-316-723 Sorghum standards. (1) Sorghum – land, isolation and field standards:

CLASS	LAND STANDARDS MINIMUM YEARS	ISOLATION STANDARDS MINIMUM FEET	FIELD STANDARDS*** OFF-TYPE MAXIMUM RATIO	FIELD STANDARDS*** OTHER CROP MAXIMUM NO STANDARD
Foundation	1*	1,000**	None	—
Registered	1*	1,000**	1 head/50,000	—
Certified	1*	1,000**	1 head/20,000	—

* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.
** Refers to fields of other varieties or same variety which does not meet tolerance of off-types.
*** Other tolerances for field standards:

	JOHNSONGRASS MAXIMUM	HEAD SMUT MAXIMUM	KERNEL SMUT MAXIMUM
Foundation	None	None	None
Registered	None	None	None
Certified	None	1 head/10,000	1 head/2,500

(2) Sorghum – seed standards:

CLASS	OFF-TYPE MAXIMUM %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	97.00	3.00**	None	0.10	80.00
Registered	None	97.00	3.00**	0.03	0.10	80.00
Certified	0.01*	97.00	3.00**	0.07***	0.10	80.00

* Or two seeds per pound.
** Where two percent or more is cracked.
*** Or ten seeds per pound.

[Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-723, filed 7/10/81.]

WAC 16-316-724 Small grains standards. (1) Small grains (barley, oat, rye, triticale, wheat) – land, isolation, and field standards:

CLASS	LAND STANDARDS MINIMUM YEARS	ISOLATION STANDARDS MINIMUM FEET	FIELD STANDARDS OFF-TYPE MAXIMUM PLANTS/ACRE	FIELD STANDARDS OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	1*	3**	None	None***
Registered	1*	3**	5	5***
Certified	1*	3**	15	15***

* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

** Refers to distance from other small grain fields. In addition, each rye field for certification must be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet. Each triticale field for certification must be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet.

*** Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

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(2) Small grains – seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	99.00	1.00	None	None	85.00
Registered	1	99.00	1.00	0.05*	0.05**	85.00
Certified	4	99.00	1.00	0.10*	0.05**	85.00

* Other tolerance for other crop seed:

	OTHER SMALL GRAINS MAXIMUM
Foundation	None
Registered	1/lb
Certified	2/lb

No rye or triticale is permitted in barley, oat or wheat; no vetch is permitted.

** Other tolerances for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM	WILD OAT MAXIMUM
Foundation	None	None
Registered	None	None
Certified	1/lb	None, except 1/lb in barley and oat

[Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-724, filed 7/10/81.]

WAC 16-316-727 Chick pea standards. (1) Chick pea – land, isolation, and field standards:

CLASS	LAND MINIMUM YEARS	ISOLATION MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE	ASCOCHYTA BLIGHT
Foundation	3	3	None	None*	None
Registered	2	3	10	10*	None
Certified	1	3	20	20*	None

*Refers to vetch except that no Austrian pea or rye is permitted

(2) Chick pea – seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	99.00	1.00	None	None	85.00
Registered	None	99.00	1.00	None	0.25**	85.00
Certified	1	99.00	1.00	3*	0.25**	85.00

* No vetch, Austrian pea or rye is permitted.
** Other tolerance for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM
Registered	1/lb
Certified	2/lb

[Statutory Authority: RCW 15.49.370. 82-08-034 (Order 1758), § 16-316-727, filed 3/31/82, effective 5/1/82.]

WAC 16-316-730 Interagency seed certification standards. Interagency certification is the participation of two or more official certifying agencies in performing the services required to certify the same lot or lots of seed. [Order 1259, § 16-316-730, filed 4/13/72, effective 5/14/72.]

WAC 16-316-735 Rules. The general rules for seed certification and specific commodity certification standards are basic and together with the following regulations, constitute the rules for interagency certification for Washington. [Order 1465, § 16-316-735, filed 5/13/76; Order 1259, § 16-316-735, filed 4/13/72, effective 5/14/72.]

WAC 16-316-738 Procedure for field pea, lentil, soybean, small grain and sorghum seed. (1) A certified seed sale certificate must be executed for unprocessed seed pending final certification when moved out-of-state.

(2) Unprocessed seed pending final certification shall be subject to all certification fees when moved out-of-state. [Order 1465, § 16-316-738, filed 5/13/76.]

WAC 16-316-740 Procedure for all other kinds. (1) Seed produced in Washington, being shipped out-of-state for processing, must comply with the following procedures:

(a) Obtain approval of all certifying agencies involved prior to shipment.

(i) Complete section (A) of "interagency certified seed" report (forms available from Seed Branch, 2015 S. 1st Street, Yakima, Washington 98903) showing name, address of shipper, destination, shipping weight, lot number, grower, field number, date of shipment and other information concerning shipment that may be deemed necessary; and prior to shipment submit one copy to the seed branch, Yakima and one copy to the certifying agency where seed is being processed.

(ii) Each container must be clearly marked with lot number and Washington field number.

(2) Upon completion of processing, complete sections (B) and (C) of "interagency certified seed" report showing date shipment was received, receiving weight and lot number, clean weight, bag count, new lot number (if different than receiving lot number) and screenings weight and submit completed report to seed branch, Yakima.

(a) If Washington is to finalize certification, have official sample drawn by a representative of the certifying agency in that state and submit sample to Seed Branch, 2015 S. 1st Street, Yakima, Washington 98903.

(i) If Washington certification tags are to be used, the lot must be tagged and sealed under supervision of the certifying agency. The applicant must pay established mileage fee and hourly rate for all additional mileage and travel time required.

(ii) If Washington interagency tags are used, interagency tags will be mailed to the nearest representative of the certifying agency having jurisdiction for tagging.

(b) If receiving state is to finalize certification, Washington certifying agency must advise receiving state's certifying agency of certification eligibility. Sampling, testing, and tagging will be in accordance with that agency's instructions.

(c) Applicant is responsible for all fees authorized under Washington's certification program and any additional fees that may be assessed by both agencies involved. [Statutory Authority: Chapter 15.49 RCW. 78-03-108 (Order 1567), § 16-316-740, filed 3/1/78, effective 4/1/78; Order 1465, § 16-316-740, filed 5/13/76; Order 1259, § 16-316-740, filed 4/13/72, effective 5/14/72.]

WAC 16-316-745 Seed produced out of state--Certification. Seed produced out of state and shipped into Washington for processing will be eligible for Washington interagency tags only after obtaining approval from the certifying agency of the originating state, and such seed must then comply with Washington certification standards. [Order 1465, § 16-316-745, filed 5/13/76; Order 1259, § 16-316-745, filed 4/13/72, effective 5/14/72.]

WAC 16-316-750 Seed produced out of state--Special handling for previously tagged and sealed seeds. Seed of out-of-state origin that is officially tagged and sealed must be handled under interagency program if seals are to be broken for reinoculation or other processing. Applicant must obtain approval from certifying agency and all operations must be under the supervision of the certifying agency. [Order 1465, § 16-316-750, filed 5/13/76; Order 1259, § 16-316-750, filed 4/13/72, effective 5/14/72.]

WAC 16-316-755 Eligibility for interagency certification. Seed tagged and sealed with official certification tags is eligible for interagency certification without obtaining approval from certifying agency of originating state. However, a report will be submitted to all certifying agencies involved showing lot number, amount of seed used, and other information as deemed necessary. [Order 1465, § 16-316-755, filed 5/13/76; Order 1259, § 16-316-755, filed 4/13/72, effective 5/14/72.]

WAC 16-316-760 Interagency blends. Blends of different origin can be authorized only after obtaining approval from certifying agencies involved. Blends must comply with blend standards established by Washington state department of agriculture. Interagency tags used will show percentage of each origin involved. [Order 1465, § 16-316-760, filed 5/13/76; Order 1259, § 16-316-760, filed 4/13/72, effective 5/14/72.]

WAC 16-316-790 Varieties eligible for seed certification. (1) Following are the lists of varieties eligible and certification scheme:

* These varieties are certified on a limited generation basis where:
Foundation seed is eligible to produce certified seed;
Certified seed is not eligible for recertification.

** These varieties are certified on the generation basis where:
Foundation seed is eligible to produce registered seed;
Registered seed is eligible to produce certified seed;
Certified seed is not eligible for recertification.

*** These varieties are not certified on a generation basis:
Certified seed is eligible to produce certified seed.

pvpV=plant variety protected to be sold or advertised by variety name only as a class of certified seed.

(2) As the list of varieties is subject to change, other varieties may be eligible upon approval of the certifying agency. [Statutory Authority: RCW 15.49.310 and 15-.49.370. 82-08-033 (Order 1757), § 16-316-790, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 81-11-018 (Order 1733), § 16-316-790, filed 5/15/81; 79-05-065 (Order 1603), § 16-316-790, filed 4/30/79; 78-03-099 (Order 1568), § 16-316-790, filed 3/1/78, effective 4/1/78.]

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

Bentgrass: (subject to poa annua quarantine)	Astoria Colonial***
	Bardot Colonial*
	Highland Colonial**
	Seaside Creeping***
	Emerald Creeping**
Big Bluegrass:	Sherman**
Canada Bluegrass: (subject to poa annua quarantine)	Reubens**
Canby Bluegrass:	Canbar**
Kentucky Bluegrass: (subject to poa annua quarantine)	A-20-6*
	A-34 (Bensun)**
	Adelphi**
	Argyle**
	Baron**
	Birka*
	Bonnieblue (Pac)**
	Bono (Birdie)*
	Bristol*
	Cheri (Golf)*
	Cougar*
	Delta*
	Eclipse*
	Enmundi*pvpV
	Fylking**
	Georgetown**
	Geronimo*
	Glade**
	Holiday*
	Kenblue*
	I-13**
	Majestic**
	Merion**
	Mystic*
	Newport**
	Nugget*

	Pacific*pvpV
	Parade*
	Park**
	Pennstar*
	Plush*
	Ram I*pvpV
	Rugby*
	Sydsport*
	S–21**
	Touchdown*
	Troy**
	Victa*
	Wabash*
Meadow Brome:	Regar**
Mountain Brome:	Bromar**
Smooth Brome:	Baylor*
	Blair*
	Bromex*
	Manchar**
	Sac**
	Saratoga*
Deertongue:	Tioga*
Fescue: (subject to poa annua quarantine – except tall fescue)	Cascade Chewings**
	Jamestown Chewings*pvpV
	Durar Hard**
	Scaldis Hard*
	Dawson Red*
	Novorubra Red*
	Pennlawn Red*
	Ruby Red*
	Wintergreen Red*
	Covar Sheep**
	Alta Tall**
	Fawn Tall*
	Forager Tall*
Orchardgrass:	Hay King*
	Latar**
	Pennlate*
	Potomac*
Redtop:	Streaker
Indian Ricegrass:	Nezpar**
Perennial Ryegrass: (subject to poa annua quarantine)	Belle*
	Cropper*
	Diplomat*pvpV
	Elka*
	Jackpot
	NK–100*
	Yorktown*pvpV
	Norlea*
	Pennfine*pvpV
	Pelo**
	Yorktown II[*pvpV]
	Manhattan*
	LP–20*
Puccinellia distans:	Fults*
Timothy:	Champlain*
	Climax*
	Clair*
	Mohawk**
	Pronto*
Wheatgrass:	Whitmar Beardless**
	Secar Bluebunch**
	Fairway Crested*
	Nordan Crested**
	Amur Intermediate***
	Greenar Intermediate**
	Oahe Intermediate*
	Tegmar Intermediate*
	Siberian**
	Greenleaf Pubescent*
	Luna Pubescent**
	Topar Pubescent**
	Primar Slender**
	P–27 Siberian
	Sodar Streambank**
	Critana Thickspike**
	Alkar Tall**
Basin Wild Rye:	Magnar**

(2) **Variety restrictions.**

	NO. OF SEED HARVESTS FOUNDATION	REGISTERED	CERTIFIED
(a) Kentucky Bluegrass:			
Baron	5		5
Birka	2 + 3 Cert.		5
Bonnieblue	2 + 5 Cert.		5
Bristol	4		4
Cougar	3		6
Enmundi	4		5
Georgetown	5		5
Geronimo	6		6
Kenblue	5		7
Majestic	3 + 5 Cert.		5
Pacific	5		5
Parade	5		5
Ram–I	2		6
Rugby	3 + 2 Cert.		5
Sydsport			5
Touchdown	2 + 5 Cert.		5
(b) Deertongue:			
Tioga			6
(c) Orchardgrass:			
Pennlate	3		6
(d) Perennial Ryegrass:			
Belle	4 + 2 Cert.		5
Diplomat	5 + 2 Cert.		5
Elka	4	4	4
Pennfine	2 + 2 Cert.		4
Yorktown II	4 + 3 Cert.		4
Manhattan	2 + 5 Cert.		5

[Statutory Authority: RCW 15.49.310 and 15.49.370. 82–08–033 (Order 1757), § 16–316–800, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 81–11–018 (Order 1733), § 16–316–800, filed 5/15/81; 80–06–105 (Order 1697), § 16–316–800, filed 5/30/80; 79–05–065 (Order 1603), § 16–316–800, filed 4/30/79; 78–06–013 (Order 1575), § 16–316–800, filed 5/10/78; 78–03–099 (Order 1568), § 16–316–800, filed

3/1/78, effective 4/1/78; Order 1505, § 16–316–800, filed 3/31/77; Order 1456, § 16–316–800, filed 5/13/76; Order 1420, § 16–316–800, filed 8/15/75; Order 1365, § 16–316–800, filed 6/12/74.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16–316–810 Red clover varieties eligible. (1) Following are the red clover varieties eligible and the certification scheme for each:

Arlington*
Chesapeake*
E–688*
Flare*
Florex*
Florie*
Hamidori*
Kenland*
Kenstar*pvpV
Lakeland*
Pennscott*
Prosper I*
Redland*pvpV
Redland II*
Redman*
Ruby**
Tristan*

(2) **Variety restrictions.** Kenstar: No seed production permitted year of seeding. [Statutory Authority: RCW 15.49.310 and 15.49.370. 82–08–033 (Order 1757), § 16–316–810, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80–06–105 (Order 1697), § 16–316–810, filed 5/30/80; 79–05–065 (Order 1603), § 16–316–810, filed 4/30/79; 78–06–013 (Order 1575), § 16–316–810, filed 5/10/78; 78–03–099 (Order 1568), § 16–316–810, filed 3/1/78, effective 4/1/78; Order 1505, § 16–316–810, filed 3/31/77; Order 1456, § 16–316–810, filed 5/13/76; Order 1420, § 16–316–810, filed 8/15/75; Order 1365, § 16–316–810, filed 6/12/74.]

WAC 16–316–815 Other clover varieties.

White Clover: Sacramento Ladino*
Star*

[Statutory Authority: RCW 15.49.310 and 15.49.370. 82–08–033 (Order 1757), § 16–316–815, filed 3/31/82, effective 5/1/82.]

WAC 16–316–820 Alfalfa varieties eligible. (1) Following are the alfalfa varieties eligible and the certification scheme for each:

A–24**
A–59**
Agate*
Anchor*
Answer*
Apalachee*
Aquarius*
Apollo*
Apollo II*
Arc*
Atlas*
Atra–55*
Baker*pvpV
Blazer*
Cimarron*
Citation*
Classic*
Conquest*
Dawson*
Defender*
Delta**
Duke*
Dupuits*
Epic*
Expo*
G–777*
G–7730*
Gladiator*
Hi–Phy*
Honeoye*pvpV
Iroquois*
Ladak**
Ladak 65*
Liberty**
Maverick*
Marathon*
Mesilla**
Multileaf*pvpV
Narragansett**
Nomad**
NS–79–P_2
Nugget*
Olympic*
Oneida*pvpV
Peak*
Perry*
Phytor*
Polar II*
Preserve
Primal*
Prowler*
Raidor*
Ramsey*
Ranger**
Saranac*
Saranac AR*pvpV
Spredor 2*
SX–10*
SX–418*
Team*
Tempo*
Thor*
Titan*
Trident*
Trumpetor*
Vernal*

Vancor*
Vangard*
Vernema*
Vista*
Voris A77*
WL-220*
Washoe*
Weevlchek*
WL-215*
WL-219*
WL-221*
WL-311*
WL-312*
WL-313*
WL-315*
WL-316*
WL-318*
120*
123*
130*
521*
520*
530*

(2) **Variety restrictions.**

	NO. OF SEED HARVESTS			
	Breeder	Foundation	Registered	Certified
Answer		2		5
Apollo II				3
Baker	2	3		6
Blazer		3		
Defender	2	3		5
Duke		3		5
Epic		4		6
Expo		3		5
G-7730		3		5
Honeoye		3		6
Iroquois		3		6
Maverick		3		5
Multileaf		3		6
Oneida		3		6
Peak		3		
Perry	2	3		6
Polar II	2	3		5
Prowler	2	3		5
Raidor	2	3		5
Ranger (beginning with 1980 plantings)				6
Saranac		3		6
Saranac AR		3		6
Spredor 2	2	3		5
Trident		2		5
Trumpetor	2	3		5
Vancor	2	3		5
Vernema		4		6
Voris A-77		2		5
WL-221		3		
WL-313		3		
WL-315		3		5
WL-316		3		5
120		3		
123		2		4
130		3		5

[Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-820, filed 5/16/83. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-820, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 81-11-018 (Order 1733), § 16-316-820, filed 5/15/81; 80-06-105 (Order 1697), § 16-316-820, filed 5/30/80; 79-05-065 (Order 1603), § 16-316-820, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-820, filed 5/10/78; 78-03-099 (Order 1568), § 16-316-820, filed 3/1/78, effective 4/1/78; Order 1505, § 16-316-820, filed 3/31/77; Order 1456, § 16-316-820, filed 5/13/76; Order 1420, § 16-316-820, filed 8/15/75; Order 1365, § 16-316-820, filed 6/12/74.]

WAC 16-316-830 Bean varieties eligible. Following are the bean varieties eligible and the certification scheme for each:

Red Mexican:	Bigbend** NW-59** NW-63** Rufus**
Pinto:	NW-410 NW-590 Olathe**pvpV
	Pindak** U of I 114*** Wyo 166**
Pink:	Gloria** Roza** Viva**
Small White:	Chief** Aurora** Bonus**
Kidney:	Royal Red**, Pilgrim*,
	Carmine*
Snap Bean:	Yakima** Apollo** Epoch**
Navy:	NW 395**, Duty*
Great Northern:	Harris**, Emerson*
Black Turtle:	Black Turtle Soup** #39
	Black Beauty** Ebony**pvpV
Large, Round White	Snowball*

[Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-830, filed 5/16/83. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-830, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-105 (Order 1697), § 16-316-830, filed 5/30/80; 79-05-065 (Order 1603), § 16-316-830, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-830, filed 5/10/78; Order 1505, § 16-316-830, filed 3/31/77; Order 1456, § 16-316-830, filed 5/13/76; Order 1420, § 16-316-830, filed 8/15/75; Order 1365, § 16-316-830, filed 6/12/74.]

WAC 16-316-840 White clover and trefoil varieties eligible. Following are the varieties eligible and the certification scheme for each:

Merit Ladino Clover*
Pilgrim Ladino Clover*
Tillman White Clover**

Cascade Birdsfoot Trefoil**
Viking Birdsfoot Trefoil**

[Statutory Authority: Chapter 15.49 RCW. 79-05-065 (Order 1603), § 16-316-840, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-840, filed 5/10/78; Order 1505, § 16-316-840, filed 3/31/77; Order 1456, § 16-316-840, filed 5/13/76; Order 1420, § 16-316-840, filed 8/15/75. Formerly WAC 16-316-085.]

Chapter 16-317 WAC
REGULATIONS FOR LABELING SMALL GRAIN SEEDS

WAC

16-317-040 Labeling requirements for small grain, field pea, lentil, and/or soybean seeds, and lawn and/or pasture mixes.

16-317-050 Alternate labeling requirements and exemptions.
16-317-060 Seed held in storage.
16-317-080 Noxious weeds.
16-317-090 Labeling lawn and pasture mixtures.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-317-002 Promulgation. [Order 1123, § 16-317-002, filed 8/19/69, effective 9/22/69.] Repealed by 79-05-080 (Order 1606), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

16-317-070 Noxious weeds. [Order 1123, § 16-317-070, filed 8/19/69, effective 9/22/69.] Repealed by Order 1413, filed 8/15/75.

WAC 16-317-040 Labeling requirements for small grain, field pea, lentil, and/or soybean seeds, and lawn and/or pasture mixes. Labeling requirements shall be as specified in RCW 15.49.320 of the Washington State Seed Act. In addition, labels for small grain seed shall contain the following information:

(1) Each variety (e.g., Nugaines), type (winter or spring), and kind (e.g., wheat), 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 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. [Statutory Authority: Chapter 15.49 RCW. 80-06-115 (Order 1699), § 16-317-040, filed 5/30/80; 79-05-080 (Order 1606), § 16-317-040, filed 4/30/79; Order 1123, § 16-317-040, filed 8/19/69, effective 9/22/69.]

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 need attached labels containing only information required in RCW 15.49.320(1) (a), (b), (c) and (e); 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) to receive the germination and purity information required in RCW 15.49.320(1)(g) and (2), 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 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 RCW 15-.49.320 of the Washington State Seed Act 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. [Statutory Authority: Chapter 15.49 RCW. 80-06-115 (Order 1699), § 16-317-050, filed 5/30/80; 79-05-080 (Order 1606), § 16-317-050, filed 4/30/79; Order 1123, § 16-317-050, filed 8/19/69, effective 9/22/69.]

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 RCW 15.49.320(1) (a), (b) and (e) of the Washington State Seed Act and for small grain, the information in WAC 16-317-040(1). [Statutory Authority: Chapter 15.49 RCW. 80-06-115 (Order 1699), § 16-317-060, filed 5/30/80; 79-05-080 (Order 1606), § 16-317-060, filed 4/30/79; Order 1123, § 16-317-060, filed 8/19/69, effective 9/22/69.]

WAC 16-317-080 Noxious weeds. It shall be unlawful to distribute small grain, field pea, lentil, and/or soybean seed containing restricted noxious weed seeds singly or collectively in excess of 100 per pound. [Statutory Authority: Chapter 15.49 RCW. 80-06-115 (Order 1699), § 16-317-080, filed 5/30/80; 79-09-102 (Order 1653), § 16-317-080, filed 8/31/79.]

WAC 16-317-090 Labeling lawn and pasture mixtures. Labeling shall be as specified in RCW 15.49.320 of the Washington State Seed Act except origin will not be required. [Statutory Authority: Chapter 15.49 RCW. 80-06-115 (Order 1699), § 16-317-090, filed 5/30/80.]

Chapter 16-318 WAC
TREATED SEED LABELING REQUIREMENTS

WAC
16-318-002 Promulgation.
16-318-003 Promulgation.
16-318-040 Treated seed labeling requirements.
16-318-050 Mercurials and similarly toxic pesticides.
16-318-060 Other pesticides.
16-318-070 Treated seed color requirement.
16-318-080 Bulk seed.
16-318-090 Examples of minimum label formats.

WAC 16-318-002 Promulgation. (This promulgation relates only to WAC 16-318-040, 16-318-050, 16-318-060, 16-318-070, 16-318-080, and 16-318-090.)

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.48 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW, and public hearing held in Yakima, Washington on August 14, 1969, do hereby promulgate the following regulations relating to treated seed labeling requirements. [Order 1124, § 16-318-002, filed 8/19/69, effective 9/22/69.]

WAC 16-318-003 Promulgation. (This promulgation relates only to Order 1124 and WAC 16-318-070 and 16-318-002.)

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.49 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW, and a public hearing held in Yakima, Washington on April 1, 1970, do hereby amend Order 1124 and WAC 16-318-070 and 16-318-002. [Order 1150, § 16-318-003, filed 4/16/70.]

WAC 16-318-040 Treated seed labeling requirements. The information required in section 15.49.320 (1)(e) of the Washington State Seed Act, shall be conspicuously shown on the analysis tag or label, or on a separate tag or label, attached to each container, [or] printed in a conspicuous manner on the side or top of each container. [Statutory Authority: Chapter 15.49 RCW. 80-06-118 (Order 1700), § 16-318-040, filed 5/30/80; Order 1124, § 16-318-040, filed 8/19/69, effective 9/22/69.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-318-050 Mercurials and similarly toxic pesticides. Seeds treated with a mercurial or similarly toxic pesticide, if any amount remains on or in the seed, shall be labeled with the skull and crossbones and a statement such as: "This seed has been treated with POISON," "treated with POISON," "POISON treated," or "POISON" with the word "POISON" in red on a contrasting background. The word "POISON" shall appear in not less than 8 point type, and the skull and crossbones shall not be less than twice the size of the type used for information required to be on the label. In making this determination, the department shall be guided by the labeling registered by the environmental protection agency and/or Washington state department of agriculture on the pesticide being used and by the requirements of the Federal Seed Act. [Statutory Authority: Chapter 15.49 RCW. 80-06-118 (Order 1700), § 16-318-050, filed 5/30/80; Order 1124, § 16-318-050, filed 8/19/69, effective 9/22/69.]

WAC 16-318-060 Other pesticides. Seed treated with pesticides, other than those referred to in WAC 16-318-050, shall be labeled with an appropriate caution statement in not less than eight point type, such as: "Treated seed – do not use for food, feed, or oil purposes" and shall contain other appropriate caution statement as required on the environmental protection agency and/or Washington state department of agriculture registered pesticide label of the seed treatment being used. [Statutory Authority: Chapter 15.49 RCW. 80-06-118 (Order 1700), § 16-318-060, filed 5/30/80; Order 1124, § 16-318-060, filed 8/19/69, effective 9/22/69.]

WAC 16-318-070 Treated seed color requirement. Seeds of small grains and other products such as peas and beans normally used for feed or for human consumption shall, when treated with a pesticide, be colored so as to be readily discernible as having been so treated. [Order 1150, § 16-318-070, filed 4/16/70; Order 1124, § 16-318-070, filed 8/19/69, effective 9/22/69.]

WAC 16-318-080 Bulk seed. The information required on the labels of packaged treated seed shall appear on the invoice or other document accompanying and pertaining to each bulk seed shipment. [Statutory Authority: Chapter 15.49 RCW. 80-06-118 (Order 1700), § 16-318-080, filed 5/30/80; Order 1124, § 16-318-080, filed 8/19/69, effective 9/22/69.]

WAC 16-318-090 Examples of minimum label formats. (a) Mercurial or similarly toxic pesticides:

Treated with
Endrin
POISON (in red) 

(b) Other pesticides:

Treated with
Captan
Caution: Treated seed – do not use for food, feed, or oil.

(c) Additional information may be shown, such as rate of application, antidote, specific [purpose] [purposes] of treatment, etc., provided such information is not false or misleading. [Statutory Authority: Chapter 15.49 RCW. 80-06-118 (Order 1700), § 16-318-090, filed 5/30/80; Order 1124, § 16-318-090, filed 8/19/69, effective 9/22/69.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 16-319 WAC
FOREST TREE SEED CERTIFICATION

WAC

16-319-001 Promulgation.
16-319-002 Promulgation.
16-319-003 Promulgation.
16-319-004 Promulgation.
16-319-006 Promulgation.
16-319-007 Promulgation.
16-319-010 Forest tree seed certification—Certifying agency.
16-319-020 Forest reproductive material certification standards.
16-319-030 Classes of reproductive material.
16-319-041 Application for certification of forest reproductive material.
16-319-051 Field standards.
16-319-061 Processing standards.
16-319-081 Affirmation by certifying agency.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-319-040 Basis for rejection. [Order 1089, § 16-319-040, filed 6/4/68; Order 1044, Regulation 6, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 6, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.

16-319-050 Basis for refusal to inspect. [Order 1089, § 16-319-050, filed 6/4/68; Order 1044, Regulation 7, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 7, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.

16-319-060 Right of appeal. [Order 1089, § 16-319-060, filed 6/4/68; Order 1044, Regulation 8, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 8, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.

16-319-070 Seed standards. [Order 1089, § 16-319-070, filed 6/4/68; Order 1044, Regulation 9, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 9, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.

16-319-071 Audit standards. [Order 1369, § 16-319-071, filed 6/12/74; Order 1151, § 16-319-071, filed 4/16/70.] Repealed by Order 1506, filed 4/11/77.

16-319-080 Fees. [Order 1089, § 16-319-080, filed 6/4/68; Order 1044, Regulation 10, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 10, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.

16-319-090 Lot identity. [Order 1089, § 16-319-090, filed 6/4/68; Order 1044, Regulation 11-14, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 11-14, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.

16-319-100 Buying station records. [Order 1089, § 16-319-100, filed 6/4/68; Order 1044, Regulation 15, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 15, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.

16-319-110 Maintenance of cone identification labels. [Order 1089, § 16-319-110, filed 6/4/68; Order 1044, Regulation 16, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 16, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.

16-319-120 Cone and seed inventory records. [Order 1089, § 16-319-120, filed 6/4/68; Order 1044, Regulation 17, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 17, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.

16-319-130 Tagging and sealing. [Order 1089, § 16-319-130, filed 6/4/68; Order 1044, Regulation 18, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 18, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.

16-319-140 Blending of lots. [Order 1089, § 16-319-140, filed 6/4/68; Order 1044, Regulation 19, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 19, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70.

WAC 16-319-001 Promulgation. I, Donald W. Moos, director of agriculture, by virtue of the authority vested to me under chapter 15.48 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington on July 25, 1966, do promulgate the following regulation relating to the designation of a forest tree seed certifying agency. [Order 1028, Promulgation, filed 8/4/66, effective 9/4/66.]

Reviser's note: WAC 16-319-001 applies to WAC 16-319-010 only.

WAC 16-319-002 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.48 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington, on May 16, 1968, do hereby promulgate the following regulations constituting the standards and procedures for forest tree seed certification. [Order 1089, § 16-319-002, filed 6/4/68; Order 1044, Promulgation, filed 4/14/67, effective 5/15/67; Order 1030, filed 8/19/66, effective 9/19/66.]

WAC 16-319-003 Promulgation. (This promulgation relates to Order 1089 and WAC 16-319-020, 16-319-040, 16-319-050, 16-319-060, 16-319-070, 16-319-080, 16-319-090, 16-319-100, 16-319-110, 16-319-120, 16-319-130, and 16-319-140 and 16-319-002.)

I, Donald W. Moos, director of agriculture, by virtue of the authority vested in me under chapter 15.49 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Yakima, Washington on April 1, 1970 do amend the following regulation relating to the designation of a forest tree seed certifying agency. [Order 1151, § 16-319-003, filed 4/16/70.]

WAC 16-319-004 Promulgation. (This promulgation relates to Order 1151 and WAC 16-319-041 only.)

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.49 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW, and a public hearing held in Othello, Washington on March 24, 1971, do hereby amend the following regulation relating to the application for seed certification. [Order 1189, § 16-319-004, filed 4/16/71.]

WAC 16-319-006 Promulgation. (This promulgation relates to Order 1151 and WAC 16-319-061 only.)

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.49 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW, and a public hearing held in Yakima, Washington on March 23, 1972, do hereby amend the following regulation relating to cone and seed processing standards. [Order 1247, § 16-319-006, filed 4/13/72.]

WAC 16-319-007 Promulgation. (This promulgation relates to Orders 1151, 1189 and 1247, WAC 16-319-020 through 16-319-081.)

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.49 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW, and a public hearing held in Yakima, Washington on June 4, 1974 do hereby promulgate the following regulations relating to forest tree seed certification. [Order 1369, § 16-319-007, filed 6/12/74.]

WAC 16-319-010 Forest tree seed certification--Certifying agency. The Washington State Crop Improvement Association, Inc. is hereby designated to act as the duly authorized agent of the director of agriculture for the purpose of assisting in certifying forest tree seeds and shall perform such duties as the director may assign as provided in chapter 15.48 RCW, specifically RCW 15.48.150(1). [Order 1028, Regulation 1, filed 8/4/66, effective 9/4/66.]

WAC 16-319-020 Forest reproductive material certification standards. (1) **Purpose.** The purpose of certification of forest reproductive material is to make available reproductive material properly identified by species or species and cultivar, and by source or source and origin.

(2) **Definitions:**

(a) Applicant means person or organization who submits application for certification of forest reproductive material to certifying agency and who assumes responsibility for compliance with these standards.

(b) Audit means periodic examination and check by certifying agency of any part or all of the records and procedures specified in field standards and processing standards, and of additional records pertinent to inventory and distribution of reproductive material including verification of corresponding physical inventory to assure that no significant errors or omissions exist.

(c) Batch means all or part of a lot of reproductive material of a single species collected during one crop season from within stated breeding zone(s) or from within stated 500-foot elevation increment(s) in stated seed zone(s) that is collected or processed at one time.

(d) Breeding zone means a specific designated unit of land, the description of which is on file at the certifying agency, for which an improved population of trees of a specific species or species cross is being produced.

(e) Buyer means person who first receives reproductive material from the collector.

(f) Certificate of genetic identity means a document furnished by the producer on demand and verified by the certifying agency describing the ancestry and breeding behavior of a lot of reproductive material.

(g) Certification of reproductive material means execution by certifying agency of field inspection, plant/warehouse inspection and/or audit to accomplish the purpose described in paragraph (1).

(h) Certifying agency means the duly designated agent of the state [agent] [agency]: In Oregon state, the Oregon Seed Certification Service, 102 Farm Crops Building, Oregon State University, Corvallis, Oregon 97331; in Washington state, Washington State Crop Improvement Association, Inc., 513 North Front Street, Yakima, Washington 98901.

(i) Certificate of origin means a document issued by certifying agency which verifies source and origin of reproductive material by field inspection and audit.

(j) Character means a distinctive trait, but not necessarily an invariable feature, exhibited by all individuals of a group and capable of being described or measured: e.g., growth; form; color; resistance to disease, insects, weather, animals, etc.

(k) Code means a unique identification of a group of pertinent records about a lot of forest reproductive material.

(l) Collector means a person who collects forest reproductive material at its source.

(m) Elevation means altitude above sea level and is divided in 500-foot increments as shown below, or may mean appropriate elevational bands as provided for under code and/or breeding zone.

0 - 500 feet — Code 05	2501 - 3000 feet — Code 30
501 - 1000 feet — Code 10	3001 - 3500 feet — Code 35
1001 - 1500 feet — Code 15	3501 - 4000 feet — Code 40
1501 - 2000 feet — Code 20	4001 - 4500 feet — Code 45
2001 - 2500 feet — Code 25	4501 - 5000 feet — Code 50
	and so forth.

(n) Field inspection means observation by certifying agency of all activities and records involved in propagation, collection, buying, production, and transportation of forest reproductive material to assure compliance with field standards.

(o) Forest reproductive material means plant material of genera and species of trees which will be used for forestry.

(p) Genetic identity means the ancestry and breeding background of selected and tested classes only of the forest reproductive material.

(q) Genetic superiority means that forest reproductive material originated from tree(s) whose superiority in one or more characters important to forestry has been proven by tests conducted in specified environments.

(r) Location means description by seed zone or portion thereof and elevation and/or breeding zone or code.

(s) Lot means a homogeneous quantity of forest reproductive material.

(i) For tested and selected classes, it is of a single species, cultivar, or cross collected during one crop season from [the] [a] distinctively described and recorded population of trees.

(ii) For source identified class, it is a single species collected during one crop season from within stated seed zone(s) and from within 500–foot elevation increment(s) and/or breeding zones or appropriate codes.

(iii) For audit class, it is a single species collected during one crop season from within stated seed zone(s) and from within 500–foot elevation increment(s).

(iv) Lots shall be identified by number and/or code or breeding zone.

(t) Origin means the location of the indigenous parents; for nonindigenous parents, it is the location from which the seed or plants were originally introduced.

(u) Plant/warehouse inspection means observation by certifying agency of all activities and records involved in receiving, processing, storage and labeling of forest reproductive material to assure compliance with processing standards.

(v) Producer means person, company, bureau or agency with overall responsibility for producing forest reproductive material.

(w) Provenance means the original geographic source of seed, pollen or propagules.

(x) Reproductive material means seed, pollen, trees, cuttings, scions, etc., originating from forest trees.

(y) Seed zone means a geographic area delineated on Western Forest Tree Seed Council's Tree Seed Zone Map published July 1973, or similarly authoritative maps of seed zones as approved by certifying agency.

(z) Source means the location of the immediate parents, the origin of which may be indigenous, nonindigenous, or unknown.

(aa) Test means evaluation of parents by comparing the performance of their offspring under more controlled conditions that exist for the parent(s) or other applicable tests which evaluate specific character(s) of the parents or the offspring.

(bb) Unit of measure means a consistent volume of measure, i.e., bushels, pounds, grams, number, cubic centimeters, etc. [Statutory Authority: Chapter 15.49 RCW. 80–10–001 (Order 1704), § 16–319–020, filed 7/24/80; 79–05–070 (Order 1625), § 16–319–020, filed 4/30/79; Order 1506 § 16–319–020, filed 4/11/77; Order 1369, § 16–319–020, filed 6/12/74; Order 1151, § 16–319–020, filed 4/16/70; Order 1089, § 16–319–020, filed 6/4/68; Order 1044, Regulation 1–5, filed 4/14/67, effective 5/5/67; Order 1030, filed 8/19/66, effective 9/19/66.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16–319–030 Classes of reproductive material. (1) Tested class means that forest reproductive material came from tree(s) which have been tested for specific character(s) as determined by progeny or other applicable tests and under specified conditions. Further, such forest reproductive material is produced and processed in a manner assuring genetic identity common with the tested material, and, for nursery stock, that it was produced from tested reproductive material. Said forest reproductive material shall be labeled with a blue label stating "tested." Certifying agency shall examine trees and reproductive material; exercise field, plant, and warehouse inspection, and audit all pertinent records involved.

(2) Selected class means that reproductive material came from trees that were selected for specific character(s). Two subclasses are recognized:

Subclass A: Reproductive material is obtained from selected trees and, in addition for tree seed, the male parent(s) is also selected.

Subclass B: Applies to tree seed when only one parent is selected.

Both subclasses shall be labeled with a green label stating "selected" and the subclass. Certifying agency shall examine trees and reproductive material; exercise field, plant, and warehouse inspection, and audit all pertinent records involved.

(a) Selected subclass A means that the donor or parents of the reproductive material are selected, known, and of record, but have no test results of record, and, for nursery stock, that it was produced from selected subclass A or better reproductive material.

(b) Selected subclass B means that only one parent of the tree seed is selected, known, and of record and reproductive material has not been tested, and, for nursery stock, that it was produced from selected subclass B or better reproductive material.

(3) Source identified class means that the reproductive material came from within a seed zone(s) or portion thereof and from within a 500–foot elevation increment(s) or breeding zone(s) or code(s).

Subclass A: Personally supervised production.

Subclass B: Procedurally supervised production.

Both classes of said reproductive material shall be labeled with a yellow label stating "source identified" and the subclass. Certifying agency shall exercise field inspection, plant/warehouse inspection, and audit.

(a) Subclass A source identified means that applicant and certifying agency personally know beyond a reasonable doubt the seed zone(s) or portion thereof and 500–foot elevation increment(s) within which cones and/or reproductive material were collected; and, for nursery stock, that it was produced from subclass A source identified or better reproductive material. Certifying agency knows location from applicant's prior written plan of his reproductive material collecting and/or producing activities.

(b) Subclass B source identified means that applicant and certifying agency know reproductive material is identified as collected from within a seed zone(s) or portion thereof and from within a 500–foot elevation increment(s), and for nursery stock, that it was produced from subclass B source identified or better reproductive material.

(4) Audit class means that the applicant's records of procurement, processing, storage, and distribution state

that the reproductive material was collected from within stated seed zone(s) or described portions thereof and from within 500-foot elevation increment(s), and, for nursery stock, certifying agency knows that it was produced from audit class or better reproductive material. Containers of said reproductive material shall carry a serially numbered brown and white label stating "audit certificate." All records of the applicant for this class of reproductive material are subject to audit. [Statutory Authority: Chapter 15.49 RCW. 80-10-001 (Order 1704), § 16-319-030, filed 7/24/80; Order 1506, § 16-319-030, filed 4/11/77; Order 1369, § 16-319-030, filed 6/12/74; Order 1151, § 16-319-030, filed 4/16/70.]

WAC 16-319-041 Application for certification of forest reproductive material. (1) The conditions of applicant's submittal and of certifying agency's acceptance of application are:

(a) The application should show all classes for which certification services are requested.

(b) All reproductive material acquired or distributed by applicant of a type for which certification is requested is subject to audit.

(c) Applicant shall be responsible for payment of fees for certification services.

(d) Applicant is responsible for developing a record keeping system and labels available and satisfactory to the certifying agency.

(e) Certifying agency reserves the right to refuse certification service to applicant.

(f) Application for audit certification reproductive material shall be filed with certifying agency of the state in which warehouse, nursery, etc., is located with a copy to the certifying agency in the state where the reproductive material is collected.

(2) Timing of application requests for certification services:

(a) Application requests for all certification classes for the current year's production of reproductive material shall be received by certifying agency from applicant not later than three days prior to initiation of collection, production, or propagation of forest reproductive material.

(b) Application requests for all other services shall be received by certifying agency from applicant not later than seven days before need.

(3) The certifying agency establishes the fee schedule for certification services. These may be adjusted at the beginning of a crop year if certifying agency determines that costs are significantly more or less than anticipated: *Provided*, That increases shall not exceed twenty-five percent.

(a) Cones and seed:

(i) Tested and selected – the service includes review of test plans, audit of pertinent records and field inspection.

(ii) Source identified classes – the fee includes field inspection and audit.

(A) The fee for each lot containing less than sixty bushels shall be a maximum of $36.00: *Provided*, That the certifying agency, due to specific circumstances, may waive this maximum fee or a part thereof.

(B) Sixty percent of the fee for the estimated collection of cones shall be paid with the application, the remainder to be paid when billed by the certifying agency after processing is complete.

(iii) Audit class – the fee includes audit of applicant's field and processing records.

(b) Trees: The fee includes the verification of the source of the trees from the seed source, stratification, sowing, bed identification, lifting, sorting, packing, package identification, and storing.

(c) Not entered for certification: The fee for audit of reproductive material not entered for certification service is performed as required by and satisfactory to certifying agency to exercise said audit simultaneously with audit of reproductive material which applicant has requested certification service.

(d) The fee for certification classes applied for shall be charged whether or not offered material qualifies.

(e) The certifying agency may provide other services, such as training to comply with these standards, advising on the development of recordkeeping systems directly connected with certification needs if requested by the applicant.

(4) FEE SCHEDULE:

(a) Tree cones and seed –

Certification Classes	Field Inspection	Audit	Fee Due
Tested and Selected	$15/hr.	$15/hr.	When billed
Source Identified Classes:			
Lots 11 bu. and more	$0.60/bu.	$15/hr.	
*Lots 6–10 bu.	$15/lot	$15/hr.	
*Lots 0–5 bu.	$ 9/lot	$15/hr.	
Total bushels X $0.36/bu.			With application
Audit	None	$15/hr.	When billed

*Small lot fee applies when over twenty percent of total lots audited range between 0 and 10 bu. inclusive.

(b) Tree certification –

(i) Bare root seedlings – $.20/m with a minimum of $600 per growing site.

(ii) Container and tubling seedlings – $.50/m for a total of less than two million with a minimum of $600 per growing site; $.30/m for quantities over two million per growing site.

(iii) Forty percent of the fee to accompany the application at the beginning stage of the crop. Final billing will be based on the number when packed.

(c) Other services including education to comply with the standards, development of record system, verification of source of pollen, signs, cuttings, audit of forest reproductive material not offered for certification by applicant, etc. at $15/hr. payable when billed. [Statutory Authority: Chapter 15.49 RCW. 80-10-001 (Order 1704), § 16-319-041, filed 7/24/80; 79-05-070 (Order 1625), § 16-319-041, filed 4/30/79; Order 1506, § 16-319-041, filed 4/11/77; Order 1369, § 16-319-041, filed 6/12/74; Order 1189, § 16-319-041, filed 4/16/71; Order 1151, § 16-319-041, filed 4/16/70.]

WAC 16-319-051 Field standards. (1) Tested and selected classes. Applicant shall maintain continuous record(s) satisfactory to certifying agency which maintains the identity of the reproductive material through all stages of production, collection, processing, storage, and disbursement from stores, and, in addition, such records as needed to trace the pedigree and document the performance of the reproductive material. The records shall include but are not limited to those involving:

(a) Selection, location, and origin of the parent trees.

(b) Pollen, seed, scions, etc., collection, processing, inventory, storage, and use in tree improvement and breeding programs.

(c) Design, establishment and management of test(s) and the collection, analysis and interpretation of test data.

(d) Nursery stock production.

Certifying agency shall inspect all phases of the field operation including periodic checks of parent trees, pollen and scion collections; pollinations; cone harvest, storage, processing and inventory; and tests, together with appropriate records used in the field. Certifying agency shall record and identify each lot of reproductive material produced in the field for use in tree improvement program(s) unless the applicant has provided an accurate and safe method of accountability from the field through processing and use.

(2) Source identified reproductive material. Applicant shall develop and make correct use of collector and buyer labels, collector registration, and transportation records, and for nursery stock, labels and records identifying the stock as originating from source identified or better reproductive material.

(a) Subclass A.

(i) Control of collectors shall be such that applicant and certifying agency personally know beyond a reasonable doubt the seed zone or breeding zone or code or [portion] [portions] thereof and 500-foot elevation increment or specified elevation increment for breeding zone(s) or code(s) within which reproductive material was collected. Control of producers of nursery stock shall be such that applicant and certifying agency personally know beyond a reasonable doubt that the nursery stock was produced from source identified subclass A or better reproductive material.

(ii) Applicant shall provide certifying agency with a written reproductive material collection and/or nursery stock production plan (not later than three days) prior to collection of reproduction material or production of nursery stock.

(iii) Further, all following requirements of subclass B shall be met.

(b) Subclass B.

(i) All collectors shall be supervised sufficiently so that either buyers know where reproductive material was collected, or buyers shall purchase all reproductive material that collectors present for sale without differential of acceptance stated or implied, as to source, location, seed zone, or elevation.

(ii) Buyer shall require collector to sign collector's registration record prior to collection of reproductive material. He shall also issue collector's labels, and direct collector to complete them and place them in or attach them to each container of reproductive material before it is transported from point of collection. Coincident with purchase of reproductive material, he shall complete description on labels including species, source by seed zone, breeding zone or code, elevation increment, special collection area if any, certification class, date of purchase and his signature or initials.

(iii) Buyer shall maintain a buyer record on a form for all reproductive material received, listing species, seed zone, elevation increment, units of reproductive material, date of purchase, collector's name and buyer's name.

(iv) Buyer shall maintain transportation record showing species, seed zone, elevation increment, units of reproductive material, and date shipped.

(v) Producers of nursery stock shall be supervised sufficiently so that applicant knows that the stock was produced from source identified subclass B or better reproductive material.

(vi) The certifying agency shall advise the applicant of problems or conditions that affect competent verification or execution of these standards by certifying agency and applicant.

(vii) Unless other arrangements are made, the certification class shown by the producer on all containers of reproductive material must be verified by the certifying agency before being transported from the receiving station. The producer is responsible for evidence of verification of the certification class applied for.

(3) Audit class reproductive material.

(a) Buyer shall require collector to sign collector's registration record and to complete collector's labels prior to purchase of reproductive material.

(b) Buyer shall maintain a buyer record on a form for all reproductive material received, listing species, seed zone, elevation increment, units of reproductive material, date of purchase, collector's name and buyer.

(c) Buyer or other shipper of reproductive material shall maintain a transportation record showing species, seed zone, elevation increment, units of reproductive material and date shipped.

(d) Producers of nursery stock shall maintain auditable records identifying the stock as being produced from audit class or better reproductive material. [Statutory Authority: Chapter 15.49 RCW. 80-10-001 (Order 1704), § 16-319-051, filed 7/24/80; Order 1506, § 16-319-051, filed 4/11/77; Order 1369, § 16-319-051, filed 6/12/74; Order 1151, § 16-319-051, filed 4/16/70.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-319-061 Processing standards. (1) Applicant shall maintain a continuous record for each lot and batch of reproductive material at each plant or warehouse, showing lot and batch number or code, species, seed zone, breeding zone or code, elevation increment,

date received and units of reproductive material. Reproductive material stored at plant or warehouse prior to processing shall be assembled by lot or batch and so arranged as to be reasonably accessible for audit. The auditor will advise producer before making changes in the certification class of cones or seed offered by the producer.

(2) Labels shall be maintained on containers until reproductive material is processed. During processing, labels shall be removed and immediately deposited in a container marked with the lot or batch designation or code. Upon completely emptying the containers for each lot or batch of audit or source identified classes, the package of labels from it shall be closed and set aside for examination by the certifying agency auditor. All labels for tested and selected classes shall be attached to or placed inside of the seed containers by the producer for examination by the certifying agency auditor. These labels will remain with the seed until the lot is depleted.

(3) All reproductive material shall be handled in a manner to prevent lot mixture and maintain lot identity. All machinery, containers, and equipment shall be thoroughly cleaned before processing another lot or batch.

(4) Specific requirement: Certifying agency may refuse to certify reproductive material failing to meet the following maximum standards: Other distinguishable species or cultivars: Seed 0.5% by weight; trees, cuttings, scions, etc. 1% by number; pollen 1% by number.

(5) Labeling and sealing of tested, selected, or source identified reproductive material shall be done by the certifying agency.

(a) Labeling of audit class reproductive material will be done by the applicant with the label being affixed to the container: *Provided*, That for small sales (any quantity of reproductive material less than a full container of a size normally used by the applicant) the label may be affixed to the invoice or sales slip.

(6) For each lot of tested or selected reproductive material, a certificate of genetic identity shall be prepared and affirmed by the producer upon demand and, if verified by the certifying agency, must be signed and placed in or attached to each container before other labels or seals are affixed. The certificate of genetic identity shall include the following information:

(a) For both tested and selected reproductive material, the lot number, breeding zone or code and information on:

(i) The donor or parents which produced the reproductive material, including their selection generation, type of selection made, selected character(s), seed zone(s) and elevation increment(s) in which selection was made, and selection procedure.

(ii) For each prior selection generation, the same information.

(iii) For sexual reproductive material, whether pollination was controlled or not: If controlled, the pollen situation; if controlled, the pollen or pollen mix used, including identification of pollen parent(s), also the number of maternal parents, and, if applicable, the crossing design used.

(b) For tested reproductive material only.

(i) A progeny, clonal, or other applicable test plan shall normally be submitted to the certifying agency for review and acceptance before installation. Acceptance of the test plan may be made after installation providing requirements in WAC 16-319-051(1) and 16-319-061 (6) (b) (ii) are met. Applicant may request assistance from the certifying agency in the development of a plan.

(ii) The plan shall include in the test both randomization and replication for the material to be tested and the identity and background of the check material to be used.

(iii) Complete randomization and balanced randomized blocks are recommended. The actual design of the established test must be recorded in detail.

(iv) Trees to be planted for tests must be grown together in soil as uniform as possible, or, if they are grown in different soils, must be so distributed that like proportions of all clones or progenies are produced in each distinct class of soil.

(v) Test measurements are to be presented in numerical form. Each character to be evaluated is to be measured separately. The genetic superiority as compared with the check must be clearly demonstrated for at least one of the characters being tested. Characters of economic importance in forestry identified in the test must be clearly reported if they are significantly inferior at the 95% level to those of the check material.

(vi) The results of the test measurements and data shall be readily available to the certifying agency and prospective user or purchaser.

(7) A document, acceptable to the certifying agency for informing the purchaser of species and certification information of each item, and, for auditing purposes, shall be issued by the producer for each sale of tested, selected, source identified, and audit class reproductive material. Such document may be a certificate of origin for tested, selected, or source identified reproductive material, or an invoice, shipping order, or sales slip for audit class reproductive material. The certifying agency may authorize use of said certificate of origin for portions of reproductive material from labeled and sealed containers in lieu of labels and seals when relabeling and resealing by the certifying agency is impractical. No items of reproductive material ineligible for any class of certification shall be included on any certificate of origin.

(8) If a lot is composed of reproductive material from more than one seed zone, elevation increment or code in excess of seven percent if of contiguous seed zones, elevation increments, or codes or if in excess of two percent of other than contiguous seed zones, elevation increments, or codes, the certification label must show all seed zones, elevation increments, or codes either with or without the percentage of each.

(9) The allowance for accidental mixing of noncertifiable reproductive material with audit class, or noncertifiable or audit class reproductive material with source identified classes is two percent. When in excess of two percent, the lot must drop to the lowest class represented. No mixing of lower classes with selected or tested classes is permissible.

(10) Any lot may be rejected if certifying agency determines that said lot fails to meet these standards. The privilege of certification may be withdrawn by certifying agency for a definite period of time in case of flagrant violations of these standards. If applicant believes an erroneous decision has been rendered, he may make written appeal to certifying agency for review by its governing body. [Statutory Authority: Chapter 15.49 RCW. 80-10-001 (Order 1704), § 16-319-061, filed 7/24/80; Order 1506, § 16-319-061, filed 4/11/77; Order 1369, § 16-319-061, filed 6/12/74; Order 1247, § 16-319-061, filed 4/13/72, effective 5/14/72; Order 1151, § 16-319-061, filed 4/16/70.]

WAC 16-319-081 Affirmation by certifying agency. Affixing of label or label and seal to a container of forest reproductive material or to a certificate of origin or certificate of genetic identity by the certifying agency affirms that to the best of its knowledge the reproductive material meets these forest reproductive material certification standards. [Order 1506, § 16-319-081, filed 4/11/77; Order 1369, § 16-319-081, filed 6/12/74; Order 1151, § 16-319-081, filed 4/16/70.]

Chapter 16-321 WAC
GRASS SOD--CERTIFICATION STANDARDS

WAC

16-321-001 Purpose.
16-321-010 Grass sod certification standards.
16-321-020 By whom certified.
16-321-030 Varieties eligible.
16-321-040 Application for sod certification.
16-321-050 Certification fees.
16-321-060 Land requirements.
16-321-070 Eligibility of seed stock.
16-321-080 Field standards.
16-321-090 Specific requirements.
16-321-100 Inspection.
16-321-110 Labeling.
16-321-120 Responsibility and obligations.

WAC 16-321-001 Purpose. The purpose of sod certification is to maintain and make available to the public high quality sod of turfgrasses so grown and distributed as to insure genetic identity and purity and high degree of freedom from weeds, diseases, injurious insects, and other pests. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-001, filed 5/30/80.]

WAC 16-321-010 Grass sod certification standards. The general seed certification standards and grass seed certification standards are basic and together with the sod quality certified seed standards and the following specific regulations shall constitute the standards for grass sod certification in Washington state. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-010, filed 5/30/80.]

WAC 16-321-020 By whom certified. Grass sod certification in the state of Washington shall be conducted by Washington state department of agriculture in cooperation with the Institute of Agri Sciences, Washington State University and Association of Official Seed Certification agencies. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-020, filed 5/30/80.]

WAC 16-321-030 Varieties eligible. Only those species and varieties tagged sod quality certified seed by an official certification agency shall be eligible for sod certification. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-030, filed 5/30/80.]

WAC 16-321-040 Application for sod certification. Application for sod certification together with payment of fees and verification of seed stock must be submitted to the Washington state department of agriculture, seed branch, Yakima, Washington, thirty days prior to field preparation to allow time for preplant inspection. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-040, filed 5/30/80.]

WAC 16-321-050 Certification fees.

Application fee	$10.00
Preplant inspection	$ 2.00/acre
Sod field inspection (including sod certification labels)	$10.00/acre

Application due dates: January 1 for spring planting; June 1 for fall planting. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-050, filed 5/30/80.]

WAC 16-321-060 Land requirements. (1) The land on which certified sod is to be established must have been in the production of cultivated crops or clean fallow for at least two growing seasons preceding the seeding of the turfgrass for sod certification, unless the previous crop was of the same variety or varieties grown for certified sod or seed or unless the soil was satisfactorily treated with a recommended soil fumigant or herbicide program.

(2) No manure or other potentially contamination material shall be applied on sod fields entered for certification.

(3) Field must meet standards set forth by WAC 16-321-090 (1) and (2). [Statutory Authority: Chapter 15-.49 RCW. 80-06-104 (Order 1701), § 16-321-060, filed 5/30/80.]

WAC 16-321-070 Eligibility of seed stock. (1) All seed stock being planted for certified sod must meet Washington state sod quality seed standards, have an official sod quality certificate analysis from state of origin and be tagged "sod quality" by an official agency.

(2) Sod quality seed mixtures must be approved by the certifying agency.

(3) Documentary evidence, such as sod quality certificate analysis, tag and purchase record, must be submitted to certifying agency with application to establish planting stock eligibility.

(4) Sample of seed stock as prepared for planting shall be submitted to the certifying agency for reference

file. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-070, filed 5/30/80.]

WAC 16-321-080 Field standards. (1) Isolation: A field to be eligible for certification of sod must be isolated by a five foot border or a barrier that will prevent encroachment of mechanical mixing during harvesting.

(2) Units of certification: A field or marked block within a field shall be considered the unit for certification. If for any reason sections of a field do not meet certification requirements, the portion of field meeting certification requirements may be certified provided it is adequately defined or outlined, (such as bordering with chemical treatment).

(3) Management: A sod field for lifting shall show evidence of good management.

(4) Quality of product: The sod shall be of uniform density, color and texture. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-080, filed 5/30/80.]

WAC 16-321-090 Specific requirements. (1) Tolerances for plants of other crops (per 1000 square feet):

FACTORS:	MAXIMUM:
Other turfgrass species not included in planting stock	3 plants per 1000 square feet
Other crop plants	0 plants per 1000 square feet
Noxious weeds	0 plants per 1000 square feet
Objectionable weeds	3 plants per 1000 square feet

(2) Tolerance for plants other than crop:

(a) Unacceptable plants – none allowed. "Unacceptable plants" shall include prohibited and restricted noxious weeds in accordance with the provisions of the Washington State Seed Act, and other weeds difficult to control selectively through cultural or chemical methods, such as nutgrass (Cyperus esculentus), goosegrass (Eleusine indica), annual bluegrass (Poa annua), and any variety or species of weedy perennial grass.

(b) Objectionable plants – maximum three plants per 1000 square feet. "Objectionable plants" shall include the following: Crabgrass (Digitaria spp.), dandelion (Taraxacum officinale), wood sorrel (oxalis suropaca), ground ivy (Glechoma hederacea), yarrow (Achillea millefolium), annual chickweed (Stellaria media), mouse-ear chickweed (Cerastium vulgatum), field chickweed (Cerastium arvense), speedwell (Veronica spp.), knotweed (Polgonum aviculare), purslane (Portulaca oleracea), heal-all (Prunella vulgaris), knawel (Scleranthus annuus), black medic (Medicago lupulina), white clover (Trivolium repens L.), and any other broadleaf or grassy weed which may detract from sod quality.

(3) Pests and diseases: Every field within the certification program shall be maintained reasonably free of pests and diseases.

(4) Mixtures shall contain a minimum of ten percent by weight of any variety. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-090, filed 5/30/80.]

WAC 16-321-100 Inspection. (1) A preplanting inspection shall be made prior to field preparation of fields to be planted for sod to determine if land requirements have been met. A written report shall show the grower's name, number of acres, location, crop history for past six years, weed and crop present, and variety or varieties to be planted.

(2) At least two field inspections shall be made, the first after establishment, the second prior to lifting. If field is harvested prior to lift inspection, that crop will not be eligible for certification. Rejection of sod from certification may be made any time sod quality is below standard.

(3) After fields have met the requirements for certification, inspection may be made at intervals required to maintain certification eligibility.

(4) Field conditions which make it difficult to perform satisfactory field inspections may be cause for rejection of sod from certification. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-100, filed 5/30/80.]

WAC 16-321-110 Labeling. All sod when sold as certified shall have an official sod certification label properly affixed to invoice. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-110, filed 5/30/80.]

WAC 16-321-120 Responsibility and obligations. Responsibility for any obligations arising from the sale or shipment of sod which has been certified rests with the grower or subsequent handler making the sale or shipment. [Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-120, filed 5/30/80.]

Chapter 16-322 WAC
MINT ROOTSTOCKS--CERTIFICATION

WAC

16-322-001 Promulgation.
16-322-010 Applications and fees.
16-322-012 Definitions.
16-322-015 Requirements for the production of registered mint rootstock.
16-322-020 Requirements for the production of certified mint rootstock.
16-322-025 Field inspections.
16-322-035 Washington standards for mint rootstocks (peppermint and spearmint).
16-322-040 Warranty clause.
16-322-045 Identification and movement of mint rootstock.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-322-030 Field standards. [Order 888, Regulation 5, filed 6/4/62.] Now codified within WAC 16-322-035.

WAC 16-322-001 Promulgation. I, Donald W. Moos, director of agriculture for the state of Washington, by virtue of the authority vested in me under chapter 15.14 RCW, after due notice and public hearing held in Yakima, Washington, April 17, 1968 (pursuant to chapters 42.32 and 34.04 RCW), do hereby promulgate the following rules and standards for the certification of mint rootstocks: [Order 1087, § 16-322-

001, filed 4/24/68, effective 5/24/68; Order 1017, filed 5/20/66; Order 952, Promulgation, filed 7/17/64; Order 888, Promulgation, filed 6/4/62.]

WAC 16-322-010 Applications and fees. (1) The applicant grower shall furnish to the department all information pertinent to the operation of this program and shall give his consent to the department to take material for examination and testing. Application for inspection and testing of registered and certified stock must be filed with the department by May 1 of each year, accompanied by a forty dollar application fee. Inspection fees are ten dollars per acre or fraction thereof. Half of this fee is due with the application.

(2) Final fees shall be due and payable upon completion of the last field inspection.

(3) Certification may be withheld for nonpayment of fees due. [Order 1017, Regulation 5, filed 5/20/66; Order 952, Regulation 5, filed 7/17/64; Order 888, Regulation 1, filed 6/4/62.]

WAC 16-322-012 Definitions. (1) "Mint rootstock" means stolons or rhizomes of mint plants.

(2) "Off-type" means not true-to-name.

(3) "Foundation rootstock" means rootstock originating from healthy clones. Small plantings of this stock will be maintained by or through the Washington state department of agriculture.

(4) "Registered rootstock" means rootstock produced from foundation and registered rootstock and has met the requirements as herein provided.

(5) "Certified rootstock" means rootstock produced from registered rootstock and has met the requirements as herein provided.

(6) "Verticillium wilt" means the disease caused by Verticillium albo-atrum Reinke & Berth. variety Menthae Nelson.

(7) "Rootknot" means the disease caused by the rootknot nematode Meloidogyne, spp. [Order 1017, Regulation 1, filed 5/20/66; Order 952, Regulation 1, filed 6/4/62.]

WAC 16-322-015 Requirements for the production of registered mint rootstock. (1) **Land requirements.** Land to be eligible must not have grown mint and be free of noxious weeds. Due to the danger of root knot nematode, land that has been used for other vegetatively propagated crops such as potatoes, hops, etc., should be avoided.

(2) **Isolation requirements.** A field to be eligible must be at least five thousand feet from fields infested with verticillium wilt of mint, one thousand feet from any mint field unless of equal standards, and it can not be included in a farm operational unit which has a wilt infested field or grown on a farm which has previously grown uncertified mint.

(3) **Plant requirements.** Fields must be planted with pure, living rootstock of foundation or registered planting rootstock.

(4) **Miscellaneous requirements.**

(a) Soil borne insects and nematodes must be controlled.

(b) Fields must show evidence of control of noxious weeds and free from mint species of types other than being grown for certification.

(c) Evidence of rouging without permission of the department may give cause for rejection of fields. When directed by the department, growers must dig and immediately destroy all unhealthy and off-type plants.

(d) Hay from registered planting stock fields may be harvested for oil provided that all harvesting equipment is sterilized by steam cleaning, or by other approved methods under the supervision of the department.

(e) The cooked hay is to be destroyed by burning.

(f) Sanitation methods and procedures must be approved by the department.

(g) Irrigation water proposed for use on the planting stock fields and the water drainage on to such fields must be approved by the department.

(h) Harvesting equipment must be sterilized by steam cleaning, or other approved methods before used on another lot or farm.

(i) Pasturing of livestock on mint rootstock fields shall not be permitted with the exception of weeding animals and fowl. [Order 1087, § 16-322-015, filed 4/24/68, effective 5/24/68; Order 1017, Regulation 2, filed 5/20/66; Order 952, Regulation 2, filed 7/17/64; Order 888, Regulation 2, filed 6/4/62.]

WAC 16-322-020 Requirements for the production of certified mint rootstock. (1) **Land requirements:** To be eligible a field must be on land which has not grown uncertified mint.

(2) **Isolation requirements:** A field to be eligible must be at least five thousand feet from fields infested with verticillium wilt of mint, one thousand feet from any mint field unless of equal standards, and it can not be included in a farm operational unit which has a wilt infested field or grown on a farm which has previously grown uncertified mint.

(3) **Plant requirements:** Field must be planted with pure, living rootstock of registered planting stock.

(4) **Miscellaneous requirements:** These requirements are the same as for the production of registered mint rootstock (WAC 16-322-015(4)). [Order 1017, Regulation 3, filed 5/20/66; Order 952, Regulation 3, filed 7/17/64; Order 888, Regulation 3, filed 6/4/62.]

WAC 16-322-025 Field inspections. (1) At least two field inspections and as many more as are deemed necessary by the department shall be made each year. It is the duty of the grower, before cutting mint hay, to notify the department so the proper inspections can be made. Certification may be denied if mint is harvested from a field before proper inspection has been completed.

(2) The mint rootstocks must be inspected after they are dug. [Order 1017, Regulation 4, filed 5/20/66; Order 952, Regulation 4, filed 7/17/64; Order 888, Regulation 4, filed 6/4/62.]

WAC 16-322-035 Washington standards for mint rootstocks (peppermint and spearmint). (1) **Washington No. 1** shall consist of mint rhizomes of plants with similar varietal characteristics which are (a) fresh, (b) firm, (c) moist, (d) free of mold, (e) free of detectable, dangerous insects, nematodes, diseases and other pests, and (f) reasonably free of excess soil.

(2) **Tolerances.** In order to allow for variations incident to proper grading and packing, not more than a combined total of five per cent, by count, of the rhizomes in any lot may fail to meet the requirements of the above grade. The tolerances for the standards are on a "load" basis but should be determined by sampling on a weight basis.

(3) **Specific requirements.**

Pests and Diseases	Tolerance for: Foundation Rootstock	Registered Rootstock	Certified Rootstock
Mint flea beetle (*Longitarsus waterhousei* Kutschere)	0	0	1%
Rootknot nematode (Meloidogyne spp.)	0	0	Moderate
Verticillium wilt (*Verticillium albo-atrum* Reinke & Berth.) Var. *Menthae* Nelson	0	0	0
Mint rust (Puccinia *Menthae* Pers.)	Trace	Trace	Moderate
Other pests and diseases	1%	1%	1%

Any portion of a certified field not meeting requirements may be delimited if, in the judgment of the department, it will not jeopardize the remainder. [Order 1087, § 16-322-035, filed 4/24/68, effective 5/24/68; Order 1017, Regulation 6, filed 5/20/66; Order 952, Regulation 6, filed 7/17/64; Emergency Order 949, filed 5/18/64; Order 888, Regulations 5 and 6, filed 6/4/62.]

WAC 16-322-040 Warranty clause. (1) The department of agriculture assumes no responsibility for any undesirable condition not readily discernable by inspection methods used nor as to condition subsequent to inspection by the department.

(2) Certification does not imply any warranty on the part of the department or any employee thereof.

(3) Participation in this program shall be voluntary. [Order 1017 (part), filed 5/20/66; Order 952 (part), filed 7/17/64; Order 888, Regulation 7 (part), filed 6/4/62.]

WAC 16-322-045 Identification and movement of mint rootstock. (1) The department will issue a certificate covering mint rootstock that meets the requirements of this program and authorize the use of official certificates and seals for the identification of such rootstocks. The certificate shall indicate presence of noxious weeds at the final field inspection.

(2) Any person selling certified mint rootstock is responsible for the identity of the stock bearing each certificate and for such stock meeting the requirements of this program. Persons issued certificates authorized by the program shall account for stock produced and sold and keep such records as may be necessary.

(3) All registered and certified mint rootstocks moving from the place of origin must be conveyed in clean trucks and covered by new plastic or clean canvas tarps and properly sealed. [Order 1087, § 16-322-045, filed 4/24/68, effective 5/24/68; Order 1017, Regulation 7, filed 5/20/66; Order 952, Regulation 7, filed 7/17/64; Emergency Order 949, filed 5/18/64; Subsection (1) from Order 888, Regulation 7, filed 6/4/62.]

Chapter 16-324 WAC
RULES FOR THE CERTIFICATION OF SEED POTATOES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-324-001 Promulgation. [Order 812, Promulgation, effective 6/11/60.] Later promulgation, see WAC 16-324-201.

16-324-010 Planting stock. [Order 812, Regulation 1, effective 6/11/60.] Later promulgation, see WAC 16-324-250.

16-324-020 Application for certification. [Order 812, Regulation 2, effective 6/11/60.] Omitted from Order 950, which superseded Order 812.

16-324-030 Test plot records. [Order 812, Regulation 3, effective 6/11/60.] Later promulgation, see WAC 16-324-260.

16-324-040 Fees. [Order 812, Regulation 4, effective 6/11/60.] Later promulgation, see WAC 16-324-210.

16-324-050 Land requirements. [Order 812, Regulation 5, effective 6/11/60.] Later promulgation, see WAC 16-324-220.

16-324-060 Isolation requirements. [Order 812, Regulation 6, effective 6/11/60.] Later promulgation, see WAC 16-324-230.
16-324-070 Handling of crop to pass inspection. [Order 812, Regulation 7, effective 6/11/60.] Omitted from Order 950, which superseded Order 812.
16-324-080 Field inspections. [Order 812, Regulation 8, effective 6/11/60.] Later promulgation, see WAC 16-324-270.
16-324-090 Field standards. [Order 812, Regulation 9, effective 6/11/60.] Later promulgation, see WAC 16-324-280.
16-324-100 Sampling for testing—Test plots. [Order 812, Regulation 10, effective 6/11/60.] Later promulgation, see WAC 16-324-290.
16-324-110 Test plot tolerances. [Order 812, Regulation 11, effective 6/11/60.] Later promulgation, see WAC 16-324-300.
16-324-120 Tuber inspection—Diseases and grades. [Order 812, Regulation 12, effective 6/11/60.] Later promulgation, see WAC 16-324-310.
16-324-130 Definitions. [Order 812, Regulation 13, effective 6/11/60.] Later promulgation, see WAC 16-324-320.
16-324-140 Factors of sanitation. [Order 812, Regulation 14, effective 6/11/60.] Omitted from Order 950 which superseded Order 812.
16-324-201 Promulgation. [Order 950, Promulgation, filed 5/20/64; Order 812, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-210 Fees. [Order 950, Regulation 1, filed 5/20/64; Order 812, Regulation 4, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-220 Requirements for production of foundation and/or certified stock—Land requirements. [Order 950, Regulation 2(a), filed 5/20/64; Order 812, Regulation 5, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-230 Isolation requirements. [Order 950, Regulation 2(b), filed 5/20/64; Order 812, Regulation 2(b), effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-240 Miscellaneous requirements. [Order 950, Regulation 2(c), filed 5/20/64.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-250 Planting stock. [Order 950, Regulation 2(d), filed 5/20/64; Order 812, Regulation 1, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-260 Test plat records. [Order 950, Regulation 2(e), filed 5/20/64; Order 812, Regulation 3, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-270 Field inspection. [Order 950, Regulation 2(f), filed 5/20/64; Order 812, Regulation 8, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-280 Field standards. [Order 950, Regulation 3, filed 5/20/64; Order 812, Regulation 9, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-290 Test plats. [Order 950, Regulation 4, filed 5/20/64; Order 812, Regulation 10, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-300 Test plat tolerances. [Order 950, Regulation 5, filed 5/20/64; Order 812, Regulation 11, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-310 Tuber inspection—Diseases and grades. [Order 950, Regulation 6(a), filed 5/20/64; Order 812, Regulation 12, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-320 Definitions. [Order 950, Regulation 6(b), filed 5/20/64; Order 812, Regulation 13, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-330 Digging, storage, and premarketing. [Order 950, Regulation 7, filed 5/20/64.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-340 Tags restricted to qualified lots—Warranty clause, disclaimer. [Order 950, Regulation 8, filed 5/20/64.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71.
16-324-440 Effective date. [Order 1199, § 16-324-440, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW.

WAC 16-324-350 Promulgation. (This promulgation relates to WAC 16-324-201, 16-324-210, 16-324-220, 16-324-230, 16-324-240, 16-324-250, 16-324-260, 16-324-270, 16-324-280, 16-324-290, 16-324-300, 16-324-310, 16-324-320, 16-324-330 and 16-324-340.)

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.14 RCW and after due notice and public hearing held in Olympia, Washington on April 27, 1971, pursuant to chapters 42.32 and 34.04 RCW do establish the following rules and standards for certification of seed potatoes. [Order 1199, § 16-324-350, filed 5/5/71, effective 6/7/71.]

WAC 16-324-360 Definitions. (1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or his duly appointed representative. (Inspector)

(3) "Potatoes" mean Irish potatoes that have been produced outside of or within the state of Washington and are being handled for seed purposes, propagation, or reproduction within the state of Washington. [Order 1199, § 16-324-360, filed 5/5/71, effective 6/7/71.]

WAC 16-324-370 General guidance. (1) Participation in this program shall be voluntary and may be withdrawn at the option of the applicant. Farming and sanitation practices are the responsibility of the grower. Certification, approvals, determinations, and supervision mentioned herein shall be conducted by the department.

(2) All applications and department records will be maintained as public records for a period of seven years.

(3) Failure to comply with the requirements of these rules shall be cause for refusal or cancellation of approval of any planting or the certification of any seed as certified seed potatoes.

(4) Certification means that the lot of seed potatoes was inspected and meets the requirements of this order.

(5) The state of Washington department of agriculture makes no warranty, expressed or implied, or representation as to the freedom from disease or quality of certified seed. Certification is based solely on visual inspections of sample plants and tubers of each lot which were found to meet tolerances prescribed in this order. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-370, filed 11/21/78; Order 1199, § 16-324-370, filed 5/5/71, effective 6/7/71.]

WAC 16-324-375 Application and withdrawal. (1) Application shall be made on a form provided by the department. Applications for certification must reach the state department of agriculture, Olympia, Washington, on or before June 15 of each year in order to assure eligibility. Applications must be accompanied by the appropriate fee, as well as tags, certificates or other evidence of eligibility. An application must be made for each variety.

(2) Withdrawal of a seed lot from the certification program shall be made on a form provided by the department which will become part of the permanent public record. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-375, filed 11/21/78.]

WAC 16-324-380 Fees. (1) Potato certification fees shall be thirteen dollars and fifty cents per acre.

Applications shall be accompanied by fifty percent of the total charge due and payable on or before June 15 of each year. Applications may be adjusted ten percent on or before July 15.

(2) Final payment of above fee is due and payable November 1 of each year, *Provided:*

(a) Fees for five acres or less must be paid in full at the time of application.

(b) Fee for two acres or less is forty dollars minimum to be paid in full at time of application.

(c) No fees will be charged, up to five acres, for regularly enrolled high school 4-H or FFA projects.

(3) Refunds of the application fee will be made only if the withdrawal form is received by the department prior to the first field inspection.

(4) Lots rejected on or before October 1 will not be subject to final fees.

(5) Failure to pay fees when due shall result in removing the applicant from this program.

(6) No application for any grower owing the Washington state department of agriculture for previous fees will be considered. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-380, filed 11/21/78; Order 1199, § 16-324-380, filed 5/5/71, effective 6/7/71.]

WAC 16-324-390 Requirements for production of foundation and/or certified stock. (1) Land requirements.

(a) Potatoes will not be eligible for certification if planted on land on which potatoes were grown in either of the previous two years unless the prior crops were entered for and passed certification.

(b) Any land known to be infested with parasitic potato nematode will not be accepted.

(c) Any land planted with potatoes found to have ring rot will not be eligible for planting for certified seed potato production for at least two years.

(2) Isolation requirements.

(a) Potatoes intended for certification must be isolated by at least one hundred feet from other potatoes except potatoes entered for certification.

(b) A distinct separation of at least six feet must be left unplanted or planted to some other crop between different lots of seed potatoes.

(3) Planting stock. Eligible planting stock must consist of foundation seed potatoes or seed stock approved by the department.

(a) Foundation seed is tubers that have met field standards and winter test standards for foundation seed.

(b) Desirable planting stock of known history and varietal purity may be accepted. This stock must have been produced the preceding year under the special observation of the department. Stock under observation by the department shall pay the usual certification fees.

(c) Planting stock from other states or countries is eligible for certification if the planting stock has met the requirements for foundation standards of their program.

(4) Field inspections. Each lot will be visually inspected on a sample basis. Lots will be subjected to at least two inspections – the first about forty-five days after planting, or before the rows have filled in or the vines touch in the row; the second inspection about ninety-five days after planting. Additional inspections will be made when deemed necessary. The lots will be traversed sufficiently to accurately evaluate the factors to be considered with a minimum sample of one hundred plants per acre. Lots will be considered ready for inspection at all times. Notification will be given to grower or grower representative when inspection is to be performed.

(5) Russet Burbank/Netted Gem potatoes to be eligible for certification must be within the field tolerances and the winter test tolerances set for certified seed potatoes. Shipments for export prior to January 15 may be certified based on field readings only.

(6) Miscellaneous requirements. Prospective growers entering the certification program for the first time must be interviewed by the department before applications will be processed. This is in order that the applicant knows what is expected of him and what he may expect from the certifying agency. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-390, filed 11/21/78; Order 1526, § 16-324-390, filed 4/27/77; Order 1199, § 16-324-390, filed 5/5/71, effective 6/7/71.]

WAC 16-324-400 Field inspection standards. (1) The field certification of each lot will be based on the sample inspected.

(2) Specific requirements. (a) The diseases tolerated will be within the percentages listed in the table below based on visual symptoms showing in the sample inspected.

Field tolerances for:	Foundation		Certified	
Inspection	1	2-3	1	2-3
Leaf roll	0.2%	0.1%	0.4%	0.2%
Well defined Mosaic, and other virus and virus-like diseases	1.0%	0.5%	2.0%	1.0%
Black leg and wilts	2.0%	1.0%	4.0%	2.0%

Field tolerances for: Inspection	Foundation 1	Foundation 2–3	Certified 1	Certified 2–3
Ring rot	0.0%	0.0%	0.0%	0.0%
Variety mixture	0.2%	0.0%	0.2%	0.1%

(b) Diseases which cannot be observed visually at time of inspection may be present.

(c) The 0.0% tolerance for ring rot is chosen for reasons of convenience and practicality and is not to be construed to mean that the lot inspected is free from the disease. It does mean no ring rot was found during the inspection process.

(d) When ring rot is found in a lot of seed that lot will be rejected. All seed potatoes grown that year by that farming operation from that same seed source, even if grown in different fields shall not be eligible for foundation classification. The tubers from these lots must be inspected at time of digging.

(e) Lots not meeting field inspection standards at the time of inspection will be rejected.

(f) Any field condition, i.e., weeds, frost, insect, disease, premature dying from any cause, or any condition making inspection evaluation impossible will be cause for the following actions:

(i) Inability to read at time of first field reading for virus, etc.—lots may be held for winter virus test.

(ii) Inability to read at ninety–day or final reading, except damage caused by frost or freezing, will be cause for rejection. The tubers from these lots must be inspected at time of digging. [Statutory Authority: Chapter 15.14 RCW. 78–12–034 (Order 1587), § 16–324–400, filed 11/21/78; Order 1199, § 16–324–400, filed 5/5/71, effective 6/7/71.]

WAC 16–324–410 Winter test. (1) Purpose. The purpose of the winter test is to visually detect virus and viruslike plant symptoms in samples of the lot submitted by the grower.

(2) Details for submitting samples for winter testing will be available from division of plant industry personnel.

(3) "Foundation" may be stamped on the department's official certified tags when a lot has passed the required field standards and winter test tolerances for foundation seed.

(4) Lots represented in winter tests which do not meet the certification requirements of the winter test will not be eligible for current year certification.

(5) In the event of serious malfunction of the winter test facility, foundation and certified eligibility may be based on field readings. [Statutory Authority: Chapter 15.14 RCW. 78–12–034 (Order 1587), § 16–324–410, filed 11/21/78; Order 1526, § 16–324–410, filed 4/27/77; Order 1199, § 16–324–410, filed 5/5/71, effective 6/7/71.]

WAC 16–324–420 Winter test tolerances. (1) The unit of certification will be each lot.

(2) Specific requirements. The diseases tolerated will be within the percentages listed in the table below, based on visual symptoms showing in the sample inspected:

Disease or defect	Foundation	Certified
Well defined Mosaic and other virus or virus–like diseases	1.5%	2.0%
Leaf Roll	0.5%	2.0%

(3) Diseases which cannot be observed visually at time of inspection may be present. [Statutory Authority: Chapter 15.14 RCW. 78–12–034 (Order 1587), § 16–324–420, filed 11/21/78; Order 1199, § 16–324–420, filed 5/5/71, effective 6/7/71.]

WAC 16–324–430 Digging, storage and premarketing. Specific requirements.

(1) Stored so as to maintain each lot's identity. Storage bin or room (an area with a controlled access and enclosed by solid barriers) to be so marked that any inspector not previously having been in the room or storage bin could identify the lot.

(2) Graded according to state of Washington standards for seed potatoes.

(3) Placed in new sacks when tagging is requested, identified with the official Washington seed potato tags which must show the grower's name, address and lot number unless such information is printed on the sacks together with the usual net weight.

(4) Tags may be issued to the grower who will:

(a) Tag the bags as the potatoes are sorted.

(b) Allow inspection of graded potatoes at any time.

(c) If the potatoes are out–of–grade, remove the tags under the supervision of the inspector.

(d) Return all unused tags to the inspector.

Failure to observe any of the above provisions is sufficient cause for the inspector to withhold the privilege of permitting the grower to tag at his convenience. The deliberate disregard for (b) and (c) is just cause to eject a grower from the certification program.

(5) Bulk lots, properly identified, may be moved under certification.

[Statutory Authority: Chapter 15.14 RCW. 78–12–034 (Order 1587), § 16–324–430, filed 11/21/78; Order 1199, § 16–324–430, filed 5/5/71, effective 6/7/71.]

WAC 16–324–435 Storage restrictions. (1) Each storage bin or room containing more than one lot will have a solid barrier between each lot.

(2) Lots known to be infected with ring rot at time of storage or noncertified potatoes cannot be stored within the same storage with certified seed potatoes.

(3) This section, WAC 16–324–435, will become effective May 1, 1979. [Statutory Authority: Chapter 15-.14 RCW. 78–12–034 (Order 1587), § 16–324–435, filed 11/21/78, effective 5/1/79.]

WAC 16-324-445 Grading inspection--Diseases and grades. Grading inspections shall be made on a sample basis. United States standards for potatoes shall be the official guide for applying and interpreting all definitions and terms used in the Washington certified seed grades below. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-445, filed 11/21/78. Formerly WAC 16-446-100.]

WAC 16-324-450 Specific requirements. The diseases tolerated will be within the percentages listed in the table below based on visual symptoms showing in the sample inspected.

Disease or Defects	Foundation	Certified
Bacterial ring rot, powdery scab, black wart, tuber moth, nematodes	0.00 %	0.00 %
Net necrosis associated with leaf roll	0.25 %	1.00 %
Scab (deep pitted)	1.00 %	3.00 %
Variety mixture	0.00 %	0.25 %

[Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-450, filed 11/21/78. Formerly WAC 16-446-110.]

WAC 16-324-460 Washington No. 1 certified seed potatoes (blue tag stock). Shall consist of potatoes of one variety which are fairly well shaped, free from recognizable spindle tuber, deep scab, late blight, freezing injury and from soft rot or wet breakdown; and from damage caused by disease, insect, mechanical or other means; dirt or other foreign matter; second growth; growth cracks; sprouting; shriveling; surface scab; rhizoctonia; dry rot.

The size of Washington No. 1 certified seed potatoes shall be not less than one and one-half ounces or one and one-half inches minimum diameter, or more than fourteen ounces in weight. Definitions and tolerances for the above grade will be found under WAC 16-324-500, 16-324-510, 16-324-520, and 16-324-530. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-460, filed 11/21/78. Formerly WAC 16-446-120.]

WAC 16-324-470 Washington No. 2 certified seed potatoes (red tag stock). Shall consist of potatoes of one variety which are free from recognizable spindle tuber, freezing injury, late blight and from soft rot or wet breakdown; and from serious damage caused by disease, insect, mechanical or other means; dirt or other foreign matter; second growth; growth cracks; shriveling; surface scab; dry rot.

The size of Washington No. 2 certified seed potatoes shall be not less than one ounce or more than eighteen ounces in weight. Definitions and tolerances for the above grade will be found under WAC 16-324-500, 16-324-510 and 16-324-540. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-470, filed 11/21/78. Formerly WAC 16-446-130.]

WAC 16-324-480 Washington single drop certified seed potatoes (white tag stock). Shall consist of potatoes which meet all requirements of Washington No. 2 certified seed potato grade: *Provided*, The size shall be not less than one or more than three ounces in weight. Definitions and tolerances for the above grade will be found under WAC 16-324-500, 16-324-510 and 16-324-540. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-480, filed 11/21/78. Formerly WAC 16-446-140.]

WAC 16-324-490 Washington buff certified seed potatoes (buff tag stock). Shall consist of potatoes of one variety which are free from recognizable spindle tuber, late blight, freezing injury and from soft rot or wet breakdown; and from serious damage caused by disease, insect, mechanical, or other means; dirt or other foreign matter or dry rot.

No size requirement. The size of Washington buff certified seed potatoes is not regulated except as to agreement between buyer and seller. Definitions and tolerances for the above grade will be found under WAC 16-324-500, 16-324-510 and 16-324-540. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-490, filed 11/21/78. Formerly WAC 16-446-150.]

WAC 16-324-500 Marking requirements. Applies to all grades. Lot number, variety, grower's name and address, net weight, and tagged with appropriate tag for grade. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-500, filed 11/21/78. Formerly WAC 16-446-160.]

WAC 16-324-510 Tolerances. Applies to all grades and is based on a sample inspection.

(1) In order to allow for variations other than size, and internal discoloration, incident to proper grading and handling, not more than a total of six percent of the potatoes in any lot may fail to meet the requirements of the grade but not more than one-sixth of this amount, or one percent, shall be allowed for potatoes affected by late blight, potatoes which are frozen, or affected by soft rot or wet breakdown. In addition, in blue, red and white tag stock, not more than five percent of the potatoes may be damaged by internal discoloration. No more than three percent may be below the minimum sizes or more than six percent above maximum sizes specified in the grades.

(2) The tolerances specified shall be placed on a container basis. However, any lot of seed potatoes shall be considered as meeting the requirements of the grade, if upon inspection, no sample from a single container, in any lot, is found to exceed the tolerances specified by more than double the amount allowed: *Provided*, That

the entire lot shall average within the tolerances specified.

(3) All percentages shall be calculated on the basis of weight. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-510, filed 11/21/78. Formerly WAC 16-446-170.]

WAC 16-324-520 Definition of terms. Applies to Washington No. 1 (WAC 16-324-460). "Fairly well shaped" means potatoes are not materially pointed, dumb-bell shaped, or otherwise ill formed. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-520, filed 11/21/78. Formerly WAC 16-446-180.]

WAC 16-324-530 Definition--Damage. Applies to Washington No. 1 (WAC 16-324-460). "Damage" means any injury, disease, insect, or defect which materially affects the appearance or which materially injures the potato for seed purposes. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(1) Dirt or foreign matter which materially affects the general appearance of the lot, a potato having an appreciable amount of caked dirt shall also be considered as damaged.

(2) Second growth which has developed to such an extent as to materially affect the appearance of the potato.

(3) Growth cracks which are not shallow or not well healed.

(4) Sprouting, when the sprouts are over three-fourths inch long on ten percent of the tubers.

(5) Shriveling, when the tuber is more than slightly shriveled.

(6) Surface scab which covers more than ten percent of the surface of the potato in the aggregate, on ten percent of the tubers.

(7) Rhizoctonia which covers more than five percent of the surface of the potato in the aggregate, on twenty-five percent of the tubers.

(8) Dry rot which cannot be removed without a loss of more than five percent of the total weight of the potato, including the peel. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-530, filed 11/21/78. Formerly WAC 16-446-190.]

WAC 16-324-540 Definition--Serious damage. Applies to all grades. "Serious damage" means any injury, disease, insect, or defect which seriously injures the appearance of the individual potato or the general appearance of the potatoes in the container, or which causes a loss of more than ten percent of the total weight of the potato for seed purposes. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage.

(1) Dirt of foreign matter when the general appearance of the potatoes is seriously affected by tubers badly caked with dirt or other foreign matter.

(2) Second growth when more than one well attached knob is over ten percent of the total weight of the tuber, or when the knob is broken.

(3) Growth cracks, cuts, and deep bruises which seriously affect the potato for seed purposes.

(4) Shriveling when the potato is excessively shriveled, spongy or flabby.

(5) Surface scab which covers an area of more than twenty percent of the surface of the potato in the aggregate, on more than twenty-five percent of the tubers.

(6) Dry rot which cannot be removed without a loss of more than ten percent of the total weight of potato, including the peel. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-540, filed 11/21/78. Formerly WAC 16-446-200.]

Chapter 16-328 WAC
STRAWBERRY PLANTS--CERTIFICATION

WAC

16-328-001 Promulgation.
16-328-003 Promulgation.
16-328-008 Definitions.
16-328-010 Fees.
16-328-025 Isolation requirements.
16-328-030 Requirements for production of foundation and registered stock.
16-328-035 Requirements for the production of certified stock.
16-328-060 Field standards.
16-328-065 Designation of plants.
16-328-080 Tagging or stamping and plant inspection.
16-328-090 Effective date.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-328-002 Promulgation. [Order 1110, § 16-328-002, filed 3/31/69.] Repealed by Order 1216, filed 10/18/71, effective 11/18/71.

16-328-020 Definitions. [Order 625, Regulation 2, effective 4/29/52.] Omitted from Order 925, which superseded Order 625.

16-328-040 Handling the crop prior to inspection. [Order 625, Regulation 4, effective 4/29/52.] Omitted from Order 925, which superseded Order 625.

16-328-050 Field inspection. [Order 625, Regulation 5, effective 4/29/52.] Now codified within WAC 16-328-035.

16-328-070 Classes of certified plants. [Order 625, Regulation 7, effective 4/29/52.] Now codified within WAC 16-328-065.

16-328-100 Washington No. 1. [Order 925, Strawberry Standards, Regulation 1, filed 6/25/63.] Repealed by Order 1216, filed 10/18/71, effective 11/18/71.

16-328-110 Washington No. 2. [Order 925, Strawberry Standards, Regulation 2, filed 6/25/63.] Repealed by Order 1216, filed 10/18/71, effective 11/18/71.

16-328-120 Tolerances. [Order 925, Strawberry Standards, Regulation 3, filed 6/25/63.] Repealed by Order 1216, filed 10/18/71, effective 11/18/71.

16-328-130 Definitions. [Order 925, Regulation 4, Strawberry Standards, filed 6/25/63; Order 625, Regulation 2, effective 4/29/52.] Repealed by Order 1216, filed 10/18/71, effective 11/18/72.

WAC 16-328-001 Promulgation. I, Joe Dwyer, director of agriculture, state of Washington, by virtue of the authority vested in me under chapter 15.16 RCW, after due notice and public hearing held in Olympia,

Washington, June 10, 1963, (pursuant to RCW 43.32-.010 and 34.03.020), do hereby promulgate the following rules and standards for the certification of strawberry plants (pursuant to chapter 15.14 planting stock (Revised Code of Washington)). [Order 925, Promulgation, filed 6/25/63.]

WAC 16-328-003 Promulgation. (This promulgation relates to WAC 16-328-002, 16-328-010, 16-328-030, 16-328-065, 16-328-080, 16-328-100, 16-328-110, 16-328-120, and 16-328-130.)

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.14 RCW and after due notice and public hearing held in Olympia, Washington on October 14, 1971, pursuant to chapters 42.30 and 34.04 RCW do hereby establish the following rules for the certification of strawberry plants. [Order 1216, § 16-328-003, filed 10/18/71, effective 11/18/71.]

WAC 16-328-008 Definitions. (1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or his duly appointed representative. (Inspector)

(3) "Virus infected (affected)" means presence of a virus(es) in a plant or plant part.

(4) "Virus-like" means a disorder of genetic or non-transmissible origin.

(5) "Off-type" means not true-to-name.

(6) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

(7) "Index or indexing" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant; or by any other method. [Order 1216, § 16-328-008, filed 10/18/71, effective 11/18/71.]

WAC 16-328-010 Fees. (1) Application fee. Forty dollars for one acre or less; five dollars for each additional acre or fraction thereof.

(2) Final fee. The final fee shall be an additional five dollars for each acre or fraction thereof, due and payable when accepted by the department at the time of completion of last field inspection. Fees will not be refunded unless notice of withdrawal is received in writing before the first inspection is made. Each separate screenhouse or greenhouse lot and each field plot of one acre or less will be considered one acre. A separate application must be made for each lot of each variety and/or unit entered for certification. Lots under observation by the department of agriculture shall pay the usual certification fees.

(3) Applications must reach the department of agriculture, Olympia, by June 30.

(4) A grower desiring to produce certified strawberry plants as herein provided shall establish with the department facts evidencing sufficient experience to produce healthy, high quality stock.

(5) Failure to pay fees when due shall result in removing the applicant from this program.

(6) No application for any grower owing the Washington state department of agriculture for previous fees will be considered. [Order 1216, § 16-328-010, filed 10/18/71; effective 11/18/71, Order 925, Regulation 1, filed 6/25/63; Order 625, Regulation 1, effective 4/29/52.]

WAC 16-328-025 Isolation requirements. (1) Foundation stock. These must be produced in specially constructed houses to insure protection from virus vectors.

(2) Registered stock. These must be produced in specially constructed houses or grown in areas sufficiently isolated from sources of strawberry viruses by distance or natural barriers, to minimize current infection.

(3) Certified stock. Same as registered stock. [Order 1216, § 16-328-025, filed 10/18/71, effective 11/18/71; Order 925, Regulation 2, filed 6/25/63; Order 625, Regulation 3 (part), effective 4/29/52.]

WAC 16-328-030 Requirements for production of foundation and registered stock. (1) Land requirements. Plants shall be grown on land acceptable to the department. A field to be eligible for the production of registered stock must not have grown or been planted to strawberries during the previous year, unless planted with plants of the same variety and classification.

(2) Plant requirements.

(a) Only nuclear or foundation planting stock which has been indexed and regularly reindexed by qualified Washington State University or USDA personnel or personnel acceptable to the director of agriculture may be entered for the production of foundation stock.

(b) Only strawberry plants which have been certified as foundation planting stock may be entered for the production of registered stock.

(3) Miscellaneous requirements.

(a) Each varietal selection must be separated by a strip of land at least twelve feet wide.

(b) In roguing, growers must dig and destroy all low yielding, unhealthy appearing, off-type, diseased or otherwise abnormal plants.

(c) Insect pests and diseases are to be effectively controlled by dusting, spraying, or any other approved method.

(d) All plant beds must be kept relatively free from weeds.

(4) Field inspection. Field inspections will be made by the department during the growing season and again in the fall or as many times as deemed necessary. [Order 1216, § 16-328-030, filed 10/18/71, effective 11/18/71; Order 925, Regulation 3, filed 6/25/63; Order 625, Regulation 3 (part), effective 4/29/52.]

WAC 16-328-035 Requirements for the production of certified stock. (1) Land requirements. Plants shall be grown on land acceptable to the department.

(2) Plant requirements.

(a) Only first year plantings from foundation planting stock or registered planting stock may be entered for the production of certified stock.

(b) Exceptions may be made for desirable planting stock produced the previous year and having met the requirements enacted by the department for the production of certified planting stock.

(3) Miscellaneous requirements.

(a) Each varietal selection must be separated by a strip of land at least twelve feet wide.

(b) In roguing, growers must dig and immediately destroy all low yielding, unhealthy appearing, off-type, diseased or otherwise abnormal plants.

(c) Insect pests and diseases are to be effectively controlled by dusting, spraying or any other approved method.

(d) All plant beds must be kept relatively free from weeds.

(4) Field inspection. Field inspections will be made by the department during the growing season and again in the fall or as many times as deemed necessary. [Order 1216, § 16-328-035, filed 10/18/71, effective 11/18/71; Order 925, Regulation 4, filed 6/25/63; Order 625, Regulations 4 and 5, effective 4/29/52.]

WAC 16-328-060 Field standards. (1) The entire field or unit shall meet certification requirements except when soilborne pests are found in excess of tolerance in a portion of the field or unit, and the infestation can be safely delimited in the opinion of the department; or when plants in the infested portion are treated to eradicate or to control the pest to comply with the tolerance under the supervision of the department.

(2) Specific requirements:

TOLERANCE

Factors	Foundation Registered (all inspections) Percent	Percent	(Field) 1st and 2nd Percent	Certified (Field) 3rd Percent
Virus Diseases*	0	0	1	0.5
Red Stele*	0	0	0	0
Nematode*	0	0	0	0
Variety Mixture	0	0	0.1	0
All other Diseases (including Lethal decline)	0	0.5	2	1

*Visible

[Order 1216, § 16-328-060, filed 10/18/71, effective 11/18/71; Order 925, Regulation 5, filed 6/25/63; Order 625, Regulation 6, effective 4/29/52.]

WAC 16-328-065 Designation of plants. (1) Foundation planting stock will be identified by the state of Washington official certified strawberry plant tag or stamp, and in addition will be marked "foundation planting stock."

(2) Registered planting stock will be identified by the state of Washington official certified strawberry plant tag or stamp, and in addition will be marked "registered planting stock."

(3) No. 1 certified planting stock will be identified by the state of Washington official certified strawberry plant tag or stamp.

(4) No. 2 certified planting stock will be identified by the state of Washington official certified strawberry plant tag or stamp. [Order 1216, § 16-328-065, filed 10/18/71, effective 11/18/71; Order 1110, § 16-328-065, filed 3/31/69; Order 925, Regulation 6, filed 6/25/63; Order 625, Regulation 7, effective 4/29/52.]

WAC 16-328-080 Tagging or stamping and plant inspection. (1) "Certified" stock will be identified with the state of Washington official certified strawberry plant tag or stamp under the supervision of the department after plants have passed inspection.

(2) Crown division plants, if sold, shall be segregated and packed separately and identified with the state of Washington official certified strawberry plant tag or stamp, and also stamped "crown divisions."

(3) Only plants meeting Washington standards for strawberry plants shall be tagged or stamped, except those marked foundation, registered or crown division planting stock.

(4) All containers shall be marked with the name and address of the grower, grade or class of stock, and variety.

(5) The grower is referred to chapter 15.14 RCW, planting stock, for additional information. [Order 1216, § 16-328-080, filed 10/18/71, effective 11/18/71; Order 1110, § 16-328-080, filed 3/31/69; Order 925, Regulation 7, filed 6/25/63; Order 625, Regulation 8, effective 4/29/52.]

WAC 16-328-090 Effective date. This order shall take effect on and after November 18, 1971. [Order 1216, § 16-328-090, filed 10/18/71, effective 11/18/71.]

Chapter 16-329 WAC
GRADES AND STANDARDS--CERTIFIED STRAWBERRY PLANTS

WAC

16-329-001 Promulgation.
16-329-010 Washington No. 1.
16-329-015 Washington No. 2.
16-329-020 Tolerances.
16-329-025 Definition.
16-329-030 Effective date.

WAC 16-329-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.14 RCW and after due notice as provided under chapters 34.04 and 42.30 RCW and a public hearing held in Olympia, Washington on October 14, 1971, do hereby promulgate the following regulations relating to grades and standards for certified strawberry plants. [Order 1217, § 16-329-001, filed 10/18/71, effective 11/18/71.]

WAC 16-329-010 Washington No. 1. Washington No. 1 shall consist of strawberry plants of one variety or plants of similar varietal characteristics which are:

(1) Fairly fresh.
(2) Firm.
(3) Moist.
(4) Fairly clean.
(5) Fairly well trimmed runners and petioles.
(6) Free from damage caused by:
(a) Sunburn.
(b) Mold.
(c) Freezing injury, black roots.
(d) Broken or split crown, mechanical injury.
(7) Free from detectable dangerous pests or diseases.

Strawberry plants in this grade shall have not less than twelve main roots, the length of which shall be not less than three inches, with a minimum crown diameter of one-fourth inch measured at the base of the crown. [Order 1217, § 16-329-010, filed 10/18/71, effective 11/18/71.]

WAC 16-329-015 Washington No. 2. Washington No. 2 shall consist of strawberry plants of one variety or plants of similar varietal characteristics which meet all of the requirements of Washington No. 1 except strawberry plants in this grade shall have not less than six main roots, the length of which shall be not less than 2-1/2 inches. [Order 1217, § 16-329-015, filed 10/18/71, effective 11/18/71.]

WAC 16-329-020 Tolerances. (1) Application of tolerances. The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(2) Tolerances. In order to allow for variations incident to proper grading and packing, not more than a combined total of ten percent, by count, of the plants in any lot may fail to meet the requirements of the above grades.

(3) Packing. Strawberry plants are to be packed in such manner that they will retain a fresh condition. [Order 1217, § 16-329-020, filed 10/18/71, effective 11/18/71.]

WAC 16-329-025 Definitions. "Similar varietal characteristics" means that the plants have the same general character of growth.

(1) "Fairly fresh" means that the roots and petioles are not excessively wilted or otherwise damaged.

(2) "Firm" means that the crowns are not soft or spongy, although they may yield to slight pressure.

(3) "Moist" means that the plants are reasonably turgid and not dried to a degree that would affect normal growth.

(4) "Fairly clean" means that the roots are not matted or caked with dirt.

(5) "Fairly well trimmed runners and petioles" means that the runners and petioles shall be fairly well trimmed when the length of each does not exceed three inches.

(6) Free from damage caused by:

(a) "Sunburn" means that the roots shall not be damaged by sunburn or scald, but slight discoloration will be permitted.

(b) "Mold" means that the plants must be free from excessively mold or decay. Plants slightly affected by mold will be allowed.

(c) "Freezing injury" means that the roots must be of a normal color and only moderately affected by discolored roots which affect the normal growth of the plant. Black roots caused by disease shall not be permitted.

(d) "Broken or split crowns, mechanical injury" means the breaking or severance of the crown from the root section or splitting of the crown or other mechanical injury that would affect the normal growth of the plant.

(7) "Free from detectable dangerous pests or diseases" means that no tolerance will be permitted for dangerous insects such as cyclamen mite, crown borer, or other destructive insect or detectable diseases that affect the strawberry plant. [Order 1217, § 16-329-025, filed 10/18/71, effective 11/18/71.]

WAC 16-329-030 Effective date. This order shall take effect on and after November 18, 1971. [Order 1217, § 16-329-030, filed 10/18/71, effective 11/18/71.]

Chapter 16-332A WAC
RULES AND STANDARDS FOR CERTIFICATION OF CANEBERRY PLANTS

WAC

16-332A-001 Promulgation.
16-332A-010 Fees.
16-332A-020 Definitions.
16-332A-030 Requirements for production of foundation and registered stock.
16-332A-040 Requirements for production of certified planting stock.
16-332A-050 Field inspection.
16-332A-060 Field standards.
16-332A-070 Tagging or stamping and plant inspection.
16-332A-080 Effective date.

WAC 16-332A-001 Promulgation. (This promulgation relates to WAC 16-332-001 through 16-332-090, Order No. 924, entitled raspberry plants - certification, which is being repealed and superseded by Order No. 1398, WAC 16-332A-001, 16-332A-010, 16-332A-020, 16-332A-030, 16-332A-040, 16-332A-050, 16-332A-060, 16-332A-070 and 16-332A-080, entitled rules and standards for certification of caneberry plants.)

I, Stewart Bledsoe, director of agriculture, state of Washington, by virtue of the authority vested in me under chapter 15.14 RCW, after due notice and a public hearing held in Olympia, Washington on April 10, 1975, pursuant to chapter 34.04 RCW do hereby promulgate the following rules for the certification of caneberry plants, repealing WAC 16-332-001 through 16-332-090 of Order No. 924 entitled raspberry plants - certification. [Order 1398, § 16-332A-001, filed 4/16/75.]

WAC 16-332A-010 Fees. (1) Application fee. Forty dollars for one acre or less; five dollars for each additional acre or fraction thereof.

(2) Final fee. The final fee shall be an additional five dollars for each acre or fraction thereof, due and payable when accepted by the department at the time of completion of last field inspection. Fees will not be refunded unless notice of withdrawal is received in writing before the first inspection is made. Each separate screenhouse or greenhouse lot and each field plot of one acre or less will be considered one acre. A separate application must be made for each cultivar and/or unit entered for certification. Each lot of each cultivar must be listed separately on the application. Lots under observation by the department of agriculture shall pay the usual certification fees.

(3) Applications must reach the department of agriculture, Olympia, each year by May 15.

(4) A grower desiring to produce certified caneberry plants as herein provided shall establish with the department facts evidencing sufficient experience to produce healthy, high quality stock.

(5) Failure to pay fees when due shall result in removing the applicant from this program.

(6) No application for any grower owing the Washington state department of agriculture for previous fees will be considered. [Order 1398, § 16-332A-010, filed 4/16/75.]

WAC 16-332A-020 Definitions. (1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or his duly appointed representative. (Inspector)

(3) "Virus infected (affected)" means presence of a virus(es) or yellows disease agent in a plant or plant part. The word "virus" will be used hereafter to include yellows disease agents in this document.

(4) "Virus-like" means a disorder of genetic or non-transmissible origin.

(5) "Off-type" means not true-to-name.

(6) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

(7) "Index or indexing" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant; or by any other method.

(8) "Root cuttings" means sections of roots which have one or more bud.

(9) "Succulent plants" means small, actively growing plants that are developing from root buds, not having passed through a dormant period.

(10) "One-year old plants" means well rooted plants that have developed during one growing season.

(11) "Caneberry" means any cultivated *Rubus* species. [Order 1398, § 16-332A-020, filed 4/16/75.]

WAC 16-332A-030 Requirements for production of foundation and registered stock. (1) Land requirements. (a) A field to be eligible for the production of foundation or registered planting stock must not have grown or have been planted to caneberry plants or solanaceous crops during the previous five years, unless planted with plants of same cultivar and classification.

(b) Present acceptable records to the department of nematode sampling of the land in question which show that plant parasitic nematodes are not present in harmful quantities; or

(c) Fumigate the land in accordance with approved commercial practices compatible with current recommendations of the Washington State University extension service.

(2) Isolation requirements. (a) Plantings entered for certification must be grown in areas sufficiently isolated from sources of caneberry viruses by distance or natural barriers to minimize current infection.

(b) Cultivars within the plantings entered for certification must be separated by not less than fourteen feet. The space between cultivars must be kept deeply cultivated to prevent intermingling roots.

(3) Plant requirements. (a) Only nuclear or foundation planting stock which has been indexed and regularly reindexed by qualified Washington State University or USDA personnel or personnel acceptable to the director of agriculture may be entered for the production of foundation stock.

(b) Only foundation or nuclear planting stock may be entered for the production of registered stock and foundation stock must be maintained by clone.

(i) One percent, not to exceed 12 plants, of each foundation lot must be maintained by the grower to allow some fruiting to permit evaluation for trueness to name and fruit character.

(ii) Plant harvest from a foundation or registered lot shall be limited to two growing seasons.

(4) Miscellaneous requirements. (a) Caneberry fields entered for foundation or registered stock must be planted in rows at least seven feet apart with the plants at least three feet apart in the row to allow for roguing and inspection or they may be produced in screenhouses.

(b) In roguing, growers must dig, and immediately destroy, all unhealthy, not true-to-type, diseased or otherwise abnormal plants.

(c) Insect pests and diseases are to be effectively controlled by dusting, spraying, or any other approved method.

(d) All plant beds must be relatively free from weeds. [Order 1398, § 16-332A-030, filed 4/16/75.]

WAC 16-332A-040 Requirements for production of certified planting stock. (1) Plant requirements. (a) Field must be planted with nuclear planting stock, foundation planting stock, or registered planting stock on land meeting the requirements for foundation stock.

(b) Exceptions may be made for desirable planting stock produced the previous year and having met the requirements enacted by the department for the production of certified planting stock.

(c) Root cuttings and/or soft succulent plants from like plants may be accepted.

(2) Miscellaneous requirements. (a) Plants must be planted in rows seven feet apart with the plants at least one foot apart in the row.

(b) Root or shoot cuttings may be used for sale or to plant propagating beds.

(c) Plant harvest from a certified field shall be limited to two growing seasons.

(d) All other requirements are the same as for producing foundation and registered stock. [Order 1398, § 16-332A-040, filed 4/16/75.]

WAC 16-332A-050 Field inspection. Field inspections will be made during the growing season and as many times as deemed necessary by the department.

1st ..... mid-May
2nd ..... mid-July
3rd ..... digging time

[Order 1398, § 16-332A-050, filed 4/16/75.]

WAC 16-332A-060 Field standards. (1) The unit of certification will be the entire unit entered for certification.

(2) Specific requirements:

TOLERANCE

Factors	Foundation Registered All Insp. Percent	(Field) 1st & 2nd Percent	Certified (Field) 3rd Percent	Plants Percent
Varietal Mixture	0	0.5%	0.5%	0.25%
Virus Diseases*	0	0.5%	0.1%	0.1%
Crown & Cane Gall	0	0	0.1%	0.1%
Nematode*	0.1%	0.1%	0.1%	0.1%
Anthracnose	1.0%	5.0%	5.0%	5.0%
Other Diseases	0.5%	0.2%	0.2%	0.1%
Root, crown or cane Inhabiting Insects	0	0.1%	0.1%	0.1%

*Visible

(3) Any portion of a certified field, not meeting the above field standards, may be delimited if, in the judgment of the department, it will not jeopardize the remainder.

(a) Nuclear planting stock will be designated by a certification from the department.

(b) Foundation planting stock will be designated by the official certified tag or stamp and also stamped "foundation planting stock."

(c) Registered planting stock will be designated by the official certified tag or stamp and also stamped "registered planting stock."

(d) Certified planting stock will be tagged with the official tag or stamp of the state of Washington for certified plants. [Order 1398, § 16-332A-060, filed 4/16/75.]

WAC 16-332A-070 Tagging or stamping and plant inspection. (1) "Certified" stock will be identified with the state of Washington official certified raspberry plant tag or stamp under the supervision of the department after plants have passed inspection.

(2) Crown division plants, if sold, shall be segregated and packed separately and identified with the state of Washington official certified raspberry plant tag or stamp, and also stamped "crown divisions."

(3) Only plants meeting Washington standards for caneberry plants shall be tagged or stamped, except those marked foundation or registered.

(4) All containers shall be marked with the name and address of the grower, grade or class of stock, and variety.

(5) The grower is referred to chapter 15.14 RCW, planting stock, for additional information. [Order 1398, § 16-332A-070, filed 4/16/75.]

WAC 16-332A-080 Effective date. This order shall take effect on and after May 16, 1975. [Order 1398, § 16-332A-080, filed 4/16/75.]

Chapter 16-350 WAC
FRUIT TREES--REGISTRATION AND CERTIFICATION

WAC

16-350-001 Promulgation.
16-350-003 Promulgation.
16-350-010 General.
16-350-015 Definitions.
16-350-020 Requirements.
16-350-025 Scion-blocks.
16-350-030 Seed-blocks.
16-350-032 Stool-beds.
16-350-035 Nursery stock.
16-350-040 Inspection and testing.
16-350-045 Application and fees.
16-350-050 Tagging and identity.
16-350-060 Grades and standards for Washington certified fruit tree nursery stock and seed.
16-350-065 Statutory declaration of unlawful acts.
16-350-070 Effective date.

WAC 16-350-001 Promulgation. I, Joe Dwyer, director of agriculture, state of Washington, by virtue of the authority vested in me under chapter 15.14 RCW (Revised Code of Washington), after due notice and a public hearing held in Yakima, Washington, June 11, 1964, (pursuant to chapters 43.32 and 34.04 RCW), do hereby promulgate the following regulations relating to the registration of fruit trees and certification of fruit tree nursery stock. [Order 951, Promulgation, filed 7/2/64; Order 890, Promulgation, effective 9/17/62.]

WAC 16-350-003 Promulgation. (This promulgation relates to WAC 16-350-003, 16-350-050 and 16-350-070.)

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.14 RCW and after due notice and public hearing held in Olympia, Washington, on January 3, 1974, pursuant to chapters 42.30 and 34.04 RCW do hereby promulgate the following regulations relating to

Fruit trees—Registration and certification. [Order 1331, § 16–350–003, filed 1/15/74; Order 1300, § 16–350–003, filed 3/26/73; Order 1275, § 16–350–003, filed 7/6/72.]

WAC 16–350–010 General. (1) Trees may be registered as rootstock and top–stock sources for the propagation of certified nursery stock when inspected, tested and found to be true–to–name and discernibly free from harmful virus and virus–like diseases by procedures outlined in this program.

(2) Registration and/or certification does not imply any warranty on the part of the department or any employee thereof.

(3) Participation in this program shall be voluntary. [Order 1331, § 16–350–010, filed 1/15/74; Order 1300, § 16–350–010, filed 3/26/73; Order 951 (part), filed 7/2/64; Order 890 (part), effective 9/17/62.]

WAC 16–350–015 Definitions. (1) "Virus infected (affected)" means presence of a harmful virus(es) in a plant or plant part.

(2) "Virus–like" means a disorder of genetic or non-transmissible origin.

(3) "Off–type" means not true–to–name.

(4) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

(5) "Index" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant or by any other method.

(6) "Registered tree" means that a registration number has been assigned by the department to a tree or clonal planting that has been inspected and tested in accordance with the provision of this program.

(7) "Scion–block" means a planting of registered trees which serves as a source of scionwood for the propagation of "Washington certified fruit tree nursery stock."

(8) "Seed–block" means a planting of registered prunus seed trees which serves as a source of seed for producing rootstock used in the propagation of "Washington certified fruit tree nursery stock."

(9) "Stool bed" means a clonal planting of self–rooted registered trees for the specific purpose of producing vegetatively propagated rootstock used in the propagation of "Washington certified fruit tree nursery stock."

(10) "Washington certified fruit tree nursery stock" means nursery grown seedlings, clonal rootstocks originating from registered trees and nursery grown trees propagated by using top–stock from registered trees and rootstock originating from registered trees except as herein provided for certain rootstocks.

(11) "Washington certified fruit tree seed" means seed produced on registered seed trees. [Order 1331, § 16–350–015, filed 1/15/74; Order 1300, § 16–350–015, filed 3/26/73; Order 951, Regulation 1, filed 7/2/64; Order 890, Regulation 1, effective 9/17/62.]

WAC 16–350–020 Requirements. (1) The applicant nurseryman shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of registered plantings being grown under the provisions of this program. The applicant nurseryman shall be responsible for maintaining the identity of all nursery stock entered in this program in a manner approved by the department. Any planting entered in this program shall be kept in a thrifty growing condition and free of plant pests.

(2) There shall be no budding, grafting, or top–working of registered trees in any scion–block, seed–block or stool bed.

(3) Any plant found to be affected by a virus or virus–like disease or if off–type shall be removed and destroyed immediately from any planting following notification by the department. [Order 1331, § 16–350–020, filed 1/15/74; Order 1300, § 16–350–020, filed 3/26/73; Order 951, Regulation 2(a), filed 7/2/64; Order 890, Regulation 2 (part), effective 9/17/62.]

WAC 16–350–025 Scion–blocks. (1) **Location.** A scion–block shall be located not less than 100 feet from any nonregistered cultivated plant of the Rosaceae family. The ground in a scion–block and for a distance of 20 feet surrounding it shall be kept either clean cultivated or in an approved, properly controlled, ground cover. Registered scion–block trees shall be planted and maintained in a manner and at sufficient distance that branches of different varieties do no overlap. Registered scion–block trees shall not be used for propagation purposes until trueness–to–name has been established. Each tree shall bear a permanent registration number.

(2) **Acceptability.** The root stock and top–stock sources of the scion–block trees shall have originated from foundation trees established under this program, or from virus–tested trees originating through the inter–regional project No. 2 (IR–2). If the tree is scion–rooted, its source shall have met the above requirements. Only registered trees shall be permitted in the scion–block. [Order 1331, § 16–350–025, filed 1/15/74; Order 1300, § 16–350–025, filed 3/26/73; Order 951, Regulation 2(b), filed 7/2/64; Order 890, Regulation 2 (part), effective 9/17/62.]

WAC 16–350–030 Seed–blocks. (1) **Location.** A prunus seed–block shall be located not less than 100 feet from any nonregistered plant of the Prunus species. The ground in a seed–block and for a distance of 20 feet surrounding the seed–block shall be kept clean cultivated or in an approved, controlled ground cover. Each tree shall bear a permanent registration number.

(2) **Acceptability.** The rootstock and top–stock sources of the seed–tree shall have originated from foundation trees established under this program or from virus–tested trees originating through the inter–regional project No. 2 (IR–2). If the tree is scion–rooted, its source shall have met the above requirements. Only registered trees shall be permitted in the seed–block. [Order 1331, § 16–350–030, filed 1/15/74; Order 1300, § 16–350–030, filed 3/26/73; Order 951, Regulation 2(c), filed 7/2/64; Order 890, Regulation 2 (part), effective 9/17/62.]

WAC 16-350-032 Stool-beds. (1) **Location.** A stool-bed shall be located not less than fifty feet from any nonregistered cultivated plant of the Rosaceae family. The following exception will apply. Nonregistered stool-beds may be located no less than ten feet from registered stool-bed plantings. The ground in a stool-bed and for a distance of ten feet surrounding it shall be kept clean cultivated.

(2) **Acceptability.** Existing stool-beds that index clean on the commonly used virus indicators will qualify as **registered stool-beds.** New stool-beds (those planted after January 1, 1976) shall have originated from foundation stock established under this program, or from virus-tested plants originating through the inter-regional project No. 2 (IR-2). If the tree is scion-rooted, its source shall have met the above requirements. Only registered trees shall be permitted in the stool-bed. [Order 1331, § 16-350-032, filed 1/15/74; Order 1300, § 16-350-032, filed 3/26/73.]

WAC 16-350-035 Nursery stock. (1) **Rootstocks.** All stone and pome fruit nursery stock being grown for blue tag certification shall be on rootstocks from registered trees except for stone fruit trees grown on peach seedlings and pome fruit trees grown on apple and pear seedlings. These seedling rootstocks, when grown from commercial seed, will be acceptable if seed transmissible virus content does not exceed five percent. Clonal rootstocks used in the production of Washington certified blue tag nursery stock must originate from registered stool-beds.

(2) **Location.** Nursery stock being grown for certification shall be planted sufficiently apart to maintain its identity and shall be kept clean cultivated. It shall be designated as to rootstock, top-stock, and interstock sources. There shall be no rebudding or regrafting of nursery row stock unless such stock is reworked with budwood from the same registered scion-tree.

(3) **Seed.** Certified seed shall have been produced on registered seed trees only.

(4) **Tagging.** A blue tag shall designate trees produced from registered scion-source trees and which have been propagated on rootstocks produced from registered seed-source or stool-bed trees; or which are self-rooted.

A yellow tag shall designate trees produced from registered scion-source trees and which have been propagated on rootstocks which originate from nonvirus-tested sources.

All nursery stock meeting the requirements of this program when sold shall have the variety, interstock and rootstock designated where applicable as follows: Variety/interstock/rootstock.

(5) **Acceptability.** All nursery stock meeting the requirements of this program shall be known as Washington certified fruit tree nursery stock. [Order 1331, § 16-350-035, filed 1/15/74; Order 1300, § 16-350-035, filed 3/26/73; Order 951, Regulation 2(d), filed 7/2/64; Order 890, Regulation 2 (part), effective 9/17/62.]

WAC 16-350-040 Inspection and testing. (1) **Methods and procedures.** Inspection and testing procedures prescribed in this program may be made only by the department and shall be conducted in a manner and at times determined as suitable. The methods and procedures used for making the virus disease determinations will conform to IR-2 standards.

(2) **Inspection of nursery stock for certification.** At least one visual inspection shall be made of nursery rootstock in a planting for certification during the first growing season. At the request of the department any undesirable rootstock shall be rogued before propagation. At least two visual inspections shall be made of nursery stock during the growing season following bud or graft placement.

The department shall refuse certification in part or all of a planting if plants have been propagated from registered trees determined to be affected by a virus or virus-like disease or if other requirements of this program have not been met. [Order 1331, § 16-350-040, filed 1/15/74; Order 1300, § 16-350-040, filed 3/26/73; Order 951, Regulation 3, filed 7/2/64; Order 890, Regulation 3, effective 9/17/62.]

WAC 16-350-045 Application and fees. (1) **Application.**

(a) The applicant nurseryman shall furnish to the department all information pertinent to the operation of this program and shall give his consent to the department to take propagating wood from any tree for testing purposes.

(b) Trees registered and used under the provisions of the Washington state nursery improvement program shall be deemed usable as registered scion-trees and seed-trees if they meet the requirements outlined in this program.

(c) Application for inspection and indexing of registered scion and seed-trees and for inspection of nursery stock for certification must be filed with the department by June 1 of each year accompanied by an application fee. The application fee will consist of $100.00 plus $1.00 for each seed-tree entered in this program.

(2) **Fees.** The application fee will apply toward the one percent annual assessment on the gross sale price of the wholesale market value for all fruit trees, fruit tree seedlings and fruit tree rootstock sold within the state or shipped from the state of Washington by any licensed nursery dealer during any license period, as set forth in RCW 15.13.130: *Provided*, That no refund of the application will be allowed. [Order 1331, § 16-350-045, filed 1/15/74; Order 1300, § 16-350-045, filed 3/26/73; Order 1275, § 16-350-045, filed 7/6/72; Order 951, Regulation 4, filed 7/2/64; Order 890, Regulation 4, effective 9/17/62.]

WAC 16-350-050 Tagging and identity. (1) **Tagging.** The department will authorize the use of official certification tags for the identification of nursery stock or seed that meet the requirements of this program. These tags will be supplied by the Washington state department of agriculture to all members participating in

the program. Participating members will reimburse the department of agriculture for all certification tags supplied. This reimbursement will be based on the cost incurred by the Washington state department of agriculture.

(2) **Identity.** Any person selling Washington certified fruit tree nursery stock or seed is responsible for the identity of the stock bearing each tag and for such nursery stock meeting the requirements of this program. Persons issued tags authorized by the program shall account for stock produced and sold and keep such records as may be necessary. [Order 1331, § 16-350-050, filed 1/15/74; Order 1300, § 16-350-050, filed 3/26/73; Order 951, Regulation 5, filed 7/2/64; Order 890, Regulation 5, effective 9/17/62.]

WAC 16-350-060 Grades and standards for Washington certified fruit tree nursery stock and seed. All certified fruit tree nursery stock offered for sale is to be bundled in accordance with commercial practice and shall be identified by one or more legible printed labels. [Order 1331, § 16-350-060, filed 1/15/74; Order 1300, § 16-350-060, filed 3/26/73; Order 951, Regulation 6, filed 7/2/64; Order 890, Regulation 6, effective 9/17/62.]

WAC 16-350-065 Statutory declaration of unlawful acts. RCW 15.14.140 states: "It shall be unlawful for any person to sell, offer for sale, hold for sale, label, identify, represent or to advertise any planting stock as being certified, registered, foundation or breeder planting stock unless it has been inspected by the director and he has issued a certificate stating that such planting stock has met the requirements of this act and rules adopted hereunder and that it is properly identified and labeled." [Order 1331, § 16-350-065, filed 1/15/74; Order 1300, § 16-350-065, filed 3/26/73; Order 951 (part), filed 7/2/64; Order 890 (part), effective 9/17/62.]

WAC 16-350-070 Effective date. This order shall take effect on and after February 14, 1974. [Order 1331, § 16-350-070, filed 1/15/74; Order 1300, § 16-350-070, filed 3/26/73.]

Chapter 16-354 WAC
HOP ROOTSTOCKS--CERTIFICATION

WAC

16-354-002 Promulgation.
16-354-005 General.
16-354-010 Definitions.
16-354-020 Field standards for production of registered and certified hop rootstock.
16-354-030 Inspections.
16-354-040 Application and fees.
16-354-050 Tagging and identity.
16-354-070 Field standards.
16-354-080 Effective date.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-354-001 Promulgation—Rootstocks classified—Negation of warranty—Participation voluntary. [Order 1023, Promulgation, filed 6/16/66; Order 996, Promulgation, filed 11/30/65; Order 947, Promulgation, filed 4/13/64.] Repealed by Order 1264, filed 5/10/72.

16-354-060 Standards for hop rootstock (early and late cluster type). [Order 1023, Regulation VI, filed 6/16/66; Order 996, Regulation VI, filed 11/30/65; Order 947, Regulation VI, filed 4/13/64.] Repealed by Order 1264, filed 5/10/72.

WAC 16-354-002 Promulgation. (This promulgation relates to WAC 16-354-001, 16-354-010, 16-354-020, 16-354-030, 16-354-040, 16-354-050, and 16-354-060. WAC 16-354-001 and 16-354-060 are repealed.)

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.14 RCW and after due notice and public hearing held in Yakima, Washington on May 3, 1972, pursuant to chapters 42.30 and 34.04 RCW do hereby establish the following rules for the certification of hop rootstocks. [Order 1264, § 16-354-002, filed 5/10/72.]

WAC 16-354-005 General. (1) Rootstocks of hops (*Humulus Lupulus L.*) may be designated as foundation stock, registered stock and certified stock when inspected, tested and found to be true-to-name (not off-type) and discernibly free from virus (not virus infected) and virus-like diseases, downy mildew, verticillium wilt, crown gall, rootknot nematode, hop cyst nematode or other serious pests, by procedures and inspections outlined in this program.

(2) Certification does not imply any warranty on the part of the department or any employee thereof.

(3) Participation in this program shall be voluntary. [Order 1264, § 16-354-005, filed 5/10/72.]

WAC 16-354-010 Definitions. (1) "Virus infected (affected)" means presence of virus(es) in a plant or plant part.

(2) "Virus-like" means a disorder of genetic or non-transmissible origin.

(3) "Off-type" means not true-to-name.

(4) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

(5) "Index" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant or by any other method.

(6) "Foundation rootstock" means a planting of hop rootstock established, operated and maintained by Washington State University, that are indexed to be free from known viruses and that are true-to-name. Cuttings or rooted plants, to establish registered blocks, will be furnished to the applicant for a fee determined by Washington State University.

(7) "Registered rootstock" means rootstock produced from foundation or registered rootstock and has met the requirements as herein provided.

(8) "Certified rootstock" means rootstock produced from registered rootstock and has met the requirements as herein provided.

(9) "Verticillium wilt" means the disease caused by *Verticillium* Albo–atrum Reinke & Berth. or hop strains of this organism.

(10) "Downy mildew" means the disease caused by *Pseudoperonospora Humuli* Miy. & Tak., G. W. Wils.

(11) "Crown gall" means the disease caused by *Agrobacterium tumefaciens* E. F. Sm. & Towns., Conn.

(12) "Rootknot nematode" *(Meloidogyne* sp.)

(13) "Hop cyst nematode" *(Heterodera humuli)* Filipjev.

(14) "Crown" means a slip or layered stem cutting with visible buds, that has been grown for 1 or 2 years. [Order 1264, § 16–354–010, filed 5/10/72; Order 1023, Regulation 1, filed 6/16/66; Order 996, Regulation 1, filed 11/30/65; Order 947, Regulation 1, filed 4/13/64.]

WAC 16–354–020 Field standards for production of registered and certified hop rootstock. (1) **Land requirements.** (a) A field to be eligible for production of registered or certified hop rootstocks must never have grown hops, provided that a field is eligible to be replanted with the identical hop strain of equal standards.

(b) Land proposed for producing registered and certified hop rootstocks must be approved by the department in respect to location, drainage and adaptability.

(2) **Isolation requirements.** (a) A field to be eligible for production of registered or certified hop rootstock must be separated by an uncultivated strip of ground and at least twenty–one feet from any other hop plants unless these plants also meet the requirements of this program.

(b) A grower of registered or certified hop rootstocks may grow one or more hop varieties or strains provided each such variety or strain is separated by not less than twenty–one feet.

(3) **Plant requirements.** (a) Only propagations from hop roots of approved strains which have been grown as foundation or registered stock may be planted for the production of registered rootstock.

(b) Only propagations from hop roots of approved strains which have been grown as registered stock may be planted for the production of certified rootstock.

(c) Registered and certified stock shall remain in the nursery no more than four growing seasons: *Provided,* That if seeded plants are found, the field will be disqualified in the year following discovery of such plants.

(d) In roguing, growers must dig and immediately destroy all low yielding, unhealthy appearing, off–type, diseased or otherwise abnormal plants.

(e) Plant pests and weeds are to be effectively controlled. [Statutory Authority: Chapter 15.14 RCW. 79–06–038 (Order 1631), § 16–354–020, filed 5/17/79; Order 1264, § 16–354–020, filed 5/10/72; Order 1023, Regulation II, filed 6/16/66; Order 996, Regulation II, filed 11/30/65; Order 947, Regulation II, filed 4/13/64.]

WAC 16–354–030 Inspections. (1) The first for downy mildew, verticillium wilt and other diseases and pests. The presence of verticillium wilt will disqualify the field.

(2) The second depending on suitable weather conditions, would be primarily for detection of viruses.

(3) Rootstocks. The planting material, slips or rhizomes, layered stem cuttings or crowns, must be inspected at digging and/or at planting time to determine freedom from serious pests. [Order 1264, § 16–354–030, filed 5/10/72; Order 1023, Regulation III, filed 6/16/66; Order 996, Regulation III, filed 11/30/65; Order 947, Regulation III, filed 4/13/64.]

WAC 16–354–040 Application and fees. (1) The applicant grower shall furnish to the department all information pertinent to the operation of this program and shall give his consent to the department to take material for examination and testing.

(2) Application for inspection and testing of registered and certified stock must be filed with the department by April 1 of each year accompanied by a $40 application fee.

(3) Inspection fees are $12.50 for each acre or fraction thereof per inspection.

(4) Payment for inspection of registered blocks and nursery stock for registration and certification must be made upon completion of the inspection. Billing to the nurseryman to be made by the plant industry division. [Statutory Authority: Chapter 15.14 RCW. 79–06–038 (Order 1631), § 16–354–040, filed 5/17/79; Order 1264, § 16–354–040, filed 5/10/72; Order 1023, Regulation IV, filed 6/16/66; Order 996, Regulation IV, filed 11/30/65; Order 947, Regulation IV filed 4/13/64.]

WAC 16–354–050 Tagging and identity. (1) **Tagging.** The department will issue a certificate covering hop rootstocks that meet the requirements of this program and authorize the use of official certification tags for the identification of such rootstocks.

(2) **Identity.** Any person selling certified hop rootstock is responsible for the identity of the stock bearing each tag and for such stock meeting the requirements of this program. Persons issued tags authorized by the program shall account for stock produced and sold, and keep such records as may be necessary. Containers for hop rootstocks must be new. [Order 1264, § 16–354–050, filed 5/10/72; Order 1023, Regulation V, filed 6/16/66; Order 996, Regulation V, filed 11/30/65; Order 947, Regulation V, filed 4/13/64.]

WAC 16–354–070 Field standards. (1) The unit of certification will be the entire lot within the field standing at the time of inspection.

(2) Specific requirements. (Percentage tolerances)

	Registered	Certified
Downy mildew	0	5%
Verticillium wilt	0	0
Virus	0	0.1%

(a) Mosaic
(b) Ringspot–line pattern

[Order 1264, § 16–354–070, filed 5/10/72.]

WAC 16–354–080 Effective date. This order shall take effect on and after June 9, 1972. [Order 1264, § 16–354–080, filed 5/10/72.]

Chapter 16–400 WAC
HORTICULTURAL INSPECTION FEES

WAC

16–400–010 Grade and condition certificates.
16–400–020 Loose apples and/or pears.
16–400–025 Loose stone fruit and grapes.
16–400–040 Vegetables.
16–400–050 Defense subsistence supply center or other federal agencies.
16–400–060 Beans, peas, lentils.
16–400–070 Hay and straw.
16–400–090 Short form or lot inspection certificates.
16–400–100 Consolidation certificates.
16–400–110 Condition certificates.
16–400–120 Car hook–up, loading or unloading certificate.
16–400–140 Sanitary certificates—Fruits and vegetables.
16–400–150 Shipping permits.
16–400–200 Quarantine certificates.
16–400–210 Platform inspection.
16–400–230 Fumigation charges.
16–400–235 Field or orchard inspections.
16–400–240 Seed sampling.
16–400–250 Extra charges (on all above services).
16–400–270 Extra copies.
16–400–280 Retyping.
16–400–285 Certificate on fruit or vegetables unrestricted as to grade or condition.
16–400–2901 Effective date.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16–400–001 Promulgation. [Emergency Order 1065 and Order 1066, Promulgation, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Promulgation, filed 5/12/67; Order 989, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 83–06–048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

16–400–003 Promulgation. [Order 1121, § 16–400–003, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16–400–003, filed 6/30/69.] Repealed by 83–06–048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

16–400–004 Promulgation. [Order 1121, § 16–400–004, filed 12/29/69.] Repealed by 83–06–048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

16–400–005 Promulgation. [Order 1121, § 16–400–005, filed 7/7/70.] Repealed by 83–06–048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

16–400–006 Promulgation. [Order 1402, § 16–400–006, filed 6/16/75; Order 1377, § 16–400–006, filed 9/12/74; Order 1355, § 16–400–006, filed 5/14/74, effective 7/1/74; Order 1317, § 16–400–006, filed 5/30/73; Order 1223, § 16–400–006, filed 12/10/71, effective 1/10/72.] Repealed by 83–06–048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

16–400–00601 Promulgation. [Order 1482, § 16–400–00601, filed 8/16/76.] Repealed by 83–06–048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

16–400–030 Grade and condition certificates—Soft fruits. [Emergency Order 1065 and Order 1066, Regulation 1, § 3, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 3, filed 5/12/67; Order 989, Regulation 1, § 3, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by Order 1121, filed 6/30/69, effective 8/1/69.

16–400–080 Charges—Grade and condition certificates. [Order 783, Regulation 8, effective 3/1/59.] Omitted from Orders 928 and 989, which superseded Order 783.

16–400–130 Checkloading fees for P.M.A. services. [Order 783, Regulation 13, effective 3/1/59.] Omitted from Orders 928 and 989, which superseded Order 783.

16–400–160 through 16–400–190. [Order 783, effective 3/1/59.] Now codified within WAC 16–400–150.

16–400–220 Time allowance. [Order 783, Regulation 22, effective 3/1/59.] Now codified within WAC 16–400–210.

16–400–260 Mileage. [Order 783, Regulation 26, effective 3/1/59.] Now codified within WAC 16–400–250.

16–400–290 Holidays. [Order 989, Regulation 14 (part), filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Now codified within WAC 16–400–250. [Order 1052, filed 5/12/67.]

16–400–2902 Effective date. [Order 1402, § 16–400–290 (codified as WAC 16–400–2902), filed 6/16/75.] Repealed by Order 1482, filed 8/16/76.

WAC 16–400–010 Grade and condition certificates. **ALL DISTRICTS.**

(1) The minimum charge for a certificate shall be $6.00 on all fruits and vegetables.

(2) All fresh fruits. (Apples, pears and soft fruits). Fruit in containers. (Wrapped, place pack, face and fill, or loose in bulk, bins, boxes, cartons, crates, or bags). For bulk or bins, divide the net weight by 40 pounds to determine the number of standard containers for charges.

Under 19 lbs net . . . . . 1 3/4¢ each container
20 to 29 lbs net . . . . . 3¢ each container
30 to 65 lbs net . . . . . 3 1/2¢ each container
(Incl. 1/2 bu. container for prunes)

[Statutory Authority: Chapter 15.17 RCW. 79–01–035 (Order 1589), § 16–400–010, filed 12/20/78. Statutory Authority: RCW 15.17.150. 78–06–025 (Order 1578), § 16–400–010, filed 5/17/78; Order 1482, § 16–400–010, filed 8/16/76; Order 1377, § 16–400–010, filed 9/12/74; Order 1355, § 16–400–010, filed 5/14/74, effective 7/1/74; Order 1317, § 16–400–010, filed 5/30/73; Order 1121, § 16–400–010, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16–400–010, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, filed 5/12/67; Order 989, Regulation 1, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-020 Loose apples and/or pears. (In bulk for processing.)

(1) $1.50 per ton net weight or fraction thereof.

(2) The charge for a mixture of packed and loose apples and pears, shall be based on the total of packed and loose apples and pears under WAC 16-400-010 and 16-400-020. [Statutory Authority: Chapter 15.17 RCW. 79-01-035 (Order 1589), § 16-400-020, filed 12/20/78. Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-020, filed 5/17/78; Order 1402, § 16-400-020, filed 6/16/75; Order 1377, § 16-400-020, filed 9/12/74; Order 1355, § 16-400-020, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-020, filed 5/30/73; Order 1121, § 16-400-020, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-020, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, § 2, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 2, filed 5/12/67; Order 989, Regulation 1, § 2, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-025 Loose stone fruit and grapes. (In bulk for processing.)

$2.00 per net ton weight or fraction thereof. [Statutory Authority: Chapter 15.17 RCW. 79-01-035 (Order 1589), § 16-400-025, filed 12/20/78.]

WAC 16-400-040 Vegetables.

Asparagus in 12 lb containers	2¢ each
Asparagus in 26 – 35 lb containers	3 1/2¢ each
Corn – crates	6¢ each
Cantaloupe (60 lb container unit)	6¢ each
Tomatoes – L.A. lugs or loose in containers	3¢ each
Tomatoes – In flats	2 1/4¢ each
Onions	5¢ cwt.
Potatoes and seed potatoes	4¢ cwt.
Potatoes where percentage grade needed or major fraction thereof (diversion program or similar program)	50¢ per ton
Processing potatoes	4¢ cwt.
Complete inspection (rate reduced for service required)	

Inspection fees for cabbage, celery, lettuce, cauliflower, grapes, rhubarb, rutabagas, watermelons, squash, carrots, etc., shall be at the regular hourly rate of $12.00 per hour, or $24.00 for a carload, with a maximum of 2 hours time, for domestic use only. [Statutory Authority: Chapter 15.17 RCW. 79-01-035 (Order 1589), § 16-400-040, filed 12/20/78. Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-040, filed 5/17/78; Order 1402, § 16-400-040, filed 6/16/75; Order 1377, § 16-400-040, filed 9/12/74; Order 1355, § 16-400-040, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-040, filed 5/30/73; Order 1121, § 16-400-040, filed 12/29/69; Order 1121, § 16-400-040, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-040, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, § 4, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 4, filed 5/12/67; Order 989, Regulation 1, § 4, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-050 Defense subsistence supply center or other federal agencies. Fees as established by USDA.

(1) For Canadian export inspections only where specific charges are not established by this regulation.

1 – 25 packages	$ 6.00
26 – 50 packages	10.00
51 – 150 packages	15.00
151 – 400 packages	20.00
401 – customary car lot	30.00
except where specific commodity charges are established.	

(2) Terminal wholesale market inspections (domestic) in Tacoma, Seattle and Spokane. Minimum chg., 1 hour $12.00.

(3) State institution inspections ..... $12.00 per hour

Minimum fee shall be $ 6.00.

[Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-050, filed 5/17/78; Order 1377, § 16-400-050, filed 9/12/74; Order 1355, § 16-400-050, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-050, filed 5/30/73; Order 1121, § 16-400-050, filed 12/29/69; Order 1121, § 16-400-050, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-050, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, § 5, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 5, filed 5/12/67; Order 989, Regulation 1, § 5, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-060 Beans, peas, lentils.

(1) Lot inspection ..... 7 cents per cwt.
Minimum charge for a certificate shall be $10.00.

(2) Sample inspection ..... $10.00 per sample

[Order 1482, § 16-400-060, filed 8/16/76; Order 1377, § 16-400-060, filed 9/12/74; Order 1355, § 16-400-060, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-060, filed 5/30/73; Order 1121, § 16-400-060, filed 7/7/70; Order 1121, § 16-400-060, filed 6/30/69, effective 8/1/69; Emergency Order 1120, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, § 6, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 6, filed 5/12/67; Order 989, Regulation 1, § 6, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-070 Hay and straw.

(1) Complete inspection..... $1.00 per ton or fraction thereof, but not less than $6.00: *Provided*, That in the case of submitted samples the fee shall be $2.00 per sample.

(2) Partial inspection..... $1.00 per ton or fraction thereof, calculated on the amount to which the inspection is restricted, but shall not be less than $6.00.

[Statutory Authority: RCW 15.17.150. 76-06-025 (Order 1578), § 16-400-070, filed 5/17/78; Order 1377, § 16-400-070, filed 9/12/74; Order 1355, § 16-400-070, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-070, filed 5/30/73; Order 1121, § 16-400-070, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-070, filed 6/30/69; Emergency Order 1065 and 1066, Regulation 1, § 7, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 7, filed 5/12/67; Order 989, Regulation 1, § 7, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783; effective 3/1/59.]

WAC 16-400-090 Short form or lot inspection certificates. Same as WAC 16-400-010 grade and condition certificates. [Order 1377, § 16-400-090, filed 9/12/74; Order 1355, § 16-400-090, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-090, filed 5/30/73; Order 1121, § 16-400-090, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-090, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 2, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 2, filed 5/12/67; Order 989, Regulation 2, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-100 Consolidation certificates. Shall have an additional charge of $2.00 for each additional local lot. [Order 1377, § 16-400-100, filed 9/12/74; Order 1355, § 16-400-100, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-100, filed 5/30/73; Order 1121, § 16-400-100, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-100, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 3, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 3, filed 5/12/67; Order 989, Regulation 3, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-110 Condition certificates. (1) When the lot has been previously certified, the charge shall be 2/3 of the charge schedule of grade and condition certificates, except that the minimum charge shall be $6.00.

(2) When the lot has no prior inspection for quality or grade, and it is not requested that the certificate carry identification of car, truck, or state lot number, same schedule as above.

(3) On certified lots unloaded for "storage in transit" or for commercial storage, same as above.

(4) When the lot has had no prior inspection for quality or grade and it is requested that certificate carry identifying out-bound car, truck, or state lot number, use same schedule as grade and condition certificates.

(5) Condition certificates on out-of-state products reported on state certificates shall be charged on the applicable grade and condition certificate schedule, except that a minimum charge shall be $6.00 or $12.00 per hour. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-110, filed 5/17/78; Order 1377, § 16-400-110, filed 9/12/74; Order 1355, § 16-400-110, § 16-400-110, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-110, filed 5/30/73; Order 1121, § 16-400-110, filed 6/30/69; effective 8/1/69; Order 1120, § 16-400-110, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 4, §§ 1-5, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 4, §§ 1-5, filed 5/12/67; Order 989, Regulation 4, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-120 Car hook-up, loading or unloading certificate. The minimum fee shall be $5.00. [Order 1377, § 16-400-120, filed 9/12/74; Order 1355, § 16-400-120, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-120, filed 5/30/73; Order 1121, § 16-400-120, filed 6/30/69, effective 8/1/69; Order 1120, § 16-400-120, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 5, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 5, filed 5/12/67; Order 989, Regulation 5, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-140 Sanitary certificates--Fruits and vegetables.

(1) When shipment is not covered by federal-state certificates:

(a) $3.50 for the first 200 containers or fraction thereof, plus $12.00 per hour for necessary inspection.

(2) When shipment is covered by federal-state certificate all sanitary certificates will be at the rate of $3.50 per set. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-140, filed 5/17/78; Order 1377, § 16-400-140, filed 9/12/74; Order 1355, § 16-400-140, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-140, filed 5/30/73; Order 1121, § 16-400-140, filed 6/30/69, effective 8/1/69; Emergency Order 1120, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 6, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 6, §§ 1-2, filed 5/12/67; Order 989, Regulation 6, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-150 Shipping permits. By law, each shipment of apples, apricots, Italian prunes, peaches, pears, certified seed potatoes, and asparagus must be covered by a shipping permit for grade; and cherries for freedom from cherry fruit fly larvae, whether certified or not. Shipments to processors of apricots, cherries, peaches, prunes, and asparagus do not require a shipping permit. If the lot has been certified for each shipment by car or truck, a permit will be issued without additional charge. If the lot has not been certified, the basis of charges shall be as follows:

(1) **Apples, pears, and soft fruits** (carlots and trucklots).

(a) Shipping permit fees:

(i) Containers of twenty–eight pounds to sixty–five pounds, eighty or less ---------- per container ..... $ 0.05

(ii) Containers of twenty–eight pounds to sixty–five pounds, eighty–one and over ---------- two–thirds the fee for grade and condition certificate. (Minimum fee .... $ 4.00)

(iii) Seventeen to twenty–seven pounds—two containers ---------- up to minimum . $ 0.05
(Minimum fee ..... $ 4.00)

(iv) Sixteen pounds and under—three containers ---------- up to minimum ..... $ 0.05
(Minimum fee ..... $ 4.00)

(b) Permit to ship apples and/or pears to a by–product plant outside the district ..... $ 2.00

(Permits to by–product plants are for transportation only in accordance with state law.)

(2) **Vegetables.**

(a) Potatoes – per permit, two–thirds of certificate charge. (Minimum fee ..... $ 4.00)

(b) Processing plant or livestock feed shipments – for transportation only, in accordance with state law ---------- per load ..... $ 2.00
OR where point of origin or out–of–district inspection required ---------- per ton .... $ 0.50

(c) Certified seed potatoes ---------- per cwt ..... $ 0.04

No charge shall be made for shipping permits when seed potatoes are grown, graded and shipped in full compliance with the provisions of the rules for the certification of seed potatoes, and the grades and standards for certified seed potatoes.

(d) Asparagus

(i) Containers of twenty–six to thirty–five pounds, eighty or less ---------- per container ..... $ 0.05

(ii) Containers of twenty–six to thirty–five pounds, eighty–one and over ---------- two–thirds the fee for grade and condition certificate. (Minimum fee .... $ 4.00)

(iii) Twelve to twenty–five pounds—two containers ---------- up to minimum ..... $ 0.05
(Minimum fee ..... $ 4.00)

(3) Container weight, or checkloading certificates ---------- per container ---------- $0.01 (Minimum fee ..... $ 12.00)

[Statutory Authority: Chapter 15.17 RCW. 83–06–048 (Order 1786), § 16–400–150, filed 3/1/83. Statutory Authority: RCW 15.17.150. 78–06–025 (Order 1578), § 16–400–150, filed 5/17/78; Order 1524, § 16–400–150, filed 4/20/77; Order 1377, § 16–400–150, filed 9/12/74; Order 1355, § 16–400–150, filed 5/14/74, effective 7/1/74; Order 1317, § 16–400–150, filed 5/30/73; Order 1223, § 16–400–150, filed 12/10/71, effective 1/10/72; Order 1121, § 16–400–150, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16–400–150, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 7, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 7, filed 5/12/67; Order 989, Regulation 7, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-200 Quarantine certificates. Charges will be the same as for sanitary certificates. (See WAC 16–400–140.) [Emergency Order 1065 and Order 1066, Regulation 8, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 8, filed 5/12/67; Order 989, Regulation 8, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-210 Platform inspection. (1) Platform inspections, time taking samples, extra time, FV–294 inspections, and all other services, will be charged at the rate of $12.00/hr.

(2) Time allowance – where platform inspector working full time at one house also does certification inspection, he will allow credit for the time according to limits outlined in the schedule for such certification at the rate of $12.00 per hour and should the certificate charges divided by $12.00 equal or exceed the number of hours worked, no platform charge will be made, or if it is less than the number of hours worked, the platform charge will be made to bring the total for the day to the proper charge. [Statutory Authority: RCW 15.17.150. 78–06–025 (Order 1578), § 16–400–210, filed 5/17/78; Order 1377, § 16–400–210, filed 9/12/74; Order 1355, § 16–400–210, filed 5/14/74, effective 7/1/74; Order 1317, § 16–400–210, filed 5/30/73; Order 1121, § 16–400–210, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16–400–210, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 9, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 9, filed 5/12/67; Order 989, Regulation 9, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-230 Fumigation charges. The rate for supervision of fumigation shall be $18.00 per fumigation allowing 1 1/2 hours; additional time or unnecessary stand–by time will be charged for at the rate of $12.00 per hour. No fumigations will be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from

June 1 to September 30. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-230, filed 5/17/78; Order 1377, § 16-400-230, filed 9/12/74; Order 1355, § 16-400-230, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-230, filed 5/30/73; Order 1121, § 16-400-230, filed 6/30/69; effective 8/1/69; Emergency Order 1120, § 16-400-230, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 10, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 10, filed 5/12/67; Order 989, Regulation 10, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-235 Field or orchard inspections. Inspections made at applicants' request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of $2.00 per acre or fraction thereof. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-235, filed 5/17/78; Order 1377, § 16-400-235, filed 9/12/74; Order 1355, § 16-400-235, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-235, filed 5/30/73; Order 1121, § 16-400-235, filed 6/30/69, effective 8/1/69; Emergency Order 1120, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 11, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 11, filed 5/12/67.]

WAC 16-400-240 Seed sampling. Fees shall be arranged with the seed division for services performed. [Emergency Order 1065 and Order 1066, Regulation 12, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 12, filed 5/12/67; Order 989, Regulation 11, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-250 Extra charges (on all above services). (1) The minimum inspection charge for each commodity and requested form shall be at the rate of $12.00 per hour.

(2) If, through no fault of the inspection service, time over the maximum allowance for each commodity and requested form is required, such excess time shall be at the rate of $12.00 per hour.

(3) For all inspection services performed after 5:00 PM or on Saturdays, or Sundays, or state legal holidays, an hourly charge equivalent of $18.00 per hour for actual hours spent in performance of duties must be made. This shall include unit charges, plus, if necessary, overtime charges to equal $18.00 per hour.

(4) When the per unit charge for inspection in any one day equals or exceeds the basic hourly and/or overtime charge, no additional hourly or overtime charges will be made.

(5) The following state legal holidays will be observed: New Year's Day, Veteran's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the day following Thanksgiving Day, Christmas Day, Lincoln's Birthday and Washington's Birthday. NO SERVICE will be performed on Thanksgiving Day, Christmas Day or New Year's Day, beginning at 5:00 PM on the previous day.

(6) Mileage. Whenever necessary, mileage will be charged at the rate established by the state OFM. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-250, filed 5/17/78; Order 1482, § 16-400-250, filed 8/16/76; Order 1377, § 16-400-250, filed 9/12/74; Order 1355, § 16-400-250, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-250, filed 5/30/73; Order 1121, § 16-400-250, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-250, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 13, §§ 1-6, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 13, §§ 1-6, filed 5/12/67; Order 989, Regulation 12, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-270 Extra copies. After original typing of a certificate a charge of $2.00 per set will be made for extra copies when requested by the original applicant of the certificate or other financially interested party. Copy machine copy of inspectors notes when requested by applicant will be $1.00 per copy. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-270, filed 5/17/78; Order 1377, § 16-400-270, filed 9/12/74; Order 1355, § 16-400-270, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-270, filed 5/30/73; Order 1121, § 16-400-270, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-270, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 14, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 14, filed 5/12/67; Order 989, Regulation 13, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-280 Retyping. When, through no fault of the inspection service, retyping is necessary, such service will be rendered for $2.00 per set. [Order 1377, § 16-400-280, filed 9/12/74; Order 1355, § 16-400-280, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-280, filed 5/30/73; Order 1121, § 16-400-280, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-280, filed 6/30/69, effective 8/1/69; Emergency Order 1065 and Order 1066, Regulation 15, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 15, filed 5/12/67; Order 989, Regulation 14 (part), filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-285 Certificate on fruit or vegetables unrestricted as to grade or condition. (1) The minimum charge will be one-half of current hourly rate. [Order 1377, § 16-400-285, filed 9/12/74.]

WAC 16-400-2901 Effective date. This order shall become effective on and after October 10, 1974. [Order 1377, § 16-400-290 (codified as WAC 16-400-2901),

filed 9/12/74; Order 1355, § 16-400-2901, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-2901, filed 5/30/73; Order 1223, § 16-400-2901, filed 12/10/71, effective 1/10/72.]

Chapter 16-401 WAC
NURSERY INSPECTION FEES

WAC

16-401-002 Promulgation.
16-401-020 Nursery inspection fees.
16-401-025 Requested inspections.
16-401-030 Extra charges.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-401-001 Promulgation. [Order 1064, Promulgation, filed 8/28/67, effective 9/27/67.] Repealed by Order 1152, filed 5/28/70, effective 7/1/70.

16-401-003 Promulgation. [Order 1315, § 16-401-003, filed 5/30/73; Order 1204, § 16-401-003, filed 5/28/71, effective 7/1/71.] Repealed by 79-04-025 (Order 1628), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-401-010 Nonlicensed operators. [Order 1064, Regulation 1, filed 8/28/67, effective 9/27/67.] Repealed by Order 1152, filed 5/28/70, effective 7/1/70.

16-401-015 Nonretailer or wholesaler shippers. [Order 1064, Regulation 2, filed 8/28/67, effective 9/27/67.] Repealed by Order 1152, filed 5/28/70, effective 7/1/70.

16-401-035 Effective date. [Order 1315, § 16-401-035, filed 5/30/73; Order 1204, § 16-401-035, filed 5/28/71, effective 7/1/71; Order 1152, § 16-401-035, filed 5/28/70, effective 7/1/71.] Repealed by 79-04-025 (Order 1628), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

WAC 16-401-002 Promulgation. (This promulgation relates to WAC 16-401-001, 16-401-010 and 16-401-015 repealing Order No. 1064; and changing chapter caption.)

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 240, Laws of 1967, and after due notice and public hearing do hereby promulgate the following regulations regarding nursery inspection fees and repealing WAC 16-401-001, 16-401-010 and 16-401-015, Order No. 1064, Nursery stock inspection fees, (pertaining to unlicensed operators and householders). [Order 1152, § 16-401-002, filed 5/28/70, effective 7/1/70.]

WAC 16-401-020 Nursery inspection fees. (Facility inspection) Any plant material at the location licensed as a nursery dealer under chapter 15.13 RCW shall be subject to inspection. A certificate will be written stating the result of the inspection: *Provided*, That the license location shall be subject to no more than two paid inspections each license period. Fees shall be based on actual time spent for inspection:

Up to 1/2 hour	None
1/2 to 1 hour	$ 5.00
1 to 2 hours	10.00
2 to 3 hours	15.00
Over 3 hours	20.00

[Order 1315, § 16-401-020, filed 5/30/73; Order 1204, § 16-401-020, filed 5/28/71, effective 7/1/71; Order 1152, § 16-401-020, filed 5/28/70, effective 7/1/70.]

WAC 16-401-025 Requested inspections. Requested inspections shall be at the rate of $12.00 per hour, except as listed below, and shall include, but not be limited to:

Third party inspections, travel time
Minimum charge ..... $ 12.00/hr.
Phytosanitary certificate
Minimum charge each inspection
First phytosanitary $6.00
Each additional phytosanitary 2.00
Nursery stock inspection certificate
Minimum charge $6.00
Fumigation certificate
Minimum charge ..... 18.00 ea.
Field inspections
Field inspections of flowering bulbs, corms, rhizomes, or other field crops, each year
Per acre or fraction thereof $2.00
Certificate of inspection of nursery
Stock minimum charge:
Licensed nurseryman ..... No Fee
Unlicensed nurseryman ..... 1.00 ea.
Nursery sticker
In lots of 250 ..... .01 ea.
Less than 250 (minimum 10) ..... .10 ea.
Nursery stock inspection certificate tag
In lots of 250 ..... .01 ea.
Less than 250 (minimum 10) ..... .10 ea.

When requested inspections are in combination, the charge will be $12.00 per hour and minimum charges will be waived. EXCEPTION: When combination inspections include fumigation, a minimum charge will be $18.00.

[Statutory Authority: Chapter 15.13 RCW. 79-04-025 (Order 1628), § 16-401-025, filed 3/21/79; Order 1315, § 16-401-025, filed 5/30/73; Order 1152, § 16-401-025, filed 5/28/70, effective 7/1/70.]

WAC 16-401-030 Extra charges. Extra charges on all requested inspections under WAC 16-401-025 shall be at the rate of $12.00 per hour above the minimum charges listed.

(1) For all inspection services performed after 5:00 p.m. or on Saturdays, Sundays or state legal holidays, an hourly charge equivalent of $18.00 per hour for actual hours spent in performance of duties shall be made. This shall include unit charges, plus, if necessary, overtime charges to equal $18.00 per hour.

(2) The following state legal holidays will be observed: New Year's Day, Memorial Day, Independence Day,

Labor Day, Thanksgiving Day, Veteran's Day, Christmas Day, Lincoln's Birthday, Washington's Birthday, Columbus Day and General Election Day. NO SERVICE will be performed on Thanksgiving, Christmas or New Year's Day, beginning at 5:00 p.m. on the previous day.

(3) All fees due under provisions of WAC 16-401-020, 16-401-025 and 16-401-030 shall be payable at the time the service is completed. [Statutory Authority: Chapter 15.13 RCW. 79-04-025 (Order 1628), § 16-401-030, filed 3/21/79; Order 1315, § 16-401-030, filed 5/30/73; Order 1152, § 16-401-030, filed 5/28/70, effective 7/1/70.]

Chapter 16-403 WAC
STANDARDS FOR APPLES MARKETED WITHIN WASHINGTON

WAC

16-403-140 Washington state standards for apples.
16-403-145 Red, partial red or blushed varieties—Washington extra fancy.
16-403-150 Red, partial red or blushed varieties—Washington fancy.
16-403-155 Color requirements.
16-403-160 Green or yellow varieties—Washington extra fancy.
16-403-165 Green or yellow varieties—Washington fancy.
16-403-170 Green or yellow varieties—Washington C grade.
16-403-175 Green or yellow varieties—Color requirements.
16-403-180 Combination grades.
16-403-185 Culls.
16-403-190 Tolerances.
16-403-195 Application of tolerances.
16-403-200 Calculation of percentages.
16-403-205 Condition after storage or transit.
16-403-215 Packing requirements.
16-403-220 Marking requirements—Open or closed containers.
16-403-225 Other brands and grades.
16-403-230 Well formed.
16-403-235 Fairly well formed.
16-403-240 Diameter.
16-403-245 Mature.
16-403-250 Overripe.
16-403-255 Carefully hand picked.
16-403-260 Clean.
16-403-265 Injury.
16-403-270 Damage.
16-403-275 Serious damage.
16-403-280 Adoption of United States standards as state standards.
16-403-285 Spots showing diameters in fractions of an inch.
16-403-290 Damage by invisible watercore.
16-403-295 Inspector's guide for apple bruises at shipping point and market.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-403-001 Promulgation. [Order 893, Promulgation, filed 8/31/62; Order 870, Promulgation, filed 11/13/61.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-002 Promulgation. [Order 992, filed 8/24/65; Emergency Order 991, filed 8/24/65.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-003 Promulgation. [Order 1061, Promulgation, filed 7/28/67, effective 8/28/67.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-010 Introduction and definitions. [Order 893, General Regulation, § 1, effective 10/1/62; Order 870, General Regulation, § 1, filed 11/13/61; Order 838, Regulation 1, § 1, filed 3/27/61; Order 791, Regulation 1, § 1 (part), filed 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-015 Red, partial red or blushed varieties—Washington extra fancy. [Order 893, Regulation 1, § 1, effective 10/1/62; Order 870, Regulation 1, § 1, filed 11/13/61; Order 838, Regulation 1 (part), filed 3/27/61; Order 791, Regulation 1, § 1, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-020 Red, partial red or blushed varieties—Washington fancy. [Order 893, Regulation 1, § 2, effective 10/1/62; Order 870, Regulation 1, § 2, filed 3/27/61; Order 838, Regulation 1, § 2, filed 3/27/61; Order 791, Regulation 1, § 2, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-025 Red, partial red or blushed varieties—Color requirements. [Order 893, Regulation 1, § 3, effective 10/1/62; Order 870, Regulation 1, § 3, filed 11/13/61; Order 838, Regulation 1, § 3, filed 3/27/61; Order 791, Regulation 1, § 4, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-030 Green or yellow varieties—Washington extra fancy. [Order 893, Regulation 2, § 1, effective 10/1/62; Order 870, Regulation 2, § 1, filed 11/13/61; Order 791, Regulation 2, § 1, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-035 Green or yellow varieties—Washington fancy. [Order 1061 (part), filed 7/28/67, effective 8/28/67; Order 893, Regulation 2, § 2, effective 10/1/62; Order 870, Regulation 2, § 2, filed 11/13/61; Order 791, Regulation 2, § 2, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-040 Green or yellow varieties—Washington C grade. [Order 1061 (part), Regulation 2, § 3, filed 7/28/67, effective 8/28/67; Order 893, Regulation 2, § 3, effective 10/1/62; Order 870, Regulation 2, § 3, filed 11/13/61; Order 791, Regulation 2, § 3, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-045 Green or yellow varieties—Hail grade. [Order 870, Regulation 2, § 4, filed 11/13/61; Order 791, Regulation 2, § 4, effective 9/15/59.] Superseded by Order 893, filed 8/31/62, effective 10/1/62.

16-403-050 Green or yellow varieties—Color requirements. [Order 893, Regulation 2, § 4; Order 870, Regulation 2, § 5, filed 11/13/61; Order 791, Regulation 2, § 5, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-055 Combination grades. [Order 893, Regulation 3, effective 10/1/62; Order 870, Regulation 3, filed 11/13/61; Order 838, Regulation 3, § 1, filed 6/20/61; Clarification in Order 838, filed 6/20/62; Order 791, Regulation 3, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-060 Cull grades. [Order 893, Regulation 4, effective 10/1/62; Order 870, Regulation 4, filed 11/13/61; Order 791, Regulation 4, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-065 Tolerances. [Order 893, Regulation 5, effective 10/1/62; Order 870, Regulation 5, filed 11/13/61; Order 791, Regulation 5, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-070 Containers. [Order 893, Regulation 6, effective 10/1/62; Order 870, Regulation 6, filed 11/13/61; Order 791, Regulation 6, effective 9/15/59, subsection (2)(d) amended by Order 992, filed 8/24/65; Emergency Order 991, filed 8/24/65.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-075 Marking requirements—Marking open or closed containers. [Order 1061, Regulation 7, § 2, filed

7/28/67, effective 8/28/67; Order 893, Regulation 7, effective 10/1/62; Order 870, Regulation 7, filed 11/13/61; Order 791, Regulation 7, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-080 Other brands and grades. [Order 893, Regulation 8, effective 10/1/62; Order 870, Regulation 8, filed 11/13/61; Order 791, Regulation 8, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-085 Washington state conditions standards. [Order 893, Regulation 9, effective 10/1/62; Order 870, Regulation 9, filed 11/13/61; Order 791, Regulation 9, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-090 Washington state standards for grades of processing apples. [Order 893, Regulation 10, effective 10/1/62; Order 870, Regulation 10, filed 11/13/61.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-095 United States standards for apples—Grades. [Order 893, Regulation 11, § 1, effective 10/1/62; Order 870, Regulation 11, § 1, filed 11/13/61; Order 791, Regulation 10, § 1, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-100 United States standards for apples—Color requirements. [Order 893, Regulation 11, § 2, effective 10/1/62; Order 870, Regulation 10, § 2, filed 11/13/61; Order 791, Regulation 10, § 2, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-105 United States standards for apples—Tolerances. [Order 893, Regulation 11, § 3, effective 10/1/62; Order 870, Regulation 11, § 3, filed 11/13/61; Order 791, Regulation 10, § 3, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-110 United States standards for apples—Condition. [Order 893, Regulation 11, § 4, effective 10/1/62; Order 870, Regulation 11, § 4, filed 11/13/61; Order 791, Regulation 10, § 4, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-115 United States standards for apples—Packing and marking. [Order 893, Regulation 11, § 5, effective 10/1/62; Order 870, Regulation 11, § 5, filed 11/13/61; Order 791, Regulation 10, § 5, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-120 United States standards for apples—United States condition standards for export. [Order 893, Regulation 11, § 6, effective 10/1/62; Order 870, Regulation 11, § 6, filed 11/13/61; Order 791, Regulation 10, § 6, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-125 United States standards for apples—Definitions. [Order 893, Regulation 11, § 7, effective 10/1/62; Order 870, Regulation 11, § 7, filed 11/13/61; Order 791, Regulation 10, § 7, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-130 Spot diameters illustrated. [Order 893 (part), effective 10/1/62.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

16-403-135 Promulgation. [Order 1374, § 16-403-135, filed 7/26/74, effective 9/1/74.] Repealed by 79-07-068 (Order 1635), filed 6/27/79. Statutory Authority: Chapter 15.17 RCW.

16-403-13501 Promulgation. [Order 1475, § 16-403-13501, filed 7/2/76.] Repealed by 79-07-068 (Order 1635), filed 6/27/79. Statutory Authority: Chapter 15.17 RCW.

16-403-300 Effective date. [Order 1374, § 16-403-300, filed 7/26/74, effective 9/1/74.] Repealed by 79-07-068 (Order 1635), filed 6/27/79. Statutory Authority: Chapter 15.17 RCW.

WAC 16-403-140 Washington state standards for apples. (1) Washington state standard apple grades for extra fancy and fancy shall be equivalent to or better than the U.S. standards for grades of apples effective September 1, 1964, as amended October 1, 1966 and July 25, 1972 for U.S. extra fancy and U.S. fancy. Apples meeting the foregoing grades may be marked either with the proper Washington or U.S. grade, or both. In no case shall the grade and condition requirements thereof be interpreted as less than those standards required by said U.S. standards for grades of apples for the comparable Washington grade and variety. [Order 1374, § 16-403-140, filed 7/26/74, effective 9/1/74.]

WAC 16-403-145 Red, partial red or blushed varieties—Washington extra fancy. (1) Washington extra fancy consists of apples of one variety which are mature but not overripe, carefully hand picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, scald, scab, bitter pit, Jonathan spot, freezing injury, visible watercore, and broken skins and bruises except those which are slight and incident to proper handling and packing. The apples are also free from injury caused by smooth net-like russeting, sunburn or spray-burn, limb rubs, hail, drought spots, scars, disease, insects, or other means; and free from damage by smooth solid, slightly rough or rough russeting, or stem or calyx cracks, and free from damage by invisible watercore after January 31st of the year following the year of production. Each apple of this grade has the amount of color specified in WAC 16-403-155 for the variety. [Order 1374, § 16-403-145, filed 7/26/74, effective 9/1/74.]

WAC 16-403-150 Red, partial red or blushed varieties—Washington fancy. (1) Washington fancy consists of apples of one variety which are mature but not overripe, carefully hand picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, visible watercore, and broken skins and bruises, except those which are incident to proper handling and packing. The apples are also free from damage caused by russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, disease, insects, invisible watercore after January 31st of the year following the year of production, or damage by other means. Each apple of this grade has the amount of color specified in WAC 16-403-155 for the variety. [Order 1374, § 16-403-150, filed 7/26/74, effective 9/1/74.]

WAC 16-403-155 Color requirements. In addition to the requirement specified for the grades set forth in WAC 16-403-145 and 16-403-150, apples of these grades shall have the percentage of color specified for the variety appearing in this section.

(1) **Solid red varieties.** For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: *Provided,* That an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade provided it has sufficient additional area covered so that the apple has

as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade, subject to the limitations set forth below.

VARIETY	EXTRA FANCY PERCENT	FANCY PERCENT
Black Ben	66[1]	40[3]
Gano	66[1]	40[3]
Winesaps	66[1]	40[3]
Other similar varieties	66[1]	40[3]
Red sport varieties[2]	66[4]	40[3]

[1] Must have at least 50 percent good shade of red color characteristic of the variety.
[2] When the red sport varieties are marked as such, they shall meet the color requirements of red sport varieties, and the containers must also bear the name of the parent variety.
[3] Must have at least 33 percent good shade of red color; characteristic of the variety.
[4] Must have at least 66 percent good shade of red color; characteristic of the variety.

(2) **Striped or partial red varieties.** For the striped or partial red varieties the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over stripes of lighter red, green or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade, subject to the limitations set forth below. Faded brown stripes shall not be considered as color.

VARIETY	EXTRA FANCY PERCENT	FANCY PERCENT
Delicious	50	25
Rome Beauty	50[1]	33[2]
Wealthy	50	25
Stayman	50	33
Other similar varieties	50	25
Jonathan	66[1]	33[2]
McIntosh	50[1]	33[2]
Cortland	50	33
Other similar varieties	50	33
Red sport varieties[5]	66[4]	40[3]

[1] Must have at least 35 percent good shade of red color characteristic of the variety.
[2] Must have at least 15 percent good shade of red color characteristic of the variety.
[3] Must have at least 33 percent good shade of red color characteristic of the variety.
[4] Must have at least 66 percent good shade of red color characteristic of the variety.
[5] When the red sport varieties are marked as such, they shall meet the color requirements of red sport varieties, and the containers must also bear the name of the parent variety.

(3) **Red cheeked or blushed varieties.**

VARIETY	EXTRA FANCY PERCENT	FANCY PERCENT
Winter Banana	Blush Cheek	Tinge of color
Other similar varieties	Blush Cheek	Tinge of color

(4) In no case shall the color requirements for any variety be less than those required under the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 and July 25, 1972 for the comparable Washington grade and variety. [Order 1374, § 16-403-155, filed 7/26/74, effective 9/1/74.]

WAC 16-403-160 Green or yellow varieties--Washington extra fancy. (1) Washington extra fancy consists of apples of one variety which are mature but not overripe, carefully hand picked, clean, well formed; free from decay, internal browning, internal breakdown, scald, scab, bitter pit, Jonathan spot, freezing injury, visible watercore, broken skins and bruises except those which are slight and incident to proper handling and packing. The apples are also free from slightly rough or rough russeting, provided, russeting other than rough or bark-like russeting materially affecting the appearance of the apple shall be permitted in the stem cavity or calyx basin if it cannot be seen when the apple is placed stem end or calyx end down on a flat surface. The apples are also free from injury caused by smooth net-like russeting, smooth solid russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, stem or calyx cracks, or other means; and free from damage by invisible watercore after January 31st of the year following the year of production. Each apple of this grade has the amount of color specified in WAC 16-403-175 for the variety. [Order 1374, § 16-403-160, filed 7/26/74, effective 9/1/74.]

WAC 16-403-165 Green or yellow varieties--Washington fancy. Washington fancy consists of apples of one variety which are mature but not overripe, carefully hand picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, visible watercore, and broken skins and bruises except those which are incident to proper handling and packing. The apples are also free from damage caused by russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, disease, insects, invisible watercore after January 31st of the year following the year of production, or damage by other means. Each apple of this grade has the amount of color specified in WAC 16-403-175 for the variety. [Order 1374, § 16-403-165, filed 7/26/74, effective 9/1/74.]

WAC 16-403-170 Green or yellow varieties--Washington C grade. The requirements of this grade are the same as for Washington fancy except for color, russeting and invisible watercore. Apples of this grade are free from excessive damage caused by russeting which means that apples meet the russeting requirements for Washington fancy as defined under the definitions of "damage by russeting," except the aggregate area of an apple which may be covered by smooth net-like russeting shall not exceed 25 percent; and the aggregate area of an apple which may be covered by smooth solid russeting shall not exceed 10 percent: *Provided*, That in the case of the Yellow Newtown[,] Granny Smith or similar varieties the aggregate area of an apple which may be covered with smooth solid russeting shall not exceed 20 percent; and the aggregate area of an apple which may be covered with excessively rough or barklike russeting or limb rubs shall not exceed the area of a circle three-fourths of an inch in diameter. Each apple of this grade has the amount of color specified in WAC 16-403-175 for the variety. There is no requirement in this grade pertaining to invisible watercore. [Statutory Authority: Chapter 15.17 RCW. 79-07-068 (Order 1635), § 16-403-170, filed 6/27/79; Order 1374, § 16-403-170, filed 7/26/74, effective 9/1/74.]

WAC 16-403-175 Green or yellow varieties--Color requirements. (1) Golden delicious. In extra fancy and fancy grades, 75 percent or more of the surface of the apple shall show white or light green predominating over the green color. In C grade, 33-1/3 percent or more of the surface of the apple shall show white or light green predominating over the green color.

(2) In green and yellow varieties, other than golden delicious, characteristic ground color shall be required in extra fancy, fancy or C grade.

(3) In no case shall the color requirements for any variety be less than those required under the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 and July 25, 1972 for the comparable Washington grade and variety. [Order 1374, § 16-403-175, filed 7/26/74, effective 9/1/74.]

WAC 16-403-180 Combination grades. (1) Combination extra fancy and fancy. When extra fancy and fancy apples are packed together, the boxes may be marked "Washington combination extra fancy and fancy" and shall contain at least 80 percent extra fancy apples, except Newtowns, which shall contain at least 50 percent extra fancy apples. (This is the only combination grade which may be used for red or partial red varieties.)

(2) Combination extra fancy, fancy and C grade. When extra fancy, fancy and C grade apples are packed together, the boxes may be marked "Washington combination extra fancy, fancy and C grade" and shall contain at least 80 percent extra fancy apples, except Newtowns, which shall contain at least 50 percent extra fancy apples.

(3) Combination fancy and C grade. When fancy and C grade apples are packed together, the boxes may be marked "Washington combination fancy and C grade" but shall contain at least 80 percent fancy apples, except Newtowns, which shall contain at least 50 percent fancy apples.

(4) Jumble pack. The larger sizes of the above grades may be removed and the rest packed and marked "jumble" or "face and fill" in addition to the grade mark.

(5) Gift grade. Gift grade may consist of mixed varieties (apples and pears) and in the case of apples shall meet Washington extra fancy grade as defined in Washington standards for apples, and in the case of pears shall be U.S. No. 1 or higher grade as defined in Washington standards for D'Anjou, Bosc, Winter Nelis and other varieties of winter pears. When gift containers meet the requirements of gift grade, such containers need be marked only "gift grade" and a statement of net contents in weight and name and address of packer or shipper. [Order 1374, § 16-403-180, filed 7/26/74, effective 9/1/74.]

WAC 16-403-185 Culls. (1) Apples which are not graded in conformity with the foregoing grades and which contain not more than 5 percent serious insect damage shall be designated as "culls."

(2) Following is a quotation from RCW 15.17.080 - Fresh fruits—Culls—Container markings—Designation on bills of lading, invoices, etc.:

> "It shall be unlawful for any person to sell fresh fruits for fresh consumption classified as culls under the provisions of this chapter or rules adopted hereunder unless such fruit is packed in one-half bushel or one bushel wooden baskets ring faced, with the fruit in the ring face representative of the size and quality of the fruit in such baskets. Such baskets shall be lidded and the words "cull" including the kind of fruit and variety must appear on the top and side of each basket and on any label thereon in clear and legible letters at least two and one-half inches high. Every bill of lading, invoice, memorandum, and document referring to said fruit shall designate them as culls."

[Order 1374, § 16-403-185, filed 7/26/74, effective 9/1/74.]

WAC 16-403-190 Tolerances. (1) In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(a) Defects: Washington extra fancy, Washington fancy and Washington C grade.

Ten percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged, including therein not more than one percent for apples affected by decay or internal breakdown.

(b) When applying the foregoing tolerances to combination grades, no part of any tolerance shall be allowed

to reduce, for the lot as a whole, the percent of apples of the higher grade required in the combination.

Combinations requiring 80 percent of the higher grade for the lot shall have not less than 65 percent of the higher grade in individual containers.

Combinations requiring 50 percent of the higher grade for the lot shall have not less than 40 percent of the higher grade in individual containers.

(c) Size. When size is designated by the numerical count for a container, not more than 5 percent of the apples in the lot may vary more than 1/4 inch in diameter. When size is designated by minimum or maximum diameter, not more than 5 percent of the apples in any lot may be smaller than the designated minimum and not more than 10 percent may be larger than the designated maximum. [Order 1374, § 16-403-190, filed 7/26/74, effective 9/1/74.]

WAC 16-403-195 Application of tolerances. (1) The contents of individual packages in the lot, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(a) Packages which contain more than 10 pounds:

(i) Shall have not more than one and one-half times a specified tolerance of 10 percent or more and not more than double a tolerance of less than 10 percent, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(b) Packages which contain 10 pounds or less:

(i) Not over 10 percent of the packages may have more than three times the tolerance specified, except that at least one defective apple may be permitted in any package: *Provided*, That not more than one apple or more than 6 percent (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown. [Order 1374, § 16-403-195, filed 7/26/74, effective 9/1/74.]

WAC 16-403-200 Calculation of percentages. (1) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(2) When the minimum diameter or minimum and maximum diameters are marked on a container or when the apples are jumbled in a container or in bulk, percentages shall be calculated on the basis of weight or an equivalent basis. [Order 1475, § 16-403-200, filed 7/2/76; Order 1374, § 16-403-200, filed 7/26/74, effective 9/1/74.]

WAC 16-403-205 Condition after storage or transit. (1) Decay, scald or any other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade, except a separate tolerance in addition to and aside from the regular grade tolerances shall be allowed for apples that are overripe, providing an average of not more than 5 percent overripe in any lot of apples with not more than 10 percent overripe in any one container shall be permitted in any shipment. [Order 1374, § 16-403-205, filed 7/26/74, effective 9/1/74.]

WAC 16-403-215 Packing requirements. (1) Apples tray packed or cell packed in cartons shall be arranged according to approved and recognized methods. Packs shall be at least fairly tight[a] or fairly well filled[b].

(2) Closed cartons containing apples not tray or cell packed shall be fairly well filled[b] or the pack shall be sufficiently tight to prevent any appreciable movement of the apples.

(3) Apples on the shown face of any container shall be reasonably representative in size, color and quality of the contents.

(4) Tolerances: In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may fail to meet these requirements.

a – "Fairly tight" means that apples are of the proper size for molds or cell compartments in which they are packed and that molds or cells are filled in such a way that no more than slight movement of apples within molds or cells is possible. The top layer of apples, or any pad or space filler over the top layer of apples shall be not more than 3/4 inch below the top edge of the carton.

b – "Fairly well filled" means that the net weight of apples in containers ranging from 2,100 to 2,900 cubic inch capacity is not less than 38 pounds for Jonathan, McIntosh and golden delicious varieties and not less than 40 pounds for all other varieties.

[Order 1374, § 16-403-215, filed 7/26/74, effective 9/1/74.]

WAC 16-403-220 Marking requirements--Open or closed containers. (1) The containers shall bear the correct name of the variety or "variety unknown," the name of the grower, packer, or distributor, and his address, the grade, the numerical count or the minimum diameter of apples packed in a closed container, and the net contents either in terms of dry measure or weight. All open containers and consumer packages must bear statement of net weight without exception.

(a) When the numerical count is not shown, the minimum diameter shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, or whole inches and not less than eight inch fractions thereof.

(b) The word "minimum," or its abbreviation, when following a diameter size marking, means that the apples are of the size marked or larger.

(2) Over-wrapped consumer units may be marked with count, if all specimens can be counted.

(3) Any of these marks may be placed on either the end or side of the container. (California requires end markings.)

(4) When containers are marked as to number, each container shall contain the correct number of apples designated by the markings.

(5) Grade markings on consumer-type packages must be at least one-fourth inch in height. [Order 1374, § 16-403-220, filed 7/26/74, effective 9/1/74.]

WAC 16-403-225 Other brands and grades. (1) Any person, firm or organization wishing to pack apples under any other grade or brand than according to the foregoing rules shall file a certified copy of the description of such grade or brand with the director of agriculture the year in which the apples so to be packed are grown.

(2) If such grade or brand is approved by the director of agriculture, apples may be packed under such grade or brand, instead of the official state grading rules and all boxes of apples so packed shall be marked with that grade or brand: *Provided*, That private grades or brands for apples may only be registered and approved when they meet the specifications required of Washington fancy grade or better.

NOTE: Private grades do not meet marking requirements of U.S. Apple and Pear Act and shall not be used on export shipments.

[Order 1374, § 16-403-225, filed 7/26/74, effective 9/1/74.]

WAC 16-403-230 Well formed. "Well formed" means having the normal shape characteristic of the variety, except that the shape may be slightly irregular provided it does not detract from the general appearance of the apple. Shape shall be determined by the same models used in determining shape under the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 and July 25, 1972. [Order 1374, § 16-403-230, filed 7/26/74, effective 9/1/74.]

WAC 16-403-235 Fairly well formed. "Fairly well formed" means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance. Shape shall be determined by the same models used in determining shape under the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 and July 25, 1972. [Order 1374, § 16-403-235, filed 7/26/74, effective 9/1/74.]

WAC 16-403-240 Diameter. When measuring for minimum size, "diameter" means the greatest dimension of the apple measured at right angles to a line from stem to blossom end. When measuring for maximum size "diameter" means the smallest dimension of the apple determined by passing the apple through a round opening in any position. [Order 1374, § 16-403-240, filed 7/26/74, effective 9/1/74.]

WAC 16-403-245 Mature. (1) "Mature" means that the apples have reached the stage of development which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing different stages of firmness of apples:

(a) "Hard" means apples with a tenacious flesh and starchy flavor.

(b) "Firm" means apples with a tenacious flesh but which are becoming crisp with a slightly starchy flavor, except the delicious variety.

(c) "Firm ripe" means apples with crisp flesh except that the flesh of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy.

(d) "Ripe" means apples with mealy flesh and soon to become soft for the variety. [Order 1374, § 16-403-245, filed 7/26/74, effective 9/1/74.]

WAC 16-403-250 Overripe. "Overripe" means apples which are dead ripe, with flesh very mealy or soft, and past commercial utility. [Order 1374, § 16-403-250, filed 7/26/74, effective 9/1/74.]

WAC 16-403-255 Carefully hand picked. "Carefully hand picked" means that the apples do not show evidence of rough handling or of having been on the ground. [Order 1374, § 16-403-255, filed 7/26/74, effective 9/1/74.]

WAC 16-403-260 Clean. "Clean" means that the apples are free from excessive dirt, dust, spray residue and other foreign material. [Order 1374, § 16-403-260, filed 7/26/74, effective 9/1/74.]

WAC 16-403-265 Injury. (1) "Injury" means any specific defect defined in this section, or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which more than slightly detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects shall be considered as injury:

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is injured by russeting. Smooth net-like russeting outside of the stem cavity or calyx basin shall be considered as injury when an aggregate area of more than 10 percent of the surface is covered in the red, partial red and blushed varieties and 5 percent of the surface for green and yellow varieties, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted. Smooth solid russeting when the aggregate area in the green and yellow varieties exceeds more than 1/4 inch in diameter and in the red and partial red varieties when the aggregate area exceeds 3/8 inch in diameter shall also be considered as injury.

(b) Sunburn or sprayburn, when the discolored area does not blend into the normal color of the fruit.

(c) Dark brown or black limb rubs which affect a total area of more than one–fourth inch in diameter for red, partial red or blushed varieties and one–eighth inch for green or yellow varieties, except that light brown limb rubs of a russet character shall be considered under the definition of injury by russeting.

(d) Hail marks, drought spots, other similar depressions or scars:

(i) When the skin is broken, whether healed or unhealed;

(ii) When there is appreciable discoloration of the surface;

(iii) When any surface indentation exceeds one–sixteenth inch in depth;

(iv) When any surface indentation exceeds one–eighth inch in diameter; or

(v) When the aggregate affected area of such spots exceeds one–half inch in diameter for red, partial red and blushed varieties or one–fourth inch for green or yellow varieties.

(e) Disease:

(i) Cedar rust infection which affects a total area of more than three–sixteenths inch in diameter.

(ii) Sooty blotch or fly speck which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than one–fourth inch in diameter.

(iii) Red skin spots which are thinly scattered over more than one–tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one–fourth inch in diameter.

(f) Insects:

(i) Any healed sting or healed stings which affect a total area of more than one–eighth inch in diameter including any encircling discolored rings.

(ii) Worm holes.

(g) Stem or calyx cracks which more than slightly detract from the appearance or the edible or shipping quality of the apple or stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one–eighth inch. [Order 1374, § 16–403–265, filed 7/26/74, effective 9/1/74.]

WAC 16–403–270 Damage. (1) "Damage" means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects shall be considered as damage:

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is damaged by russeting, except that excessively rough or barklike russeting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin shall be considered as damage:

(i) Russeting which is excessively rough or rough on green and yellow varieties.

(ii) Smooth net–like russeting, when an aggregate area of more than 15 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net–like russeting when the appearance is affected to a greater extent than the above amount permitted.

(iii) Smooth solid russeting when an aggregate area of more than 5 percent of the surface is covered and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(iv) Slightly rough russeting which covers an aggregate area of more than one–half inch.

(v) Rough russeting in the red and partial red varieties which covers an aggregate area of more than one–fourth inch in diameter.

(b) Sunburn or sprayburn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

(c) Limb rubs which affect a total area of more than one–half inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russeting.

(d) Hail marks, drought spots, other similar depressions or scars:

(i) When any unhealed mark is present;

(ii) When any surface indentation exceeds one–eighth inch in depth;

(iii) When the skin has not been broken and the aggregate affected area exceeds one–half inch in diameter; or

(iv) When the skin has been broken and well healed, and the aggregate affected area exceeds one–fourth inch in diameter.

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one–fourth inch.

(f) Invisible watercore existing around the core and extending to watercore in the vascular bundles; or surrounding the vascular bundles when the affected areas surrounding three or more vascular bundles meet or coalesce; or existing in more than slight degree outside the circular area formed by the vascular bundles.

(g) Disease:

(i) Scab spots which affect a total area of more than one–fourth inch in diameter.

(ii) Cedar rust infection which affects a total area of more than one–fourth inch in diameter.

(iii) Sooty blotch or fly speck which is thinly scattered over more than one–tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one–half inch in diameter.

(iv) Red skin spots which are thinly scattered over more than one–tenth of the surface, or dark, heavily

concentrated spots which affect an area of more than one–half inch in diameter.

(h) Insects:

(i) Any healed sting or healed stings which affect a total area of more than three–sixteenths inch in diameter including any encircling discolored rings.

(ii) Worm holes. [Order 1374, § 16–403–270, filed 7/26/74, effective 9/1/74.]

WAC 16–403–275 Serious damage. (1) "Serious damage" means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects shall be considered as serious damage:

(a) The following types and amounts of russeting shall be considered as serious damage:

(i) Smooth solid russeting, when more than one–half of the surface in the aggregate is covered, including any russeting in the stem cavity or calyx basin, or slightly rough, or excessively rough or barklike russeting, which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted.

(b) Sunburn or sprayburn which seriously detracts from the appearance of the fruit.

(c) Limb rubs which affect more than one–tenth of the surface in the aggregate.

(d) Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one–tenth of the surface in the aggregate: *Provided*, That no hail marks which are unhealed shall be permitted and not more than an aggregate area of one–half inch shall be allowed for well healed hail marks where the skin has been broken.

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one–half inch.

(f) Visible watercore which affects an area of more than one–half inch in diameter.

(g) Disease:

(i) Scab spots which affect a total area of more than three–fourths inch in diameter.

(ii) Cedar rust infection which affects a total area of more than three–fourths inch in diameter.

(iii) Sooty blotch or fly speck which affects more than one–third of the surface.

(iv) Red skin spots which affect more than one–third of the surface.

(v) Bitter pit or Jonathan spot which is thinly scattered over more than one–tenth of the surface and does not materially deform or disfigure the fruit.

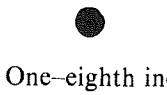
(h) Insects:

(i) Healed stings which affect a total area of more than one–fourth inch in diameter including any encircling discolored rings.

(ii) Worm holes. [Order 1374, § 16–403–275, filed 7/26/74, effective 9/1/74.]

WAC 16–403–280 Adoption of United States standards as state standards. (1) In addition to the standards for apples prescribed in WAC 16–403–135 through 16–403–275, there are hereby adopted, as additional standards of the state of Washington for apples, the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 and July 25, 1972, adopted by the United States Department of Agriculture, as they apply to U.S. extra fancy, U.S. fancy, U.S. No. 1 and U.S. No. 1 hail, provided, the color requirements specified for U.S. No. 1 and U.S. No. 1 hail must be good shade of red color and the percentage of color required for U.S. No. 1 and U.S. No. 1 hail for delicious shall be 25 percent good shade of red color. [Order 1374, § 16–403–280, filed 7/26/74, effective 9/1/74.]

WAC 16–403–285 Spots showing diameters in fractions of an inch. Spots showing diameters in fractions of an inch are illustrated below.



One–eighth inch



Three–sixtheenth inch



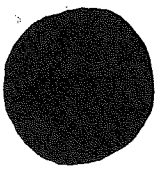
One–fourth inch



Three–eights inch



One–half inch



Three–fourths inch

[Order 1374, § 16–403–285, filed 7/26/74, effective 9/1/74.]

WAC 16-403-290 Damage by invisible watercore. (See chart below.)

DAMAGE BY INVISIBLE WATERCORE

affects:

Wash. extra fancy and Wash. fancy grades after *February 1 of year following production* and affecting U.S. condition standards for export *anytime.*

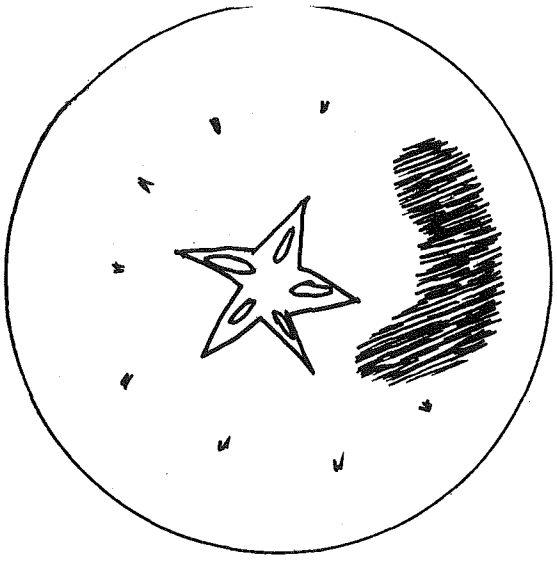
THIS

1. *existing around core and extending to watercore in vascular bundles*



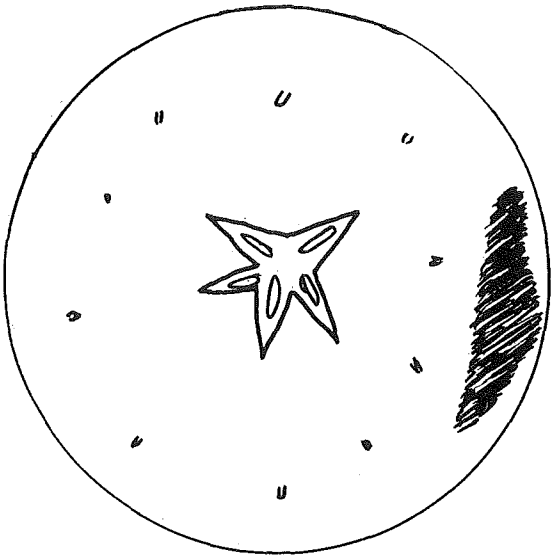
OR THIS

2. *surrounding vascular bundles when affected areas around three or more bundles meet or coalesce*



OR THIS

3. *more than slight degree outside circular area formed by vascular bundles*



[Order 1374, § 16-403-290, filed 7/26/74, effective 9/1/74.]

WAC 16-403-295 Inspector's guide for apple bruises at shipping point and market. (See chart below)

INSPECTOR'S GUIDE FOR APPLE BRUISES
AT SHIPPING POINT AND MARKET
(AREAS BASED ON 125-163 SIZE APPLES)

	ALLOW IN U.S. EXTRA FANCY*		ALLOW IN U.S. FANCY AND U.S. NO. 1**	
	tray or cell	other packs	tray or cell	other packs
SOFT	none	same	same	same
DEPTH	1/8"	same	3/16"	same
AREA ONE BRUISE	1/2"	same	3/4"	7/8"
AGGREGATE AREA	(in proportion to above allowances)			

*Includes Washington extra fancy - all varieties
**Includes Washington fancy - all varieties except summer apples

variety susceptibility should be kept in mind when applying above guide

[Order 1374, § 16-403-295, filed 7/26/74, effective 9/1/74.]

Chapter 16-404 WAC
STANDARDS FOR SUMMER APPLES MARKETED WITHIN WASHINGTON

WAC

16-404-001 Promulgation.
16-404-010 Definitions.

16-404-020 Grades—Washington extra fancy apples.
16-404-030 Grades—Washington summer fancy apples.
16-404-040 Grades—Color percentages.
16-404-050 Marking requirements.
16-404-060 Tray packs.
16-404-070 Exceptions.

WAC 16-404-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW, after due notice and public hearings held at Yakima, Wenatchee and Okanogan on July 14, 15 and 16, 1965, respectively (pursuant to chapter 34.04 RCW), do hereby establish the following Washington standards for summer apples. [Order 987, Promulgation, filed 7/26/65; Emergency Order 986, filed 7/26/65.]

WAC 16-404-010 Definitions. (1) The following regulations and definitions shall apply to all varieties and grades under this order:

(a) Apples at the time of shipment shall not be overripe (see tolerance which applies at time of shipment).

(b) "Mature" means having reached the stage of growth which will insure the proper completion of the ripening process. Firmness of the flesh shall be considered only in connection with other factors to determine the degree of maturity.

(c) "Overripe" means dead ripe, with flesh very mealy or soft, and past commercial utility.

(d) "Hand picked" means that the apples do not show evidence of rough handling or of having been on the ground.

(e) "Clean" means free from excessive dirt or other foreign material.

(f) "Sound" means that the apples at time of packing are free from visible defects, such as decay, breakdown, scald, bitter pit, or physical injury affecting quality.

(g) "Aggregate area" means that all the areas of the blemish under consideration may be assembled into one circular area of the maximum diameter specified.

(2) Summer apples shall be defined as all apples such as Early MacIntosh, Beacon, Tydeman Red, Lodi, Yellow Transparent and all other similar varieties ripening before Jonathans. Excluding Jonathans, Arkansas Black, Spitzenburg, King David, Winesap, Red Sport varieties, Delicious, Stayman, Vanderpool, Black Twig, MacIntosh and Rome Beauty.

(Note: Winter Banana variety may also be packed under summer grades.) [Order 987, Regulation, filed 7/26/65; Emergency Order 986, filed 7/26/65.]

WAC 16-404-020 Grades—Washington extra fancy apples. (1) Washington summer extra fancy shall consist of apples of one variety which are mature, hand-picked, clean, sound, fairly well formed and free from visible watercore, broken skin and from damage caused by insects, disease, mechanical injury or other causes.

(2) Each apple shall have the amount of color hereinafter specified for apples in this grade.

(3) **Caution:** To be certified on an export from certificate all apples must meet U.S. No. 1 grade requirements.

(4) "Fairly well formed" means that the apple shall have the normal shape characteristic of the variety except that one-half of the apple may deviate slightly or that the apple may be slightly flattened as by frost injury.

(5) "Damage" means any defect which materially affects the appearance or the edible or shipping qualities of the apple.

(6) The following shall not be considered damage:

(a) Slight handling bruises or box bruises, such as are incidental to good commercial handling in the preparation of a tight pack.

(b) Sunburn or spray burn when the normal color of the apple is not seriously affected, and there is no blistering or cracking of the skin, and the discolored area blends into the normal coloring of the apple.

(c) Dark colored limb rubs not to exceed 1/2" in the aggregate area. Limb rubs of a light brown or russet character shall be governed by the definition covering solid russeting.

(d) Smooth russeting at the stem or calyx end provided that such russeting is not visible for more than 1/2" when the apple is placed with the russet end down on a flat surface.

(e) Smooth net-like russeting which does not cover an aggregate area of more than ten percent of the surface and net-like russeting on the colored portions of the apple which does not materially detract from its appearance shall not be counted in computing the ten percent mentioned above.

(f) Hail marks, drought spots or other similar depressions or scars where there is no appreciable discoloration, except as later noted, other than russeting, or when any individual indentation does not exceed 1/4 of an inch in diameter or the total area affected does not exceed 3/4 of an inch in diameter. One discolored unbroken area not to exceed 1/8 of an inch in diameter shall be allowed.

(g) Scab spots affecting an aggregate area not to exceed 3/8 of an inch in diameter.

(h) Any healed stings affecting an aggregate area not to exceed 3/16 of an inch in diameter.

(i) Slight aphis sign or thrip marks which do not roughen or pebble the surface of the apple.

(j) Any defect or defects not listed above which affects the appearance or quality of the apple not more than the defects listed above. [Order 987, Regulation 1, filed 7/26/65; Emergency Order 986, filed 7/26/65.]

WAC 16-404-030 Grades—Washington summer fancy apples. (1) Washington summer fancy apples shall consist of apples of one variety which are mature, hand-picked, sound, not badly misshapen and free from visible watercore, serious damage caused by insects, disease, mechanical injuries or other causes and free from soft bruises or broken skin (except that apples may have skin punctures not exceeding 1/4" in diameter).

(2) **Caution:** Punctured apples do not meet the requirements of the Export Apple and Pear Act and cannot be certified on an export certificate.

(3) Each apple shall have the amount of color hereinafter specified for apples of this grade.

(4) "Not badly misshapen" means that the apple may be more irregularly misshapen than defined above, but shall not be deformed to the extent of materially affecting its utility or general appearance.

(5) "Serious damage" means any injury or defect or a combination thereof which seriously detract from the appearance of the apple.

(6) The following shall not be considered serious damage:

(a) Sunburn or spray burn which does not seriously detract from the appearance of the apple.

(b) Limb rubs affecting an aggregate area not to exceed 3/4 of an inch.

(c) Smooth solid russeting affecting an area of not more than one-half the surface in the aggregate, including russeting of the stem basin or bark-like russeting which does not seriously detract from the appearance of the apple.

(d) Growth cracks when no crack exceeds 1/2" in length.

(e) Hail marks, drought spots or other similar depressions do not exceed an aggregate area of ten percent of the surface. Slight injury means that no individual area may exceed 3/4" in diameter of discolored area. The discolored area may be a light brown or black or may be a russeted area and the skin may or may not be broken, if broken, the area shall be well healed.

(f) Scab spots affecting an aggregate area of not to exceed 3/4 of an inch.

(g) Not to exceed two stings, each having an encircling hard ring or slight depression, providing no sting exceeds 1/8" in diameter exclusive of any encircling ring.

(h) Aphis pebbling or thrip marks not seriously affecting the appearance of the apple.

(i) Any defect or defects not listed above which does not affect the appearance of the apple more than the defects listed above. [Order 987, Regulation 2, filed 7/26/65; Emergency Order 986, filed 7/26/65.]

WAC 16-404-040 Grades--Color percentages. For the Washington summer apple grades the color percentage listed below refers to color of blush, shades of red, or stripes of red characteristic of the variety.

	EXTRA FANCY	FANCY
Early MacIntosh	33-1/3 %	15%
Beacon	33-1/3 %	15%
Tydeman Red	33-1/3 %	15%
Other similar red varieties	33-1/3 %	15%

(2) In the following varieties no color required in extra fancy or fancy.

Yellow transparent
Lodi
Other similar varieties

[Order 987, Regulation 3, filed 7/26/65; Emergency Order 986, filed 7/26/65.]

WAC 16-404-050 Marking requirements. In summer apple grades when extra fancy and fancy are packed together, the boxes may be marked combination Washington summer extra fancy and fancy. The package must contain at least fifty percent of the extra fancy grade. [Order 987, Regulation 4, filed 7/26/65; Emergency Order 986, filed 7/26/65.]

WAC 16-404-060 Tray packs. Tray packs shall be well filled. To be well filled a tray pack container must have not less than thirty-six pounds net of apples. [Order 987, Regulation 5, filed 7/26/65; Emergency Order 986, filed 7/26/65.]

WAC 16-404-070 Exceptions. NOTE: [WAC 16-403-001 through 16-403-130.] For any rule or regulation not specifically mentioned above, the general regulations of Washington state standards for apples shall apply. [Order 987, Regulation 6, filed 7/26/65; Emergency Order 986, filed 7/26/65.]

Chapter 16-406 WAC
STANDARDS FOR APRICOTS

WAC

16-406-001 Promulgation.
16-406-020 Tolerances.
16-406-030 Marking and packing requirements.
16-406-040 Culls for fresh market.
16-406-050 Definition of terms.
16-406-060 Definition of grades.

WAC 16-406-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW, after due notice and public hearings held at Yakima and Wenatchee, Washington on March 29 and 30, 1966, (pursuant to chapters 42.32 and 34.04 RCW), do hereby establish the following Washington standards for apricots and the container marking and packing requirements. [Order 1015, Promulgation, filed 4/29/66; Order 771, Promulgation, effective 4/28/58.]

WAC 16-406-020 Tolerances. (1) In order to allow for variations incident to proper grading and handling, not more than a total of ten percent of the apricots in any container may be below the requirements of grade, provided that not more than five percent shall be seriously damaged by insects, and not more than one percent shall be allowed for decay or internal breakdown: *Provided*, That in addition in Washington No. 1 not more than ten percent, by count, of the apricots in any lot may be damaged but not seriously damaged by bruising.

(2) When applying the foregoing tolerances to the combination grade no part of any tolerance shall be used to reduce the percentage of Washington No. 1 apricots required in the combination, but individual containers may have not more than ten percent less than the percentage of Washington No. 1 required, provided that the

entire lot averages within the percentage specified. [Order 1015, Regulation B, filed 4/29/66; Order 771, effective 4/28/58.]

WAC 16-406-030 Marking and packing requirements. (1) When the numerical count is used, the apricots in any container shall not vary more than one fourth inch in diameter. In order to allow for variations incident to proper sizing, not more than ten percent, by weight, of the apricots in any package may be below the minimum size specified except when in packed containers when the variation in size in the individual package does not exceed one fourth inch in diameter. The determination of grade may be made on the count basis.

(2) When apricots are prepared for market and/or offered for sale in containers, open or closed, such containers shall have stamped thereon the variety, grade, and packer's, grower's or shipper's name and address, and the net weight.

(These marking requirements do not apply to apricots being sold or shipped to canneries) [Order 1015, Regulation C, filed 4/29/66; Order 771, effective 4/28/58.]

WAC 16-406-040 Culls for fresh market. Cull apricots shall be clearly marked with the word CULLS, in large letters at least two inches high, on containers which must be of the closed type. [Order 1015, Regulation D, filed 4/29/66; Order 771, effective 4/28/58.]

WAC 16-406-050 Definition of terms. As used in these grades:

(1) "Mature" means having reached the stage of maturity which will insure a proper completion of the ripening process.

(2) "Well formed" means having the shape characteristic of the variety.

(3) "Damage" means that the apricot is injured to an extent readily apparent in the process of proper grading and handling. Well healed growth cracks not over three eighths of an inch in length, punctures not over three sixteenths of an inch in diameter, stem pulls not over three-eighths of an inch in diameter (except for the Riland variety – growth cracks not over three-eighths of an inch in length, punctures not over one-fourth of an inch in diameter and stem pulls not over one-half inch in diameter) or smooth shallow limb rubs not more than one-fourth of an inch in diameter or russeting affecting not to exceed one-tenth of the surface of the apricot shall not be regarded as damage. Bruises not to exceed five percent of the surface of the apricot shall not be regarded as damage.

(4) Hail marks that are shallow and superficial or not more than three-eighths of an inch in diameter in the aggregate, or when the skin has been broken, except that not to exceed one well healed hail mark, such mark not to exceed one-eighth of an inch in diameter will not be considered as damage.

(5) "Serious damage" means immaturity, or any deformity or injury which causes breaking of the skin in excess of three-eighths of an inch in diameter or which seriously affects the appearance, but well healed growth cracks, not over one-half inch in length, shall not be regarded as serious damage. Except for the Riland variety – growth cracks that are not well healed and not over one-half inch in length shall not be regarded as serious damage. Bruises not to exceed ten percent of the surface of the apricot shall not be regarded as serious damage. Hail marks that are not more than three-sixteenth of an inch deep, or not more than one-half of an inch in diameter in the aggregate or when the skin has been broken, except that not to exceed four well healed hail marks, each such mark not to exceed one-eighth of an inch in diameter, will not be considered as serious damage.

(6) "Diameter" means the greatest diameter, measured through the center of the apricot, at right angles to a line running from the stem to the blossom end. Apricots having a diameter of one and one-half inches, ring measurement, shall be considered large, while the apricots having a diameter of less than one and one-half inches shall be designated as small.

(7) The following will be taken into consideration in determining maturity:

(a) Ambering—Replacement of the green color of the flesh immediately around the pit by an amber shade is recognized by many authorities on apricots as an indicator of maturity.

(b) Springiness—This condition develops in connection with the separation of the flesh from the pit and is an indication that the fruit is reaching proper tree maturity for picking for fresh shipment. Springiness may be detected by external pressure on the fruit or by cutting the apricot in half at right angles to the longitudinal axis and noting how one-half or both halves slip away from the pit.

(c) Taste—On a tree whose fruit is ready for harvest for fresh shipment it is usually impossible to find at least an occasional fruit which has lost sufficient of its green taste to be fairly palatable. In using this test, do not be misled by fruits which may be maturing abnormally because of worm infestation.

(d) Separation of fruit from stem—The manner in which fruit may be separated from its stem is some indication of maturity, the more immature fruit tending to tear the adjacent skin and flesh more than fruit which is near proper maturity.

(8) The following varieties shall not be considered to have reached that stage of maturity which will insure a proper completion of the ripening process until they have developed characteristic turning or yellow (shades Nos. 3 or 4 on U.S. standard ground color chart) on the minimum percentage of surface area as stated opposite the varietal name:

Moorpark	—20%
Gilbert or Newcastle	—50%
Tilton	—40%
Blenheim	—40%
Royal	—40%

[Order 1015, Regulation E, filed 4/29/66; Order 771, effective 4/28/58.]

WAC 16-406-060 Definition of grades. (1) Washington No. 1 shall consist of apricots of one variety which are mature but not soft, overripe or shriveled, and which are well formed, visibly clean and free from decay, worm holes, and from damage caused by dirt, limb rubs, growth cracks, bruises, scale, hail, disease, insects or mechanical or other means. (See tolerances WAC 16-406-020)

(2) Washington No. 2 shall consist of apricots of one variety which are mature but not soft, overripe or shriveled, but which are fairly clean and free from decay, worm holes, and from serious damage caused by growth cracks, bruises, hail, insect pests, mechanical or other means. (See tolerances WAC 16-406-020)

(3) Washington combination shall consist of a combination of Washington No. 1 and Washington No. 2 and may be packed. When such a combination is packed, at least fifty percent of the apricots in any container shall meet the requirements of Washington No. 1. (See tolerances WAC 16-406-020)

(4) Culls shall consist of apricots which are immature or seriously damaged by growth cracks, nail, insect pests, mechanical or other means. (See marking and packing requirements WAC 16-406-030) [Order 1015, Regulation A, filed 4/29/66; Order 771, effective 4/28/58.]

Chapter 16-409 WAC
STANDARDS FOR ASPARAGUS

WAC

WASHINGTON STANDARDS

16-409-015 Definitions.
16-409-020 Washington standards—Washington No. 1 grade.
16-409-030 Tolerances for diameter and length.
16-409-035 Application of tolerances.
16-409-060 Washington standards—Size classifications.
16-409-065 Containers.
16-409-070 Marking requirements.
16-409-075 Exemption.

UNITED STATES STANDARDS FOR FRESH ASPARAGUS

16-409-085 Adoption of United States standards as Washington state standards.
16-409-120 United States standards for fresh asparagus—Amount of green color.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-409-001 Promulgation. [Order 795, Promulgation, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

16-409-010 Washington standards—Variations between lot and individual package tolerances. [Order 795, Regulation 1, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

16-409-040 Washington standards—Culls. [Order 795, Regulation 2(5), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

16-409-050 Washington standards—Definition of terms. [Order 795, Regulation 2(6), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

16-409-080 United States standards for fresh asparagus—Authorized U.S. grades—Application of tolerances. [Order 795, Regulation 4(1), (2), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

16-409-090 United States standards for fresh asparagus—U.S. No. 1 grade. [Order 795, Regulation 4(3), (4), (5), (6), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

16-409-100 United States standards for fresh asparagus—U.S. No. 2 grade. [Order 795, Regulation 4(7), (8), (9), (10), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

16-409-110 United States standards for fresh asparagus—Diameter classification. [Order 795, Regulation 5, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

16-409-130 United States standards for fresh asparagus—Stalk length. [Order 795, Regulation 7, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

16-409-140 United States standards for fresh asparagus—Definition of terms. [Order 795, Regulation 8, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

WASHINGTON STANDARDS

WAC 16-409-015 Definitions. (1) "Clean" means that the asparagus is free from excessive dirt, dust, residue or foreign matter.

(2) "Fresh" means that the stalk is not limp or flabby.

(3) "Diameter" means the greatest thickness of the stalk measured at a point one inch from the butt.

(4) "Fairly uniform in length" means that stalks within a container shall vary not more than one and one-half inches in length.

(5) "White" means that portion of the stalk near the butt, which is white in color or light purple over white. White is measured from the extreme tip of the butt to the point of beginning of green color.

(6) "Green" means that portion of the stalk having green color, purplish-green or greenish-purple color, and purple at the tip.

(7) "Damage" means any defect, or combination of defects, which materially affects the appearance, or the edible or marketing quality of the stalk.

(8) "Serious damage" means any defect, or combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the stalk.

(9) "Badly misshapen" means the stalk is so badly flattened, crooked or otherwise so badly deformed that its appearance is seriously affected.

(10) "Fresh asparagus" as used in the standards means a lot of asparagus marketed for the purpose of fresh consumption.

(11) "Lot" means any number of containers of fresh asparagus being offered as a unit for the purpose of inspection, sale, or shipment.

(12) "Shipment" means any number of containers of fresh asparagus transported on a single conveyance from the area of production.

(13) "Field container" means an open lug made of wood, plastic, or similar material and used repetitively for field harvesting. [Statutory Authority: Chapter 15.17 RCW. 83-06-049 (Order 1787), § 16-409-015, filed 3/1/83.]

WAC 16-409-020 Washington standards--Washington No. 1 grade. (1) Washington No. 1 shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, which are not wilted or crooked; which are free from damage caused by spreading or broken tips, dirt, disease, insects or mechanical or other means. Each stalk shall show not more than one and one-half inches of white.

(b) Each stalk shall have a diameter of not less than three-eighths of an inch.

(2) Washington No. 2 shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, which are not wilted and not badly misshapen; which are free from serious damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall show not more than two inches of white.

(b) Each stalk shall have a diameter of not less than one-fourth inch.

(3) Washington consumer pack shall consist of:

(a) Clean, fresh stalks of asparagus and may be of random length, which are not wilted or crooked; which are free from damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall show not more than two inches of white.

(b) Each stalk shall have a diameter of not less than one-fourth inch.

(4) Culls.

(a) Asparagus which is not graded in conformity with Washington No. 1, Washington No. 2, Washington consumer pack, U.S. No. 1, or U.S. No. 2 shall be designated as "culls."

(b) Culls shall not be marketed if more than ten percent by count of the stalks show white in excess of two inches.

(5) Any lot of fresh asparagus, including "culls" marketed within the state of Washington, shall have not more than ten percent of stalks with white in excess of two inches. [Statutory Authority: Chapter 15.17 RCW. 83-06-049 (Order 1787), § 16-409-020, filed 3/1/83; Order 795, Regulation 2(1), (2), effective 2/16/60.]

WAC 16-409-030 Tolerances for diameter and length. (1) In order to allow for variations incident to proper grading and handling in the Washington No. 1, Washington No. 2, and Washington consumer pack grades, the following tolerances are provided as specified:

(a) Ten percent, by count, for stalks failing to meet the requirements of the grade, including therein, not more than one percent for stalks affected by decay.

(b) An additional ten percent, by count, for stalks showing excessive white.

(2) In order to allow for variations in diameter and length incident to proper sizing in the Washington No. 1, Washington No. 2, and Washington consumer pack grades, the following tolerance is provided as specified: Ten percent, by count, for stalks failing to meet the required minimum diameter, and/or length, as defined under, "fairly uniform in length." [Statutory Authority: Chapter 15.17 RCW. 83-06-049 (Order 1787), § 16-409-030, filed 3/1/83; Order 795, Regulation 2(3), (4), effective 2/16/60.]

WAC 16-409-035 Application of tolerances. Individual samples are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(1) For a tolerance of ten percent or more, individual samples shall contain not more than one and one-half times the tolerance specified.

(2) For a tolerance of less than ten percent, individual samples shall contain not more than double the tolerance specified. [Statutory Authority: Chapter 15.17 RCW. 83-06-049 (Order 1787), § 16-409-035, filed 3/1/83.]

WAC 16-409-060 Washington standards--Size classifications. In addition to the statement of grade, any lot of asparagus may be classified as Washington small or Washington large, if eighty percent, by count, of the stalks in any lot conform to the following diameters for such classifications:

Washington Small	Washington Large
(4/16) 1/4 inch diameter and larger	(6/16) 3/8 inch diameter and larger

[Statutory Authority: Chapter 15.17 RCW. 83-06-049 (Order 1787), § 16-409-060, filed 3/1/83; Order 795, Regulation 2(7), effective 2/16/60.]

WAC 16-409-065 Containers. (1) Fresh asparagus shall be marketed in containers which are clean and free from dirt, trash, and visible contaminates.

(2) Fresh asparagus of the Washington No. 1, Washington No. 2, Washington consumer pack, U.S. No. 1, and U.S. No. 2 grades shall be marketed in pyramid type containers with a moisture pad, or in fibreboard of wooden "western lug" containers having inside dimensions of approximately seven, by eleven and one-half, by eighteen inches, or capacity of thirteen hundred fifty to fifteen hundred fifty cubic inches. Western lugs shall contain not less that twenty pounds net weight.

(3) Cull shall be marketed in pyramid type containers with moisture pads.

(4) Fresh asparagus in field containers shall not be marketed.

(5) The director may allow the use of containers not specified in subsections (2) and (3) of this section, as experimental containers for the purpose of test or trial marketing. [Statutory Authority: Chapter 15.17 RCW. 83-06-049 (Order 1787), § 16-409-065, filed 3/1/83.]

WAC 16-409-070 Marking requirements. (1) Open or closed containers shall be conspicuously and legibly

marked with the name and address of the grower, packer, or distributor, the grade, and net weight.

(2) The grade shall be marked in letters at least three-eighths inch in height.

(3) If culls are marketed, the word "culls" shall be conspicuously and legibly marked in letters at least one inch in height and shall be predominant in size over other markings.

(4) All required markings shall be placed on one end of the container, and may be duplicated on opposite end of container. [Statutory Authority: Chapter 15.17 RCW. 83-06-049 (Order 1787), § 16-409-070, filed 3/1/83; Order 795, Regulation 3, effective 2/16/60.]

WAC 16-409-075 Exemption. Any individual shipment of fresh asparagus shall be exempted from the requirements of WAC 16-409-015 through 16-409-060, 16-409-065(1), (2), (3) and (5); and 16-409-070 when:

(1) The shipment consists of asparagus for home use and not for resale.

(2) The shipment does not exceed two hundred fifty pounds net weight. [Statutory Authority: Chapter 15.17 RCW. 83-06-049 (Order 1787), § 16-409-075, filed 3/1/83.]

UNITED STATES STANDARDS FOR FRESH ASPARAGUS

WAC 16-409-085 Adoption of United States standards as Washington state standards. In addition to the standards for asparagus as set forth in this chapter the United States standards for grades of fresh asparagus, as they apply to U.S. No. 1 and U.S. No. 2, are hereby adopted as additional standards for the state of Washington for asparagus. [Statutory Authority: Chapter 15.17 RCW. 83-06-049 (Order 1787), § 16-409-085, filed 3/1/83.]

WAC 16-409-120 United States standards for fresh asparagus--Amount of green color. When the asparagus has less or more green color than is specified in the grade it may be described as 1/4 green, 3/4 green, etc., in accordance with the facts. [Order 795, Regulation 6, effective 2/16/60.]

Chapter 16-412 WAC
STANDARDS FOR CANTALOUPES

WAC

16-412-010 Scope.
16-412-020 Variation between lot and individual package tolerances.
16-412-030 U.S. No. 1 grade.
16-412-040 U.S. commercial grade.
16-412-050 Definition of terms.
16-412-060 Markings.

WAC 16-412-010 Scope. The provisions of this chapter are effective and mandatory for all cantaloupes grown within or marketed within or outside of the state. [Order 358, Preface, effective 5/18/42.]

WAC 16-412-020 Variation between lot and individual package tolerances. The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package. [Order 358, effective 5/18/42.]

WAC 16-412-030 U.S. No. 1 grade. U.S. No. 1 shall consist of cantaloupes of one variety which are firm, mature, well formed, well netted and free from aphis honey dew, cracks, sunburn, decay and from damage caused by dirt, moisture, hail, disease, insects or mechanical or other means.

In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the cantaloupes in any container may be below the requirements of this grade, but not over 1/2 of this tolerance or 5 percent, shall be allowed for defects causing serious damage, and not more than 1 percent shall be allowed for cantaloupes affected by soft rot. [Order 358, effective 5/18/42.]

WAC 16-412-040 U.S. commercial grade. U.S. commercial shall consist of cantaloupes which meet the requirements of U.S. No. 1 grade except for the increased tolerance for defects specified below.

In order to allow for variations incident to proper grading and handling, not more than a total of 20 percent, by count, of the cantaloupes in any container may be below the requirements of this grade, but not more than one-fourth of this amount, or 5 percent, shall be allowed for defects causing serious damage, and not more than 1 percent shall be allowed for cantaloupes affected by soft rot. [Order 358, effective 5/18/42.]

WAC 16-412-050 Definition of terms. As used in these standards:

"Mature" means that the cantaloupe has reached the stage of development which will insure a proper completion of the ripening process;

"Well netted" means having the netting characteristic of a well developed specimen of the variety;

"Damage" means any injury or defect which materially affects the appearance, or the edible, or shipping quality;

"Serious damage" means any injury or defect which seriously affects the edible or shipping quality. Cantaloupes which are soft, immature, or cracked shall be

considered as being seriously damaged. [Order 358, effective 5/18/42.]

WAC 16-412-060 Markings. The boxes shall be conspicuously and legibly stamped in letters of at least one-half inch type with the name and address of the grower, the variety, grade, net weight or count. It is not obligatory that the shipper's or association's name and address be stamped on the boxes if they contain the grower's name and address. [Order 358, effective 5/18/42.]

Chapter 16-414 WAC
CHERRIES

WAC

16-414-010 Washington No. 1 grade and tolerances defined.
16-414-020 Application of tolerances.
16-414-030 Definitions.
16-414-040 Damage.
16-414-050 Diameter.
16-414-060 Serious damage.
16-414-070 Permanent defects.
16-414-080 Condition defects.
16-414-090 Marking containers.
16-414-100 Grades.
16-414-110 Sizes.
16-414-120 Application of tolerances for certification of lots of Washington No. 1 or Washington No. 2 grade sulphured cherries.
16-414-130 Definitions.

WAC 16-414-010 Washington No. 1 grade and tolerances defined. (1) Washington No. 1 shall consist of sweet cherries which meet the following requirements: Similar varietal characteristics; mature; fairly well colored; well formed and clean; free from decay insect larvae or holes caused by them, soft overripe or shriveled, underdeveloped doubles and sunscald; and free from damage by any other cause.

(2) Size. Unless otherwise specified, the minimum diameter of each cherry shall be not less than three-fourths inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(3) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:

(a) For defects at shipping point. Washington No. 1. Eight percent for cherries which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than four percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of one percent for cherries which are affected by decay.

NOTE: Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

(b) For defects en route or at destination. Washington No. 1. Twenty-four percent for cherries in any lot which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Eight percent for cherries which fail to meet the requirements for this grade because of permanent defects; or

(ii) Six percent for cherries which are seriously damaged, including therein not more than four percent for cherries which are seriously damaged by permanent defects and not more than two percent for cherries which are affected by decay.

(c) For off-size. Five percent for cherries which fail to meet the specified minimum diameter and ten percent for cherries that fail to meet any specified maximum diameter. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-010, filed 3/31/78.]

WAC 16-414-020 Application of tolerances. Individual samples shall have not more than double the tolerances specified, except that at least two defective and two off-size specimens may be permitted in any sample: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-020, filed 3/31/78.]

WAC 16-414-030 Definitions. (1) Similar varietal characteristics. "Similar varietal characteristics" means that the cherries in any container are similar in color and shape.

(2) Mature. "Mature" means that the cherries have reached the stage of growth which will insure the proper completion of the ripening process.

(3) Fairly well colored. "Fairly well colored" means that at least ninety-five percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

(4) Well formed. "Well formed" means that the cherry has the normal shape characteristic of the variety, except that mature well developed doubles shall be considered well formed when each of the halves is approximately evenly formed.

(5) Clean. "Clean" means that the cherries are practically free from dirt, dust, spray residue, or other foreign material. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-030, filed 3/31/78.]

WAC 16-414-040 Damage. "Damage" means any specific defect described in this section; or any equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects shall be considered as damage:

(1) Cracks within the stem cavity when deep or not well healed, or when the appearance is affected to a

greater extent than that of a cherry which has a superficial well healed crack one–sixteenth inch in width extending one–half the greatest circumference of the stem cavity;

(2) Cracks outside of the stem cavity when deep or not well healed, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing and handling, or when materially affecting the appearance;

(3) Hail injury when deep or not well healed, or when the aggregate area exceeds the area of a circle three–sixteenths inch in diameter;

(4) Insects when scale or more than one scale mark is present, or when the appearance is materially affected by any insect;

(5) Limbrubs when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(6) Pulled stems when the skin or flesh is torn, or when the cherry is leaking;

(7) Russeting when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(8) Scars when excessively deep or rough or dark colored and the aggregate area exceeds the area of a circle three–sixteenths inch in diameter, or when smooth or fairly smooth, light colored and superficial and the aggregate area exceeds the area of a circle one–fourth inch in diameter;

(9) Skin breaks when not well healed or when the appearance of the cherry is materially affected; and,

(10) Sutures when excessively deep or when affecting the shape of the cherry to the extent that it is not well formed. [Statutory Authority: Chapter 15.17 RCW. 78–04–060 (Order 1550), § 16–414–040, filed 3/31/78.]

WAC 16–414–050 Diameter. "Diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry. [Statutory Authority: Chapter 15.17 RCW. 78–04–060 (Order 1550), § 16–414–050, filed 3/31/78.]

WAC 16–414–060 Serious damage. "Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance or the edible or marketing quality of the fruit. The following specific defects shall be considered as serious damage:

(1) Decay;

(2) Insect larvae or holes caused by them;

(3) Skin breaks which are not well healed;

(4) Cracks which are not well healed; and,

(5) Pulled stems with skin or flesh of cherry torn or which causes the cherry to leak. [Statutory Authority: Chapter 15.17 RCW. 78–04–060 (Order 1550), § 16–414–060, filed 3/31/78.]

WAC 16–414–070 Permanent defects. "Permanent defects" means defects which are not subject to change during shipping or storage; including, but not limited to, factors of shape, scarring, skin breaks, injury caused by hail or insects, and mechanical injury which is so located as to indicate that it occurred prior to shipment. [Statutory Authority: Chapter 15.17 RCW. 78–04–060 (Order 1550), § 16–414–070, filed 3/31/78.]

WAC 16–414–080 Condition defects. "Condition defects" means defects which may develop or change during shipment or storage; including but not limited to decayed or soft cherries and such factors as pitting, shriveling, sunken areas, brown discoloration and bruising which is so located as to indicate that it occurred after packing. [Statutory Authority: Chapter 15.17 RCW. 78–04–060 (Order 1550), § 16–414–080, filed 3/31/78.]

WAC 16–414–090 Marking containers. Containers shall be conspicuously and legibly stamped with the name and the address of the grower, packer or shipper, the net weight, and may be marked with the true variety name of "sweet cherries." [Statutory Authority: Chapter 15.17 RCW. 78–04–060 (Order 1550), § 16–414–090, filed 3/31/78.]

WAC 16–414–100 Grades. (1) Washington No. 1 grade sulphured whole cherries shall consist of properly matured cherries of similar varietal characteristics that are clean, firm, well formed and well bleached. The cherries shall be free from damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.

In order to allow for variations incident to proper preparation, grading and handling, at least ninety–five percent of the cherries of any lot must meet the requirements of "firm." In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade, of which not more than one–half or five percent shall be allowed for defects classified as serious damage.

(2) Washington No. 1 grade sulphured halved cherries shall consist of portions of sliced cherries, no particle of which shall be smaller than an estimated one–third or more than an estimated two–thirds of a whole cherry. The cherries shall be properly matured, of similar varietal characteristics that are clean, firm, well formed and well bleached. The cherries shall be free from damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.

In order to allow for variations incident to proper preparation, grading and handling, at least ninety–five percent of the cherries of any lot must meet the requirements of "firm." In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade, of which not more than one–half or five percent shall be allowed for defects classified as serious damage.

(3) Washington No. 2 grade sulphured whole cherries shall consist of properly matured cherries of similar varietal characteristics that are clean, fairly firm, well formed, and fairly well bleached. The cherries shall be free from serious damage caused by mechanical injury,

surface discoloration, rain cracks, blemishes or other means.

In order to allow for variations incident to proper preparation, grading and handling, at least ninety percent of the cherries of any lot must meet the requirements of "fairly firm." In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade.

(4) Washington No. 2 grade sulphured halved cherries shall consist of properly matured cherries of similar varietal characteristics that are clean, fairly firm, well formed, and fairly well bleached. The cherries shall be free from serious damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.

In order to allow for variations incident to proper preparation, grading and handling, at least ninety percent of the cherries of any lot must meet the requirements of "fairly firm." In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade.

(5) Washington combination grade sulphured cherries shall be a combination of Washington No. 1 and Washington No. 2 cherries of any style. When such a combination grade is packed, unless otherwise specified, the lot shall average not less than fifty percent Washington No. 1 quality cherries.

A tolerance of not more than ten percent shall be allowed for cherries which fall below the requirements of Washington No. 2 grade.

The tolerances for the standards are on a container basis. However, individual containers in any lot may vary from the specified tolerances, providing the averages for the entire lot, based on sample inspection, are within the tolerances specified. No part of any tolerance shall be allowed to reduce, for the lot as a whole, the fifty percent of cherries of the higher grade requirement in the combination; but individual containers may not have less than thirty–five percent of the higher grade or more than twenty percent below the requirements of Washington No. 2 grade.

When other combinations are specified, individual containers may not have more than fifteen percent less than the percentage specified of the higher grade or more than twenty percent below the requirements of Washington No. 2 grade.

(6) Washington No. 3 grade sulphured cherries shall consist of cherries which fail to meet the requirements of the above grades and shall be practically free of stems, leaves, fruit spurs, bark, dirt or foreign material. [Statutory Authority: Chapter 15.17 RCW. 80–08–010 (Order 1708), § 16–414–100, filed 6/20/80.]

WAC 16–414–110 Sizes. The following approximate sizes shall be considered as standards for all grades of sulphured cherries except for halved cherries.

(1) Extra small: 14 mm. to and including 16 mm.

(2) Small: 16 mm. to and including 18 mm.

(3) Medium: 18 mm. to and including 20 mm.

(4) Large: 20 mm. to and including 22 mm.

(5) Extra large: 22 mm. and over.

A tolerance of five percent for cherries which fail to meet the specified minimum diameter and ten percent for cherries that fail to meet the specified maximum diameter shall be allowed. [Statutory Authority: Chapter 15.17 RCW. 80–08–010 (Order 1708), § 16–414–110, filed 6/20/80.]

WAC 16–414–120 Application of tolerances for certification of lots of Washington No. 1 or Washington No. 2 grade sulphured cherries. (1) The tolerances for certification of lots of Washington No. 1 or Washington No. 2 grades of sulphured cherries shall be on a container basis. However, not to exceed one sixth of the individual containers in any lot may vary from the specified tolerances provided the averages for the entire lot, based on sample inspection, are within the tolerances specified. For a tolerance of ten percent or more, individual containers in any lot may contain not more than one and one half times the tolerance specified. For a tolerance of less than ten percent, individual containers in any lot may contain not more than double the tolerance specified.

(2) In pitted cherries:

(a) Of extra small and small sizes there shall not be found in excess of two pits per each forty ounces of cherries.

(b) Of medium, large or mixed sizes, there shall not be found in excess of one pit per each forty ounces of cherries.

(c) Of extra large size there shall not be found in excess of one pit per each sixty ounces of cherries. [Statutory Authority: Chapter 15.17 RCW. 80–08–010 (Order 1708), § 16–414–120, filed 6/20/80.]

WAC 16–414–130 Definitions. (1) "Sulphured cherries" means properly matured whole cherries of similar varietal characteristics packed in a solution of sulphur dioxide of sufficient strength to preserve the cherries with or without the addition of hardening agents.

(2) "Unpitted sulphured cherries" means whole cherries stemmed or unstemmed from which the pits have not been removed. If unstemmed, not more than twenty percent, by weight, of all the cherries may have the stems removed. If stemmed, not more than one–half of one percent, by weight, of all the cherries may have the stems attached.

(3) "Pitted sulphured cherries" means whole cherries with or without stems from which the pits have been removed. If unstemmed (cocktail), not more than seven percent, by weight, of all the cherries may have the stems removed. If stemmed, not more than one–half of one percent, by weight, of all the cherries may have the stems attached.

(4) "Pit" means an entire pit or portion thereof attached to a sulphured cherry or within the pit cavity.

(5) "Unclassified cherries" means sulphured cherries which do not conform to any of the styles set forth in subsections (2), (3) or (4) of this section.

(6) "Properly matured" means that stage of ripeness in which the fruit is fully developed for brining purposes.

(7) "Clean" means that the product is practically free from leaves, fruit spurs, bark, twigs, dirt or foreign material.

(8) "Well bleached" means that the cherries possess a practically uniform color typical of well bleached sulphured cherries for the variety.

(9) "Firm" means that the cherries possess a firm, fleshy texture, retain their approximate original shape, are not shriveled, and do not show more than slight collapsed areas of flesh.

(10) "Damage" means any injury or defect which materially affects the appearance or market quality of the product. The following shall be considered "damage":

(a) "Mechanical injury" – any open pitter hole, or open pitter holes measuring more than one–eighth inch across in the aggregate; any pitter hole where there is a material loss of flesh; any pitter tear or pitter tears, or any other mechanical injury which materially affects the appearance of the cherry.

(b) "Surface discoloration"

(i) (In case of Washington No. 1 whole cherry) – any light surface discoloration exceeding in the aggregate one–eighth of the surface of the cherry; any dark surface discoloration exceeding in the aggregate the area of a circle three–sixteenths inch in diameter, but not exceeding in the aggregate one–eighth of the surface of the cherry.

(ii) (In case of Washington No. 1 halved cherries) – any light surface discoloration exceeding in the aggregate one–eighth of the surface of the cherry; any dark surface discoloration exceeding in the aggregate the area of a circle one–sixteenth inch in diameter.

(c) "Rain cracks"

(i) (In case of Washington No. 1 whole cherries) – in the stem basin more than one–fourth inch in length; outside the stem basin more than three–sixteenths inch in length measured on the circumference.

(ii) (In case of Washington No. 1 halved cherries) – in the stem basin more than one–eighth inch in length; outside the stem basin no rain cracks shall be allowed.

(d) "Blemished" – any insect injury, bird pecks, limb rub, hail marks, sunburn, solution cracks or any other blemish or combination of blemishes which materially affects the appearance of the cherry; also any cherry, the flesh of which is materially discolored.

(11) "Fairly well bleached" means that the cherries possess a reasonably uniform color typical of reasonably well bleached sulphured cherries for the variety.

(12) "Fairly firm" means that the cherries possess a reasonably firm texture, may have slightly lost their original shape, may be slightly shriveled or may show moderately collapsed areas of the flesh.

(13) "Serious damage" means any injury which seriously affects the appearance or market quality of the product. The following shall be considered "serious damage:"

(a) Any deformed or double cherry.

(b) "Mechanical injury"

(i) (In case of Washington No. 2 whole cherries) – any open pitter hole, or open pitter holes measuring more than three–sixteenths inch across in the aggregate; any pitter hole where there is a serious loss of flesh; any pitter tear or pitter tears, or any other mechanical injury which seriously affects the appearance of the cherry.

(ii) (In the case of Washington No. 2 halved cherries) – any open pitter hole, or open pitter holes measuring more than one–eighth inch across in the aggregate; any pitter hole where there is a serious loss of flesh; any pitter tear or pitter tears, or any other mechanical injury which seriously affects the appearance of the cherry.

(c) "Surface discoloration" – any light surface discoloration exceeding in the aggregate one–half of the surface of the cherry; any dark surface discoloration exceeding in the aggregate one–eighth of the surface of the cherry.

(d) "Rain cracks"

(i) (In the case of Washington No. 2 whole cherries) – in the stem basin more than one–half inch in length; outside the stem basin more than three–eighths inch in length measured on the circumference.

(ii) (In the case of Washington No. 2 halved cherries) – in the stem basin more than one–fourth inch in length; outside the stem basin more than three–sixteenths inch in length measured on the circumference.

(e) Any blemish or combination of any blemishes which seriously affects the appearance of the cherry; also any cherry the flesh of which is seriously discolored. [Statutory Authority: Chapter 15.17 RCW. 80–08–010 (Order 1708), § 16–414–130, filed 6/20/80.]

Chapter 16-415 WAC
HOLLY, CUT SPRAY (STANDARDS)

WAC

16–415–010 Grades.
16–415–020 Marking requirements.
16–415–030 Definition of terms.
16–415–040 Compliance with U.S. and state laws.

WAC 16-415-010 Grades. (1) "Washington state No. 1 English holly (berried)" shall consist of the following: Sprays of (1) vigorous growth, (2) clean, (3) well foliated, (4) well berried and well balanced; leaves of (6) good color, (7) substance, (8) luster and (9) shape; berries of current season, medium to large size, bright red color and good condition; free from damage caused by freezing, heat, drouth, dryness, excessive moisture, insects, disease, mechanical injury or other means. In order to allow for variation incident to proper grading and handling, not more than ten percent by count of any lot may be below the requirements of this grade, and not more than five percent of this tolerance may be allowed for any one (11) serious defect;

(2) "Washington state No. 2 English holly (berried)" shall consist of the following: Sprays of (1) vigorous growth, (2) clean, fairly well foliated, (5) fairly well berried and fairly well balanced; leaves of (6) good color, (7) substance, (8) luster and (9) shape; berries of current season medium to large size, bright red color

and good condition; free from damage caused by freezing, heat, drouth, dryness, excessive moisture, insects, disease, mechanical injury or other means.

In order to allow for variation incident to proper grading and handling, not more than ten percent by count of any lot may be below the requirements of this grade, and not more than five percent of this tolerance may be allowed for any one (11) serious defect;

(3) "Washington state No. 1 English holly (unberried)" shall meet the requirements of Washington state No. 1 (berried) except that there are no requirements for berries;

(4) "Washington state No. 2 English holly (unberried)" shall meet the requirements of Washington state No. 2 (berried) except that there are no requirements for berries;

(5) "Washington state No. 1 plain leaf holly, (berried and unberried)" shall meet the requirements of Washington state No. 1 English type holly, except as to (10) leaf shape (see definitions);

(6) "Washington state No. 2 plain leaf holly (berried and unberried)" shall meet the requirements of Washington state No. 2 English type holly, except as to (10) leaf shape (see definitions);

(7) "Washington state assorted No. 1" shall consist of any combination of Washington state No. 1 holly in the same container;

(8) "Washington state assorted No. 2" shall consist of any combination of Washington state No. 2 holly in the same container;

(9) "Culls" shall consist of sprays of cut holly of both the English and plain leaf types which fail to meet the requirements of the foregoing grades. [Order 238, Grades, effective 11/17/37.]

WAC 16-415-020 Marking requirements. All shipments of cut holly must be marked as to variety, or type, grade, and name and address of consignor, which are to be printed, type-written or stamped in a conspicuous place on the outside of the container, with letters of a minimum height of one-eighth of an inch. [Order 238, effective 11/17/37.]

WAC 16-415-030 Definition of terms. (1) "Vigorous" means showing evidence of well developed active growth;

(2) "Clean" means free from objectionable foreign matter;

(3) "Well foliated" means that the foliage is evenly distributed, and well filled for the type;

(4) "Well berried" means that a spray six inches or more in length shall have a minimum of eight berries, well distributed;

(5) "Fairly well berried" means that a spray six inches or more in length shall have a minimum of four berries;

(6) "Good color" means that the outward appearance of the leaves presents a characteristic color for the variety as marked;

(7) "Substance" means thickness, body and texture;

(8) "Luster" means having a glossy or shining surface;

(9) "Shape" (as applied to leaves of the English type) means a wavy serrated edge, with an average of not less than ten spines per leaf per spray;

(10) "Shape" (as applied to leaves of the plain leaf type) means some plain leaves and some serrated, but with fewer spines than the English, and general flat appearance;

(11) "Serious defect" means any injury from the causes mentioned, which materially affects the appearance of the shipping or lasting qualities of the individual spray. [Order 238, effective 11/17/37.]

WAC 16-415-040 Compliance with U.S. and state laws. Cut spray holly, regardless of certification as to grade, must comply with the requirements and regulations of the U.S. Bureau of Entomology and Plant Quarantine and state nursery laws. [Order 238, effective 11/17/37.]

Chapter 16-424 WAC
ONION STANDARDS

WAC

16-424-010 Grades and tolerance.
16-424-020 Definition of terms.
16-424-030 Variation between lot and individual package tolerance.

WAC 16-424-010 Grades and tolerance. These grades are to be used as standard and guidance for packing and shipping onions but carry no obligatory marking requirements:

(1) **U.S. No. 1** shall consist of onions of similar varietal characteristics which are mature, fairly firm, fairly well shaped, free from doubles, splits, bottlenecks, scallions, and from damage caused by seedstems, tops, roots, sunscald, sunburn, sprouting, freezing, peeling, dirt, foreign matter, disease, insects, or mechanical or other means. Unless otherwise specified, the minimum size shall be 1 1/2 inches in diameter and in the case of yellow, brown and red onions, 40 percent or more, and in the case of white onions, 30 percent or more, by weight, of the onions in any lot shall be 2 inches or larger in diameter*.

In order to allow for variations other than size, incident to proper grading and handling, not more than 10 percent, by weight, of the onions in any container may be damaged by peeling and not more than 5 percent, may be below the remaining requirements of this grade, but not more than two-fifths of this tolerance, or 2 percent, may be allowed for onions which are affected by decay. In addition, not more than 5 percent, by weight, may be below the minimum size specified and not more than 15 percent may be above any specified maximum size. No part of any tolerance shall be allowed to reduce the percentage of onions which shall be 2 inches or larger in diameter or any other specified size or larger, but individual containers may have not more than 15 percent less than the percentage specified, provided that the entire lot averages within the percentage specified.

(2) **U.S. commercial** shall consist of onions of similar varietal characteristics which are mature, not soft or spongy, not badly misshapen, free from doubles, splits, bottlenecks, scallions, and from damage caused by seedstems, tops, roots, sunscald, sunburn, sprouting, freezing, dirt, foreign matter, disease, insects, or mechanical or other means. Unless otherwise specified, the minimum size shall be 1 1/2 inches in diameter.

In order to allow for variations other than size incident to proper grading and handling, not more than 5 percent, by weight, of the onions in any container may be below the requirements of this grade but not more than two-fifths of this tolerance or 2 percent, may be allowed for onions which are affected by decay. In addition, not more than 5 percent, by weight, may be below the size specified and not more than 15 percent may be above any specified maximum size.

(3) **Unclassified** shall consist of onions which are not graded in conformity with any of the foregoing grades. [Order 186, effective 9/1/35.]

WAC 16-424-020 Definition of terms. As used in these grades:

(1) "Mature" means dry and well cured. Mid-season onions which are not customarily held in storage shall be considered mature when harvested in accordance with good commercial practice at a stage which will not result in the onions becoming soft or spongy;

(2) "Fairly firm" means that the onion may yield slightly to moderate pressure but is not appreciably soft or spongy;

(3) "Fairly well shaped" means having the shape characteristic of the variety but slightly off-type, slightly elongated or slightly misshapen onions shall be admitted to U.S. No. 1 grade;

(4) "Badly misshapen" means that the onion is so elongated or misshapen that its appearance is seriously affected;

(5) "Doubles" and "splits" are onions which have developed more than one distinct bulb. All such onions which are either distinctly misshapen or which show a splitting of the dry outer scales shall be excluded from U.S. No. 1;

(6) "Bottlenecks" are onions with abnormally thick necks;

(7) "Scallions" are onions which have thick necks and relatively small and poorly developed bulbs;

(8) "Damage" means any injury from the causes mentioned which materially affects the appearance of the lot or the edible or shipping quality of the individual onions. Any one of the following defects shall be considered as "damage:"

(a) Sunscald which affects the shipping or market quality. Slight dry scald which is not readily apparent without peeling the onion shall not be considered as damage;

(b) "Peeled" onions when more than one-half of the thin papery skin is missing, leaving the larger portion of the fleshy outer scale unprotected. Such onions are sometimes referred to as "bald" or "skinned" onions or "peelers";

(c) Onions which have one or more of the fleshy scales cracked. Such onions are undesirable because of the possibility of decay organisms entering the injured tissues. Cracking of the thin paper skins shall not be regarded as damage;

(d) Any lot of onions which is materially stained. A lot of onions shall be considered as materially stained when there are enough stained onions to distinctly detract from the appearance of the lot. In this connection the number of stained onions permitted will depend upon the natural color of the onions and upon the degree of staining on individual onions. In a lot of yellow, brown or red onions, 20 percent may be not more than appreciably stained before the lot is considered damaged but when the onions are badly stained not more than 5 percent shall be permitted. In a lot of white onions 15 percent may be not more than appreciably stained, but not over 5 percent may be badly stained. These percentages are given as a guide in determining whether or not a lot is out of grade on account of "damage by dirt" and they shall be in addition to the 5 percent tolerance allowed for other defects;

(3) "Damage by tops." In considering this factor, the appearance of the lot of onions as a whole should be considered. While all onions should be trimmed to less than 2 inches there are often some that have been cut with tops a little longer. However, any lot of onions having more than 20 percent of onions with tops over 2 inches in length shall be considered as damaged. This percentage is given only as a guide and it may be reduced if the tops are very long. For example, not more than 10 percent of onions may have tops longer than 5 inches.

Any lot of onions quoted as being of size smaller than 1 1/2 inches minimum such as "U.S. No. 1, 1 1/4 inches minimum," is not required to meet the percentage which shall be 2 inches or larger as specified in the U.S. No. 1 grade. [Order 186, effective 9/1/35.]

WAC 16-424-030 Variation between lot and individual package tolerance. The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified. For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified.

For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package. [Order 186, effective 9/1/35.]

Chapter 16-425 WAC
GRADES AND STANDARDS FOR DORMANT CERTIFIED GRAPE PLANTING STOCK

WAC
16-425-001 Promulgation.
16-425-010 Grades and standards.
16-425-015 Effective date.

WAC 16-425-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 15.14 RCW and after due notice as provided under chapters 34.04 and 42.32 RCW and a public hearing held in Yakima, Washington, April 7, 1971, do hereby promulgate the following regulations relating to grades and standards for dormant certified grape planting stock. [Order 1194, § 16-425-001, filed 4/19/71.]

WAC 16-425-010 Grades and standards. (1) All certified stock offered for sale is to be bundled in accordance with commercial practice and shall be correctly identified by one or more legible printed labels.

(a) Rooted cuttings.

(i) Grade No. 1 must have one live cane at least 9 inches long and be well rooted.

(ii) Grade No. 2 must have one live cane at least 6 inches long and be well rooted.

(b) Cuttings must have at least 3 buds and be not less than 9 inches long and at least 1/4 inch caliper at top end. Top bud must not be more than 2 inches from tip of cutting. Basal bud must be within 1/4 inch from basal end.

(c) Two year plants must meet the same standard as rooted cutting grade No. 1.

(d) Tolerances. In order to allow for variations incident to proper grading and packing, not more than a combined total of 5% by count, of the plants or cuttings in any lot may fail to meet the requirements of the above grades. [Order 1194, § 16-425-010, filed 4/19/71.]

WAC 16-425-015 Effective date. This order shall take effect on and after May 19, 1971. [Order 1194, § 16-425-015, filed 4/19/71.]

Chapter 16-426 WAC
GRADES AND STANDARDS FOR HOP ROOTSTOCK

WAC
16-426-001 Promulgation.
16-426-005 Washington No. 1.
16-426-010 Tolerances.
16-426-015 Specific requirements.
16-426-020 Definitions.
16-426-025 Effective date.

WAC 16-426-001 Promulgation. I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.14 RCW and after due notice and public hearing held in Yakima, Washington, on May 3, 1972, pursuant to chapters 42.30 and 34.04 RCW do hereby establish the following grades and standards for hop rootstock. [Order 1265, § 16-426-001, filed 5/10/72.]

WAC 16-426-005 Washington No. 1. Washington No. 1 shall consist of hop slips or rhizomes and/or layered stem cuttings of one strain, not less than 5 inches in length and not less than 5/16 inch in diameter and containing at least one visible bud, and crowns not less than 6 inches in length and not less than 3/4 inch in diameter, with 1 or more visible buds which are:

(1) Fairly fresh.
(2) Firm.
(3) Moist.
(4) Fairly clean.
(5) Free from damage caused by:
(a) Mold.
(b) Freezing injury.
(c) Broken or mutilated rootstocks.
(d) Crown gall.
(e) Black rot.

[Order 1265, § 16-426-005, filed 5/10/72.]

WAC 16-426-010 Tolerances. (1) In order to allow for variations incident to proper grading and packing, not more than a combined total of 6 percent, by count, of the rootstocks in any lot may fail to meet the requirements of the above grade, and not more than 6 percent of the rootstock may have rhizomes or layered stem cuttings less than 5 inches in length.

(2) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(a) When a tolerance is 6 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified.

(3) Hop plants are to be packed in such a manner that they will retain a fresh condition. [Order 1265, § 16-426-010, filed 5/10/72.]

WAC 16-426-015 Specific requirements. (Percentage tolerances)

Diseases or Defects	Registered	Certified
Downy Mildew	0	5%
*Nematodes (cyst)	0	0
*Nematodes (rootknot)	0.1%	1%

*Visible

[Order 1265, § 16-426-015, filed 5/10/72.]

WAC 16-426-020 Definitions. (1) "Fairly fresh" means that the roots or cuttings are not excessively wilted.

(2) "Firm" means that the plant parts are not soft or spongy, although they may yield to slight pressure.

(3) "Moist" means that the plant parts are reasonably turgid and not dried to a degree that would affect normal growth.

(4) "Fairly clean" means that the plant parts are not matted or caked with dirt.

(5) Free from damage caused by:

(a) "Mold" means that the plants must be free from excessive mold or decay. Plants slightly affected by mold will be allowed.

(b) "Freezing injury" means that the roots must be of a normal color and only moderately affected by discolored roots which affect the normal growth of the plant. Black roots caused by disease shall not be permitted.

(c) "Broken or mutilated rootstock" means the breaking of the root section or splitting of the plant part or other mechanical injury that would affect the normal growth of the plant.

(d) "Crown gall" means the disease caused by *Agrobacterium tumefaciens.*

(e) "Black rot" means the disease caused by *Pseudoperonospora Humuli* (Downy Mildew). [Order 1265, § 16-426-020, filed 5/10/72.]

WAC 16-426-025 Effective date. This order shall take effect on and after June 9, 1972. [Order 1265, § 16-426-025, filed 5/10/72.]

Chapter 16-432 WAC
WASHINGTON STATE STANDARDS FOR NURSERY STOCK

WAC

16-432-010 General.
16-432-020 Marking requirements.
16-432-030 Tolerance.
16-432-040 Container specifications.
16-432-050 Terminology.
16-432-060 Plant specifications.
16-432-070 Young plants specifications.
16-432-080 Deciduous flowering shrubs and shade trees.
16-432-090 Coniferous evergreens.
16-432-100 Broadleaf evergreen shrubs.
16-432-110 Fruit trees.
16-432-120 Understock for grafting and budding.
16-432-130 Nursery stock standard for roses.

WAC 16-432-010 General. (1) Grades and standards. Use of Washington grades is optional. If these grades are used, however, the plants must meet the grade specification.

(2) Nursery stock. Shall be true to name, and of the size or grade stated.

(3) Names. Usage shall conform to the rules of the "International Code of Nomenclature for Cultivated Plants."

(4) Quality. Shall be normal for the species when grown under proper cultural practices. Fertile soil, ample spacing, regular cultivation, weed control, spraying, adequate moisture, pruning and shearing, transplanting or root pruning not less than once in four years, depending on species, are all necessary requirements for normal quality nursery stock. All nursery stock shall be viable, substantially free from pests and disease, and undamaged. Roots shall not be subject to long exposure to drying winds, sun, or frost between digging and delivery. Root balls shall be free from pernicious perennial weeds.

(5) Packing or wrapping. Shall be adequate for the protection of the stock and sufficient to prevent heating or drying out during storage and/or transport.

(6) Grading.

(a) A uniform grading system for height and/or spread or caliper is recommended for, and is described, under each specific classification of nursery stock.

(b) In all cases, for purposes of simplicity, only one size per "grade" will be listed. That size will be the minimum size allowable for that "grade" and shall include plants from that size up to, but not including, the larger size. (Example: Taxus C. Brownii 30"; Betula papyrifera 8")

(7) Compliance with federal and state law. Plants regardless of certification as to grade, must comply with requirements and regulations of the United States department of agriculture, agricultural research service, plant quarantine division, and state laws. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-010, filed 3/21/79. Formerly chapters 16-427, 16-428, 16-429, 16-430, and 16-454 WAC (part).]

WAC 16-432-020 Marking requirements. All plants shall be plainly and legibly marked with stamped, mechanically printed, typewritten letters not less than one-fourth inch in height.

(1) Labeling.

(a) All collected plants shall be labeled "collected."

(b) When plants are on display for retail sales, one plant per block shall be labeled with correct name.

(c) On mixed blocks, each plant shall be properly labeled.

(d) Wholesale lots sold or shipped with two or more plants must have each variety and size segregated and tagged when requested by purchaser.

(e) Any substitution as to variety or grade shall be clearly indicated on the packing slip and on the pertinent labels.

(2) Advertising. All advertising of nursery stock shall include size of material advertised when the ad includes prices. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-020, filed 3/21/79.]

WAC 16-432-030 Tolerance. In order to allow for variations incident to proper grading and handling, not more than two percent, by count, of any lot may be below the requirements of this grade: *Provided,* That a lower tolerance may be established by written contract between the parties concerned. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-030, filed 3/21/79.]

WAC 16-432-040 Container specifications. (1) A container is a rigid self-supporting unit used to grow plant material.

(2) All standards and specifications of nursery stock shall be applicable to container grown stock.

(3) Container grown nursery stock shall be established in the container with branched root system to the extremity of the container (side walls) EXCEPT in the case of plants that are repotted in sterile media to meet export requirements.

(4) Plants in pots or other containers shall be in a container of adequate size for the size of the plant and shall have been acclimated to outside conditions, should be equal to and acceptable for field grown stock.

(5) Size of container shall be specified in addition to size of plant.

(6) A container is not a size grade. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-040, filed 3/21/79.]

WAC 16-432-050 Terminology. CANE – shall be considered a primary stem which starts from the ground at a point not higher than one-fourth the height of the plant.

STEM – is a major structural portion of a plant originating in the lower one-third of the plant; the main axis of a plant: Leaf bearing and flower bearing as distinguished from the root bearing axis.

LEADER – the main stem or trunk that forms the apex of a tree.

CLUMP – plant with two or more main stems at the ground line with the number of stems to be specified.

MULTI-STEM – plant with two or more main stems starting near the ground from a primary stem.

ABBREVIATIONS:

"C" means cutting;

"Div" means division;

"G" means grafted;

"L" means layered;

"R.P." means root pruned;

"S." means seedling;

"T." means transplanted. Use one T. for each time transplanted;

"2-0" means seedling two years old and not transplanted;

"2-1" means seedling three years old and once transplanted.

Definitions not specified above used in this order will be found in "A Technical Glossary of Horticultural and Landscape Terminology," Library of Congress Card Catalog Number 78-165521. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-050, filed 3/21/79.]

WAC 16-432-060 Plant specifications. (1) BALLED PLANTS.

(a) Definitions.

(i) Balled and burlapped. Plants prepared for transplanting by digging them so that the soil immediately around the roots remains undisturbed. The ball of earth is then bound up in burlap or similar mesh fabrics. Abbreviated: B & B.

(ii) Balled and potted plants. Field grown plants dug with the ball of earth still intact in which they are growing and in lieu of burlapping are placed in a container to retain the ball unbroken. Abbreviated: B & P.

(iii) Balled wire container. A wire container may be used in lieu of burlap on large plants. None of above three are container grown.

(b) Ball sizes.

(i) Ball sizes shall always be of a diameter and depth to encompass the fibrous and feeding root system necessary for the full recovery of the plant named.

(ii) Minimum ball size specifications for balled and potted plants shall be the same as for balled and burlapped plants.

(2) BARE ROOT PLANTS. All normal quality nursery stock shall have adequate fibrous root system that has been developed by proper cultivating practices, particularly transplanting or root pruning. Pertinent facts as to when larger nursery stock was transplanted or root pruned should be available to the buyer.

(3) COLLECTED PLANTS.

(a) Collected plants shall be graded in the same manner as nursery grown ornamental evergreen plants.

(b) Native collected plant material shall be considered as nursery stock if it is grown in a nursery for a minimum of six months including at least three-month initiation of top growth. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-060, filed 3/21/79.]

WAC 16-432-070 Young plants specifications. (1) GENERAL SPECIFICATIONS.

(a) Definition. This section is to cover small plants not covered in other sections of the standard. (Example: Seedling, ground covers, vines and lining out stock.)

(b) Quality. The quality of all young plants offered is assumed to be normal for the species or variety unless otherwise designated.

(c) Height measurement. Height measurement is from the ground level except on grafted stock.

(d) Trimming. Tops or roots will not be trimmed unless specified by grower or requested by purchaser. (See understock for grafting for general grading by caliper.)

(2) MEASUREMENT DESIGNATION.

(a) Dwarf and semi-dwarf.

Use two-inch intervals up to twelve inches (4" – 6" – 8" – 10" – 12")

Use three-inch intervals from twelve inches up (12" – 15" – 18")

(Examples: Berberis atropurpureum 'Crimson Pigmy'
Picea abies 'Nidiformis'
Sedums)

(b) Medium grower. Use three-inch intervals up.

(Examples: Azalea mollis
Prunus laurocerasus 'Zabeliana'
Hedera helix)

(c) Fast grower. Use six-inch intervals up.

(Examples: Acer rubrum
Betula alba
Cytisus 'Burkwoodi'

Forsythia
Pinus, except dwarf type)

(3) TYPES OF PLANTS.

(a) Type 1 – No stems. Measurement designates spread or age.

(Examples: Ajuga reptans
Festuca ovina glauca
Sagina subulata
Sedums)

(b) Type 2 – Single stem.

(i) Spreading. Measurement designates spread, height not considered.

(Examples: Ceanothus gloriosus
Cotoneaster dammeri
Erica carnea
Juniperus horizontalis 'Wiltonii'
Mahonia nervosa)

(ii) Semi–spreading. Measurement by spread at least twice height.

(Examples: Ilex crenata 'Helleri'
Juniperus chinensis pfitzeriana)

(iii) Globe. Measurement spread equal to height.

(Examples: Berberis thunbergi 'Crimson Pygmy'
Deutzia gracilis
Thuja oc. 'Little Gem')

(iv) Medium upright. Measurement designates height. Height spread ratio of two to one.

(Examples: Ilex crenata 'Rotundifolia'
Pieris Japonica
Rhododendron obtusum 'Hinodegiri')

(v) Upright. Measurement designates height or age.

(Examples: Acer palmatum
Betula papyrifera
Mahonia aquifolium
Myrica californica
Pseudotsuga menzeisii)

(c) Type 3 – Stoloniferous. Measurement – fullness or number of stolons.

(Examples: Gaultheria procumbens
Pachysandra terminalis
Vinca minor)

(d) Type 4 – Vining. Measurement designates lengths and/or numbers, runners and/or age.

(Examples: Hedera helix
Clematis
Wisteria)

[Statutory Authority: Chapter 15.13 RCW. 79–04–026 (Order 1627), § 16–432–070, filed 3/21/79.]

WAC 16-432-080 Deciduous flowering shrubs and shade trees. TYPES. Deciduous flowering shrubs and shade trees are considered under nine groups, according to their habit, number of stems and root spread.

(1) Deciduous shrubs.

(a) Type 1 – Dwarf shrubs.

Measurement designation

2" intervals to 12"
3" intervals to 18"
6" intervals to 36"

6" shrubs shall have no less than 2 stems,
9" shrubs shall have no less than 3 stems,
12" shrubs shall have no less than 4 stems,
15" shrubs shall have no less than 4 stems,
18" shrubs shall have no less than 5 stems,
21" shrubs shall have no less than 5 stems,
2' shrubs shall have no less than 6 stems,
2–1/2' shrubs shall have no less than 7 stems,

Examples: Berberis thunbergi 'Crimson Pygmy'
Deutzia (dwarf forms)
Potentilla fruticosa
Spirea 'Anthony Waterer'

(b) Type 2 – Semi–dwarf.

Measurement designation

3" intervals to 18"
6" intervals to 36"
6" shrubs shall have no less than 2 stems,
9" shrubs shall have no less than 3 stems,
12" shrubs shall have no less than 3 stems,
15" shrubs shall have no less than 3 stems,
18" shrubs shall have no less than 3 stems,
21" Shrubs shall have no less than 3 stems,
2' shrubs shall have no less than 4 stems,
2–1/2' shrubs shall have no less than 4 stems,

Examples: Azalea (deciduous)
Berberis thunbergi
Cornus alba 'Sibirica'
Rosa multiflora setigera
Ligustrum
Potentilla

(c) Type 3 – Strong growing.

Measurement designation

6" intervals to 36"
1' intervals to 5'
6" shrubs shall have no less than 2 stems,
12" shrubs shall have no less than 3 stems,
18" shrubs shall have no less than 3 stems,
2' shrubs shall have no less than 3 stems,
3' shrubs shall have no less than 4 stems,
4' shrubs shall have no less than 5 stems,

Examples: Chaenomeles
Forsythia (all varieties)
Hydrangea
Philadelphus virginalis
Prunus (bush forms)
Symphoricarpos albus

Syringa chinesis
Viburnum tomentosum

(d) Type 4 – Strong growing, light structure.

Measurement designation
Same as Type 3

6" shrubs shall have no less than 1 stem,
12" shrubs shall have no less than 2 stems,
18" shrubs shall have no less than 2 stems,
2' shrubs shall have no less than 2 stems,
3' shrubs shall have no less than 3 stems,
4' shrubs shall have no less than 4 stems,

Examples: Cotinus coggygria
Syringa vulgaris
Tamarix

(2) Shade and flowering trees.

(a) Caliper and height measurements.

(i) In size grading container or B & B trees, caliper shall take precedence over height.

(ii) In size grading bare root trees, height shall take precedence to 6 feet, thereafter caliper takes precedence. Two grades above specified height will be allowable to attain specified caliper.

(iii) Trunk caliper shall be taken 6 inches above the ground level at which the plant has been growing up to and including 4 inch caliper size and 12 inches for larger sizes.

(iv) For budded or grafted stock, caliper shall be measured 2 inches above bud collar or graft.

(v) Height measurements less than the minimum height listed may be in 6 inch increments.

(b) Types of trees.

(i) Type A – shade trees.

Caliper	Minimum Height
1"	4'
1 1/4"	6'
1 1/2"	8'
1 3/4"	10'
2"	12'
2 1/2"	12'
3"	14'
3 1/2"	14'
4"	16'
5"	18'

Examples: Acer platanoides
Betula
Fraxinus
Populus
Salix
Zelkova

(ii) Type B – slower growing shade trees. Trees of slower growth which will not usually attain the height measurement in relation to caliper as in Type A. The height should, however, be not less than two-thirds the height in relation to caliper given for Type A.

Examples: Liquidamber styraciflua
Laburnum
Quercus rubra
Malus 'Hopa'

(c) Type C – small upright and small flowering trees. This is a broad group including small trees as well as usual forms of plants which may be grown as a clump or shrub. For single stem plants, the minimum relationship of caliper and height will be as follows:

Minimum Height	Caliper	Branches
2'	–	2 or more
2 1/2'	–	2 or more
3'	–	2 or more
4'	–	3 or more
5'	–	4 or more
6'	3/4"	5 or more
7'	1"	6 or more
8'	1"	7 or more

Examples: Acer circinatum
Malus (most crabapples)
Magnolias
Prunus 'Thundercloud'
Styrax

(d) Type D – small spreading trees. This is a group including small spreading trees of dwarf habit of growth and certain large shrubs grown in tree or multi-stemmed form. Height shall be the governing measurement. For single stem plants, the minimum branching should be as follows:

2 feet – 4 or more branches
2 1/2 feet – 4 or more branches
3 feet – 5 or more branches
3 1/2 feet – 6 or more branches
4 feet – 7 or more branches
5 feet – 8 or more branches
6 feet – 8 or more branches

Examples: Acer palmatum
Cornus
Magnolia stellata

(e) Type E – clump types. Tall growing trees with 2 or more main stems. No stems shall be included in total count which vary more than one grade from the size specified, and in no case can one stem be in excess of one grade flower than the size specified. Also in each instance all countable stems shall average, in aggregate, the size specified. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-080, filed 3/21/79.]

WAC 16-432-090 Coniferous evergreens. (1) Definition. Needle-bearing plants. A plant which bears seeds in a cone; with the exception of the larches and the bald cypress, practically all conifers are evergreen. (See

WAC 16-432-080, Deciduous flowering shrubs and shade trees)

(2) Grade terms. (Growth patterns)

(a) Dwarf or slow grower – Use 2–inch intervals up to 12 inches.

(b) Medium grower – Use 3–inch intervals up to 24 inches.

(c) Fast grower – Use 6–inch intervals up to 5 feet.

(3) Measurement of types.

(a) Type 1 – Spreading. Measurement designates spread (height not considered).

Example: Juniperus horizontalis (and varieties)
Pinus mugho
Taxus baccata 'Repandens'

(b) Type 2 – Globe or dwarf. Measurement designates height. Spread should not be less than two–thirds of the height.

Example: Chamaecyparis obtusa 'Nana'
Picea abies 'Nidiformis'
Thuja occidentalis 'Little Gem'

(c) Type 3 – Cone (Pyramidal). Measurement designates height. Spread should not be less than one–half the height.

Example: Chamaecyparis obtusa Gracilis
Cedrus deodara
Taxus cuspidata capitata
Thuja occidentalis

(d) Type 4 – Broad upright. Measurement designates height. Spread should not be less than one–third the height.

Example: Cham. L. 'Allumii'
Juniperus chinensis 'Keteleeri'
Picea abies
Pinus nigra

(e) Type 5 – Columnar. Measurement designates height. Spread should not be less than one–fifth the height.

Example: Cupressus sempervirens
(Italian Cypress)
Thuja occidentalis, orientalis
(columnar type varieties)
Taxus media 'Hicksii'
Taxus baccata 'Fastigiata'

[Statutory Authority: Chapter 15.13 RCW. 79–04–026 (Order 1627), § 16–432–090, filed 3/21/79.]

WAC 16–432–100 Broadleaf evergreen shrubs. (1) GENERAL SPECIFICATIONS. (See WAC 16–432–080, Deciduous flowering shrubs and shade trees.)

(a) Definition. Plants which maintain live foliage throughout the year.

(b) Measurement of height should begin at the ground line and should continue up to where the main part of the plant ends and not to the tip of a thin shoot.

(c) Measurement at spread should be average fill of plant and not the greatest diameter.

(d) All unbranched plants shall be so designated when spread is involved in the measurement.

(e) For tree forms, see shade and flowering trees.

(2) GRADE TERMS (growth patterns).

(a) Dwarf or slow grower – Use 2–inch intervals up to 12 inches.

(b) Medium grower – Use 3–inch intervals up to 24 inches.

(c) Fast grower – Use 6–inch intervals up to 5 feet.

(3) MEASUREMENT OF TYPES.

(a) Type 1 – spreading or semi–spreading. Measurement designates spread (height not considered).

Example: Cotoneaster dammeri
Mahonia nervosa
Azalea 'Gumpo'
Rhododendron 'Elisabeth'
Erica in variety

(b) Type 2 – globe or dwarf. Measurement designates height. Spread should not be less than two–thirds of the height.

Example: Buxus sempervirens 'Truedwarf'
Ilex crenata 'Convexa'
Berberis Verruculosa
Rhododendron 'Unique'
Pieris japonica

(c) Type 3 – cone pyramidal. Measurement designates height. Spread should not be less than one–half the width.

Example: Chamaecyparis obtusa Gracilis
Cedrus deodara
Taxus cuspidata capitata
Thuja occidentalis

(d) Type 4 – broad upright. Measurement designates height. The spread should not be less than one–third of the height.

Example: Camellia japonica
Mahonia aquifolium
Pyracantha (tall type)
Virburnum tinus
Rhododendron 'Arthur Bedford'
Ilex aquifolium
Ilex opaca

(e) Type 5 – columnar cone. Measurement designates height. Spread should not be less than one–fifth of the height.

Example: Rhododendron 'Yellow Hammer'
Ilex crenata 'Mariesii'
Cotoneaster 'Hybridus Pendulus'

[Statutory Authority: Chapter 15.13 RCW. 79–04–026 (Order 1627), § 16–432–100, filed 3/21/79.]

WAC 16–432–110 Fruit trees. (1) GENERAL.

Caliper should be taken two inches above bud.

Height should be taken from the ground level or collar.

Caliper shall govern.

All trees should have reasonably straight trunks.

(2) MEASUREMENT DESIGNATIONS.

(a) Branched trees.

5/16" and larger should be branched except one year sweet cherry.

5/8" and larger should have three or more side branches.

Caliper (in inches)	Recommended Metric Equivalent	Minimum Heights unless otherwise specified Feet	Metric
Standard apple, cherry–sweet, peach, almond, nectarine, pear, apricot, prune and plum (1 and 2 years)			
1"	25 mm	6'	1.75m
7/8"	22 mm	5'	1.5 m
3/4"	20 mm	5'	1.5 m
5/8"	16 mm	4'	1.25 m
1/2"	13 mm	3–1/2'	1.0 m
3/8"	10 mm	3'	90 cm
5/16"	8 mm	2–1/2'	80 cm
1/4"	6 mm	2'	60 cm
Standard cherry–sour and dwarf peach, pear, nectarine, apricot, prune and plum (on clonal rootstock only)			
1"	25 mm	5'	1.5 m
7/8"	22 mm	4–1/2'	1.4 m
3/4"	20 mm	4–1/2'	1.4 m
5/8"	16 mm	4'	1.25 m
1/2"	13 mm	3–1/2	1.0 m
3/8"	10 mm	3'	90 cm
5/16"	8 mm	2–1/2'	80 cm
1/4"	6 mm	2'	60 cm
Dwarf apple (including clonal rootstocks and interstem trees)			
1"	25 mm	5–1/2'	1.6 m
7/8"	22 mm	5'	1.5 m
3/4"	20 mm	5'	1.5 m
5/8"	16 mm	4–1/2'	1.4 m
1/2"	13 mm	4'	1.25 m
3/8"	10 mm	3–1/2'	1.0 m
5/16"	8 mm	3'	90 cm
1/4"	6 mm	2'	60 cm

(b) Partially branched or one–year whips. Measured by caliper only.

1" — 7/8" — 3/4" — 5/8" — 1/2" — 3/8" — 1/4"

(c) For small tree seedlings and dwarf understock see "Understock for grafting and budding." [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-110, filed 3/21/79.]

WAC 16-432-120 Understock for grafting and budding. Measurement designations.

(1) FRUIT AND TREE SEEDLINGS.

(a) Caliper measurement. Caliper shall be taken at the collar or ground line. Grades should be designated as follows:

Caliper (in inches)	Recommended Metric Equivalent	Minimum Height (in inches)
1/2"	12 mm	12"
3/8"	9 mm	9"
1/4"	7 mm	7"
3/16"	5 mm	5"
2/16"	4 mm	4"
1/16"	3 mm	4"

Exception: Grade No. 1 "straight" of apple seedlings should be graded from 3/16-inch caliper (optional metric range should be from 5 mm to 8 mm).

(b) Seedlings with limbs. In case of seedlings with limbs, there should be at least two inches (5 cm) above the collar free of limbs for a minimum of one-half of the circumference of the seedling.

(c) Root descriptions. In case of apple and pear seedlings, where the root description is given as branched or straight, the following shall apply:

(i) Branched root: Not less than three root branches must be present within five inches (12.5 cm) from the collar.

(ii) Straight root: The root shall carry the minimum caliper of the grade for not less than six inches (15 cm) from the collar.

(2) Vegetatively propagated fruit stock.

(a) In the case of fruit understock grown from "cuttings" or from layerage, the caliper shall be taken on the original cutting or layer at a point ten inches (25 cm) above the collar.

(b) All forms of vegetatively propagated fruit tree rootstock should have a minimum of four rootlets on each cutting or layer.

(i) Examples: Merton Malling Nos. 111, 106, M-7A, M-9, M-26, M-27 apple, Prunus marriana and Prunus myrobolan.

(ii) Exception: Any rootstocks not meeting the above specifications for root systems should be labeled as "unclassified" grade and the minimum numbers of rootlets specified.

(3) Conifers – Evergreens.

Height	Minimum Caliper	
6"	1/4"	7 mm
5"	3/16"	5 mm
4"	1/8"	4 mm
4"	1/16"	3 mm

[Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-120, filed 3/21/79.]

WAC 16-432-130 Nursery stock standard for roses. (1) GENERAL SPECIFICATIONS. (a) Washington grades No. 1, No. 1-1/2 and No. 2 should meet the specified size requirements in the table under size terms.

(b) Classification of roses will be based on the latest publication of Modern Roses.

(2) MEASUREMENT DESIGNATIONS.

(a) Maximum branching height shall be three inches above bud union.

(b) The specifications outlined for length of canes is applicable before pruning in preparation for sale.

Tea, Hybrid Tea, Grandiflora, Rugosa Hybrids, Perpetuals, and Moss Roses and miscellaneous Bush Roses.

	Strong Growing Number of Canes	Ht.	Light Growing Number of Canes	Ht.
No. 1	3 (2 of which are	16")	3 (2 of which are	16")
No. 1-1/2	2	15"	2	13"
No. 2	2	12"	2	10"
Floribunda				
No. 1	3 (2 of which are	15")		
No. 1-1/2	2	14"		
No. 2	2	12"		
Polyantha and Low Growing Floribunda				
No. 1	4	10"		
No. 1-1/2	3	8"		
No. 2	2	8"		
Climbing				
No. 1	3	16"		
No. 1-1/2	2	13"		
No. 2	2	12"		
Wichuriana and Wachuriana Types				
No. 1	4	16"		
No. 1-1/2	3	13"		
No. 2	3	10"		

[Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-130, filed 3/21/79.]

Chapter 16-436 WAC
WASHINGTON STANDARDS FOR PEACHES

WAC

16-436-002 Promulgation.
16-436-003 Promulgation.
16-436-100 Washington extra fancy grade.
16-436-110 Washington fancy grade.
16-436-120 Washington combination extra fancy and fancy grade.
16-436-130 Washington No. 2 grade.
16-436-140 Cull grade.
16-436-150 Cull peach requirements.
16-436-160 Tolerances.
16-436-170 Tolerances.
16-436-180 Application of tolerances to individual packages.
16-436-185 Washington standard pack.
16-436-190 Marking requirements.
16-436-200 Definitions.
16-436-210 Definition—Damage.
16-436-220 Definition—Serious damage.
16-436-230 Effective date.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-436-001 Promulgation. [Order 1014, Promulgation, filed 4/29/66; Order 919, filed 6/4/63; Order 860, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71.

16-436-010 Grades. [Order 1014, Regulation A, filed 4/29/66; Order 919, Regulation 1, filed 6/4/63; Order 860, Regulation 1, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71.

16-436-020 Application of tolerances to individual packages. [Order 1014, Regulation B, filed 4/29/66; Order 919, Regulation 2, filed 6/4/63; Order 860, Regulation 2, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71.

16-436-030 Marking requirements. [Order 1014, § 16-436-030, filed 6/4/68, effective 7/5/68; Order 1014, Regulation C, filed 4/29/66; Order 919, Regulation 3, filed 6/4/63; Order 860, Regulation 3, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71.

16-436-040 Cull peach requirements. [Order 1014, Regulation D, filed 4/29/66; Order 919, Regulation 4, filed 6/4/63; Order 860, Regulation 4, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71.

16-436-050 Definitions. [Order 1014, Regulation E, filed 4/29/66; Order 919, Regulation 5, filed 6/4/63; Order 860, Regulation 5, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71.

WAC 16-436-002 Promulgation. (This promulgation relates to WAC 16-436-001, 16-436-010, 16-436-020, 16-436-030, 16-436-040, and 16-436-050.)

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW and after due notice and public hearing held at Ellensburg, Washington on May 5, 1971, pursuant to chapters 42.32 and 34.04 RCW do hereby establish the following standards for peaches and the container marking requirements. [Order 1203, § 16-436-002, filed 5/14/71, effective 6/14/71.]

WAC 16-436-003 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW and after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington, September 14, 1971, do hereby promulgate the following regulations relating to Washington standards for peaches. (Amending Order No. 1203 and superseding Emergency Order No. 1208) [Order 1212, § 16-436-003, filed 9/17/71, effective 10/18/71.]

WAC 16-436-100 Washington extra fancy grade. Shall consist of peaches of one variety which are mature, but not soft or overripe; fairly well formed; and which are free from decay, broken skin, worms, worm holes; and free from damage caused by bruises; dirt or other foreign material; bacterial spot; scab; scale; growth cracks; hail injury; leaf or limb rubs or russeting; split pits; stem pull; rough suture; other diseases, insects or mechanical or other means. Definitions for the above grade will be found under WAC 16-436-160, 16-436-180, 16-436-185, 16-436-190, 16-436-200, and 16-436-210. [Order 1203, § 16-436-100, filed 5/14/71, effective 6/14/71.]

WAC 16-436-110 Washington fancy grade. Shall consist of peaches of one variety which meet all of the requirements of Washington extra fancy: *Provided*, Split pit not to exceed 3/8 inch in length shall be allowed. Damage, but not serious damage, for rough suture shall be allowed in this grade. Definitions for the above grade will be found under WAC 16-436-160, 16-436-180, 16-436-185, 16-436-190, 16-436-200, 16-436-210

and 16-436-220. [Order 1212, § 16-436-110, filed 9/17/71, effective 10/18/71; Order 1203, § 16-436-110, filed 5/14/71, effective 6/14/71.]

WAC 16-436-120 Washington combination extra fancy and fancy grade. When extra fancy and fancy peaches are packed together, the box shall be marked Washington combination extra fancy and fancy and shall contain at least 75% Washington extra fancy peaches. Definitions for the above grade will be found under WAC 16-436-160, 16-436-180, 16-436-185, 16-436-190, 16-436-200, 16-436-210, and 16-436-220. [Order 1203, § 16-436-120, filed 5/14/71, effective 6/14/71.]

WAC 16-436-130 Washington No. 2 grade. Shall consist of peaches of one variety which are mature but not soft or overripe, not badly misshapen, and which are free from decay, worms, worm holes, and free from serious damage caused by bruises; dirt or other foreign material; bacterial spot; scab; scale; growth cracks; hail injury; leaf and limb rubs; split pits; stem pull; punctures, rough suture, other diseases, insects or mechanical or other means. Definitions for the above grade will be found under WAC 16-436-170, 16-436-180, 16-436-185, 16-436-190, 16-436-200, and 16-436-220. [Order 1203, § 16-436-130, filed 5/14/71, effective 6/14/71.]

WAC 16-436-140 Cull grade. Shall consist of peaches which are immature or soft or seriously damaged by bruises; bacterial spot; scab; scale; growth cracks; hail injury; leaf or limb rubs; split pits; or other diseases, insects or mechanical or other means. Definitions for the above grade will be found under WAC 16-436-150, 16-436-180, and 16-436-200. [Order 1203, § 16-436-140, filed 5/14/71, effective 6/14/71.]

WAC 16-436-150 Cull peach requirements. Cull peaches must be packed in one bushel baskets, ring faced with the peaches in the ring representative of the size, and quality of the peaches in the baskets and the baskets lidded, and the words "CULL PEACHES" must appear on the top and side of the basket in which they are shipped and upon labels upon the basket in clear and legible letters at least 2-1/2 inches high, and the name and address of the grower, shipper, or packer, and the variety, minimum diameter, and net weight must be legibly stamped upon the lid or appear upon the labels in letters at least 1/2 inch high. Every bill of lading, invoice, memorandum and other documents referring to said peaches shall designate them as cull peaches. [Order 1203, § 16-436-150, filed 5/14/71, effective 6/14/71.]

WAC 16-436-160 Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances shall apply to the Washington extra fancy (WAC 16-436-100), Washington fancy (WAC 16-436-110), and the Washington combination extra fancy and fancy (WAC 16-436-120), not more than 10% by count, of the peaches in any lot may fail to meet the requirements of this grade but not more than 1/2 of this amount, or 5%, shall be allowed for defects causing serious damage, as defined under WAC 16-436-220, and not more than 1/5 of this amount, or 1%, shall be allowed for decay at shipping point. When applying the foregoing tolerances to the combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 75% of peaches of the higher grade required in the combination, but individual containers shall have not less than 65% of the higher grade: *Provided*, An additional tolerance of not more than 10% by count, of the peaches in any lot may be damaged, but not seriously damaged, by bruising at packing time as defined under WAC 16-436-210 and 16-436-220. An additional tolerance of 2% shall be allowed for soft, overripe, or decayed peaches en route or at destination as defined under WAC 16-436-200. [Order 1203, § 16-436-160, filed 5/14/71, effective 6/14/71.]

WAC 16-436-170 Tolerances. In order to allow for variations incident to proper grading and handling for the Washington No. 2 grade (WAC 16-436-130), not more than 10% by count, of the peaches in any lot may fail to meet the requirements of this grade, but not more than 1/10 of this amount, of 1%, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2% shall be allowed for soft, overripe, and decayed peaches en route or at destination. [Order 1203, § 16-436-170, filed 5/14/71, effective 6/14/71.]

WAC 16-436-180 Application of tolerances to individual packages. Applying to all grades.

(1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, The averages for the entire lot are within the tolerances specified for this grade.

(2) For packages which contain more than 10 pounds, and a tolerance of 10% or more is provided, individual packages in any lot shall have not more than 1-1/2 times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10% is provided, individual packages in any lot shall have not more than double the tolerance specified.

(3) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects and sizes: *Provided*, That not more than one peach which is seriously damaged by insects or affected by decay may be permitted in any package. [Order 1203, § 16-436-180, filed 5/14/71, effective 6/14/71.]

WAC 16-436-185 Washington standard pack. Applies to all grades except CULLS.

(1) Each package shall be packed so that the peaches in the shown face shall be reasonable representative in size, color and quality of the contents of the package.

(2) **Baskets.** Peaches packed in U.S. Standard bushel baskets, for half-bushel baskets shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the peaches within the packages when lidded.

(3) **Boxes.** Peaches packed in standard western boxes shall be reasonably uniform in size and arranged in the packages according to the approved and recognized methods. Each wrapped peach shall be fairly well enclosed by its individual wrapper. All packages shall be well filled and tightly packed but the contents shall not show excessive or unnecessary bruising because of over-filled packages. The number of peaches in the box shall not vary more than 4 from the number indicated on the box.

(4) Peaches packed in other type boxes such as wire-bound boxes and fibre-board boxes may be place packed, or jumble packed faced, and all packs shall be well filled.

(5) Peaches packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(6) Peaches placed in individual paper cups and packed in boxes shall be in cups of the proper size for the peaches.

(7) In order to allow for variations incident to proper packing, not more than 10% of the packages in any lot may not meet these requirements. [Order 1203, § 16-436-185, filed 5/14/71, effective 6/14/71.]

WAC 16-436-190 Marking requirements. Applies to all grades except CULLS.

(1) All containers shall be conspicuously and legible stamped with the name and address of the grower, shipper or packer, the fruit variety, grade, and numerical count, or minimum diameter.

(2) When the numerical count is not shown, the minimum diameter and net weight shall be plainly stamped or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2 inches minimum, 2-1/4 inches minimum, 1-7/8 inches minimum, in accordance with the facts. The minimum and maximum diameters may both be stated in accordance with the facts.

(3) In order to allow for variations incident to proper sizing, not more than 10% by count, of the peaches in any lot may be below the specified minimum size and not more than 15% may be above any specified maximum size.

(4) The grade for Wash. ex. fancy; Wash. fancy, Wash. comb. ex. fancy and fancy; Wash. No. 2 shall be stamped in letters at least 1/4 inch high. Abbreviations used in this paragraph are the only abbreviations acceptable for grade markings. [Order 1203, § 16-436-190, filed 5/14/71, effective 6/14/71.]

WAC 16-436-200 Definitions. Applying to all grades.

(1) "Diameter" means the greatest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

(2) "Mature" means that the peach has reached the stage of growth which will insure a proper completion of the ripening process.

(3) "Soft or overripe" means that the peach has very little resistance to pressure. Such peaches are dead ripe.

(4) "Fairly well formed" means that the shape of the peach shall not be so misshapen that the appearance is more than moderately affected, consistent with the characteristic shape of the variety.

(5) "Not badly misshapen" means that the peach may be more irregularly shaped than "fairly well formed" as defined above, but shall not be deformed to the extent of seriously affecting its utility or general appearance. [Order 1203, § 16-436-200, filed 5/14/71, effective 6/14/71.]

WAC 16-436-210 Definition--Damage. Applies to Wash. ex. fancy (WAC 16-436-100); Wash. fancy (WAC 16-436-110); Wash. comb. ex. fancy and fancy (WAC 16-436-120). "Damage" means any injury or defect which materially affects the appearance or the edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage.

(1) Bruises where any bruise discolors the flesh to a depth greater than 3/16 of an inch or discolors the skin in an area greater than 1/2 inch in diameter or smaller bruises aggregating more than 1/2 inch in diameter. Areas or depths of bruises are applicable to a peach 2-1/4 inches or smaller in diameter. Correspondingly greater areas or depths shall be allowed on definitely larger peaches;

(2) Bacterial spot, when cracked, or when aggregating more than 3/8 inch in diameter;

(3) Scab spot, when cracked, or when aggregating more than 3/8 inch in diameter;

(4) Scale, when concentrated, or when scattered and aggregating more than 1/4 inch in diameter;

(5) Growth cracks, when unhealed, or more than 1/2 inch in length;

(6) Hail injury which is unhealed, or deep, or when aggregating more than 1/4 inch in diameter, or more than 1/8 inch in depth;

(7) Leaf or limb rubs or russeting, exceeding 1-1/4 inches in diameter when smooth and light colored or exceeding 1/2 inch in diameter when rough or dark colored;

(8) Split pit, when causing any unhealed crack, or when causing any crack which is readily apparent, or when affecting shape to the extent that the fruit is not fairly well formed;

(9) Stem pulls larger than 1/2 inch in diameter, including stem area;

(10) Rough suture length, half way down side of peach 1/4 inch wide and 1/32 inch high. [Order 1203, § 16-436-210, filed 5/14/71, effective 6/14/71.]

WAC 16-436-220 Definition--Serious damage. Applying to Wash. fancy (WAC 16-436-110); Wash. comb. ex. fancy and fancy (WAC 16-436-120); Wash. No. 2 (WAC 16-436-130). "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed

for any one defect, shall be considered as serious damage.

(1) Bruises, causing a waste in excess of 10% by area on each peach with any one bruise causing a waste in excess of 5% by area or exceeds 3/8 of an inch in depth. Areas or depths of bruises specified are applicable to a peach 2-1/4 inches or smaller in diameter. Correspondingly greater areas or depths shall be allowed on definitely larger peaches;

(2) Bacterial spot, when any cracks are not well healed, or when aggregating more than 1/2 inch in diameter;

(3) Scab spots, when cracked, or when healed and aggregating more than one inch in diameter;

(4) Scale, when aggregating more than 1/2 inch in diameter;

(5) Growth cracks, when unhealed, or more than 1/2 inch in length;

(6) Hail injury, when unhealed, or shallow hail injury when aggregating more than 3/4 inch in diameter, or deep hail injury which seriously deforms the fruit or which aggregates more than 1/2 inch in diameter, or more than 1/8 inch in depth;

(7) Leaf or limb rubs, when smooth and light colored and aggregating more than 1-1/4 inches in diameter, or dark or rough and barklike scars aggregating more than 1/2 inch in diameter;

(8) Split pit, when causing any unhealed crack, or when healed and aggregating more than 1/2 inch in length including any part of the crack which may be covered by the stem;

(9) Stem pulls larger than 1/2 inch in diameter, including stem area;

(10) Punctures not on the shoulder area or punctures on the shoulder area larger than 3/16 of an inch in diameter;

(11) Rough suture, entire length of suture 1/4 inch wide, 1/16 inch high. [Order 1203, § 16-436-220, filed 5/14/71, effective 6/14/71.]

WAC 16-436-230 Effective date. This order shall take effect on and after October 18, 1971. [Order 1212, § 16-436-230, filed 9/17/71, effective 10/18/71; Order 1203, § 16-436-230, filed 5/14/71, effective 6/14/71.]

Chapter 16-439 WAC
PEARS, SUMMER AND FALL

WAC

16-439-001 Promulgation.
16-439-200 Definition of terms.
16-439-210 Grades.
16-439-220 Tolerances.
16-439-230 Culls.
16-439-240 Size.
16-439-250 Containers.
16-439-260 Minimum weight.
16-439-270 Marking.
16-439-280 United States standards for summer and fall pears.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-439-010 through 16-439-120. [Order 188, effective 6/30/33; Order 632, effective 8/9/52.] Superseded by Emergency Order 922 and Permanent Order 930. See WAC 16-439-200 et seq.

WAC 16-439-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW, after due notice and public hearing held at Olympia, Washington on September 30, 1966, (pursuant to chapters 42.32 and 34.04 RCW), do hereby establish the Washington standards for Bartlett and other summer and fall pears, container minimum size and marking requirements. [Order 1033, Promulgation, filed 10/10/66, effective 11/10/66; Order 930, Promulgation, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-200 Definition of terms. The following regulations and definitions shall apply to all varieties and grades under this order.

(1) "Mature" means having reached the stage of maturity which will insure a proper completion of the ripening process. Firmness of the flesh shall be considered only in connection with other factors to determine the degree of maturity.

(2) "Hand picked" means that pears do not show evidence of rough handling or of having been on the ground.

(3) "Clean" means reasonably free from dust, dirt, or honey dew.

(4) "Sound" means that pears at time of packing are free from visible defects such as decay, breakdown, scald, bitter pit, or physical injury affecting keeping quality.

(5) "Aggregate area" means that all the areas of the blemish under consideration may be assembled into one circular area of the maximum diameter specified. [Order 1033, § 1, filed 10/10/66, effective 11/10/66; Order 930, General Regulation, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-210 Grades. WASHINGTON EXTRA FANCY shall consist of pears of one variety which are mature, hand picked, clean, well formed, sound, and free from drought spot, cork spot, and visible black end, and from damage caused by broken skin, bruises, limbrubs, sunburn, sprayburn, hail marks, russeting, disease, insects, mechanical or other means.

(1) "Well formed" means having the shape characteristic of the variety; and is further defined by variety as follows:

(a) Bartletts shall have a characteristic pyriform shape of a length not less than 1 1/4 times the diameter of the pear, except that the shape may be slightly irregular provided it does not detract from the general appearance of the pear.

(b) In other varieties slight irregularities of shape from type which do not materially detract from the general appearance of the fruit shall be considered well formed.

(2) "Free from damage" means that no blemish shall be allowed which materially affects the appearance of the fruit. The following blemishes shall not be considered as damage:

(a) Slight handling bruises and box bruises such as are incident to good commercial handling in the preparation of a tight pack.

(b) Sunburn, if the normal color of the fruit has not been materially changed, without any softening of the flesh or blistering or cracking of the skin.

(c) Spray burn, same as sunburn.

(d) Russeting, characteristic of the variety as follows:

(i) On Bartlett, characteristic russeting shall be permitted at the calyx end provided such russeting is not visible for more than 1/2 inch when the pear is placed calyx end down on a flat surface.

(e) Light russeting not characteristic of the variety, when the affected area does not exceed an aggregate of 15% of the surface.

(f) Slight pebbling on Bartletts which does not materially detract from the appearance.

In addition to the above, a pear may show any one or a combination of the following, the aggregate of which does not exceed 3/4 inch in diameter:

(g) Limbrubs which are light and not soft and which affect an aggregate area not to exceed 3/4 inch in diameter.

(h) Hail marks when the injury is superficial and which affect an aggregate area not to exceed 1/4 inch in diameter.

(i) Heavy russeting, such as is characteristic of frost injury when the aggregate area does not 1/2 inch in diameter.

(j) Two slight, healed depressions which do not materially affect the general appearance of the fruit.

(k) Sooty blotch when affecting an aggregate area of more than 10% slight or thin, or 1/2 inch moderate, or 3/8 inch heavy.

(3) WASHINGTON FANCY shall consist of pears of one variety which are mature, hand picked, clean, not seriously misshapen, sound, and free from cork spot, and visible black end, and from damage caused by broken skin, and from serious damage caused by bruises, limbrub, sunburn, spray burn, hail marks, drought spot, russeting, disease, insects, mechanical or other means.

(4) "Not seriously misshapen" means in Bartletts and other varieties, the pear shall have a shape which will permit the cutting of three fairly uniform quarters, and which is neither excessively flattened or elongated for the variety, and which shall be free from excessive creases or folds.

(5) "Free from serious damage" means that the defects taken singly or collectively shall not seriously deform or disfigure the fruit, or seriously affect the edible or culinary value. The following blemishes shall not be considered as serious damage:

(a) Slight handling bruises and box bruises, such as are incident to good commercial handling in the preparation of a tight pack.

(b) Sunburn, if the normal color of the fruit has been but slightly changed without any softening of the flesh or blistering or cracking of the skin.

(c) Spray burn, same as sunburn.

(d) Russeting characteristic of the variety.

(i) On Bartlett, characteristic russeting shall be permitted at the calyx end provided such russeting is not visible for more than 1/2 inch when the pear is placed calyx end down on a flat surface and in addition smooth russeting shall be permitted on the entire surface.

(ii) On other varieties, smooth russeting not characteristic of the variety will be permitted on the entire surface of the fruit.

(e) Pebbling on Bartletts which does not seriously affect the culinary or edible value of the fruit.

(f) Limbrubs on Bartletts and other varieties which are light and which are not soft and which do not affect an aggregate area to exceed 10% of the surface of the fruit.

(g) Drought spots which do not affect an aggregate area exceeding 1/4 inch.

In addition to the above, a pear may show any one or a combination of the following, the aggregate of which does not exceed the maximum area specified on each variety mentioned below:

(h) Heavy or dark heavy limbrubs on Bartletts and other varieties which are not soft and which do not affect an aggregate area to exceed 3/4 of an inch.

(i) Hail marks when the injury does not affect an aggregate area to exceed 3/4 inch in diameter on Bartlett pears, and 1/2 inch in diameter on other varieties of pears.

(j) **Frost rings.**

(i) Bartletts: Frost rings which do not completely encircle the pear and when the surface is only slightly grooved; and frost damage, such as occurs at the calyx end and which does not materially detract from the appearance of the pear.

(ii) On other varieties frost injury of the nature of heavy russet shall be considered under heavy limbrubs.

(k) Scab spot affecting an aggregate area not to exceed 1/2 inch in diameter.

(l) Shallow healed depressions which do not seriously affect the general appearance of the fruit and which do not affect an aggregate area to exceed 3/4 of an inch in diameter.

(m) Sooty blotch when affecting an aggregate area of not more than 50% of the surface area of thin, widely scattered spots, or not more than 1 1/4 inches of moderate, or not more than 3/4 inch of heavy.

(6) WASHINGTON C GRADE shall consist of pears of one variety which are mature, hand picked, clean, sound and free from hard-end; and free from serious damage caused by (a) broken skin, (b) insects, disease, hail marks, limbrubs, heavy russet, or other means; and shall not be so excessively elongated or flattened as to preclude the cutting of one good half.

(a) Broken skin exceeding 1/4 inch in diameter.

(b) "Free from serious damage" means defects when taken singly or collectively shall not seriously affect the

edible or culinary value of the fruit. The following conditions shall not be considered serious damage: Healed insect depressions or other surface blemishes which do not prevent the cutting of one good half.

(c) Hard–end is defined as those pears which show an abnormally yellow or green color at the blossom end or an abnormally smooth rounded bases with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody.

(d) Pears affected by hard–end shall be considered defects of all grades.

(e) Rat–tail shaped pears, or second bloom pears that are tough or ridged shall be considered defects of all grades.

(7) COMBINATION GRADES.

A. When extra fancy and fancy pears are packed together, the packages may be marked "combination extra fancy and fancy." In this grade at least 50%, by count, of the fruit must meet the requirements of extra fancy.

B. When extra fancy, fancy, and C grade pears are packed together, the packages may be marked "combination extra fancy, fancy and C grade" but must contain at least 50%, by count, of pears meeting the requirements of extra fancy grade.

C. When extra fancy and C grade pears are packed together, the packages may be marked "combination extra fancy, and C grade," but must contain at least 50%, by count, of pears meeting the requirements of extra fancy grade.

D. When fancy and C grade pears are packed together, the packages may be marked "combination fancy and C grade," but must contain at least 50%, by count, of pears meeting the requirements of fancy grade. [Order 1033, Regulation 1, filed 10/10/66, effective 11/10/66; Order 930, Regulation 1, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-220 Tolerances. (1) Tolerances which apply at time of packing:

(a) In order to allow for variations incident to commercial grading and handling, in each of the foregoing grades not more than 10%, by count, of any lot may be below the requirements of the grade, and not more than one–tenth of this amount shall be allowed for decay and/or breakdown. Slight imperfections which are not discernible in good commercial sorting practice shall not be considered as defects of grade.

(b) In addition to the above, a 10% tolerance for a total of all defects from the standards defined for uniformity of size, wrapping, and tightness of pack shall be permitted, and shall be computed by counting, weighing, or measuring the specimens judged to be below the standard.

(c) In order to allow for variations incident to proper sizing, not more than five percent, by count, of the pears in any lot may be below any specified minimum size and not more than ten percent may be above any specified maximum size.

(d) Small inconspicuous skin breaks, less than one–eighth inch in diameter or depth, shall not be considered damage. In addition, not more than 15 percent of the pears in any container may have not more than one skin break from one–eighth inch to three–sixteenths inch, inclusive, in diameter or depth.

(2) Tolerances which apply after pears have been placed in storage or in transit in Washington state: After pears have been placed in storage or in transit, scald, breakdown, decay, bitter pit, or physical injury affecting keeping quality which may have developed or may only have become evident after pears are packed are defined as applying to condition rather than to grade. [Order 1033, Regulation 2, filed 10/10/66, effective 11/10/66; Order 930, Regulation 2, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-230 Culls. (1) Pears which are not graded in conformity with foregoing grades and standards and which contain not more than 5% serious insect damage shall be designated as "culls."

(2) Infested culls. Pears which are not graded in conformity with the foregoing grades and which contain 5% or more infestation from codling moth, San Jose scale, and other horticultural pests, shall be designated as "infested culls." [Order 1033, Regulation 3, filed 10/10/66, effective 11/10/66; Order 930, Regulation 3, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-240 Size. (1) The following packs shall be recognized as standard for determining range in sizes: 70, 80, 90, 100, 110, 120, 135, 165, 180, 193, 210, 228, 245.

(2) The following terms will be used for description of degrees of uniformity of sizing of pears in packed containers.

(a) UNIFORM when the container contains not more than two sizes, the majority of which must be of the size with which the container is marked;

(b) FAIRLY UNIFORM when the container actually contains a range of not more than three sizes, one size larger and one size smaller than the size with which the container is marked;

(c) SLIGHTLY IRREGULAR when not more than 10% of the pears in the container exceed the range of three sizes mentioned above;

(d) IRREGULAR when more than 10% of the pears in the container exceed the range of three sizes mentioned above. (Note: Packages in which the size must be described as "irregular" do not comply with the state grading and packing regulations and cannot legally be shipped.) [Order 1033, Regulation 4, filed 10/10/66, effective 11/10/66; Order 930, Regulation 4, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-250 Containers. (1) Standard box packs: All pears packed in boxes under these regulations shall be arranged in clean, fairly bright and tightly nailed boxes according to the approved and recognized methods, with stems pointing towards the end of the box, except when jumbled. All boxes shall be tightly packed at time of packing but the contents shall not show excessive or unnecessary bruising because of an

overfilled package. Each pear wrapped shall be well wrapped.

(2) Tray packs:

(a) A standard tray pack container carries four, five, or six molded pulp trays and is packed to and marked with one of the same size counts of the same size pears as are packed in the standard container.

(b) All pears packed in tray pack containers shall be as uniformly sized as those packed in the standard box and shall be arranged according to the approved method for the tray type of pack.

(c) Each container shall be well filled.

(3) When containers smaller than standard boxes or tray pack cartons are used, the containers shall be tightly packed, and if pears are wrapped and/or packed in a uniform manner as described in (1) or (2) above, the same requirements for sizing, wrapping and/or placement shall apply. [Order 1033, Regulation 5, filed 10/10/66, effective 11/10/66; Order 930, Regulation 5, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-260 Minimum weight. The smallest container for shipment of fresh Bartlett pears shall contain at least 14 lbs. net weight of pears. (Except for overwrap trays or other consumer type packages packed in master containers.) The director may, after receiving application, grant the use of experimental packages. [Order 1033, Regulation 6, filed 10/10/66, effective 11/10/66; Order 930, Regulation 6, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-270 Marking. (Packed or loose in containers.) (1) When shipped, the container shall bear the correct name of the variety or "variety unknown," the name of the grower, packer, or shipper, and his address, the grade, and the correct number of pears or the net contents either in terms of dry measure or weight. Any of these marks may be printed on the label but in case they are not, they must be stamped on the end of the container. The grower's, packer's, or shipper's name and address, if not included on the label, must be placed either in line with the grade marks above the label or on the opposite end of the container.

(2) When pears are packed in other than standard boxes or tray cartons, the container shall be marked with the correct number of pears and the net weight. [Order 1033, Regulation 7, filed 10/10/66, effective 11/10/66; Order 930, Regulation 7, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-280 United States standards for summer and fall pears. (1) The following U.S. grades may be used for Bartlett and other summer and fall pears: U.S. No. 1, U.S. No. 2, and U.S. combination, as promulgated in the U.S. standards for summer and fall pears and adopted effective August 20, 1955.

(2) When U.S. grades are used, pears must meet the requirements of the lowest Washington state grade or better. [Order 1033, Regulation 8, filed 10/10/66, effective 11/10/66; Order 930, Regulation 8, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

Chapter 16-442 WAC
WINTER PEARS

WAC

16-442-005 Application and when mandatory.
16-442-010 Introduction.
16-442-020 Washington extra fancy or U.S. extra No. 1.
16-442-030 U.S. No. 1.
16-442-040 Washington fancy or U.S. No. 2.
16-442-050 Washington combination or U.S. combination grade.
16-442-060 Washington commercial.
16-442-070 Washington third grade.
16-442-080 Culls.
16-442-090 Definitions of terms.
16-442-100 Tolerances for preceding grades.
16-442-110 Condition after storage or transit.
16-442-120 Standard pack.
16-442-130 Tolerances for standard pack.
16-442-140 Box packs.
16-442-150 Marking boxes.
16-442-160 Other grades and brands.

WAC 16-442-005 Application and when mandatory. (1) This order is applicable to D'Anjou, Bosc, Winter Nelis and other varieties of winter pears; and

(2) Effective and mandatory when packed or marketed within the state of Washington. [Order 322, effective 7/29/40.]

WAC 16-442-010 Introduction. (1) Numbers and letters in parentheses following grade terms indicate where such terms are defined under definitions of terms (WAC 16-442-090).

(2) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(3) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(4) When the pears are in bulk, percentages shall be calculated on the basis of weight.

(5) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(6) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(7) For a tolerance of less than 10 per cent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package. [Order 322, effective 7/29/40.]

WAC 16-442-020 Washington extra fancy or U.S. extra No. 1. Washington extra fancy or U.S. extra No. 1 shall consist of pears of one variety which are mature (1), but not overripe (2), carefully handpicked (3), clean (4), well formed (5), free from decay, internal breakdown, scald, freezing injury, worm holes, black end (6),

hard end, drought spot, and free from injury (7) caused by russeting (7a), limb rubs (7b), hail (7c), scars (7c), cork spot (7d), sunburn (7e), sprayburn (7e), stings or other insect injury (7f) or mechanical or other means (7), except that they shall be free from damage (9) caused by bruises (9b), broken skins (9c), or disease (9k). (See tolerances and condition after storage or transit.) [Order 322, effective 7/29/40.]

WAC 16-442-030 U.S. No. 1. U.S. No. 1 shall consist of pears of one variety which are mature (1), but not overripe (2), carefully handpicked (3), clean (4), fairly well formed (8), free from decay, internal breakdown, scald, freezing injury, worm holes, black end (6), and from damage (9) caused by hard end (9a), bruises (9b), broken skins (9c), russeting (9d), limbrubs (9e), hail (9f), scars (9f), cork spot (9g), drought spot (9h), sunburn (9i), sprayburn (9i), stings or other insect injury (9j), disease (9k) or mechanical or other means (9). (See tolerances and condition after storage or transit.) [Order 322, effective 7/29/40.]

WAC 16-442-040 Washington fancy or U.S. No. 2. Washington fancy or U.S. No. 2 shall consist of pears of one variety which are mature (1), but not overripe (2), carefully handpicked (3), clean (4), not seriously misshapen (10), free from decay, internal breakdown, scald, freezing injury, worm holes, black end (6), and from damage (9) caused by hard end (9a), or broken skins (9c). The pears shall also be free from serious damage (11), caused by bruises, russeting (11a), limbrubs (11b), hail (11c), scars (11c), cork spot (11d), drought spot (11e), sunburn (11f), sprayburn (11f), stings or other insect injury (11g), disease (11h), or mechanical or other means (11). (See tolerances and condition after storage or transit.) [Order 322, effective 7/29/40.]

WAC 16-442-050 Washington combination or U.S. combination grade. A combination of U.S. No. 1 and U.S. No. 2 may be packed. When such a combination is packed, at least 50 percent of the pears in any container shall meet the requirements of U.S. No. 1. (See tolerances and condition after storage or transit.) [Order 322, effective 7/29/40.]

WAC 16-442-060 Washington commercial. A combination of extra fancy and fancy may be packed together as "Washington commercial grade" when at least 50 percent of the pears in any container meet the requirements of Washington extra fancy, and the remainder meet the requirements of Washington fancy (except that broken skins or skin punctures not to exceed three sixteenths of an inch in diameter shall not be considered a defect for this grade). [Order 322, effective 7/29/40.]

WAC 16-442-070 Washington third grade. Washington third grade shall consist of pears of one variety which are mature, hand picked, clean, sound, not very seriously misshapen (12), free from black end, free from damage caused by hard end, broken skins, and from serious damage caused by cork spot or bruises. [This paragraph—Order 610, effective 8/21/51.]

WAC 16-442-080 Culls. Pears which are not graded in conformity with the foregoing grades must be designated as culls. [Order 322, effective 7/29/40.]

WAC 16-442-090 Definitions of terms. As used in these standards:

(1) "Mature" means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

Before a mature pear becomes overripe it will show varying degrees of firmness depending upon the stage of the ripening process. Therefore, a statement of firmness should be given in order to indicate the state of the ripening process. A description of the ground color should also be given.

The following terms should be used for describing the ground colors "green," "light green," "yellowish green," and "yellow."

The following terms should be used for describing the firmness of pears:

"Hard" means that the flesh of the pear is solid and does not yield appreciably even to considerable pressure. Such pears are in suitable condition for long storage periods for the variety;

"Firm" means that the flesh of the pear is fairly solid buy yields somewhat to moderate pressure. The ripening process in firm pears is further advanced than in hard pears and they cannot be held in storage as long. Winter varieties at the firm stage may be held longer than the early varieties;

"Firm ripe" means that the flesh of the pear yields readily to moderate pressure. Such a pear is approaching the stage at which it is in prime eating condition but may be held for a brief period although winter varieties can be held longer than the early varieties;

"Ripe" means that the pear is at the stage where it is in its most desirable condition for eating.

(2) "Overripe" means dead ripe, very mealy or soft, past commercial utility;

(3) "Carefully handpicked" means that the pears do not show evidence of rough handling or of having been on the ground;

(4) "Clean" means free from excessive dirt, dust, spray residue or other foreign material;

(5) "Well formed" means having the shape characteristic of the variety. Slight irregularities of shape from type which do not appreciably detract from the general appearance of the fruit shall be considered well formed;

(6) "Black end" is evidenced by an abnormally deep green color around the calyx, or black spots usually occurring on the one–third of the surface nearest to the calyx, or by an abnormally shallow calyx cavity;

(7) "Injury" means any blemish or defect that more than slightly affects the appearance, edible or shipping quality. The following shall be considered as injury:

(7a) Russeting which exceeds the following shall be considered as injury:

On all varieties any excessively rough russeting (russeting which shows "frogging" or slight cracking).

On Comice, and on Anjou and other smooth-skinned varieties, slightly rough russeting, or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds 1/2 inch in diameter;

On Anjou and other smooth-skinned varieties, smooth solid russeting when the aggregate area exceeds 1/2 inch in diameter and smooth netlike russeting when the aggregate area exceeds 15 percent of the surface, and on Comice, smooth solid or smooth netlike russeting when the aggregate area exceed one-third of the surface, except that, in addition, on these and similar varieties, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx and not visible for more than 1/2 inch along the contour of the pear, when it is placed calyx end down on a flat surface;

On any of the following and other similar varieties, rough or thick russeting such as is characteristic of frost injury when the aggregate area exceeds 1/2 inch in diameter. On any of these varieties any amount of characteristic russeting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limb rubs which resemble and blend into russeted areas shall be considered as russet:

Bosc	P. Barry
Clairgeau	Pound
Easter Beurre	Seckel
Kieffer	Sheldon
	Winter Nelis, and other similar varieties;

Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(7b) Limbrubs which are cracked, softened, more than very slightly depressed, not light in color, or exceeding an aggregate area of 3/4 inch in diameter;

(7c) Hail marks or other similar depressions or scars which are not very shallow or superficial, or which affect an aggregate area of more than 1/4 inch in diameter;

(7d) Cork spot when a pear shows depressions or other external evidence of the disease;

(7e) Sunburn or sprayburn if the normal color of the fruit has been materially changed, or if the skin is blistered or cracked, or the flesh softened or discolored;

(7f) More than two healed slight stings or depressions, or any stings which materially affect the general appearance of the fruit.

Blister mite or canker worm injury which is not very shallow and superficial or where the injury affects an aggregate area or more than 1/4 inch;

(8) "Fairly well formed" means that the pear may be slightly abnormal in shape but not to an extent which detracts materially from the appearance of the fruit. Winter Nelis pears with characteristic slight sutures or with slight flattening on one side and/or other slight irregularities which do not materially detract from the general appearance of the pear shall be considered fairly well formed;

(9) "Damage" means any injury or defect which materially affects the appearance, edible or shipping quality;

(9a) Hard end, if the pear shows an abnormally yellow color at the blossom end, or an abnormally smooth rounded base with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody;

(9b) Slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack shall not be considered damage;

(9c) Any pear with one skin break larger than 3/16 inch in diameter or depth, or with more than one skin break 1/8 inch or larger in diameter or depth, shall be considered damaged, and scored against the grade tolerance.

Small inconspicuous skin breaks, less than 1/8 inch in diameter or depth, shall not be considered damage. In addition, not more than 15 percent of the pears in any container may have not more than one skin break from 1/8 inch to 3/16 inch inclusive in diameter or depth;

(9d) Russeting which exceeds the following shall be considered as damage:

On all varieties excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds 1/2 inch in diameter;

On Anjou and other smooth-skinned varieties, slightly rough russeting, or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds 3/4 inch in diameter;

On Anjou, smooth solid or smooth netlike russeting when the aggregate area exceeds one-third of the surface, and on other smooth-skinned varieties, 15 percent of the surface, except that, in addition, on Anjou and other smooth-skinned varieties, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than 1/2 inch along the contour of the pear, when it is placed calyx end down on the flat surface;

On any of the following and other similar varieties, rough or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds 3/4 inch in diameter; on any of these varieties any amount of characteristic russeting is permitted, whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limb rubs which resemble and blend into russeted areas shall be considered as russet:

Bosc	P. Barry
Clairgeau	Pound
Comice	Seckel
Easter Beurre	Sheldon
Kieffer	Winter Nelis, and other similar varieties;

Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(9e) Any limbrubs which are cracked, softened, or more than slightly depressed.

Black discoloration caused by limb rubs which exceeds an aggregate area of 3/8 inch in diameter.

Dark brown discoloration or excessive roughness caused by limb rubs which exceeds an aggregate area of 1/2 inch in diameter.

Slightly rough, light colored discoloration caused by limb rubs which exceeds an aggregate area of 3/4 inch in diameter.

Smooth, light colored discoloration caused by limb rubs which exceeds an aggregate area of 1 inch in diameter;

(9f) Hail marks or other similar depressions or scars which are not shallow or superficial, or where the injury affects an aggregate area of more than 3/8 inch in diameter;

(9g) Cork spot, when more than one in number visible externally, or when the visible external injury affects an area of more than 3/8 inch in diameter;

(9h) Drought spot when more than one in number, or when the external injury exceeds an aggregate area of 3/8 inch in diameter, or when the appearance of the flesh in materially affected by corky tissue or brownish discoloration;

(9i) Sunburn or sprayburn where the skin is blistered, cracked, or shows any light tan or brownish color, or the shape of the pear is appreciably flattened, or the flesh is appreciably softened or changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting (9d);

(9j) Insects.

More than two healed codling moth stings, or any insect sting which is over 3/32 of an inch in diameter, or other insect stings affecting the appearance to an equal extent.

Blister mite or canker worm injury which is not shallow or superficial, or where the injury affects an aggregate area of more than 3/8 inch in diameter;

(9k) Disease.

Scab spots which are black and which cover an aggregate area of more than 1/8 inch in diameter, except that scab spots of a russet character shall be considered under the definition of russeting (9d).

Sooty blotch which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than 3/8 inch in diameter;

(10) "Seriously misshapen" means that the pear is excessively flattened or elongated for the variety, or is constricted or deformed so it will not cut three fairly uniform good quarters, or is so badly misshapen that the appearance is seriously affected;

(11) "Serious damage" means any injury or defect which seriously affects the appearance, edible or shipping quality:

(11a) Russeting which in the aggregate exceeds the following shall be considered as serious damage:

On all varieties, excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds 3/4 inch in diameter;

On all varieties, thick russeting such as is characteristic of frost injury, 15 percent of the surface;

On Anjou, smooth solid or smooth netlike russeting when the aggregate area exceeds two-thirds of the surface, except that, in addition, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than 1/2 inch along the contour of the pear, when it is placed calyx end down on a flat surface;

Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(11b) Limb rubs which are more than slightly cracked, or excessively rough limb rubs or dark brown or black discoloration caused by limb rubs which exceeds an aggregate area of 3/4 inch in diameter;

Other limb rubs which affect an aggregate area of more than one-tenth of the surface;

(11c) Hail marks or other similar depressions or scars which affect an aggregate area of more than 3/4 inch in diameter, or which materially deform or disfigure the fruit;

(11d) Cork spot, when more than two in number visible externally, or when the visible external injury affects an aggregate area of more than 1/2 inch in diameter;

(11e) Drought spot when more than two in number, or where the external injury affects an aggregate area of more than 3/4 inch in diameter, or when the appearance of the flesh is seriously affected by corky tissue or brownish discoloration;

(11f) Sunburn or sprayburn where the skin is blistered, cracked or shows any brownish color, or where the shape of the pear is materially flattened, or the flesh is softened or materially changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting (11a);

(11g) Insects:

Worm holes.

More than three healed codling moth stings, of which not more than two may be over 3/32 inch in diameter, or other insect stings affecting the appearance to an equal extent.

Blister mite or canker worm injury which affects an aggregate area of more than 3/4 inch in diameter or which materially deforms or disfigures the fruit;

(11h) Disease:

Scab spots which are black, and which cover an aggregate area of more than 1/4 inch in diameter, except that scab spots of a russet character shall be considered under the definition of russeting (11a);

Sooty blotch which is thinly scattered over more than 15 percent of the surface, or dark heavily concentrated spots which affect an area of more than 3/4 inch in diameter;

(12) Very seriously misshapen means that the pear is excessively flattened, elongated for variety, or is constricted or deformed so it will not cut one good half or two fairly uniform quarters. [Order 610, effective 8/21/51; Order 322, effective 7/29/40.]

WAC 16-442-100 Tolerances for preceding grades. (1) In order to allow for variations incident to proper

grading and handling, not more than a total of 10 percent of the pears in any container may be below the requirements of grade, provided that not more than 5 percent shall be seriously damaged by insects, and not more than 1 percent shall be allowed for decay or internal breakdown.

(2) When applying the foregoing tolerances to the combination grade no part of any tolerance shall be used to reduce the percentage of U.S. No. 1 pears required in the combination; but individual containers may have not more than 10 percent less than the percentage of U.S. No. 1 required, provided that the entire lot averages within the percentage specified. [Order 322, effective 7/29/40.]

WAC 16-442-110 Condition after storage or transit. Decay, scald or other deterioration which may have developed on pears after they have been in storage or transit shall be considered as affecting condition and not the grade. [Order 322, effective 7/29/40.]

WAC 16-442-120 Standard pack. (1) Sizing. The numerical count, or the minimum size of the pears packed in closed containers shall be indicated on the package. The number of pears in the box shall not vary more than 3 from the number indicated on the box.

(2) When the numerical count is marked on western standard or special pear boxes the pears shall not vary more than 3/8 inch in their transverse diameter for counts 120 or less; 1/4 inch for counts 135 to 180 inclusive; and 3/16 inch for counts 193 or more.

(3) When the numerical count is marked on western standard half boxes or special half boxes packed three tiers deep, the pears shall not vary more than 1/4 inch for counts 90 or less, and 3/16 inch for counts 100 or more.

(4) When the numerical count is marked on western standard half boxes or special half boxes packed two tiers deep, the pears shall not vary more than 3/8 inch for counts 50 or less; 1/4 inch for counts 55 to 60 inclusive; and 3/16 inch for counts 65 or more.

(5) When the numerical count is not shown, the minimum size shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2-1/2 inches minimum, 2-1/4 inches minimum, or 2-5/8 inches minimum, in accordance with the facts. It is suggested that both minimum and maximum sizes be marked on the container, as 2-1/4 to 2-3/4 inches, 2-1/2 to 2-3/4 inches, as such marking is especially desirable for pears marketed in the export trade.

(6) "Size" means the greatest transverse diameter of the pear taken at right angles to a line running from the stem to the blossom end.

(7) Packing. Each package shall be packed so that the pears in the shown face shall be reasonably representative in size and quality of the contents of the package.

(8) Pears packed in any container shall be tightly packed. All packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(9) Pears packed in boxes shall be arranged in containers according to the approved and recognized methods with the pears packed lengthwise. A bridge shall not be allowed in any standard pack. When wrapped each pear shall be fairly well enclosed by its individual wrapper.

(10) Pears packed in round stave bushel baskets, tubs or in barrels shall be ring faced. [Order 322, effective 7/29/40.]

WAC 16-442-130 Tolerances for standard pack. (1) In order to allow for variations incident to proper sizing, not more than 5 percent of the pears in any container may not meet the size requirements provided that, when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for pears which are larger than the maximum size stated.

(2) In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may not meet these requirements, but no part of this tolerance shall be allowed for bridge packs, or for packs with different sizes and arrangements such as layers of 195 size and arrangement, and layers of 180 size and arrangement packed in the same box. [Order 322, effective 7/29/40.]

WAC 16-442-140 Box packs. All pears packed in boxes under these regulations shall be arranged in clean, fairly bright and tightly nailed boxes according to the approved and recognized methods, with the stems pointing towards the end of the box, except when jumbled, and all boxes shall be tightly packed at time of packing but the contents shall not show excessive or unnecessary bruising because of an overfilled package. Each pear wrapped shall be well wrapped. [Order 322, effective 7/29/40.]

WAC 16-442-150 Marking boxes. (1) When shipped, the box shall bear the correct name of the variety, or "variety unknown," the name of the grower, packer, or shipper, and his address, the grade and the number of pears or the net contents either in terms of dry measure or weight. Any of these marks may be printed on the label but in case they are not, they must be stamped on the end of the box. The grower's, packer's or shipper's name and address, if not included on the label, must be placed either in line with the grade marks above the label or on the opposite end of the box.

(2) When boxes are marked as to number, they shall comply with the specifications mentioned under size. [Order 322, effective 7/29/40.]

WAC 16-442-160 Other grades and brands. Any person, firm, or organization wishing to pack pears under any other grade or brand than those described in the foregoing rules shall file a certified copy of the description of such grade or brand with the director of agriculture at Olympia, Washington, before the first day of August of the year in which the pears so to be packed

are grown. If such grade or brand is approved by the director of agriculture, pears may be packed under such grade or brand instead of the official state grading rules, and all boxes of pears so packed shall be marked with that grade or brand. [Order 322, effective 7/29/40.]

Chapter 16-445 WAC
STANDARDS FOR ITALIAN PRUNES

WAC

16-445-001 Promulgation.
16-445-040 Washington No. 1 grade and tolerances.
16-445-050 Culls.
16-445-060 Application of tolerances.
16-445-070 Standard pack.
16-445-080 Definitions of terms.
16-445-090 Effective date.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-445-005 Non-Italian type prunes. [Order 662, effective 7/8/53.] Repealed by Order 1262, filed 5/5/72.
16-445-010 U.S. No. 1 grade—Tolerances. [Order 662, effective 7/8/53.] Repealed by Order 1262, filed 5/5/72.
16-445-020 U.S. No. 2 grade—Tolerances. [Order 662, effective 7/8/53.] Repealed by Order 1262, filed 5/5/72.
16-445-030 U.S. combination grade—Tolerances. [Order 662, effective 7/8/53.] Repealed by Order 1262, filed 5/5/72.

WAC 16-445-001 Promulgation. (This promulgation relates to WAC 16-445-005, 16-445-010, 16-445-020, 16-445-030, 16-445-040, 16-445-050, 16-445-060, 16-445-070, and 16-445-080.)

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW and after due notice and public hearing held in Yakima, Washington on April 26, 1972, pursuant to chapters 42.32 and 34.04 RCW do hereby establish the following standards for Italian prunes. [Order 1262, § 16-445-001, filed 5/5/72.]

WAC 16-445-040 Washington No. 1 grade and tolerances. (1) Defined. Washington No. 1 grade shall consist of prunes of one variety which are well formed (1), mature (2) but not overripe, soft or shriveled, and which are free from decay and sunscald (3), and from damage (4) caused by broken skins (4a), heat injury (4b), growth cracks (4c), sunburn (4d), split pits (4e), hail marks (4f), drought spots (4g), russeting (4h), scars (4i), dirt or other foreign material, disease, insects or mechanical or other means. Italian type prunes shall have two-thirds of the surface with purplish color characteristic of the particular area where grown, and unless otherwise specified, the minimum size of such prunes shall be not less than 1-1/4 inches in diameter (7).

(2) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances are specified:

(a) At shipping point: Not more than a total of ten percent, by count, of the prunes in any container may not meet the requirements of this grade for defects other than color and size, but not more than five percent by count, may be allowed for defects causing serious damage and not more than one percent may be allowed for decay. In addition, not more than ten percent, by count, in any container may not meet the color requirements and not more than ten percent, by count, may not meet the size specifications, but the combined tolerance for all defects shall not exceed fifteen percent.

(b) At destination or en route: Not more than a total of eighteen percent of the prunes in any container may not meet the requirements of this grade and not more than the following percentages shall be allowed for the defects listed:

Ten percent which fail to meet the color requirement;

Ten percent which fail to meet the minimum size requirement;

Ten percent which fail to meet the requirements of the grade because of other permanent defects;

Seven percent for defects causing serious damage, including therein not more than five percent for serious damage by permanent defects and not more than two percent decay. [Statutory Authority: Chapter 15.17 RCW. 78-04-061 (Order 1549), § 16-445-040, filed 3/31/78; Order 1262, § 16-445-040, filed 5/5/72; Order 698, (1), effective 6/15/54; Order 662, effective 7/8/53.]

WAC 16-445-050 Culls. Culls shall consist of prunes which are immature, or seriously damaged by growth cracks, hail, insect pests, mechanical or other means. [Order 1262, § 16-445-050, filed 5/5/72; Order 662, effective 7/8/53.]

WAC 16-445-060 Application of tolerances. The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one undersized fruit may be permitted in a container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one undersized fruit may be permitted in a container. [Order 1262, § 16-445-060, filed 5/5/72; Order 662, effective 7/8/53.]

WAC 16-445-070 Standard pack. (1) The prunes shall be of fairly uniform size (10) and tightly packed according to the approved and recognized methods. The fruits in the top layer shall not be noticeably superior in quality or size to those in the remainder of the package.

(2) The size of prunes packed in 4-basket crates shall be indicated as follows: 4x4, 4x5, 5x5, etc., in accordance with the arrangement in the top layer of the basket. These packs shall not be more than 3 layers deep. Arrangements such as 4-3x5 and 5-4x5 shall not be considered standard packs.

(3) The arrangement of the bottom layer shall be one row less one way, and may be one row less each way than the arrangement of the top layer. The arrangement of the middle layer may be the same as the top layer, or may be one row less one way than the arrangement of the top layer. Straight, offset, and diagonal packs in the layers are permitted. For example: A pack with 5x5 in the top layer may have 5x5 in the middle layer, and shall have 4x5 or 4–3x5 in the bottom layer; or it may have 4x5 or 4–3x5 in the middle layer, and shall have 4x5, 4–3x5, or 4x4 in the bottom layer.

(4) In layer–packed California peach or lug boxes, the count in the entire container shall be marked on the package.

(5) In double–faced and filled special lugs the number of rows, lengthwise of the lugs, shall be marked on the package to indicate size, as "nine row."

(6) In order to allow for variations incident to proper packing, not more than 10 percent, by count, of the containers in any lot may fail to meet the requirements of the standard pack. [Order 1262, § 16–445–070, filed 5/5/72; Order 662, effective 7/8/53.]

WAC 16–445–080 Definitions of terms. As used in these standards:

(1) "Well–formed" means that the fruit has the shape characteristic of the variety. Doubles shall not be considered well–formed.

(2) "Mature" means that the fruit has reached the stage of maturity which will insure a proper completion of the ripening process.

(3) "Sunscald" means injury caused by the sun in which softening or collapse of the flesh is apparent.

(4) "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality of the fruit. Internal growth cracks, cavities or gum spots are not considered damage. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Broken skins which are unhealed; except those caused by pulled stems where the skin is not torn beyond the stem basin. (Healed skin breaks shall be handled as scars.)

(b) Heat injury which is extensive or not light in color.

(c) External growth cracks, when there are more than one on a fruit, or when any growth crack is deep, not well healed, or more than one–fourth inch in length.

(d) Sunburn which has materially changed the normal color of the fruit, or has caused the skin to blister or crack.

(e) Split pit which causes a readily apparent crack at the stem end, or which affects the shape to the extent that the fruit is not well–formed.

(f) Hail marks, or other similar depressions or scars, which are not shallow or superficial, or which aggregate more than three–eighths inch in diameter, or when the skin has been broken.

(g) Drought spots or external gum spots which are more than one–fourth of an inch in diameter.

(h) Russeting which is not excessively rough, when aggregating more than 10 percent of the fruit surface; or excessively rough russeting when aggregating more than one–fourth inch in diameter.

(i) Scars:

Dark, rough or depressed scars which aggregate more than one–fourth inch in diameter.

Fairly smooth, superficial scars, including fairly light discoloration such as is caused by handling or packing or by prunes rubbing against each other while on the tree, which aggregate more than one–half inch in diameter.

Thorn and limb scratches which are not well healed, or which aggregate more than one–half inch in length.

(5) "Well colored" as applied to Italian type prunes, means that 95 percent of the surface of the prune is purple color, excepting that portion which is permitted to be affected by russeting.

(6) "Fairly well colored" as applied to Italian type prunes, means that at least three–fourths of the surface of the prune is purple color.

(7) "Diameter" means the greatest distance measured through the center of the fruit, at right angles to a line running from the stem to the blossom end.

(8) "Badly misshapen" means that the fruit is so malformed or rough that its appearance is seriously damaged. Doubles shall be considered badly misshapen, except that doubles of Italian type prunes which have approximately equal sized halves shall not be considered badly misshapen.

(9) "Serious damage" means any injury or defect which seriously affects the appearance, edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Broken skins which are unhealed and more than one–eighth inch in diameter or depth, except those caused by pulled stems where the skin is not torn beyond the stem basin. (Healed skin breaks shall be handled as scars.)

(b) Heat injury which causes any softening or dark discoloration of the flesh. Heat injury may cause internal or external discoloration, and may or may not be serious. It should not be confused with sunscald which causes softening or collapse of the tissue, and which is always classed as serious damage.

(c) External growth cracks which are not well healed, or which are more than 3/16 inch in depth, or more than one–half inch in length.

(d) Sunburn which causes decided flattening of the fruit, or causes blistering, cracking, or noticeable brownish discoloration of the skin.

(e) Split pit which causes a crack at the stem end more than 3/16 inch in length, including any part which may be covered by the stem; or which affects the shape to the extent that the fruit is badly misshapen.

(f) Hail marks which are more than 3/16 inch in depth, or which aggregate more than one–half inch in diameter.

(g) Drought spots or external gum spots which aggregate more than one–half inch in diameter.

(h) Russeting which is not excessively rough, when aggregating more than one-third of the fruit surface; or excessively rough russeting when aggregating more than one-half inch in diameter.

(i) Scars which are very dark or excessively rough and aggregate more than one-half inch in diameter; or which are more than 3/16 inch in depth.

(10) "Fairly uniform size" means that the fruits in each packed container shall not show a variation of more than one-fourth of an inch in diameter (6). [Order 1262, § 16-445-080, filed 5/5/72; Order 662, effective 7/8/53.]

WAC 16-445-090 Effective date. This order shall take effect on and after June 5, 1972. [Order 1262, § 16-445-090, filed 5/5/72.]

Chapter 16-448 WAC
STANDARDS FOR POTATOES

WAC

16-448-130 Promulgation.
16-448-135 Applicability.
16-448-140 Washington No. 1 grade.
16-448-145 Washington commercial.
16-448-150 Washington No. 2.
16-448-155 Culls.
16-448-160 Size.
16-448-165 Tolerances.
16-448-170 Application of tolerances.
16-448-175 Samples for grade and size determination.
16-448-180 Skinning.
16-448-185 Definitions.
16-448-190 Marking requirements.
16-448-195 Forbidden practices.
16-448-200 Effective date.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-448-002, 16-448-010, 16-448-020, 16-448-030, 16-448-040, 16-448-050, 16-448-060, 16-448-070, 16-448-080, 16-448-090, 16-448-100, 16-448-110, and 16-448-120. [Order 363, effective 8/12/42.] Repealed by Order 1263, filed 5/15/72.

WAC 16-448-130 Promulgation. (This promulgation relates to Order No. 363, WAC 16-448-002, 16-448-010, 16-448-020, 16-448-030, 16-448-040, 16-448-050, 16-448-060, 16-448-070, 16-448-080, 16-448-090, 16-448-100, 16-448-110, and 16-448-120.)

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW and after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Moses Lake, Washington, on April 25, 1972, do hereby promulgate the following regulations relating to Washington standards for potatoes. (Repealing Order No. 363) [Order 1263, § 16-448-130, filed 5/15/72.]

WAC 16-448-135 Applicability. Application and when mandatory.

(1) This order is applicable to potatoes grown in the state of Washington.

(2) Effective and mandatory when packed or marketed within the state of Washington. [Order 1263, § 16-448-135, filed 5/15/72.]

WAC 16-448-140 Washington No. 1 grade. Shall consist of potatoes which meet the following requirements.

(1) Similar varietal characteristics.
(2) Firm.
(3) Fairly clean.
(4) Fairly well shaped.
(5) Free from:
(a) Freezing.
(b) Blackheart.
(c) Late blight, southern bacterial wilt and ring rot.
(d) Soft rot and wet breakdown.
(6) Free from damage by any other cause. See WAC 16-448-185.
(7) Size. Not less than 1-7/8 inches in diameter, unless otherwise specified in connection with the grade.
(8) For tolerances see WAC 16-448-165. [Order 1263, § 16-448-140, filed 5/15/72.]

WAC 16-448-145 Washington commercial. Shall consist of potatoes which meet the requirements of Washington No. 1 grade except for the following:

(1) Free from serious damage caused by:
(a) Dirt or other foreign matter.
(b) Russet scab.
(c) Rhizoctonia.
(2) Size. Not less than 1-7/8 inches in diameter unless otherwise specified in connection with the grade.
(3) Increased tolerances for defects specified in WAC 16-448-165. [Order 1263, § 16-448-145, filed 5/15/72.]

WAC 16-448-150 Washington No. 2. Shall consist of potatoes which meet the following requirements.

(1) Similar varietal characteristics.
(2) Not seriously misshapen.
(3) Free from:
(a) Freezing.
(b) Blackheart.
(c) Late blight, southern bacterial wilt and ring rot.
(d) Soft rot and wet breakdown.
(4) Free from serious damage by any other cause. See WAC 16-448-185.
(5) Size. Not less than 1-1/2 inches in diameter, unless otherwise specified in connection with the grade.
(6) For tolerances see WAC 16-448-165. [Order 1263, § 16-448-150, filed 5/15/72.]

WAC 16-448-155 Culls. Potatoes which are not graded in conformity with the foregoing grades and which contain not more than 3 percent serious insect or disease damage shall be designated as "culls." [Order 1263, § 16-448-155, filed 5/15/72.]

WAC 16-448-160 Size. (1) The minimum size, or minimum and maximum sizes may be specified in connection with the grade in terms of diameter or weight of

the individual potato, or in accordance with one of the size designations in Table I or Table II: *Provided*, That sizes so specified shall not be in conflict with the basic size requirements for the grade.

(2) When size is specified in terms of the customary sizes of potatoes packed to count in standard 50-pound cartons, the weight ranges shown in Table II shall apply. These size designations may be applied to potatoes packed in any size container: *Provided*, That the weight ranges are within the limits specified.

TABLE I

Size Designation	Minimum Diameter[1] or weight		Maximum Diameter[1] or weight	
	Inches	Ounces	Inches	Ounces
Size A[2]	1-7/8	[3]	[3]	[3]
Size B	1-1/2	[3]	2-1/4	[3]
Small	1-3/4	[3]	2-1/2	6
Medium	2-1/4	5	3-1/4	10
Large	3	10	4-1/4	16

[1] Diameter means the greatest dimension at right angles to the longitudinal axis, without regard to the position of the stem end.
[2] In addition to the minimum size specified, a lot of potatoes designated as Size A shall contain at least 40 percent of potatoes which are 2-1/2 inches in diameter or larger or 6 ounces in weight or larger.
[3] No requirement.

TABLE II

Size designation	Minimum Weight	Maximum Weight
	ounces	ounces
Under 50	15	....
50	12	19
60	10	16
70	9	15
80	8	13
90	7	12
100	6	10
110	5	9
120	4	8
130	4	8
140	4	8
Over 140	4	8

[Order 1263, § 16-448-160, filed 5/15/72.]

WAC 16-448-165 Tolerances. In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by weight, are provided as specified.

(1) **Washington No. 1.** A total of 8 percent for potatoes in any lot which fail to meet the requirements for the grade: *Provided*, That included in this tolerance not more than the following percentages shall be allowed for the defects listed:

(a) 5 percent for external defects.

(b) 5 percent for internal defects.

(c) 3 percent for potatoes which are affected by freezing, southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown. See WAC 16-448-170.

(2) **Washington commercial.** A total of 20 percent for potatoes in any lot which fail to meet the requirements for the grade: *Provided*, That included in this tolerance not more than the following percentages shall be allowed for the defects listed:

(a) 10 percent for potatoes which fail to meet the requirements for Washington No. 2 grade, including therein not more than:

(i) 6 percent for external defects.

(ii) 6 percent for internal defects.

(iii) 3 percent for potatoes which are affected by freezing, southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown. See WAC 16-448-170.

(3) **Washington No. 2.** A total of 10 percent for potatoes in any lot which fail to meet the requirements for the grade: *Provided*, That included in this tolerance not more than the following percentages shall be allowed for the defects listed:

(a) 6 percent for external defects.

(b) 6 percent for internal defects.

(c) 3 percent for potatoes which are affected by freezing, southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown. See WAC 16-448-170.

(4) For off-size. (a) Not more than 3 percent of the potatoes in any lot may be smaller than the required or specified minimum size except that a tolerance of 5 percent shall be allowed for potatoes packed to meet a minimum size of 2-1/4 inches or larger in diameter or 5 ounces or more in weight. In addition, not more than 10 percent may be larger than any required or specified maximum size. See WAC 16-448-170.

(b) When a percentage of the potatoes is specified to be of a certain size and larger, individual samples shall have not less than one-half of the percentage specified: *Provided*, That the average for the entire lot is not less than the percentage specified. [Order 1263, § 16-448-165, filed 5/15/72.]

WAC 16-448-170 Application of tolerances. Individual samples shall have not more than double the tolerances specified, except that at least one defective and one off-size potato may be permitted in any sample: *Provided*, That en route or at destination one-tenth of the samples may contain three times the tolerance permitted for potatoes which are frozen or affected by soft

rot or wet breakdown: *And provided further*, That the averages for the entire lot are within the tolerances specified for the grade. [Order 1263, § 16-448-170, filed 5/15/72.]

WAC 16-448-175 Samples for grade and size determination. Individual samples shall consist of at least 20 pounds. When individual packages contain at least 20 pounds, each individual sample is drawn from one package; when packages contain less than 20 pounds, a sufficient number of adjoining packages are opened to provide at least a 20-pound sample. The number of such individual samples drawn for grade and size determination will vary with the size of the lot. [Order 1263, § 16-448-175, filed 5/15/72.]

WAC 16-448-180 Skinning. The following definitions provide a basis for describing lots of potatoes as to the degree of skinning whenever description may be appropriate.

(1) "Practically no skinning" means that not more than 5 percent of the potatoes in the lot have more than one-tenth of the skin missing or "feathered."

(2) "Slightly skinned" means that not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered."

(3) "Moderately skinned" means that not more than 10 percent of the potatoes in the lot have more than one-half of the skin missing or "feathered."

(4) "Badly skinned" means that more than 10 percent of the potatoes in the lot have more than one-half of the skin missing or "feathered." [Order 1263, § 16-448-180, filed 5/15/72.]

WAC 16-448-185 Definitions. (1) "Similar varietal characteristics" means that the potatoes in any lot have the same general shape, color and character of skin, and color of flesh.

(2) "Firm" means that the potato is not shriveled or flabby.

(3) "Fairly clean" means that at least 90 percent of the potatoes in any lot are reasonably free from dirt or staining and not more than a slight amount of loose dirt or foreign matter is present in the container.

(4) "Mature" means that the skins of the potatoes are generally firmly set and not more than 5 percent of the potatoes in the lot have more than one-tenth of the skin missing or "feathered."

(5) "Fairly well matured" means that the skins of the potatoes are generally fairly firmly set and not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered."

(6) "Well shaped" means that the potato has the normal shape of the variety.

(7) "Fairly well shaped" means that the potato is not materially pointed, dumbbell-shaped or otherwise materially deformed.

(8) "Seriously misshapen" means that the potato is seriously pointed, dumbbell-shaped or otherwise badly deformed.

(9) "Damage" means any defect, or any combination of defects, which materially detracts from the edible or marketing quality, or the internal or external appearance of the potato, or any external defect which cannot be removed without a loss of more than 5 percent of the total weight of the potato. See Tables III and IV.

(10) "Serious damage" means any defect, or any combination of defects, which seriously detracts from the edible or marketing quality, or the internal or external appearance of the potato, or any external defect which cannot be removed without a loss of more than 10 percent of the total weight of the potato. See Tables III and IV.

(11) "Freezing" means that the potato is frozen or shows evidence of having been frozen.

(12) "Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissue such as slimy soft rot, leak, or wet breakdown following freezing injury.

(13) "External defects" are defects which can be detected externally. However, cutting may be required to determine the extent of the injury. Some external defects are listed in Table III.

(14) "Internal defects" are defects which cannot be detected without cutting the potato. Some internal defects are listed in Table IV.

TABLE III – EXTERNAL DEFECTS

	DAMAGE		SERIOUS DAMAGE	
DEFECTS	When materially detracting from appearance of potato	or When removal causes loss of more than 5 percent of total weight of potato	When seriously detracting from appearance of potato	or When removal causes loss of more than 10 percent of total weight of potato
Air cracks	X	-----	X	-----
Bruises	X	X	X	X
Dirt	X	-----	X	-----
Enlarged lenticels	X	-----	X	-----
External Discoloration	X	-----	X	-----
Flea beetle injury	X	X	X	X
Greening	X	X	X	X
Rhizoctonia	X	-----	X	-----
Scab, pitted	X	X	X	X
Scab, russet	X	-----	X	-----
Scab, surface	When more than 5 percent of surface affected.	....	When more than 25 percent of surface affected.	....
Sunburn	-----	X	-----	X
Second growth	X	-----	X	-----
Growth cracks	X	-----	X	-----

Defect	Damage	Serious Damage[1]
Wireworm or grass damage	When any hole in a potato 2-1/2 inches in diameter or 6 ounces in weight is more than 3/4 inch long, or when the aggregate length of all holes is more than 1-1/4 inches, or correspondingly shorter or longer holes in smaller or larger potatoes.	When any hole in a potato 2-1/2 inches in diameter or 6 ounces in weight is more than 1-1/2 inches long, or when the aggregate length of all holes is more than 2 inches, or correspondingly shorter or longer holes in smaller or larger potatoes.
Insects or worms	(See serious damage)	When present inside the potato.
Artificial coloring	When unsightly or when concealing any defect causing damage or when penetrating the flesh and removal causes loss of more than 5 percent of total weight of potato.	When concealing a serious defect or when penetrating into the flesh and removal causes loss of more than 10 percent of total weight of potato.
Sprouts	When more than 10 percent of the potatoes in any lot have any sprout more than 3/4 inch in length or have individual sprouts or clusters of sprouts which materially detract from the appearance of the potato.	

[1] The following defects are considered serious damage when present in any degree:
a. Freezing.
b. Late blight.
c. Ring rot.
d. Southern bacterial wilt.
e. Soft rot.
f. Wet breakdown.

TABLE IV - INTERNAL DEFECTS

Defect	Damage	Serious Damage
Hollow Heart	When materially detracting from the internal appearance.	When seriously detracting from the internal appearance.
Ingrown sprouts	When removal causes a loss of more than 5 percent of the total weight of the potato.	When removal causes a loss of more than 10 percent of the total weight of the potato.
Internal discoloration occurring entirely within the vascular ring.	When more than the equivalent of 3 scattered light brown spots 1/8 inch in diameter in a potato 2-1/2 inches in diameter or 6 ounces in weight, or correspondingly lesser or greater number of spots in smaller or larger potatoes.	When more than the equivalent of 6 scattered light brown spots 1/8 inch in diameter in a potato 2-1/2 inches in diameter or 6 ounces in weight, or correspondingly lesser or greater number of spots in smaller or larger potatoes.
Internal discoloration outside of or not entirely confined within the vascular ring.	When removal causes a loss of more than 5 percent of the total weight of the potato.	When removal causes a loss of more than 10 percent of the total weight of the potato.

[Order 1263, § 16-448-185, filed 5/15/72.]

WAC 16-448-190 Marking requirements. (1) The containers shall bear the name of the grower, packer or distributor and his address and the net weight. When potatoes are marked as to grade, such potatoes shall meet the grade marked.

(2) All containers shall be marked, labeled or stenciled in a plain and legible manner.

(3) All cull potatoes which are offered for market for human consumption, shall be designated as CULL POTATOES, and the containers in which such potatoes are marketed or offered for market shall be legibly branded, marked, labeled, or stenciled in a plain and legible manner with the words CULL POTATOES in block type letters at least two inches high. This does not apply to potatoes going to processing plants for processing purposes. [Order 1263, § 16-448-190, filed 5/15/72.]

WAC 16-448-195 Forbidden practices. In filling the bags and displaying of stock, containers must not be faced with potatoes of superior quality and size to the remaining contents of the container. All bags must be sufficiently well sewn to retain the contents thereof through the regular process of handling and shipping. When potatoes are exposed for sale, they must not be advertised as any other standard or grade than those laid down by the above regulations for potatoes shipped in containers: *Provided*, That U.S. grades must be made. [Order 1263, § 16-448-195, filed 5/15/72.]

WAC 16-448-200 Effective date. This order shall take effect on and after June 15, 1972. [Order 1263, § 16-448-200, filed 5/15/72.]

Chapter 16-449 WAC
WASHINGTON CONTROLLED ATMOSPHERE STORAGE REQUIREMENTS FOR WINTER PEARS

WAC

16-449-001 Promulgation.
16-449-010 Requirements.
16-449-020 Maturity and condition standards.
16-449-030 Effective date.

WAC 16-449-001 Promulgation. I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.30 RCW, and after due notice and public hearing held in Wenatchee, Washington on September 20, 1973, pursuant to chapters 42.32 and 34.04 RCW,

do hereby promulgate the following Washington controlled atmosphere storage requirements for winter pears. [Order 1326, § 16-449-001, filed 9/27/73.]

WAC 16-449-010 Requirements. Winter pears to be classified as controlled atmosphere storage pears, which meet the following requirements, other than those specifically set forth in chapter 15.30 RCW.

(1) Oxygen content of each room shall not exceed 5 percent oxygen within 20 days after sealing of room.

(2) Winter pears shall be retained in a controlled atmosphere storage, under required degrees of temperature and percentage of air components, for a period of not less than 45 days for the Bosc variety, and not less than 90 days for all other varieties of winter pears, to qualify as having been stored in controlled atmosphere storage.

(3) No person in this state shall place or stamp the letters "CA" or a similar designation in conjunction with a number or numbers upon any container or sub-container of any fruits or vegetables, unless the director has inspected such fruits or vegetables and issued a state lot number for such fruits or vegetables in conjunction with a certificate stating their quality and condition, that they were stored in a warehouse licensed under the provisions of this chapter and that they meet all other requirements of this chapter or rules adopted hereunder: *Provided*, That if such fruits or vegetables are not allowed to enter the channels of commerce within two weeks of such inspection or a subsequent similar inspection by the director the letters "CA" and the state lot number shall be eradicated by the licensee.

(4) Preconditioned winter pears: In order to bear the "CA" stamp, all winter pears must be certified as meeting controlled atmosphere storage requirements prior to the preconditioning. [Order 1543, § 16-449-010, filed 11/8/77; Order 1326, § 16-449-010, filed 9/27/73.]

WAC 16-449-020 Maturity and condition standards. At time of shipment the winter pears shipped and marked with "CA" number shall meet the following maturity and condition standards:

(1) Condition standards: Not more than 2 percent decay, not more than 2 percent scald, and not to exceed an aggregate of 5 percent for all condition factors including cork.

(2) Maturity standards: Not more than 5 percent shall be further advanced in maturity than firm. [Order 1326, § 16-449-020, filed 9/27/73.]

WAC 16-449-030 Effective date. This order shall take effect on and after October 27, 1973. [Order 1326, § 16-449-030, filed 9/27/73.]

Chapter 16-451 WAC
RHUBARB, HOT-HOUSE OR CELLAR GROWN

WAC

16-451-010 Extra fancy grade.
16-451-020 Fancy grade.
16-451-030 Cull rhubarb.
16-451-040 Tolerances for preceding grades.
16-451-050 Definitions of terms.
16-451-060 Marking requirements.
16-451-070 Rhubarb box.

WAC 16-451-010 Extra fancy grade. Extra fancy grade shall consist of stalks of rhubarb of similar varietal characteristics which are fresh, straight, clean, well trimmed, and free from decay and from damage caused by disease, insects, mechanical or other means. The diameter of the stalks in this grade shall be not less than nine-sixteenths of an inch and the length shall be not less than fourteen inches. Over five-eighths or more of the length of each stalk in this grade shall be a good shade of pink or deeper color. [Order 705, effective 11/30/54.]

WAC 16-451-020 Fancy grade. Fancy grade shall consist of stalks of rhubarb of similar varietal characteristics which are fresh, straight, clean, well trimmed and free from decay and from damage caused by disease, insects, mechanical or other means. The diameter of the stalks in this grade shall be not less than three-eighths of an inch and the length of the stalk shall be not less than twelve inches. Over one-half or more of the length of each stalk in this grade shall be of a good shade of pink or deeper color. [Order 705, effective 11/30/54.]

WAC 16-451-030 Cull rhubarb. Cull rhubarb shall consist of rhubarb which is not graded in conformity with any of the foregoing grades. [Order 705, effective 11/30/54.]

WAC 16-451-040 Tolerances for preceding grades. (1) In order to allow for variations incident to proper grading and handling, not more than a total of ten per cent, by count, of the stalks in any container may be below the requirements of this grade, but not more than one-fifth of this tolerance, or two percent, may be allowed for decay.

(2) The tolerances specified for various grades are placed on a container basis. However, any lot of rhubarb shall be considered as meeting the requirements of a specified grade if the entire lot averages within the tolerances specified, provided that no sample from the containers in any lot is found to exceed the following amount: For a specified tolerance of ten percent, not more than one and one-half times the tolerance shall be allowed in any one package.

(3) For a specified tolerance of two percent, not more than double the tolerance shall be allowed in any one package. [Order 705, effective 11/30/54.]

WAC 16-451-050 Definitions of terms. As used in these grades:

(1) "Similar varietal characteristics" means that the rhubarb stalks are alike as to type of color and general characteristics.

(2) "Fresh" means that the rhubarb is not limp or wilted and that at shipping point it shows evidence of having been recently pulled and packed.

(3) "Straight" means with not more than a slight curvature or twisting along the longitudinal axis of the stalk.

(4) "Well trimmed" means (1) that the top has been neatly knife trimmed so that no more than approximately two inches of bases of the midribs remain on the larger diameter stalks and proportionately less on those of smaller diameter; (2) that the top has been so trimmed that a minimum of the thin leaf tissue remains; and (3) that the most of the basal husk has been removed.

(5) "Damage" means any injury from the causes mentioned which detracts from the appearance or keeping quality of the rhubarb.

(6) "Serious damage" means badly twisted or crooked stalks; broken or badly scarred or bruised stalks; or any other injury which detracts from such appearance and keeping quality.

(7) "Good shade of pink." In specifying color requirements the term "good shade of pink" is used to describe the minimum quality or intensity of color acceptable in the specified portion required to have color. This presumes that a major portion of the colored area of a stalk will show deeper color that the shade required as a minimum.

(8) "Diameter" means the measurement across the flat face of the stalk at a point not lower than six inches above the extreme base.

(9) "Length" means the overall length, provided the stalk is well trimmed. [Order 705, effective 11/30/54.]

WAC 16-451-060 Marking requirements. (1) Open or closed containers shall be clean, and they shall be conspicuously and legibly stamped with the grade, net weight and name and address of the person, firm or association shipping the rhubarb. This does not apply to rhubarb going to processing plants for processing purposes.

(2) The grade shall be stamped in letters of at least 3/8 inch type.

(3) Cull rhubarb, if sold for fresh market purposes, must be packed in a standard, lidded rhubarb box, prominently and conspicuously marked CULL RHUBARB in 1-inch block type letters, and with the name and address of the person, firm or association shipping the rhubarb. [Order 705, effective 11/30/54.]

WAC 16-451-070 Rhubarb box. The standard rhubarb box shall be 11-1/2 x 18 x 4 inches, inside dimensions. [Order 705, effective 11/30/54.]

Chapter 16-458 WAC
HORTICULTURAL INSPECTION DISTRICT BOUNDARIES

WAC

16-458-004 Promulgation
16-458-070 District one.
16-458-075 District two.
16-458-080 District three.
16-458-085 District four.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-458-001 Promulgation. [Order 1125, § 16-458-001, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76.

16-458-002 Promulgation. [Order 1125, § 16-458-002, filed 7/15/70.] Repealed by Order 1471, filed 7/2/76.

16-458-003 Promulgation. [Order 1125, § 16-458-003, filed 11/1/72.] Repealed by Order 1471, filed 7/2/76.

16-458-010 District one. [Order 1125, § 16-458-010, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76.

16-458-020 District three. [Order 1125, § 16-458-020, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76.

16-458-030 District four. [Order 1125, § 16-458-030, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76.

16-458-040 District five. [Order 1125, § 16-458-040, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76.

16-458-050 District six. [Order 1125, § 16-458-050, filed 11/1/72; Order 1125, § 16-458-050, filed 7/15/70.] Repealed by Order 1471, filed 7/2/76.

16-458-060 Effective date. [Order 1125, § 16-458-060, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76.

16-458-061 Effective date. [Order 1125, § 16-458-061, filed 11/1/72; Order 1125, § 16-458-061, filed 7/15/70.] Repealed by Order 1471, filed 7/2/76.

WAC 16-458-004 Promulgation. (1) This promulgation relates to WAC 16-458-001, 16-458-002, 16-458-003, 16-458-010, 16-458-020, 16-458-030, 16-458-040, 16-458-050, 16-458-060 and 16-458-061.

(2) I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW [RCW 15.17.230], as amended by section 1, chapter 7, Laws of 1975 1st ex. sess., section 2, chapter 76, Laws of 1969 ex. sess., section 23, chapter 122, Laws of 1963, and after due notice as provided under chapters 34.04 and 42.32 [42.30] RCW, and a public hearing held in Olympia, Washington on June 14, 1976, do hereby promulgate the following regulations relating to horticultural inspection district boundaries and repealing the above WAC numbers. [Order 1471, § 16-458-004, filed 7/2/76.]

WAC 16-458-070 District one. All counties located west of the Cascade Mountains. [Order 1471, § 16-458-070, filed 7/2/76.]

WAC 16-458-075 District two. Kittitas, Klickitat, Skamania, Yakima and that portion of Benton County lying west of a line running south from the Columbia River known as the center line of Range 27E, and north of Sellards Road from its junction with Range 27E on the east, thence west to the Yakima County line; this includes the Prosser, Kiona, and Benton City areas. [Order 1471, § 16-458-075, filed 7/2/76.]

WAC 16-458-080 District three. Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman counties, and that portion of Benton County lying south and east of the Sellards Road, from its junction with Yakima County on the west thence east to the

center line of Range 27E, thence north to the Columbia River; this excludes the Benton City, Kiona and Prosser areas. [Order 1471, § 16-458-080, filed 7/2/76.]

WAC 16-458-085 District four. Chelan, Douglas and Okanogan counties. [Order 1471, § 16-458-085, filed 7/2/76.]

Chapter 16-459 WAC
CONTROLLED ATMOSPHERE STORAGE

WAC

16-459-001 Promulgation.
16-459-00101 Promulgation.
16-459-010 Requirements—General.
16-459-020 Identification of controlled atmosphere fruit prior to inspection.
16-459-030 Fees.
16-459-040 Penalties.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-459-050 Effective date. [Order 1213, § 16-459-050, filed 9/20/71.] Repealed by Order 1486, filed 9/15/76.

WAC 16-459-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 15.30 RCW, relating to controlled atmosphere storage of fruits and vegetables, and after due notice as provided under chapters 34.04 and 42.30 RCW, and a public hearing held in Wenatchee, Washington, on September 16, 1971, do hereby promulgate the following rules and regulations relating to controlled atmosphere storage. [Order 1213, § 16-459-001, filed 9/20/71.]

WAC 16-459-00101 Promulgation. This promulgation relates to WAC 16-459-010 and 16-459-050 of Order No. 1213.

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.30 RCW, relating to controlled atmosphere storage of fruits and vegetables, and after due notice as provided under chapters 34.04 and 42.30 RCW, and a public hearing held in Ellensburg, Washington on September 9, 1976, do hereby promulgate the following rules and regulations relating to controlled atmosphere storage, amending WAC 16-459-010 and repealing WAC 16-459-050. [Order 1486, § 16-459-00101, filed 9/15/76.]

WAC 16-459-010 Requirements—General. (1) Controlled atmosphere storage operators and/or lessees are required to submit an application for license prior to August 31 of any year. This form will be entitled application for a controlled atmosphere storage license and will be form Agri 060-6074: *Provided,* Late license renewal will be in accordance with RCW 15.30.070.

(2) Controlled atmosphere storage operators are required to separately report to the district manager the date of sealing the storage and

(a) The quantity of loose fruit by variety and owner.

(b) The quantity of packed fruit by variety and owner.

This information will be submitted to the district manager on form Agri-060-6075 and signed by the operator.

(3) Each controlled atmosphere operator must keep daily determinations of air components as to percentages of carbon dioxide, oxygen, and temperature at least once each day as prescribed in RCW 15.30.120. This information is subject to audit by the inspection service and the various audits will be reported for each storage on form Agri-060-6076 by department personnel.

(4) In addition to the above general requirements, standard and red delicious apple varieties must be in a sealed controlled atmosphere storage on or before *December 15 each year* in order to qualify and be identified as Washington controlled atmosphere storage apples.

The forms mentioned above are department of agriculture forms which will be furnished by the plant industry division.

All license holders are required to notify the local inspection office on or before opening any controlled atmosphere storage rooms. [Order 1486, § 16-459-010, filed 9/15/76; Order 1213, § 16-459-010, filed 9/20/71.]

WAC 16-459-020 Identification of controlled atmosphere fruit prior to inspection. (1) All controlled atmosphere storage fruit that requires transportation by a Washington state licensed motor vehicle for shipment, storage, or packaging will require identification. All fruit removed from controlled atmosphere storage and stored in conventional cold storage will require identification.

(2) Identification may be made at the time of entry into controlled atmosphere storage or at the time of removal from controlled atmosphere storage. This option is to be exercised by the controlled atmosphere licensee with the following requirements:

(a) Loose fruit in bins will be tagged with the prenumbered official department storage identification tag.

(b) Packed fruit is to be marked with a stamp supplied by the department at the time fruit enters controlled atmosphere storage.

(c) Packed fruit marked at time of removal from controlled atmosphere storage with stamp supplied by the department will be used under the supervision of inspection personnel.

The above identification requirements will be used on all fruit subject to identification as noted in paragraph (1) above only.

(3) Controlled atmosphere fruit retained by a packer for packaging at a later date will be identified as follows:

(a) Loose fruit held in bins will be tagged with a current state lot number without certification.

(b) Fruit held in field lugs will be identified in a like manner by pallet.

(c) Fruit held in any other manner will require certification and state lotting.

(4) Fruit subject to condition because of out-dated state lot stamp may be stamped with a current up-to-date state lot number if identification may be a problem.

Fruit not restamped with an up–to–date number will be subject to an additional condition certification if identification is questionable. [Order 1213, § 16–459–020, filed 9/20/71.]

WAC 16–459–030 Fees. Controlled atmosphere licensees will be subject to the following fees:

(1) Tags. First 1 to 100 – 50¢

Each additional 100 – 50¢

(2) Stamp distributed by the department only to be used on packed containers — $1.00 each year.

(3) Inspection personnel. Supervision as required in WAC 16–459–020 (2)(c), will be at the rate established under permanent order entitled horticultural inspection fees. [Order 1213, § 16–459–030, filed 9/20/71.]

WAC 16–459–040 Penalties. Willful violation of any of the above rules or provisions of chapter 15.30 RCW by controlled atmosphere operators and/or lessees will be sufficient cause for the department to consider suspension of the controlled atmosphere operator's or lessee's license. [Order 1213, § 16–459–040, filed 9/20/71.]

Chapter 16–460 WAC
TOMATOES

WAC

16–460–005 Applicability.
16–460–008 Promulgation.
16–460–040 Washington No. 1 grade, size, tolerances—Application of tolerances.
16–460–080 Definition of terms.
16–460–100 Marking requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16–460–010 Introduction. [Order 357, effective 5/1/42.] Superseded by Order 1055, filed 6/9/67, effective 7/10/67. See WAC 16–460–040.

16–460–020, 16–460–030, 16–460–050, 16–460–060, 16–460–070. [Order 357, effective 5/1/42.] Superseded by Order 1055, filed 6/9/67, effective 7/10/67. See WAC 16–460–100.

16–460–090 Size requirements. [Order 357, effective 5/1/42.] Superseded by Order 1055, filed 6/9/67, effective 7/10/67. See WAC 16–460–040.

16–460–110 California lug. [Order 357, effective 5/1/42.] Repealed by deletion, Order 1055, filed 6/9/67, effective 7/10/67.

WAC 16–460–005 Applicability. Effective and mandatory for all tomatoes grown within or marketed in closed containers within or outside the state of Washington between July 1 and September 15 of each year. [Order 1055 (part), filed 6/9/67, effective 7/10/67; Order 357, effective 5/1/42.]

WAC 16–460–008 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW, after due notice and public hearing held in Wapato, Washington, on May 23, 1967 (pursuant to chapters 42.32 and 34.04 RCW), do hereby establish the Washington standards for tomatoes and the container marking requirements. [Order 1055, Promulgation, filed 6/9/67, effective 7/10/67.]

WAC 16–460–040 Washington No. 1 grade, size, tolerances—Application of tolerances. Regulation A. GRADES. WASHINGTON NO. 1, shall consist of tomatoes of similar varietal characteristics (1) which are mature (2) but not overripe or soft (3) not badly misshapen (4) free from decay, freezing injury and from serious damage (5) caused by cuts (5a) dirt (5b) sunscald (5c) sunburn (5d) puffiness (5e) catfaces (5f) scars (5g) growth cracks (5h) hail (5i) insects (5j) bruises, diseases, or mechanical or other means.

Regulation B. SIZE. The minimum size, unless otherwise specified, shall be 1 3/4 inches in diameter. Tomatoes packed in rows shall not vary more than 1/2 inch in diameter in individual containers. In determining compliance with the above size requirements the measurement for minimum diameter shall be the largest diameter of the tomato measured at right angles to a line from the stem end to the blossom end. The measurement for maximum diameter shall be the smallest dimension of the tomato determined by passing the tomato through a round opening in any position.

Regulation C. TOLERANCES. In order to allow for variations incident to proper grading and handling, not more than 10% by count, of the tomatoes in any lot may be below the requirements of this grade, but not more than one–tenth of this tolerance or 1% may be allowed for soft ripe tomatoes or tomatoes affected by decay at shipping point, and not more than a total of 5% shall be allowed for soft ripe tomatoes or tomatoes affected by decay en route or at destination. In addition to the above a tolerance of 10% shall be allowed for tomatoes failing to meet size requirements.

Regulation D. APPLICATION OF TOLERANCES. The contents of individual containers in the lot based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified; when a tolerance is 10% or more individual containers in any lot shall have not more than one and one–half times the tolerance specified, except that at least one defective and one off–size specimen may be permitted in any container; and when a tolerance is less than 10%, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective specimen may be permitted in any container. [Order 1055 (part), filed 6/9/67, effective 7/10/67; Order 357, effective 5/1/42.]

WAC 16–460–080 Definition of terms. Regulation E. (1) **"Similar varietal characteristics,"** means that the tomatoes are alike as to firmness of flesh and shade of color (for example, soft–fleshed, early maturing varieties are not mixed with firm fleshed, mid–season or late varieties, or bright red varieties mixed with varieties having a purplish tinge).

(2) **"Mature,"** means that the contents of two or more seed cavities have developed a jelly–like consistency and the seeds are well developed.

(3) **"Soft,"** means that the tomato yields readily to slight pressure.

(4) **"Badly misshapen,"** means that the tomato is decidedly kidney–shaped, lopsided, elongated, angular or otherwise badly deformed.

(5) **"Serious damage,"** means any defect which seriously affects the appearance, or the edible or shipping quality of the tomato. Any one of the following defects or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage.

(a) Cuts and broken skins when not shallow or not well healed, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2 1/2 inches in diameter having a shallow, well healed cut 3/4 inch in length, or other shallow, well healed skin breaks having an aggregate area equivalent to that of a circle 3/4 inch in diameter;

(b) When there is considerable dirt, sand or other material present to the extent that the appearance of the lot or individual tomatoes are seriously affected;

(c) Sunscald that is not blistered or shriveled or exceeds 1/2 inch in diameter;

(d) Sunburn affecting more than 50% of the area of the tomato;

(e) Puffiness when the open space in one or more loculus seriously affects the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(f) Catfaces when scars are rough or deep, when channels are very deep or wide, when channels extend into a loculus, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2 1/2 inches in diameter having a fairly smooth catface with an area equivalent to that of a circle 3/4 inch in diameter;

(g) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 2 1/2 inches in diameter having a scar with no depth which has an area equivalent to that of a circle 3/4 inch in diameter;

(h) Growth cracks: (radiating from or concentric to the stem scar) when not well healed or when more than three–sixteenth inch in depth, or when affecting the appearance or shipping quality of the tomato to a greater extent than that of a tomato 2 1/2 inches in diameter having individual radial cracks 3/4 inch in length and an aggregate length of all radial cracks of 2 1/4 inches, measured from the edge of the stem scar, except that any lot of tomatoes which show at least 10% pink may have growth cracks which are not well healed, provided that such cracks are not leaking;

(i) Well healed means the surface of the cracks (or cut) is dried out and/or corked over so the crack does not have a moist or fresh appearance. When surface is moist or fresh it is unhealed.

(i) Hail injury when deep, rough or not well healed and corked over, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2 1/2 inches in diameter having fairly smooth, shallow hail marks with an aggregate area equal to that of a circle 3/4 inch in diameter;

(j) Insect injury when the appearance or the edible or shipping quality of the tomato is seriously affected or when any insect is present in the fruit.

NOTE: A tomato 2 inches in diameter has a surface area approximately 35% less than that of a tomato 2 1/2 inches in diameter. A tomato 3 inches in diameter has a surface area approximately 45% greater than that of a tomato 2 1/2 inches in diameter.

[Order 1055 (part), filed 6/9/67, effective 7/10/67; Order 357, effective 5/1/42.]

WAC 16-460-100 Marking requirements. Regulation F. All containers 30 lbs. net or less shall be legibly marked with the name and address of the grower or packer, and closed containers shall also be marked with the grade and the net weight or count. If cull tomatoes are packed in containers of 30 lbs. net or less, the words "CULLS" must be stenciled or stamped on the end of the container in block type letters at least one inch high. (These marking requirements do not apply to tomatoes being sold or shipped to canneries or other processing plants.)

NOTE: TOMATOES PACKED TO THIS GRADE *DO NOT* MEET CANADIAN IMPORT REQUIREMENTS. U.S. NO. 2, IS THE MINIMUM GRADE ACCEPTED. TOMATOES MAY BE PACKED UNDER ANY OF THE U.S. GRADES: U.S. NO. 1; U.S. NO. 2; U.S. NO. 3.

[Order 1055 (part), filed 6/9/67, effective 7/10/67; Order 699, effective 5/25/54.]

Chapter 16-461 WAC
MOVEMENT OF FRUITS AND VEGETABLES FROM AREA OF PRODUCTION

WAC

16-461-010 Inspection certificate and/or permit required.
16-461-015 Effective date.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-461-001 Promulgation. [Order 1098, Promulgation, § 16-461-001, filed 8/30/68, effective 9/30/68; Order 968, filed 3/26/65.] Superseded by WAC 16-461-002.

16-461-002 Promulgation. [Order 1122, filed 8/14/69, effective 9/14/69.] Superseded by WAC 16-461-003.

16-461-003 Promulgation. [Order 1122, filed 5/29/70, effective 7/1/70; Order 1122, filed 8/14/69, effective 9/14/69.] Superseded by WAC 16-461-004.

16-461-004 Promulgation. [Order 1122, filed 8/23/71; Order 1122, filed 5/29/70, effective 7/1/70; Order 1122, filed 8/14/69, effective 9/14/69.] Superseded by WAC 16-461-005.

16-461-005 Promulgation. [Order 1324, § 16-461-005, filed 8/3/73; Order 1122, § 16-461-005, filed 5/5/72, effective 6/5/72.] Repealed by 83-06-050 (Order 1788), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

WAC 16-461-010 Inspection certificate and/or permit required. (1) No person shall ship, transport or accept for shipment or transportation from the area of production without an inspection and the issuance of a certificate and/or a permit, allowing such shipment or movement by the division of plant industry of the department of agriculture, any of the following agricultural products:

(a) Apricots – in closed or open containers for fresh shipment.

(b) Italian prunes – in closed or open containers for fresh shipment.

(c) Peaches – in closed or open containers for fresh shipment.

(d) Potatoes – in closed or open containers, or bulk, for certified seed.

(e) Cherries – *Provided*, That no permit shall be issued on cherries infested with live cherry fruit fly larvae.

(f) Apples – Pears (summer, fall and winter) – in closed or open containers, or bulk for shipment: *Provided*, That pears for processing entering intrastate commerce will not require a permit for shipment: *Provided further*, That apples and/or pears may be shipped or transported if accompanied by certificates of compliance issued by the shipper or packer of apples and/or pears, having the approval of the director to issue the certificates of compliance.

(g) Asparagus – in closed or open containers for fresh shipment: *Provided*, That asparagus may be shipped or transported if accompanied by certificates of compliance issued by the shipper or packer of the asparagus, having the approval of the director to issue the certificates of compliance.

(2) (a) Any shipper or packer of apples, apricots, cherries, pears, peaches, prunes, or asparagus may petition the director for authority to issue certificates of compliance for each season. The authority shall be limited to the issuance of certificates of compliance for apples, apricots, cherries, pears, peaches, prunes, and asparagus under the applicant's direct control or being handled at the shipper's or packer's facilities.

(b) The certificate of compliance shall be issued at time of shipment by the shipper or packer authorized to do so: *Provided*, That the apples and/or pears and asparagus about to be shipped or transported are in full compliance with the requirements of chapter 15.17 RCW, regulations adopted thereunder and administrative directives of the director: *Provided further*, That apricots, cherries, peaches, or prunes about to be shipped or transported are in full compliance with the federal marketing order requiring quality and condition certification and Washington state lot identification.

(c) The director's approval to issue certificates of compliance shall be revoked for cause, and that cause shall be the shipper's or packer's failure to comply with the requirements of paragraph (2)(b) of these regulations. The revocation shall be for the current season.

(d) Any shipper or packer whose authority to issue certificates of compliance has been revoked by the director shall be subject to those provisions of chapter 15-.17 RCW and the regulations requiring the issuance of a shipping permit by the director before apples, apricots, cherries, pears, peaches, prunes, and asparagus may be shipped or transported.

(e) Certificates of compliance shall be on forms approved and issued by the director of agriculture. Each certificate of compliance shall be stamped with a number assigned to the authorized shipper or packer.

(f) Any shipper or packer authorized to issue certificates of compliance shall deposit with the director of agriculture at the regular base fee equivalent to that charged by the director for a shipping permit, for each certificate of compliance issued by the authorized shipper or packer. The base fees shall be deposited with the director of agriculture in the same manner as fees for shipping permits. [Statutory Authority: Chapter 15.17 RCW. 83-06-050 (Order 1788), § 16-461-010, filed 3/1/83; Order 1523, § 16-461-010, filed 4/20/77; Order 1324, § 16-461-010, filed 8/3/73; Order 1122, § 16-461-010, filed 5/5/72, effective 6/5/72; Order 1122, § 16-461-010, filed 8/23/71; Order 1122, § 16-461-010, filed 5/29/70, effective 7/1/70; Order 1122, § 16-461-010, filed 8/14/69, effective 9/14/69; Order 1098, § 16-461-010, filed 8/30/68, effective 9/30/68; Order 968, filed 3/26/65.]

WAC 16-461-015 Effective date. This order shall become effective on and after September 4, 1973. [Order 1324, § 16-461-015, filed 8/3/73; Order 1122, § 16-461-015, filed 5/5/72, effective 6/5/72.]

Chapter 16-462 WAC
GRAPEVINES--REGISTRATION AND CERTIFICATION

WAC

16-462-001 Promulgation.
16-462-010 General.
16-462-015 Definitions.
16-462-020 Requirements.
16-462-025 Inspection procedures.
16-462-030 Application and fees.
16-462-035 Tagging and identity.
16-462-045 Effective date.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-462-040 Grades and standards. [Order 1084, § 16-462-040, filed 4/2/68.] Repealed by Order 1193, filed 4/19/71.

WAC 16-462-001 Promulgation. (This promulgation relates to WAC 16-462-001, 16-462-015, 16-462-030 and 16-462-045 only.)

I, Stewart Bledsoe, director of agriculture, state of Washington, by virtue of the authority vested in me under chapter 15.14 RCW, after due notice and a public hearing held in Prosser, Washington, on March 27, 1975, pursuant to chapter 34.04 RCW do hereby promulgate the following regulations for the registration of grapevines and certification of grape nursery stock, amending WAC 16-462-001, 16-462-015, 16-462-030 and 16-462-045 only. [Order 1397, § 16-462-001, filed

4/7/75; Order 1193, § 16-462-001, filed 4/19/71; Order 1084, § 16-462-001, filed 4/2/68.]

WAC 16-462-010 General. (1) Vines may be registered as sources for the propagation of certified grape nursery stock when inspected, tested, and found to be true-to-name and discernibly free from virus and virus-like diseases by procedures outlined in this program.

(2) Registration and/or certification does not imply any warranty on the part of the department or any employee thereof.

(3) Participation in this program shall be voluntary. [Order 1193, § 16-462-010, filed 4/19/71; Order 1084, § 16-462-010, filed 4/2/68.]

WAC 16-462-015 Definitions. (1) "Virus infected (affected)" means presence of a virus(es) in a plant or plant part.

(2) "Virus-like" means a disorder of genetic or nontransmissible origin.

(3) "Off-type" means not true-to-name.

(4) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

(5) "Index or indexing" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant; or by any other method.

(6) "Registered vine" means that in a mother block and/or foundation block a number has been assigned by the department to a grape vine that has been inspected and tested virus free in accordance with the provisions of this program.

(7) "Foundation block" means a planting of grape vines established, operated and maintained by Washington State University, that are indexed to be free from viruses and that are true-to-name. Cuttings to establish mother blocks will be furnished to the applicants by the Washington state department of agriculture. Written requests for foundation material must be received by the department of agriculture before December 1 of each year.

(8) "Mother block" means a planting of grape vines for which propagating material originated directly from the Washington State University foundation block or first generation plants originating from such stock. The mother blocks will be maintained by the nurserymen and provide propagating wood to produce Washington certified grape nursery stock.

(9) "Washington certified grape nursery stock" means vines, rooted cuttings and cuttings taken or propagated directly from foundation or mother blocks and certified in accordance with the provisions of this program. Certified plants grown in a greenhouse may be used for one growing season to propagate additional certified plants. [Statutory Authority: Chapter 15.14 RCW. 78-10-072 (Order 1583), § 16-462-015, filed 9/27/78; Order 1397, § 16-462-015, filed 4/7/75; Order 1193, § 16-462-015, filed 4/19/71; Order 1084, § 16-462-015, filed 4/2/68.]

WAC 16-462-020 Requirements. (1) Applicant. (a) The applicant nurseryman shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of mother blocks and nursery stock. He shall be responsible for maintaining the identity of all nursery stocks and mother block vines, and for keeping all plants in a thrifty growing condition and free of plant pests.

(b) He shall take suitable precautions in cultivation, irrigation, movement and use of equipment, and in other farming practices, to guard against spread of soil-borne pests to plantings entered under this program. He shall keep all areas clean cultivated except for cover crops.

(c) He shall remove and destroy immediately, following notification by the department, any registered vine or nursery plant found to be affected by a virus or virus-like disease or is off-type.

(d) The applicant agrees to make available to commercial grape growers, following the establishment of a mother block, at least seventy-five percent of certified cuttings or plants of each variety available each year.

(2) Location. The foundation block, all mother blocks and nursery stock shall be located at least 100 feet from any land on which noncertified grape vines have been grown within the past ten years.

(3) General. (a) Plants in the mother blocks shall be spaced at a minimum of 6 to 10 feet in the row, and rows 10 feet apart, with 16 to 20 feet between varieties in the row. These spacing requirements will not apply to mother blocks established in a greenhouse.

(b) Cuttings from each mother block variety and selection number must be identified and kept separate during the growing season.

(c) Treatment to eliminate soil-borne pests may be required.

(d) All nursery stock other than greenhouse grown plants shall comply with the grades and standards for Washington certified grape nursery stock as listed in the order for grades and standards.

(e) Certified stock shall remain in the nursery no more than two growing seasons.

(f) The state of Washington department of agriculture makes no warranty, expressed or implied, or representation as to the freedom from disease or quality of grape planting stock. An inspection tag will be attached by the plant grower. Certification is based solely on visual inspections of sample plants of this lot which were found to meet tolerances prescribed in chapter 16-462 WAC. Certification of this lot does not represent the freedom from disease or quality of any other lot of grape planting stock. Inspection reports of all lots of grape planting stock entered for certification can be inspected at the department of agriculture, Olympia, Washington. For a more detailed description of the certification requirements, read chapter 16-462 WAC. [Statutory Authority: Chapter 15.14 RCW. 78-10-072 (Order 1583), § 16-462-020, filed 9/27/78; Order 1193, § 16-462-020, filed 4/19/71; Order 1084, § 16-462-020, filed 4/2/68.]

WAC 16-462-025 Inspection procedures. The inspections will be made by the department and shall be

conducted in a manner and at times determined as suitable.

(1) Foundation block.

(a) Two inspections shall be made during each growing season.

(b) Foundation vines must be pruned to allow some fruiting.

(2) Mother block.

(a) Two inspections shall be made during each growing season.

(b) Mother block vines must be pruned to allow some fruiting.

(3) Nursery stock.

(a) Two inspections shall be made during each growing season.

(b) The stock will also be inspected during digging and grading and must be free of rootknot nematode, crown gall and other visible diseases and serious pest injury. [Order 1193, § 16-462-025, filed 4/19/71; Order 1084, § 16-462-025, filed 4/2/68.]

WAC 16-462-030 Application and fees. (1) Application. (a) The applicant nurseryman shall furnish information requested and shall give his consent to the department to take plants or plant parts from any planting for inspection or testing purposes.

(b) Application for inspection must be filed with the department by January 1 of each year accompanied by a one hundred dollar application fee.

(c) Inspection fees established are payable upon completion of the work to be done and are for the sole purpose of defraying expenses incurred in the inspection, approval, registration, and certification procedures provided.

(d) Payment for inspection of mother blocks and nursery stock for registration and certification must be made upon completion of the inspection. Billing to the nurseryman to be made by the plant industry division.

(2) Inspection fees. (a) The inspection tags shall be furnished by the department of agriculture.

(b) The mother block and nursery stock inspection fee shall be in accordance with chapter 16-400 WAC as adopted or hereafter amended, entitled horticultural inspection fees, WAC 16-400-210, hourly charge, and WAC 16-400-250, entitled mileage. [Statutory Authority: Chapter 15.14 RCW. 78-10-072 (Order 1583), § 16-462-030, filed 9/27/78; Order 1397, § 16-462-030, filed 4/7/75; Order 1193, § 16-462-030, filed 4/19/71; Order 1084, § 16-462-030, filed 4/2/68.]

WAC 16-462-035 Tagging and identity. (1) Tagging. The department will authorize the use of official certification tags for the identification of nursery stock such as rooted cuttings and cuttings that meet the requirements of this program.

(2) Identity. Any person selling Washington certified grape nursery stock is responsible for the identity of such nursery stock. Persons issued tags authorized by the program shall account by variety for stock produced and sold and keep such other records as may be necessary. [Order 1193, § 16-462-035, filed 4/19/71; Order 1084, § 16-462-035, filed 4/2/68.]

WAC 16-462-045 Effective date. This order shall take effect on and after May 8, 1975. [Order 1397, § 16-462-045, filed 4/7/75; Order 1193, § 16-462-045, filed 4/19/71.]

Chapter 16-463 WAC
PROHIBITING THE SALE AND/OR MOVEMENT OF INFESTED CHERRIES

WAC

16-463-001 Promulgation.
16-463-010 Conditions for shipment, transfer and sale of cherries.

WAC 16-463-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 15.17 and 15.08 RCW after due notice and public hearing held in Yakima, Washington on June 27, 1968, pursuant to chapters 42.32 and 34.04 RCW do hereby adopt the following rules*. [Order 1099, § 16-463-001, filed 8/30/68, effective 9/30/68.]

***Reviser's note:** WAC 16-463-001 applies to WAC 16-463-010 only.

WAC 16-463-010 Conditions for shipment, transfer and sale of cherries. No person shall ship or transfer from the area of production, or within the area of production, or offer for sale for human consumption, any cherries that are infested with live cherry fruit fly larvae. [Order 1099, § 16-463-010, filed 8/30/68, effective 9/30/68.]

Chapter 16-465 WAC
RULES AND REGULATIONS FOR THE OFFICIAL DETERMINATION OF BACTERIAL RING ROT IN SEED POTATOES

WAC

16-465-001 Promulgation.
16-465-010 Sampling procedures for seed potatoes produced in Washington.
16-465-020 Sampling procedure for potato planting stock for seed or commercial production.
16-465-030 Handling and shipment of official samples.
16-465-040 Official reporting and diagnosis.
16-465-050 Disposition.
16-465-060 Effective date.

WAC 16-465-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 15.08 RCW relating to horticulture pests and diseases, chapter 17.24 RCW relating to insect pests and plant diseases, chapter 15.14 RCW relating to planting stock, and chapter 15.17 RCW relating to standards of grades and packs, and after due notice as provided under chapters 34.04 and 42.32 RCW and a public hearing held in Moses Lake, Washington, on January 20, 1970, do

hereby promulgate the following regulations for the official sampling procedure and determination of bacterial ring rot (*Corynebacterium sepedonicum*) in potatoes. [Order 1138, § 16-465-001, filed 2/2/70.]

WAC 16-465-010 Sampling procedures for seed potatoes produced in Washington. (1) Official sample must be taken by authorized Washington state department of agriculture personnel.

(2) Samples may consist of stems, roots and/or tubers.

(3) Samples may be taken from a field lot, bin or other container.

(4) Samples may be taken any time during field inspection, harvesting or shipping. [Order 1138, § 16-465-010, filed 2/2/70.]

WAC 16-465-020 Sampling procedure for potato planting stock for seed or commercial production. (1) Upon request, official samples will be taken by authorized Washington state department of agriculture personnel.

(2) Lot from which sample has been requested must be held until official diagnosis is made. Disposition will be in accordance with diagnosis result.

(3) Samples must be selected from containers with positive identification. [Order 1138, § 16-465-020, filed 2/2/70.]

WAC 16-465-030 Handling and shipment of official samples. (1) A sample shall consist of a minimum of three to five tubers and/or affected stems or root systems.

(2) Lower stems and root systems shall be placed in a dry plastic bag for transportation.

(3) Affected tubers shall be wrapped in dry newspapers and placed in a box.

(4) Official sample and reporting form delivered to the state plant pathologist for diagnosis will be in a container sealed with a Washington state department of agriculture seal.

(5) Keep sample cool and deliver promptly to the state plant pathologist designated by the Washington state department of agriculture. [Order 1138, § 16-465-030, filed 2/2/70.]

WAC 16-465-040 Official reporting and diagnosis. (1) The official diagnosis shall be recorded on a form designated by the Washington state department of agriculture.

(2) This completed form with the results attested to by the designated state plant pathologist will be the official determination of the state of Washington. [Order 1138, § 16-465-040, filed 2/2/70.]

WAC 16-465-050 Disposition. (1) Lots of potato planting stock officially determined to be infected with bacterial ring rot shall not be used for propagation purposes and will be disposed of in the following manners.

(a) Processing plant.

(b) Fresh consumption.

(c) Diverted outside of state of Washington at growers expense and discretion, if not grown in state of Washington.

(d) Disposition by burning. [Order 1138, § 16-465-050, filed 2/2/70.]

WAC 16-465-060 Effective date. This order shall take effect on and after March 4, 1970. [Order 1138, § 16-465-060, filed 2/2/70.]

Chapter 16-469 WAC
AZALEA FLOWER SPOT

WAC

16-469-010 Infested territory—Carriers of disease.
16-469-020 Establishing quarantine—Promulgation.
16-469-030 Advance notice of nursery shipments.
16-469-040 Markings on shipments.
16-469-050 Entrance into state upon certification.
16-469-060 Dispositions and penalties.

WAC 16-469-010 Infested territory--Carriers of disease. The fact has been determined by the director of the department of agriculture of the state of Washington, that a disease injurious to azaleas, rhododendrons, and kalmia, azalea flower spot (Ovulinia azaleae), not known to exist in the state of Washington, exists in the states of:

Alabama	Mississippi	Virginia
Florida	North Carolina	and the entire state of
Georgia	South Carolina	California except Humbolt
Louisiana	Texas	County.

hereinafter designated as infested territory, and that all varieties and species of azaleas, rhododendrons and kalmia, and parts thereof, are liable to be carriers of this disease. [Order 704, effective 11/23/54.]

WAC 16-469-020 Establishing quarantine--Promulgation. Now, therefore, I, Sverre N. Omdahl, director of agriculture of the state of Washington, by virtue of the authority vested in me by RCW 17.24.030, consider it necessary in order to prevent the introduction and spread of azalea flower spot in the state of Washington, do hereby establish a quarantine at the boundaries of Washington against all plants of the azalea and rhododendron varieties, from the above named infested territories; and from and after the publication of this order, it shall be unlawful for any person, firm, or corporation to carry, import or transport any of the plants of the azalea or rhododendron variety into the state of Washington from said infested territory, except as herein provided. [Order 704, effective 11/23/54.]

WAC 16-469-030 Advance notice of nursery shipments. Every person, firm or corporation intending shipping azaleas or rhododendrons into the state of Washington, shall notify the director of agriculture, Olympia, Washington, *in advance* of the shipments, setting forth in detail that the provisions of this quarantine have been fully complied with. [Order 704, effective 11/23/54.]

WAC 16-469-040 Markings on shipments. Each shipment of nursery stock shall have the contents, names and addresses of consignor and consignee and the name of the state, territory, or country where the stock was grown, plainly marked on the outside of each car, box, bale or package. [Order 704, effective 11/23/54.]

WAC 16-469-050 Entrance into state upon certification. Each shipment of azaleas or rhododendrons coming from the infested territory shall be accompanied by a certificate issued by a duly authorized inspection official of the state of origin stating where the original cuttings or plants were obtained and certifying that the cuttings or plants being certified have been grown in a nursery known to be free from the azalea flower spot disease, and that the top soil has been removed immediately prior to shipment, to a depth of not less than one inch, under the supervision of a qualified inspector of the state of origin. Clean packing material, such as peat moss, may be used where needed to replace the soil. [Order 704, effective 11/23/54.]

WAC 16-469-060 Dispositions and penalties. Any shipment of azaleas or rhododendrons and parts thereof, except as noted in WAC 16-469-030, arriving in Washington, will be sent out of the state or destroyed at the option and expense of the owner or owners, his or their responsible agent or agents. Any violations of these orders will be dealt with according to law. [Order 704, effective 11/23/54.]

Chapter 16-472 WAC
BARBERRY AND BLACK STEM RUST

WAC

16-472-010 Establishing quarantine—Promulgation.
16-472-020 Duty to destroy rust susceptible barberry bushes.
16-472-030 No restrictions placed on the growing or intrastate movement of rust-resistant barberry, mahonia, and mahoberberis plants or seeds.
16-472-040 All packages to be plainly labelled or stamped.
16-472-050 Recision of previous conflicting regulations.

WAC 16-472-010 Establishing quarantine--Promulgation. (1) Whereas, the fact has been determined and notice is hereby given that the common barberry, (Berberis Vulgaris) and its horticultural varieties as well as certain other species of berberis, mahonia, and mahoberberis are the alternate host plants of disease known as black stem rust, caused by an organism Puccinia graminis, which attacks wheat, oats, barley and rye, and many cultivated and wild grasses, often resulting in material financial loss to growers of these crops in Washington, and whereas, the spread of this plant disease throughout the state of Washington would entail great loss to the agricultural interests of this state,

(2) Now, therefore, I, Sverre N. Omdahl, director of agriculture of the state of Washington, under authority vested in me by RCW 17.24.030, in order to prevent the spread of black stem rust caused by an organism Puccinia graminis, do hereby proclaim and establish a quarantine effective throughout the state of Washington prohibiting the maintenance, propagation, sale or movement throughout the state of Washington, of species and varieties of Berberis, Mahonia, and Mahoberberis determined to be alternate hosts of this disease, including any plants, cuttings, stalks, scions, buds, fruits, seeds or parts of these plants capable of propagation. [Order 556, effective 9/1/49.]

WAC 16-472-020 Duty to destroy rust susceptible barberry bushes. It shall be the duty of all firms, corporations, private individuals, and other persons owning or controlling lands, or places in this state, and all public authorities having jurisdiction over streets, highways, parks, public lands, irrigation canals, diking districts, and other public places, to forthwith destroy all rust-susceptible barberry bushes from said premises and to keep the same free from such plants. [Order 556, effective 9/1/49.]

WAC 16-472-030 No restrictions placed on the growing or intrastate movement of rust-resistant barberry, mahonia, and mahoberberis plants or seeds. No restrictions are placed by these regulations on the growing or intrastate movement of rust-resistant barberry, mahonia, and mahoberberis plants or seeds; however, these shall consist only of those species and horticultural varieties designated as rust-resistant by the chief of the bureau of entomology and plant quarantine of the United States Department of Agriculture in section 301.38-5 of Federal Quarantine No. 38.

Cuttings (without roots) of mahonia shipped for decorative purposes and not for propagation do not come under these restrictions. [Order 556, effective 9/1/49.]

WAC 16-472-040 All packages to be plainly labelled or stamped. (1) All intrastate and interstate shipments and/or individual packages of berberis, mahonia or mahoberberis plants, seeds, or parts thereof capable of propagation must be plainly labelled or stamped on the outside of the package as to botanical species or horticultural variety and must be plainly marked with the name and address of the consignee and consignor. In addition, when required by federal quarantine No. 38, revised, each shipment and/or individual package containing berberis, mahonia or mahoberberis plants or seeds shall have securely attached to the outside thereof, a valid shipping permit issued by the United States Department of Agriculture authorizing the interstate movement of regulated products.

(2) Any and all employees and designated agents of the horticultural division of the state department of agriculture, are hereby empowered and instructed to intercept, condemn, and destroy, or return to shipper at his expense, berberis, mahonia and mahoberberis plants or seeds moved in violation of and not marked in accordance with the above regulations. All authorized persons mentioned above also are empowered and instructed to enforce all other provisions of this order.

(3) Articles subject to destruction in these regulations may be moved interstate and intrastate by the United States Department of Agriculture for experimental or

scientific purposes, on such conditions and under such safeguards as may be prescribed by the bureau of entomology and plant quarantine. The container of articles so moved shall have securely attached to the outside thereof an identifying tag from the bureau of entomology and plant quarantine, showing compliance with such conditions. [Order 556, effective 9/1/49.]

WAC 16-472-050 Recision of previous conflicting regulations. All previous quarantines or regulations that may be found in conflict with the provisions of this quarantine are hereby rescinded. [Order 556, effective 9/1/49.]

Chapter 16-478 WAC
EUROPEAN CORN BORER

WAC

16-478-001 Promulgation.
16-478-00101 Promulgation.
16-478-010 Pest.
16-478-020 Area under quarantine.
16-478-030 Infested area.
16-478-040 Commodities covered.
16-478-050 Restrictions.
16-478-060 Enforcing powers.
16-478-070 Federal shipments exempt.
16-478-080 Commodities covered subject to other rules and regulations.
16-478-090 Disposition of violations and penalties.
16-478-100 Common carrier agents must hold shipments.

WAC 16-478-001 Promulgation. (1) Whereas, the fact has been determined that a dangerous insect pest known as the European corn borer, pyrausta nubilalis (hubn.), heretofore not known to exist in the state of Washington, exists in the hereinafter described infested areas, and that the restricted products herein described are hosts or possible carriers of said pests;

(2) Now, therefore, I, Sverre N. Omdahl, director of agriculture of the state of Washington, by virtue of authority vested in me by RCW 17.24.030, hereby declare it necessary, in order to prevent the introduction of said European corn borer into the state of Washington, to establish a quarantine at the boundaries of the state of Washington, setting forth the infested area, the regulated products, conditions governing shipment of regulated products, and the conditions governing the issuance of certificates under which regulated products may be shipped. [Order 607, Promulgation, effective 7/23/51.]

WAC 16-478-00101 Promulgation. (1) Whereas, it has been determined that the present requirements of the European corn borer quarantine No. 607 present some restrictions to interstate commerce in the movement of dry corn into the state of Washington or through the state of Washington for export;

(2) Now, therefore, I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of authority vested in me by RCW 17.24.030 hereby amend WAC 16-478-050 to set forth the rules allowing agents to issue official certificates for corn. [Order 1476, § 16-478-00101, filed 7/2/76.]

WAC 16-478-010 Pest. European corn borer, pyrausta nubilalis (hubn.) [Order 607, effective 7/23/51.]

WAC 16-478-020 Area under quarantine. All states and districts of the United States except the states of Arizona, California, Idaho, Nevada, Oregon and Utah. [Order 607, effective 7/23/51.]

WAC 16-478-030 Infested area. Entire states of Alabama, Arkansas, Connecticut, Colorado, Delaware, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. [Order 607, effective 7/23/51.]

WAC 16-478-040 Commodities covered. (Restricted products). Corn, broomcorn, sorghums, and Sudan grass plants and all parts thereof (including seed and shelled grain, and stalks, ears, cobs, and all other parts, fragments, or debris of said plants), beans in the pod, beets, celery, bell pepper fruits, endive, Swiss chard, and rhubarb (cut or plants with roots), cut flowers and entire plants of aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnia, Japanese hop, dahlia (except tubers without stems) and gladiolus (except corms without stems) are hereby declared to be hosts or possible carriers of the pest herein quarantined against. [Order 607, effective 7/23/51.]

WAC 16-478-050 Restrictions. (1) **Certification required on shelled grain and seed.** Except as provided in (2) below, and effective immediately, all shelled grain and seed of corn, broomcorn, sorghums, and Sudan grass, grown in or shipped from the infested area described in WAC 16-478-030 above, arriving in the state of Washington from the area under quarantine as described in WAC 16-478-020 above, will be admitted into the state of Washington only provided each lot or shipment is accompanied by an official certificate (see (6) below) of the state or district from which shipped, affirming either that said grain or seed has been passed through a 1/2 inch mesh screen or less or otherwise cleaned prior to loading and is believed to be free from stalks, cobs, stems or other portions of plants or fragments capable of harboring larva of the European corn borer and further, that the car or truck was free from such plants or fragments at the time of loading, or affirming that said grain or seed has been fumigated with methyl bromide at the rate of 4 pounds per 1000 cubic feet for 16 hours at 60 degrees temperature, EXCEPT THAT shelled grain and seed of corn, broomcorn, sorghums, and Sudan grass grown in and shipped from the states under quarantine and not excepted in WAC 16-478-020 above, will be admitted into the state of Washington provided each such shipment or lot is accompanied by an official certificate (see (6) below) of

the state where produced affirming that all grain or seed covered by said certificate is a product of said state wherein no European corn borer is known to exist and that its continued identity has been maintained to assure no blending or mixing with grain, seed, plants, or portions thereof produced in or shipped from infested areas herein described.

(2) **Small lots, and packages of seed admitted without certificate.** Individual shipments or lots of one hundred pounds or less of clean shelled grain and seed covered by this regulation, or comprised of packages of less than ten pounds, are hereby exempted from the certification requirements of (1) above and will be admitted into this state subject to inspection and freedom from other plant parts, fragments, and debris capable of harboring European corn borer.

(3) **Stalks, ears, cobs, or other parts, fragments, or debris of corn, broomcorn, sorghums, and Sudan grass admitted under disinfection or treatment certificate.** Stalks, ears, cobs, or other parts, fragments or debris of corn, broomcorn, sorghums, and Sudan grass grown in or shipped from the area under quarantine imported as such or as packing or otherwise, will be admitted into the state of Washington only provided each lot or shipment is accompanied by an official certificate (see (6) below) of the state from which shipped affirming that all stalks, ears, cobs, or other parts, fragments, or debris of such plants accompanied thereby have been fumigated with methyl bromide at the rate of 3 pounds per 1000 cubic feet for 4 hours at 60 degrees, or have been sterilized or disinfected by a method and in a manner prescribed by the director of agriculture of the state of Washington, except that stalks, ears, cobs, or other parts, fragments, or debris of said plants grown in and shipped from states not listed in the infested area described in WAC 16-478-030 above will be admitted into the state of Washington provided each shipment or lot is accompanied by an official certificate (see (6) below) of the state where produced affirming that such product is a product of said state wherein no European corn borer is known to exist and that continued identity has been maintained to assure no handling or storage in association with stalks, ears, cobs, or other parts, fragments, or debris of such plants grown in or shipped from infested areas herein described.

(4) **Certification required on certain vegetable and ornamental plants and plant products produced in or shipped from infested area.** Beans in the pod, beets, celery, bell pepper fruits, endive, Swiss chard, and rhubarb (cut or plants with roots), cut flowers and entire plants of aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnia, Japanese hop, dahlia, (except tubers without stems) and gladiolus (except corms without stems), produced in or shipped from the infested area described in WAC 16-478-030 above will be admitted into the state of Washington only provided each lot or shipment is accompanied by an official certificate (see (6) below) signed by an inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture or by the duly authorized official of the state where produced, affirming either that all such plants, products or cut flowers in the accompanying shipment or lot have been inspected and found free from infestation by the European corn borer or have been grown in a greenhouse in which all host plants have been regularly inspected during the growing season and no evidence of European corn borer was found, or that such plants, products or cut flowers have been fumigated with methyl bromide at a rate of 3 pounds per 1000 cubic feet at 60 degrees temperature for 4 hours. No restrictions are placed by this regulation on the entry into this state of such vegetable and ornamental plants and plant products produced in and shipped from any state not listed in WAC 16-478-030 above.

(a) Certification requirements above are waived on individual shipments or lots of certain restricted vegetables, ornamental plants and plant products under and subject to the following conditions:

(i) In lots or shipments of 10 pounds or less, beans in the pod, beets, bell peppers, endive, Swiss chard and rhubarb (cut or plants with roots.)

(ii) During the period November 30 to May 1, divisions without stems of the previous year's growth, rooted cuttings, seedling plants and cut flowers of the aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnia and Japanese hop.

(5) **Manufactured or processed products exempt from restrictions.** No restrictions are placed by this quarantine upon the movement of the restricted products herein defined which are processed or manufactured in such a manner as to eliminate all danger of carrying the pest herein quarantined against.

(6) **Official certificates.** Official certificates must be issued by the duly authorized official, or his agent, of the federal agency, state, or district, as designated, and must be signed or countersigned by him. Each certificate shall set forth, in addition to the specific facts required in (1) to (4) above, the kind and quantity of the commodity constituting the shipment or lot, method of shipment, the railway car number or license number in the case of trucks, and the names and addresses of the shipper and consignee. Fumigation certificates shall also set forth the materials used, the dosage schedule, temperature, and the period of exposure, and date of treatment. [Order 1476, § 16-478-050, filed 7/2/76; Order 607, effective 7/23/51.]

WAC 16-478-060 Enforcing powers. All deputies of the director and all state plant quarantine officers are empowered to carry out all of the provisions of quarantine regulations. [Order 607, effective 7/23/51.]

WAC 16-478-070 Federal shipments exempt. Federal experimental shipments moved into this state by or at the request of the United States Department of Agriculture are exempt from all provisions of any quarantine regulations. [Order 607, effective 7/23/51.]

WAC 16-478-080 Commodities covered subject to other rules and regulations. The admissibility and movement within the state of Washington of any commodity

covered by a quarantine regulation shall be further subject to the provisions of any other rule or regulation now in force or which may hereafter be established. [Order 607, effective 7/23/51.]

WAC 16-478-090 Disposition of violations and penalties. Any and all lots or shipments of commodities covered by quarantine regulations arriving in the state of Washington in violation of or not in compliance with the restrictions thereof, shall be immediately destroyed unless no detriment can be caused to agriculture in this state by the shipment of such commodities out of the state within the specified time limits at the option and expense of the owner or owners, his or their responsible agent or agents. Any violation or failure to comply with this quarantine shall be subject to penalties in RCW 17-.24.100. [Order 607, effective 7/23/51.]

WAC 16-478-100 Common carrier agents must hold shipments. Any and all lots or shipments of commodities covered by any quarantine regulations must be held and not delivered to consignee or agent until inspected and passed by the director, his deputy or by a state plant quarantine officer. [Order 607, effective 7/23/51.]

Chapter 16-481 WAC
GRAPE PHYLLOXERA

WAC

16-481-010 Regulated territory—Carriers of pest.
16-481-020 Establishing quarantine—Promulgation.
16-481-030 Definitions.
16-481-040 Regulated products.
16-481-050 Conditions governing shipments.
16-481-060 Carrier agents must hold shipments.
16-481-070 Disposition of products shipped in violation of this quarantine—Violations.

WAC 16-481-010 Regulated territory--Carriers of pest. Whereas, the fact has been determined by the director of agriculture of the state of Washington that an injurious insect pest of the grape, the grape phylloxera (Phylloxera vastatrix), not prevalent in the state of Washington, exists in and is widely distributed in the United States hereinafter known as infested territory and all grape vines and cuttings are liable to be carriers of said pest. [Order 384, § 1, effective 3/30/43.]

WAC 16-481-020 Establishing quarantine--Promulgation. Now, therefore, I, Arthur E. Cox, director of agriculture of the state of Washington, by virtue of authority vested in me by RCW 17.24.030, consider it necessary in order to prevent the introduction and spread of the grape phylloxera (Phylloxera vastatrix) into and within the state of Washington, do hereby establish a quarantine at the boundaries of the state of Washington, hereinafter setting forth the name of the pest against which the quarantine is established, the infested area, the products regulated, specifying conditions governing shipments and issuance of certificates under which said products may be shipped, and indicating the areas quarantined. [Order 384, § 2, effective 3/30/43.]

WAC 16-481-030 Definitions. (1) "Pest": Grape phylloxera (Phylloxera vastatrix) a pest of the grape.

(2) "Infested area": All states and territories of the United States. [Order 384, § 3, effective 3/30/43.]

WAC 16-481-040 Regulated products. All grape vines and cuttings, (rooted or not). [Order 384, § 4, effective 3/30/43.]

WAC 16-481-050 Conditions governing shipments. (1) Each shipment of grape vines and/or cuttings must be accompanied by a certificate signed by a duly authorized inspector of the department of agriculture at the point of origin, or by a duly authorized inspector of the United States Bureau of Entomology and Plant Quarantine, stating that said grape vines and/or cuttings were grown and shipped from an area known to be free from the grape phylloxera or that the grape vines or cuttings were given one of the treatments outlined in subsections (2), (3), and (4) below and were stored in a manner after the treatment that would prevent reinfestation.

(2) **Hot water treatment.** Grape vines and/or cuttings shall be immersed in a hot water bath for a period of not less than three minutes nor more than five minutes at a temperature not less than 125°F. nor more than 130°F. at any time during the immersion;

(3) **Oil and nicotine dip.** Entire vine washed free from dirt, submerged in oil and nicotine dip for period not less than five minutes, formula of solution as follows: 1–1/2 Gal. medium summer oil of viscosity from 72–80, unsulphonated residue test of 90 or above, 1 pint blackleaf 40, 1 pint sulphated alcohol liquid spreader, and 100 gallons of water. Dip to be renewed after dipping no more than five lots of vines and at least once in each 24 hours. Solution must be completely agitated immediately prior to each dipping.

(4) **Methyl bromide fumigation.** Fumigation in an air–tight chamber with 2 pounds of methyl bromide per 1000 cu. ft. for 3 hours at a temperature of 65 to 70°F. All shipments of nursery stock shall be plainly marked with the contents on the outside of the package or container. [Order 384, § 5, effective 3/30/43.]

WAC 16-481-060 Carrier agents must hold shipments. All products admissible under the provisions of this quarantine must be held by common carrier agent and not delivered to consignee or agent until inspected and passed by the director of agriculture, his deputy or deputies. [Order 384, § 6, effective 3/30/43.]

WAC 16-481-070 Disposition of products shipped in violation of this quarantine--Violations. (1) Any shipment of grape vines and/or cuttings coming into the state of Washington not accompanied by the required certificate shall be returned to point of origin, or destroyed at the option and expense of the owner or owners, his or their responsible agent or agents.

(2) All horticultural inspectors of the department of agriculture are hereby empowered and instructed to carry out the provisions of this quarantine.

(3) Any violations of these orders will be dealt with according to law. [Order 384, § 7, effective 3/30/43.]

Chapter 16-482 WAC
SEED POTATO QUARANTINE

WAC

16-482-001 Promulgation—Establishing quarantine.
16-482-010 Regulations.
16-482-020 Disposition of material shipped in violation of this quarantine.
16-482-030 Violation and penalty.
16-482-040 Effective date.

WAC 16-482-001 Promulgation--Establishing quarantine. (1) Whereas, the production of commercial potatoes in the state of Washington is one of the larger agricultural industries in the state; and

(2) Whereas, this will best serve to protect the health and welfare of the people in the state of Washington; and

(3) Whereas, the most important function to protect the commercial potato industry is securing seed potatoes that are free from injurious pests and disease and of good quality.

(4) Now, therefore, I, Donald W. Moos, director of the department of agriculture of the state of Washington, by virtue of the authority vested in me by chapter 17.24 RCW relating to insect pests and plant diseases, after public hearing held in Moses Lake, Washington, on September 23, 1969, pursuant to chapters 34.04 and 42.32 RCW, do hereby proclaim and establish a quarantine to become effective November 10, 1969, setting forth the rules for the importation and planting of seed potatoes for commercial or seed potato production. [Order 1126, § 16-482-001, filed 10/9/69, effective 11/10/69.]

WAC 16-482-010 Regulations. (1) All seed potatoes must have been produced as a part of a certified seed potato program in the state or country of origin and accepted and certified by that program.

(2) Shippers of seed potatoes into the state of Washington shall give notice prior to shipment to the State Department of Agriculture, P.O. Box 310, Moses Lake, Washington 98837, telephone 509-RO5-9121.

(3) Receivers of seed potatoes in the state of Washington are required to notify the state department of agriculture through the area inspection office.

(4) Quality and condition inspection required prior to shipment of seed potatoes into the state of Washington.

(5) Shippers contemplating bulk seed shipments into the state of Washington must file advance notice with the state which would include verification of seed potatoes being shipped in bulk as being part of a certified seed program in the state of origin and accepted and certified by that program, and further indicate how the bulk shipments will be identified and sealed for proper delivery.

(6) The department will retain a sample, at no cost to it, of each lot of certified seed produced or received in this state for seed or commercial production. Such samples will be retained for entry in Washington seed lot trials. [Order 1126, § 16-482-010, filed 10/9/69, effective 11/10/69.]

WAC 16-482-020 Disposition of material shipped in violation of this quarantine. Regulated commodities not meeting the requirements of this quarantine shall be returned to the point of origin, or destroyed at the option and expense of the owner or owners, his or their responsible agent or agents. [Order 1126, § 16-482-020, filed 10/9/69, effective 11/10/69.]

WAC 16-482-030 Violation and penalty. All violations of this order shall be dealt with according to the provisions of RCW 17.24.100. [Order 1126, § 16-482-030, filed 10/9/69, effective 11/10/69.]

WAC 16-482-040 Effective date. This order shall take effect on and after November 10, 1969. [Order 1126, § 16-482-040, filed 10/9/69, effective 11/10/69.]

Chapter 16-483 WAC
GRAPE VIRUS QUARANTINE

WAC

16-483-001 Promulgation—Establishing quarantine.
16-483-010 Quarantine area.
16-483-020 Commodities covered.
16-483-030 Regulations.
16-483-040 Disposition of material shipped in violation of this quarantine.
16-483-050 Exemption.
16-483-060 Violation and penalty.
16-483-070 Effective date.

WAC 16-483-001 Promulgation--Establishing quarantine. (1) Whereas, the introduction of dangerous virus diseases of grape, such as FANLEAF and LEAFROLL, into the state of Washington would entail great losses to the horticultural interest of the state; and

(2) Whereas, the most rigid examinations cannot determine the presence of these virus diseases on dormant grape plants or parts of plants.

(3) Now, therefore, I, Donald W. Moos, director of the department of agriculture of the state of Washington, by virtue of the authority vested in me by chapter 17.24 RCW relating to insect pests and plant diseases, after public hearing held in Sunnyside, Washington, on March 4, 1970, pursuant to chapters 34.04 and 42.32 RCW, do hereby proclaim and establish the quarantine to become effective May 1, 1970, setting forth the rules for the importation of grape plants. [Order 1146, § 16-483-001, filed 3/16/70, effective 5/1/70.]

WAC 16-483-010 Quarantine area. All areas outside of the territorial borders of the state of Washington.

[Order 1146, § 16-483-010, filed 3/16/70, effective 5/1/70.]

WAC 16-483-020 Commodities covered. Plants and all parts thereof (except fruits) of grape (vitis species). [Order 1146, § 16-483-020, filed 3/16/70, effective 5/1/70.]

WAC 16-483-030 Regulations. Plants and all parts thereof of grapes will be admitted into the state of Washington provided the following provisions are complied with.

(1) That the grape plant or parts thereof have been certified in accordance with the regulations of an official state agency, which certification program includes inspection and testing by indexing on suitable indicator hosts for FANLEAF and LEAFROLL virus diseases; provided that all shipments of such grape cuttings shall be accompanied by a certificate issued by said official state agency of the state of origin certifying that said grape cuttings were produced under official certification regulations and meet official certification standards as to freedom from FANLEAF and LEAFROLL virus diseases.

(2) All shipments of grape nursery stock shall be plainly marked with the contents on the outside of the package or container.

(3) All products admissible under the foregoing provisions must be held by common carrier agent and not delivered to consignee or agent until inspected and passed by the director of agriculture, his deputy or deputies. [Order 1146, § 16-483-030, filed 3/16/70, effective 5/1/70.]

WAC 16-483-040 Disposition of material shipped in violation of this quarantine. All grape plants or parts thereof arriving in the state of Washington in violation of the provisions of this quarantine, shall be refused admittance into the state of Washington and shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners, his or their responsible agents. [Order 1146, § 16-483-040, filed 3/16/70, effective 5/1/70.]

WAC 16-483-050 Exemption. The foregoing does not apply to the experiments of the United States Department of Agriculture and the state experiment stations in the state of Washington, providing a permit to import is issued by the director of agriculture. [Order 1146, § 16-483-050, filed 3/16/70, effective 5/1/70.]

WAC 16-483-060 Violation and penalty. All violations of this order shall be dealt with according to the provisions of RCW 17.24.100. [Order 1146, § 16-483-060, filed 3/16/70, effective 5/1/70.]

WAC 16-483-070 Effective date. This order shall take effect on and after May 1, 1970. [Order 1146, § 16-483-070, filed 3/16/70, effective 5/1/70.]

Chapter 16-484 WAC
NARCISSUS BULB NEMATODE

WAC

16-484-020 Establishing quarantine—Promulgation.
16-484-022 Promulgation—Establishing quarantine.
16-484-030 Definitions.
16-484-040 Conditions governing shipments.
16-484-050 Sanitary requirement on narcissus bulbs grown within the state of Washington.
16-484-080 Conditions applicable to growers.
16-484-090 Violations.
16-484-100 Effective date.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-484-010 Infested territory. [Order 479, § 1, effective 9/30/46.] Repealed by Order 479, filed 4/1/70.

16-484-060 Narcissus bulbs originating outside of the continental United States. [Order 479, Regulation 3, effective 9/30/46.] Repealed by Order 479, filed 4/1/70.

16-484-070 Greenhouse bulbs. [Order 479, Regulation 4, effective 9/30/46.] Repealed by Order 479, filed 4/1/70.

WAC 16-484-020 Establishing quarantine--Promulgation. Now, therefore, I, Fred J. Martin, director of agriculture of the state of Washington by virtue of the authority vested in me by RCW 17.24.030, do hereby proclaim and establish a quarantine prohibiting the shipments into the state of Washington or within the state of Washington, of all bulbs of the genus narcissus except in compliance with the following rules and regulations issued by the department of agriculture. [Order 479, § 2, effective 9/30/46.]

WAC 16-484-022 Promulgation--Establishing quarantine. (This promulgation relates only to WAC 16-484-010, 16-484-040, 16-484-060 through 16-484-080 and Order No. 479, Quarantine Order No. 5.)

(1) Whereas, it has been determined that a nematode pest injurious to narcissus bulbs, known as the bulb nematode (Tylenchus dipsaci, kuehn) are present in various states of the United States, including the state of Washington, and that all bulbs of the genus narcissus are liable to be carriers of this pest; and

(2) Whereas, it has been determined no longer necessary to require post-entry planting and observation for a two year period; and

(3) Whereas, it is no longer feasible to maintain large lot identity of bulbs when repackaged to smaller units for marketing.

(4) Now, therefore, I, Donald W. Moos, director of the department of agriculture of the state of Washington, by virtue of the authority vested in me by chapter 17.24 RCW relating to insect pests and plant diseases, after public hearing held in Olympia, Washington, on March 23, 1970, pursuant to chapters 34.04 and 42.32 RCW, do hereby proclaim and amend Order No. 479, Quarantine Order No. 5, WAC 16-484-040 and 16-484-080 and repealing WAC 16-484-010, 16-484-060 and 16-484-070, to become effective May 1, 1970, prohibiting the shipments into the state of Washington or within the state of Washington, of all bulbs of the genus narcissus except in compliance with

the following rules and regulations. [Order 479, § 16–484–022, filed 4/1/70.]

WAC 16–484–030 Definitions. Pest: Bulb nematode (Tylenchus dipsaci, kuehn). [Order 479, § 16–484–030, filed 4/1/70; Order 479, § 3, effective 9/30/46.]

WAC 16–484–040 Conditions governing shipments. (1) Each shipment of narcissus bulbs shipped into or within the state of Washington must have attached to each case or package a certificate signed by a proper official of the department of agriculture of the state or country of origin certifying that:

(a) All of the bulbs contained in the shipment are from fields inspected during the growing season and found free from nematode; or

(b) If the bulbs were found to be infested with nematode that they were given the regular hot water treatment at 110°F. to 111°F. for a period of four hours including a pre–soak of two hours at a temperature of 70°F. to 80°F. and to which has been added formalin solution at the rate of 1 pint to each 25 gallons of water, however, the pre–soak of two hours may be omitted provided the hot water treatment is given within 30 days from digging and to which has been added the formalin solution at the rate of 1 pint to each 25 gallons of water.

(c) Any shipment of bulbs arriving at point of destination or intercepted in transit not bearing the proper inspection certificate shall be immediately returned to point of origin, or given the prescribed hot water treatment at the option and expense of the owner or owners, his or their responsible agent or agents. [Order 479, § 16–484–040, filed 4/1/70; Order 479, Regulation 1, effective 9/30/46.]

WAC 16–484–050 Sanitary requirement on narcissus bulbs grown within the state of Washington. Certification will be refused on all narcissus bulbs which do not meet the requirements of WAC 16–484–040 (1)(a), (b), or (c): *Provided*, That in the event of any planting which may disclose, as the result of required field inspection, so slight infestation of nematode as to make it possible, in the judgment of the inspector, to eliminate the infestation by roguing out the infested bulbs, and if necessary, taking out or sterilizing, or both, the infected soil and the inspector shall so advise the grower; then, if the grower shall carry out the sanitary measures indicated, and the crop shall, upon harvest inspection, prove to the satisfaction of the inspector to be free from infestation, such crop may be given certification for shipment without disinfection but all stock remaining from such infested lot of bulbs must be given the thermal treatment provided in WAC 16–484–040 (1)(b): *And provided further*, That this provision does not apply to stocks planted in soil known to be infested with nematode. [Order 479, § 16–484–050, filed 4/1/70; Order 479, Regulation 2, effective 9/30/46.]

WAC 16–484–080 Conditions applicable to growers. Persons growing narcissus bulbs with the intention of requesting certification for the movement of the crop must make application for the inspection to the state department of agriculture, division of plant industry, in advance of the blossoming of the plants. The application shall show the acreage and estimated number of bulbs grown, together with their exact locations. The grower shall later notify the state department of agriculture, division of plant industry, when the bulbs have been harvested, cleaned and so sorted, and are ready for warehouse inspection. Applicant will be required to assemble the bulbs to be inspected and so place them that they can be readily examined. If not so placed, inspection may be refused. [Order 479, § 16–484–080, filed 4/1/70; Order 479, Regulation 5, effective 9/30/46.]

WAC 16–484–090 Violations. Outstanding certificates will be withdrawn and further certification refused to any grower or shipper who has violated any of the rules and regulations provided governing the movement of narcissus bulbs, or who has falsely labeled or has mislabeled any shipment with the intent of evading any of the provisions of these rules and regulations, or who has made any false statement or representation in connection with securing any certificate. Narcissus bulbs shipped into or within the state in violation of this quarantine shall be given the hot water treatment as prescribed for nematode, or returned to the point of origin, or destroyed at the expense of the shipper. [Order 479, § 16–484–090, filed 4/1/70; Order 479, Regulation 6, effective 9/30/46.]

WAC 16–484–100 Effective date. This order shall take effect on and after the first day of May 1970. [Order 479, § 16–484–100, filed 4/1/70.]

Chapter 16–486 WAC
AUSTRALIA AND TASMANIA APPLE QUARANTINE

WAC

16–486–001 Promulgation—Establishing quarantine.
16–486–010 Quarantine area.
16–486–015 Commodity covered.
16–486–020 Regulation.
16–486–025 Fumigation requirements.
16–486–030 Proof of fumigation.
16–486–035 Disposition of apples shipped in violation of this quarantine.
16–486–040 Violation and penalty.
16–486–045 Effective date.

WAC 16–486–001 Promulgation—Establishing quarantine. (1) Whereas, the state of Washington is the largest commercial producer of apples in the United States; and

(2) Whereas, this will serve to protect such production of apples and welfare of the people in the state of Washington; and

(3) Whereas, the state of Washington is not infested with the light brown apple moth; and

(4) Whereas, the most effective method of protecting the commercial apple industry is to fumigate prior to

importation into or movement through the state of Washington of these infested apples.

(5) Now, therefore, I, Stewart Bledsoe, director of the department of agriculture of the state of Washington, by virtue of the authority vested in me by chapter 17.24 RCW relating to insect pests and plant diseases, after public hearing held in Wenatchee, Washington on January 30, 1973, pursuant to chapters 34.04 and 42.32 RCW, do hereby proclaim and establish a quarantine to become effective March 12, 1973, setting forth the rules for the importation of apples from Australia and Tasmania. [Order 1292, § 16-486-001, filed 2/7/73.]

WAC 16-486-010 Quarantine area. (1) Originating in Australia and Tasmania. [Order 1292, § 16-486-010, filed 2/7/73.]

WAC 16-486-015 Commodity covered. (1) Apples. [Order 1292, § 16-486-015, filed 2/7/73.]

WAC 16-486-020 Regulation. (1) All apples originating in Australia and/or Tasmania must be fumigated in accordance with schedule in this quarantine (WAC 16-486-025) prior to arrival at a port of entry into the state of Washington. Fumigated apples must be physically separated from nonfumigated apples originating out of the quarantine area in order to avoid recontamination. [Order 1292, § 16-486-020, filed 2/7/73.]

WAC 16-486-025 Fumigation requirements. Methyl bromide.

(1) **Chamber.**
Normal
Atmospheric Pressure:

1-1/2 lbs. for 2 hours at 80°-89°F.
2 lbs. for 2 hours at 70°-79°F.
2-1/2 lbs. for 2 hours at 60°-69°F.
3 lbs. for 2 hours at 50°-59°F.
4 lbs. for 2 hours at 40°-49°F.

(2) **Container and refrigerator rail car.**

Normal Atmospheric Pressure:

1-1/2 lbs./1,000 cu. ft. for 2-1/2 hrs. at 80°-89°F.
(18 oz. minimum gas concentration at 1/2 hour)
(14 oz. minimum gas concentration at 2-1/2 hours)

2 lbs./1,000 cu. ft. for 2-1/2 hours at 70°-79°F.
(25 oz. minimum gas concentration at 1/2 hour)
(18 oz. minimum gas concentration at 2-1/2 hours)

2-1/2 lbs./1,000 cu. ft. for 2-1/2 hours at 60°-69°F.
(31 oz. minimum gas concentration at 1/2 hour)
(24 oz. minimum gas concentration at 2-1/2 hours)

3 lbs./1,000 cu. ft. for 2-1/2 hours at 50°-59°F.
(36 oz. minimum gas concentration at 1/2 hour)
(28 oz. minimum gas concentration at 2-1/2 hours)

4 lbs./1,000 cu. ft. for 2-1/2 hours at 40°-49°F.
(45 oz. minimum gas concentration at 1/2 hour)
(34 oz. minimum gas concentration at 2-1/2 hours)

[Order 1292, § 16-486-025, filed 2/7/73.]

WAC 16-486-030 Proof of fumigation. (1) Fumigation requirements as stated above and necessary separation of fumigated apples must be attested to by a governmental agency with a signed certification document. [Order 1292, § 16-486-030, filed 2/7/73.]

WAC 16-486-035 Disposition of apples shipped in violation of this quarantine. (1) Apples arriving in the state of Washington in violation of the provisions of this quarantine shall be refused admittance into the state of Washington and shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners, his or their responsible agents. [Order 1292, § 16-486-035, filed 2/7/73.]

WAC 16-486-040 Violation and penalty. (1) All violators of this order shall be dealt with according to the provisions of RCW 17.24.100. [Order 1292, § 16-486-040, filed 2/7/73.]

WAC 16-486-045 Effective date. This order will take effect on and after March 12, 1973. [Order 1292, § 16-486-045, filed 2/7/73.]

Chapter 16-487 WAC
PEACH YELLOW, PEACH ROSETTE AND LITTLE PEACH DISEASE

WAC

16-487-010 Infected territory.
16-487-020 Establishing quarantine—Carriers of disease.
16-487-030 Noninfected areas.
16-487-040 Carrier agents must hold shipments.
16-487-050 Disposition of products shipped in violation of quarantine.
16-487-060 Violations.

WAC 16-487-010 Infected territory. Whereas, it has been determined that dangerous diseases of peach trees, known as peach rosette, peach yellows, and little peach, not known to exist in the state of Washington, exists in and is prevalent over an indeterminable area in the states hereinafter described:

Alabama
Arkansas
Connecticut
Delaware
Dist. of Columbia
Florida
Georgia
Illinois
Indiana
Kentucky
Maryland
Massachusetts
Michigan
Mississippi
New Jersey
New York
North Carolina
Ohio
Oklahoma
Pennsylvania
Rhode Island
South Carolina
Tennessee
Virginia
West Virginia

[Order 386, § 1, effective 3/30/43.]

WAC 16-487-020 Establishing quarantine--Carriers of disease. (1) Whereas, the introduction of these

diseases into the state of Washington would entail great loss to the horticultural interests of this state, and

(2) Whereas, the most rigid examinations cannot determine the presence of these diseases in all cases upon nursery stock,

(3) Now, therefore, I, Arthur E. Cox, director of agriculture of the state of Washington, under authority vested in me by RCW 17.24.030, in order to prevent the introduction of said peach yellows, and/or peach rosette, and/or little peach, diseases into the state of Washington, do hereby proclaim and establish a quarantine prohibiting the shipment or movement into Washington of all trees, cuttings, grafts, scions or buds of all species and varieties including the flowering forms of peach, nectarine, apricot, almond, and plum, or any trees budded or grafted on peach stock or peach roots grown in or imported, shipped or brought from the said infected territory, and no such possible carriers of these diseases as quarantined against in this order shall be permitted entry into the state of Washington. [Order 386, § 2, effective 3/30/43.]

WAC 16-487-030 Noninfected areas. Nursery trees, cuttings, grafts, scions or buds of all species and varieties, including the flowering forms of peach, nectarine, apricot, almond and plum or any trees budded or grafted on peach stock or peach roots grown in noninfected areas will be admitted into the state of Washington provided the following provisions are complied with:

(1) That none of the products mentioned in the above paragraph will be admitted into the state of Washington unless each shipment is accompanied by a statement signed by an official of the department of agriculture of the state from where such shipment is made, stating where such trees were grown and where the trees, cuttings, grafts, scions or buds, peach stock, or peach roots were obtained.

(2) All shipments of nursery stock shall be plainly marked with the contents on the outside of the package or container. [Order 386, § 3, effective 3/30/43.]

WAC 16-487-040 Carrier agents must hold shipments. All products admissible under the foregoing provisions must be held by common carrier agent and not delivered to consignee or agent until inspected and passed by the director of agriculture, his deputy or deputies. [Order 386, § 4, effective 3/30/43.]

WAC 16-487-050 Disposition of products shipped in violation of quarantine. (1) All trees, cuttings, grafts, scions, or buds of all species and varieties, including flowering forms of peach, nectarine, apricot, almond and plum, or any trees budded or grafted on peach stock or peach roots grown in or imported, shipped, or brought from said quarantine area, arriving in the state of Washington in violation of the provisions of this quarantine, shall be refused admittance into Washington and shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners, his or their responsible agents.

(2) All horticultural inspectors of the department of agriculture are hereby empowered and instructed to carry out the provisions of this quarantine.

(3) The foregoing does not apply to the experiments of the United States Department of Agriculture and the state experiment stations in the state of Washington, providing a permit to import is issued by the director of agriculture. [Order 386, § 5, effective 3/30/43.]

WAC 16-487-060 Violations. Any violation of these orders shall be dealt with according to law. [Order 386, § 5, effective 3/30/43.]

Chapter 16-488 WAC
FRESH FRUIT OF BLUEBERRY QUARANTINE

WAC

16-488-001 Promulgation.
16-488-005 Pest.
16-488-010 Commodity covered.
16-488-015 Areas under quarantine.
16-488-020 Areas not infested.
16-488-025 Exemptions.
16-488-030 Disposition of material shipped in violation of this quarantine.
16-488-035 Violation and penalty.
16-488-040 Effective date.

WAC 16-488-001 Promulgation. Establishing quarantine. (1) Whereas, blueberry maggot (Rhagoletis mendax), is known to infest blueberries in the various states situated in the eastern part of the United States; and

(2) Whereas, blueberries produced in this state are susceptible to infestation by blueberry maggot (Rhagoletis mendax); and

(3) Whereas, the shipment or the receipt of blueberries from such eastern states which may be infested with blueberry maggots will constitute a direct threat and hazard to the blueberry production in this state.

(4) Now, therefore, I, Stewart Bledsoe, director of the department of agriculture of the state of Washington, by virtue of the authority vested in me by chapter 17.24 RCW relating to insect pests and plant diseases, after public hearing held in Olympia, Washington, on October 5, 1973, pursuant to chapters 34.04 and 42.32 RCW do hereby proclaim and establish a quarantine to become effective November 9, 1973, setting forth the name of the insect pest for which the quarantine is established, the areas under quarantine and the noninfested areas, prohibiting the shipment or movement into the state of Washington of all fresh fruit of blueberry from the areas under quarantine. [Order 1327, § 16-488-001, filed 10/10/73.]

WAC 16-488-005 Pest. Blueberry maggot (Rhagoletis mendax). [Order 1327, § 16-488-005, filed 10/10/73.]

WAC 16-488-010 Commodity covered. All fresh fruit of blueberry. [Order 1327, § 16-488-010, filed 10/10/73.]

WAC 16-488-015 Areas under quarantine. All states and districts of the United States east of and including the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas. [Order 1327, § 16-488-015, filed 10/10/73.]

WAC 16-488-020 Areas not infested. All states of the United States west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas. [Order 1327, § 16-488-020, filed 10/10/73.]

WAC 16-488-025 Exemptions. (1) No restrictions are placed by this regulation on the entry into this state of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state.

(2) Commodities covered which are held in cold storage for continuous period forty days or more, during which period the temperature within the storage room is maintained at thirty-two degrees fahrenheit or less, may be admitted provided a lot or shipment is accompanied by an official certificate evidencing compliance with the minimum requirements of this section. [Order 1327, § 16-488-025, filed 10/10/73.]

WAC 16-488-030 Disposition of material shipped in violation of this quarantine. Regulated commodities not meeting the requirements of this quarantine shall be returned to the point of origin, or destroyed at the option and expense of the owner or owners, his or their responsible agent or agents. [Order 1327, § 16-488-030, filed 10/10/73.]

WAC 16-488-035 Violation and penalty. All violations of this order shall be dealt with according to the provisions of RCW 17.24.100. [Order 1327, § 16-488-035, filed 10/10/73.]

WAC 16-488-040 Effective date. This order shall take effect on and after November 9, 1973. [Order 1327, § 16-488-040, filed 10/10/73.]

Chapter 16-494 WAC
BACTERIAL DISEASES OF BEANS

WAC

16-494-001 Establishing quarantine.
16-494-010 Definitions.
16-494-020 Quarantine area.
16-494-030 Regulated area.
16-494-040 Conditions.
16-494-050 Violations and penalty.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-494-060 Effective date. [Order 1309, § 16-494-060, filed 4/24/73; Order 1196, § 16-494-060, filed 4/16/71; Order 1077, § 16-494-060, filed 2/7/68; Order 1013 (part), filed 4/1/66; Order 1004 (part), filed 2/11/66.] Repealed by 79-09-099 (Order 1651), filed 8/31/79. Statutory Authority: Chapter 15.49 RCW.

WAC 16-494-001 Establishing quarantine. Halo Blight Pseudomonas *phaseolicola* (Burk.) Dows., Common Bean Blight *Xanthomonas phaseoli* (E.F.Sm.) Dows., Fuscous Blight *Xanthomonas phaseoli* var. fuscans (Burk.), Bean Bacterial Wilt *Corynebacterium flaccumfaciens* (Hedges) Dows., and any new strains or variations of the above disease are hereinafter referred to as bacterial diseases. A quarantine will be effective in preventing the introduction of said bacterial diseases of beans, and control of the said bacterial diseases of beans will provide the common bean growers of the state of Washington with a source of common beans for planting purposes which are disease free. [Statutory Authority: Chapter 15.49 RCW. 79-09-099 (Order 1651), § 16-494-001, filed 8/31/79. Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-104 (Order 1555), § 16-494-001, filed 3/1/78, effective 4/1/78; Order 1309, § 16-494-001, filed 4/24/73; Order 1196, § 16-494-001, filed 4/16/71; Order 1077, § 16-494-001, filed 2/7/68; Order 1013 (part), filed 4/1/66; Order 1004 (part), filed 2/11/66.]

WAC 16-494-010 Definitions. (1) "Person" means a natural person, individual, firm partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(2) "Director" means the director of the department of agriculture or his duly authorized representative.

(3) "Common bean," *Phaseolus vulgaris* L.

(4) "Beans," *Phaseolus* sp.

(5) "Origin," means state where specific seed lot was grown. [Order 1077, § 16-494-010, filed 2/7/68; Order 1013 (part), filed 4/1/66; Order 1004 (part), filed 2/11/66.]

WAC 16-494-020 Quarantine area. All counties of the state of Washington, except those counties east of the Cascade Crest, and all areas outside the state of Washington. [Order 1196, § 16-494-020, filed 4/16/71; Quarantine Order 1013 (part), filed 4/1/66; Quarantine Order 1004 (part), filed 2/11/66.]

WAC 16-494-030 Regulated area. All counties east of the Cascade Crest. [Order 1196, § 16-494-030, filed 4/16/71; Quarantine Order 1013 (part), filed 4/1/66; Quarantine Order 1004 (part), filed 2/11/66.]

WAC 16-494-040 Conditions. (1) No beans shall be planted in the regulated area which are found to be or are known to be contaminated with the aforementioned diseases.

(2) No common beans or Azuki beans (Phaseolus angularis) shall be shipped, transported, or moved into the regulated area for planting on or after the effective date of this quarantine unless such beans are accompanied by an origin phyto-sanitary certificate showing that such common beans are free from the aforementioned diseases on the basis of at least one field inspection and one windrow inspection: *Provided*, That the requirements for the windrow inspection portion of the phyto-sanitary

certificate requirement may be waived when the bean seed is accompanied by an official certificate, issued by an approved testing agency stating such bean seed is free from the aforementioned diseases, based on an approved laboratory and/or greenhouse test of a five pound sample from each 10,000 pounds or fraction thereof and/or any other methods approved by the director: *Provided*, That said bean seed planted for seed increase or with intentions of seed increase shall be planted only in fields entered into either the Washington state seed certification inspection program or the Washington state bean seed phyto-sanitary certificate inspection program.

(3) However, bean seed that is in compliance with this quarantine planted for harvest as green beans for cannery or freezing are not required to be entered into an inspection program. However, the department reserves the right to request complete listing and location of all such plantings and other information the department may deem necessary. Further, if for any reason it is decided that said plantings are not to be harvested as green beans the Department of Agriculture, 2015 S. 1st Street, Yakima, Washington 98903, must be notified immediately and said plantings placed under an inspection program.

(4) The requirement for a phyto-sanitary certificate will be waived for Pinto, Red Mexican, Great Northern, Pink, Black Turtle, Small White, and Flat Small White beans grown west of the Continental Divide, when the seed is accompanied by an official certificate, issued by an approved testing agency stating such bean seed is free from the aforementioned diseases, based on an approved laboratory and/or greenhouse test, and/or any other methods approved by the director. Each planting made from said bean seed shall be reported to the director who shall have authority to enter and inspect said field.

(5) This quarantine shall not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the said regulated area if, as far as known, said beans are free of bacterial diseases.

(6) This quarantine shall not apply to experiments or trial grounds of the United States Department of Agriculture or Washington State University experiment station, or to any person, firm[,] or corporation: *Provided*, That said plantings are approved by the director, under supervision of technically trained personnel familiar with bacterial diseases and inspected by state personnel.

(7) Any person prior to shipping, moving, or transporting any common beans for planting purposes into the regulated area shall forthwith notify the department of agriculture in writing of such person's intent to ship, move, or transport any common beans into said regulated area. Such notice of intent shall be accompanied by a copy of the phyto-sanitary certificate issued for such common beans. [Statutory Authority: Chapter 15-.49 RCW. 80-06-114 (Order 1702), § 16-494-040, filed 5/30/80; 79-09-099 (Order 1651), § 16-494-040, filed 8/31/79; 79-05-063 (Order 1614), § 16-494-040, filed 4/30/79. Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-104 (Order 1555), § 16-494-040, filed 3/1/78, effective 4/1/78; Order 1309, § 16-494-040, filed 4/24/73; Order 1196, § 16-494-040, filed 4/16/71; Order 1077, § 16-494-040, filed 2/7/68; Order 1013 (part), filed 4/1/66; Order 1004 (part), filed 2/11/66.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-494-050 Violations and penalty. All violations of this order shall be dealt with according to the provision of RCW 17.24.100, making such violation a misdemeanor. [Quarantine Order 1013 (part), filed 4/1/66; Quarantine Order 1004 (part), filed 2/11/66.]

Chapter 16-495 WAC
ANNUAL BLUEGRASS QUARANTINE

WAC

16-495-004 Establishing quarantine.
16-495-010 Definitions.
16-495-020 Regulated area.
16-495-030 Quarantine area.
16-495-040 Regulated articles.
16-495-050 Conditions governing movement of regulated articles.
16-495-060 Violations and penalty.
16-495-080 Annual bluegrass quarantine procedures.
16-495-085 Definitions.
16-495-090 Procedure for clearing.
16-495-095 Seed stock containing annual bluegrass.
16-495-100 Application for nursery inspection.
16-495-105 Fees.
16-495-110 Violation procedures.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-495-001 Promulgation—Establishing quarantine. [Order 1310, § 16-495-001, filed 4/24/73; Order 1197, § 16-495-001, filed 4/16/71.] Repealed by 79-05-086 (Order 1607), filed 5/1/79. Statutory Authority: Chapter 15.49 RCW.

16-495-002 Promulgation. [Order 1308, § 16-495-002, filed 4/24/73; Order 1248, § 16-495-002, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-086 (Order 1607), filed 5/1/79. Statutory Authority: Chapter 15.49 RCW.

16-495-003 Promulgation. [Order 1364, § 16-495-003, filed 6/12/74.] Repealed by 79-05-086 (Order 1607), filed 5/1/79. Statutory Authority: Chapter 15.49 RCW.

16-495-005 Promulgation. [Order 1468, § 16-495-005, filed 5/13/76.] Repealed by 79-05-086 (Order 1607), filed 5/1/79. Statutory Authority: Chapter 15.49 RCW.

16-495-070 Effective date. [Order 1467, § 16-495-070, filed 5/13/76; Order 1310, § 16-495-070, filed 4/24/73; Order 1197, § 16-495-070, filed 4/16/71.] Repealed by 79-09-103 (Order 1654), filed 8/31/79. Statutory Authority: Chapter 15.49 RCW.

WAC 16-495-004 Establishing quarantine. The seeds of the weed known as annual bluegrass, Poa annua and its known strains, hereinafter referred to as annual bluegrass, are objectionable in grass seed; therefore, an annual blue grass quarantine is established to prevent the introduction of annual bluegrass into grass seed production areas, to control seed stocks to be planted for

further seed increase, and to assure grass seed growers of a source of seed stock for planting purposes which is annual bluegrass free. [Statutory Authority: Chapter 15.49 RCW. 79-09-103 (Order 1654), § 16-495-004, filed 8/31/79; Order 1467, § 16-495-004, filed 5/13/76.]

WAC 16-495-010 Definitions. (1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof. This term shall import either the singular or the plural as the case may be.

(2) "Director" means the director of the department of agriculture or his duly authorized representative.

(3) "Annual bluegrass" means Poa annua and all related subspecies.

(4) "Seed stock" means those seeds which are planted for seed increase or with intent of seed increase.

(5) "Nursery" means an area of two acres or less in which grass for seed production is seeded in rows with twenty-four inch minimum spacings to facilitate roguing. [Order 1467, § 16-495-010, filed 5/13/76; Order 1197, § 16-495-010, filed 4/16/71.]

WAC 16-495-020 Regulated area. All areas of Washington lying east of the Cascade Crest. [Order 1467, § 16-495-020, filed 5/13/76; Order 1197, § 16-495-020, filed 4/16/71.]

WAC 16-495-030 Quarantine area. All areas of Western Washington and all areas outside of the state of Washington. [Order 1467, § 16-495-030, filed 5/13/76; Order 1197, § 16-495-030, filed 4/16/71.]

WAC 16-495-040 Regulated articles. Seed stocks of all grass species except those kinds listed in the quarantine procedures. [Order 1467, § 16-495-040, filed 5/13/76; Order 1197, § 16-495-040, filed 4/16/71.]

WAC 16-495-050 Conditions governing movement of regulated articles. (1) No seed stock shall be shipped, transported, or moved in, or into the regulated area on or after the effective date of this quarantine unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of annual bluegrass on the basis of a minimum 25 gram analysis for bluegrasses and bentgrasses and a minimum of 50 gram analysis for other grasses: *Provided,* That seed stock found to contain annual bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the state department of agriculture.

(2) This quarantine shall not apply to seed sown for forage or turf.

(3) This quarantine shall not apply: To experiments or trial grounds of the United States Department of Agriculture; to experiments or trial grounds of Washington State University experiment station; or to trial grounds of any person, firm, or corporation; provided said trial ground plantings are approved by the director and under supervision of technically trained personnel familiar with annual bluegrass control.

(4) Any person shipping, moving or transporting any seed stock for planting purposes in or into the regulated area that is not tagged with official "annual bluegrass quarantine" tags shall:

(a) State where and when seed stock can be sampled for the required annual bluegrass test; or

(b) Have attached a copy of the official laboratory analysis showing freedom from annual bluegrass; or

(c) Have representative sample submitted for testing. [Statutory Authority: Chapter 15.49 RCW. 79-05-085 (Order 1620), § 16-495-050, filed 5/1/79; Order 1467, § 16-495-050, filed 5/13/76; Order 1310, § 16-495-050, filed 4/24/73; Order 1197, § 16-495-050, filed 4/16/71.]

WAC 16-495-060 Violations and penalty. All violations of this order shall be dealt with according to the provision of RCW 17.24.100, making such violations a misdemeanor. [Order 1467, § 16-495-060, filed 5/13/76; Order 1197, § 16-495-060, filed 4/16/71.]

WAC 16-495-080 Annual bluegrass quarantine procedures. The following procedures will be followed in implementing the annual bluegrass (Poa annua) quarantine which specifies: Each lot of grass seed stock shipped, transported or moved in or into that area of the state of Washington lying east of the Cascade Divide shall be sampled under supervision of the Washington state department of agriculture and tested by an official seed laboratory for annual bluegrass (Poa annua). [Statutory Authority: Chapter 15.49 RCW. 79-05-086 (Order 1607), § 16-495-080, filed 5/1/79; Order 1468, § 16-495-080, filed 5/13/76; Order 1308, § 16-495-080, filed 4/24/73; Order 1248, § 16-495-080, filed 4/13/72, effective 5/14/72.]

WAC 16-495-085 Definitions. (1) Annual bluegrass – Poa annua and all related subspecies.

(2) Seed stock – those seeds of grasses which are to be planted for seed increase or with intent of seed increase; except this definition does not include: Big Bluegrass, Upland Bluegrass, Brome, Tall Fescue, Meadow Fescue, Oatgrass, Orchardgrass, Timothy, or Wheatgrass.

(3) Official seed laboratory – seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Lab, 2015 South 1st Street, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

(4) Representative sample – sample drawn in accordance with sampling procedures adopted by the director.

(5) Annual bluegrass analysis certificate – a test report from an official laboratory showing freedom from annual bluegrass of a 10 gram sample for bentgrass or redtop; a 25 gram sample for bluegrass; 50 gram sample for other grasses.

(6) Quarantine tag – a tag issued by Washington state department of agriculture to be sealed to each bag showing said seed has met quarantine requirements. [Statutory Authority: Chapter 15.49 RCW. 80-06-116

(Order 1703), § 16-495-085, filed 5/30/80; 79-05-086 (Order 1607), § 16-495-085, filed 5/1/79. Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-105 (Order 1556), § 16-495-085, filed 3/1/78, effective 4/1/78; Order 1468, § 16-495-085, filed 5/13/76; Order 1364, § 16-495-085, filed 6/12/74; Order 1248, § 16-495-085, filed 4/13/72, effective 5/14/72.]

WAC 16-495-090 Procedure for clearing. (1) Each person moving, shipping or transporting seed stock in or into the regulated area must:

(a) Submit an official laboratory analysis of a representative sample showing freedom from annual bluegrass; or

(b) Have a representative sample submitted for testing.

(2) Upon receipt of an official laboratory analysis showing freedom from annual bluegrass, the department of agriculture will tag each bag of those lots found free of annual bluegrass by the required test with "annual bluegrass quarantine" tag, stating said seed is eligible for planting in Eastern Washington. [Statutory Authority: Chapter 15.49 RCW. 79-05-086 (Order 1607), § 16-495-090, filed 5/1/79; Order 1468, § 16-495-090, filed 5/13/76; Order 1364, § 16-495-090, filed 6/12/74; Order 1308, § 16-495-090, filed 4/24/73; Order 1248, § 16-495-090, filed 4/13/72, effective 5/14/72.]

WAC 16-495-095 Seed stock containing annual bluegrass. Each lot of seed stock found to contain annual bluegrass shall be placed under "stop sale" to be released only for shipment out of the quarantine area or for planting in nurseries of two acres or less under the supervision of, and approved by, an agent of the department of agriculture. The nursery shall be seeded in rows. It shall be the duty of the person receiving such seed to rogue this increase area or chemically treat to eradicate the annual bluegrass thus assuring production of seed that is free of annual bluegrass. Seed increase areas shall be inspected by the department at least three times during the seedling year. Any areas not passing inspection shall not be harvested, but instead shall be destroyed by the person who planted the increase area upon order of the director of the Washington state department of agriculture or his agent. If not destroyed as directed, the department of agriculture shall have the plot destroyed and the grower shall be liable for all expenses. [Statutory Authority: Chapter 15.49 RCW. 79-05-086 (Order 1607), § 16-495-095, filed 5/1/79; Order 1468, § 16-495-095, filed 5/13/76; Order 1248, § 16-495-095, filed 4/13/72, effective 5/14/72.]

WAC 16-495-100 Application for nursery inspection. A person shall make application for nursery inspection to the department of agriculture not later than 14 days prior to planting. [Order 1468, § 16-495-100, filed 5/13/76; Order 1248, § 16-495-100, filed 4/13/72, effective 5/14/72.]

WAC 16-495-105 Fees. (1) Fees for sampling and analysis shall be that fee established by the director.

(2) Inspection fee for nursery plantings shall be $50.00 per acre or portion thereof.

(3) The tagging fee shall be 50¢ cwt with a minimum fee of $10.00. [Statutory Authority: Chapter 15.49 RCW. 79-05-086 (Order 1607), § 16-495-105, filed 5/1/79; Order 1468, § 16-495-105, filed 5/13/76; Order 1364, § 16-495-105, filed 6/12/74; Order 1248, § 16-495-105, filed 4/13/72, effective 5/14/72.]

WAC 16-495-110 Violation procedures. (1) A person who violates quarantine shall meet with a representative of the seed branch to determine:

(a) If a violation actually occurred;

(b) How it did occur, and what corrective measures can be taken to avoid reoccurrence;

(c) How much acreage is involved and location of all plantings.

(2) Corrective procedures shall be agreed upon, such as roguing, chemical treatment, etc., and the time frame for such work, or agreement for voluntary destruction of all acreage involved.

(3) Treated and rogued acreage shall be inspected by department of agriculture three times during the seedling stages to assure freedom from annual bluegrass. Violator will be assessed hourly inspection fee and mileage fee where additional mileage is involved.

(4) Failure to mutually agree, or failure to comply with these procedures, or if it is determined the violation was willful, will be referred to the attorney general for action. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-105 (Order 1556), § 16-495-110, filed 3/1/78, effective 4/1/78.]

Chapter 16-497 WAC
HOP DISEASE QUARANTINE

WAC

16-497-001 Establishing quarantine.
16-497-010 Quarantine area.
16-497-020 Commodities covered.
16-497-030 Regulations.
16-497-040 Disposition of material shipped in violation of this quarantine.
16-497-050 Exemption.
16-497-060 Violation and penalty.

WAC 16-497-001 Establishing quarantine. The introduction of dangerous diseases of hops into the state of Washington would entail great losses to the horticultural interests of the state, and the most rigid examinations cannot determine the presence of disease on dormant hop plants or parts of plants; therefore this quarantine is established setting forth the rules for the importation of hop plants. [Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-001, filed 12/31/79, effective 6/1/80.]

WAC 16-497-010 Quarantine area. All areas outside of the territorial borders of the state of Washington. [Statutory Authority: Chapter 17.24 RCW. 80-01-093

(Order 1663), § 16-497-010, filed 12/31/79, effective 6/1/80.]

WAC 16-497-020 Commodities covered. Plants and all parts thereof (except the kiln dried cone) of hops (Humulus Lupulus L.) [Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-020, filed 12/31/79, effective 6/1/80.]

WAC 16-497-030 Regulations. Hop plants and all parts thereof will be admitted into the state of Washington: *Provided*, That the following provisions are complied with.

(1) The hop plant or parts thereof have been certified in accordance with the regulations of an official state agency, which certification program requires at least two field inspections during the growing season, and requires that certification tolerances shall not exceed: Verticillium wilt, (albo atrum (dm), dahliae (ms)) zero percent; and Virus, or virus-like symptoms one tenth of one percent: *And provided further*, That all shipments of such hop planting stock shall be apparently free of insect pests and shall be accompanied by a certificate issued by said official state agency of the state of origin certifying that said hop planting stock was produced under official certification regulations and meets official standards.

(2) All shipments of hop planting stock shall be plainly marked with the contents on the outside of the package or container.

(3) All products admissible under the foregoing provisions must be held by common carrier agent and not delivered to consignee or agent until inspected and passed by the director of agriculture of the state of Washington or his designee. [Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-030, filed 12/31/79, effective 6/1/80.]

WAC 16-497-040 Disposition of material shipped in violation of this quarantine. All hop plants or parts thereof arriving in the state of Washington in violation of this quarantine shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners, or his or their responsible agents. [Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-040, filed 12/31/79, effective 6/1/80.]

WAC 16-497-050 Exemption. The foregoing does not apply to the experiments of the United States Department of Agriculture and the state experiment stations in the state of Washington. [Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-050, filed 12/31/79, effective 6/1/80.]

WAC 16-497-060 Violation and penalty. All violations of this order shall be dealt with as provided for in RCW 17.24.100, as follows:

"Penalties—Second and subsequent offenses. Every person who shall violate or fail to comply with any rule or regulation adopted and promulgated by the director of agriculture in accordance with and under the provision of RCW 17.24.020 through 17.24.100 shall be guilty of a misdemeanor, and for a second and each subsequent violation or failure to comply with the same rule or regulation, shall be punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than one hundred dollars, or more than one thousand dollars or both such fine and imprisonment." [Statutory Authority: Chapter 17-.24 RCW. 80-01-093 (Order 1663), § 16-497-060, filed 12/31/79, effective 6/1/80.]

Chapter 16-512 WAC
FRYERS, BROILERS AND ROASTERS

WAC

16-512-002 Director's findings and decision approving a marketing order.
16-512-005 Marketing order—Policy and purpose.
16-512-010 Definitions.
16-512-020 Fryer commission—Structure, powers, duties, and procedure.
16-512-030 Marketing order purposes.
16-512-040 Assessments and assessment funds.
16-512-050 Information reports.
16-512-060 Separability.
16-512-070 Effective time.

RULES OF THE WASHINGTON FRYER COMMISSION

16-512-101 Promulgation.
16-512-110 Labeling.
16-512-120 Fryer processor and grower report form.

WAC 16-512-002 Director's findings and decision approving a marketing order. Whereas, it is provided in RCW 15.66.020, as follows:

(1) "The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of this act to promote the general welfare of the state by enabling producers of agricultural commodities to help themselves in establishing orderly, fair, sound, efficient and unhampered marketing, grading and standardizing of the commodities they produce, and in promoting and increasing the sale of such commodities;" and

(2) Whereas, it is further provided in RCW 15.66-.040, that marketing orders and orders modifying or terminating existing marketing orders shall be promulgated by the director; and

(3) Whereas, the director of agriculture having reason to believe that the issuance of a marketing order would tend to effectuate the declared policy of the act with respect to fryers, broilers and roasters, did upon receipt of the industry petition signed by five percent of the fryer, broiler and roaster producers of the state of Washington, and pursuant to the provisions of the act, issue on the 27th day of December, 1956 notice of public hearing to be held in Seattle, Washington on the 8th day of January, 1957, upon a proposed marketing order for fryers, broilers and roasters produced in the state of Washington providing for the creation of a Washington fryer commission and did upon said date and at said place, through his duly authorized representative, Phyllis

Dolvin Schoedel, marketing act administrator, state department of agriculture, conduct a public hearing thereon and did give due notice of such hearing and opportunity to be heard to all persons directly affected by any action of the director pursuant to the provisions of said act whose names appeared on the official affected producer list for the fryer, broiler and roaster producers in the state of Washington on file in the office of the director of agriculture; and

(4) Whereas, the director of agriculture has reviewed the provisions of such marketing order which authorizes the purposes set forth in RCW 15.66.030 with provisions relating to the advertising and sales promotion; research; improving standards and grades by labeling requirements; and investigating and preventing unfair trade practices, hereby finds that:

(a) The proposed issuance of said marketing order is reasonably calculated to attain the objective sought in such marketing order;

(b) The proposed issuance is in conformity with the provisions of chapter 15.66 RCW, known as the Washington Agricultural Enabling Act, and within the applicable limitations and restrictions set forth therein will tend to effectuate the declared purposes and policies of said act;

(c) Said marketing order will protect the interests of consumers of fryers, broilers and roasters by exercising the powers of said chapter of the laws of the state of Washington only to such extent as is necessary to attain the objectives sought in the act; and

(5) Whereas, this marketing order embraces all producers who are engaged in the production of fryers, broilers and roasters in the state of Washington.

(6) Whereas, the director of agriculture did execute and issue his findings and recommended decision of issuance of the marketing order for Washington fryers, broilers and roasters on the 5th day of February, 1957 and did cause copies of said findings and recommended decision to be mailed to all parties of record appearing at the public hearing, or their attorneys of record, all as required by the act, and having received no objections to the provisions contained therein;

(7) Now therefore, I, J.D. Dwyer, director of agriculture of the state of Washington, do hereby execute and issue this final decision, approving a marketing order for Washington fryers, broilers and roasters providing for the creation of a Washington fryer commission and herewith submit the order for the referendum assent of the affected fryer, broiler and roaster producers on the official affected producer list of the state department of agriculture. [Director's Finding and Decision, effective 3/4/57.]

WAC 16-512-005 Marketing order--Policy and purpose. The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of the "act" and of this "fryer, broiler and roaster marketing order" to promote the general welfare of the state by enabling fryer, broiler and roaster producers to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading and standardizing of the fryers, broilers and roasters they produce, and in promoting and increasing the sale of such fryers, broilers and roasters. [Marketing Order for Washington Fryers, Broilers and Roasters, effective 4/15/57.]

WAC 16-512-010 Definitions. As used in this marketing order, the following terms shall have the following meanings:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative;

(2) "Act" means the Washington Agricultural Enabling Act, being chapter 15.66 RCW;

(3) "Person" includes any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals;

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market in commercial quantities fryers as herein defined;

(5) "Commercial quantities" shall mean and include one or more pound;

(6) "Pound" or "affected unit" are synonymous and mean and include each pound unit or any combination of packages making a one-pound unit of fryers;

(7) "Fryers" means and includes any and all breeds or varieties of chickens under the age of six months marketed for human consumption as fryers, broilers or fryer-roasters;

(8) "Fryer commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-512-020;

(9) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning January 1 of any year and ending upon the last day of December, both dates inclusive;

(10) "Handler" means any person who handles, sells, processes, stores, ships, or distributes fryers whether for himself or which he has purchased or acquired from a producer, or which he is shipping for or on behalf of a producer, or who acts as a sales or purchasing agent, broker or factor of fryers, and shall include any lending agencies for commodity credit corporation loan to producers;

(11) "Sale" means a transaction wherein the property in or to fryers is transferred from the producer to a purchaser for consideration. "Sale" shall also include an agreement to acquire such property for a consideration;

(12) "Affected area" or "area of production" are synonymous and mean and include all of the state of Washington;

(13) "District" means the geographical divisions of the affected area of fryer production established pursuant to the provisions of WAC 16-512-020 of this order. [Marketing Order, Article I, effective 4/15/57.]

WAC 16-512-020 Fryer commission--Structure, powers, duties, and procedure. (1) **Establishment and membership.** A fryer commission is hereby established to

administer this marketing order which shall be composed of six members who shall be producers elected at large as provided in subsection (2) of this section and two members who shall be appointed by the elected producer members. In addition, the director shall be an ex officio member of the commission.

(2) **Representative membership.** For the purpose of nomination and election of producer members of the commission, the affected area of the state of Washington shall be one representative district. Each elected producer position shall be elected at large and shall be numbered one through six. Positions appointed by the elected producer members shall be numbered seven and eight.

(3) **Membership qualifications.** Commission members shall be citizens and residents of this state, over the age of twenty–five years. Producer members of the commission shall be producers of fryers in this state. The qualifications of producer members of the commission as herein set forth must continue during their term of office. Members appointed by the elected producers shall be either fryer producers, others active in matters relating to fryers, or persons not so related.

(4) **Term of office.** The term of office of the commission members shall be three years from the date of their election and until their successors are elected and qualified: *Provided, however,* That the initial members of the commission shall serve from the effective date of this marketing order in terms terminating as follows: Positions 3 and 6 shall terminate December 31, 1957; positions 1 and 5 shall terminate December 31, 1958; and positions 2 and 4 shall terminate December 31, 1959. One appointed member's term, being position 7, shall terminate December 31, 1958, and the second appointed member's term, being position 8, shall terminate December 31, 1959.

(a) The appointed members of the initial commission shall be elected by a majority of the elected commissioners at the first meeting of said commission.

(b) With respect to the establishment of positions at large, commission members in office shall serve out their terms.

(5) **Nomination and election of commission members.**

(a) Not earlier than September 17 and not later than October 2 of each year, the director shall give notice by mail to all producers of such vacancy or vacancies and call for nominations. Nominating petitions shall be signed by five persons qualified to vote for such candidates. Such notice shall state the final date for filing said petitions which shall be not earlier than October 8 and not later than October 13 of each year.

(b) The director shall submit ballots by mail to all producers not earlier than October 18 and not later than November 2 of each year. Ballots shall be returned not later than December 2 of each year. Such mailed ballot shall be conducted in a manner so that it shall be a secret ballot in accordance with rules and regulations to be promulgated by the director.

(c) With respect to the initial fryer commission, the director shall call for nominations in the notice of his decision following the hearing designated in the act. The ballot specified herein shall be forwarded to the producer at the time the director's proposed marketing order is mailed to the producers for their referendum assent.

(d) Except with respect to the initial fryer commission, the members of the commission not elected by the producers shall be elected by a majority of the commission within ninety days prior to the expiration of the term.

(6) **Vacancies.**

(a) To fill any vacancy occasioned by the failure to qualify of any person elected by the producers as a member of the commission, or in the event of the death, removal, resignation or disqualification of any member, the director shall call for nominations and conduct such election in the manner provided in subsection (5) of this section.

(b) To fill nonelective vacancies caused by reasons other than the expiration of the term, the new members shall be elected by the commission at its first meeting after the occurrence of the vacancy.

(7) **Powers and duties of commission.** The commission shall have the following powers and duties:

(a) To administer, enforce, direct and control the provisions of this marketing order and of the act relating thereto;

(b) To elect a chairman and such other officers as the commission may deem advisable;

(c) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order;

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings, before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order;

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor.

(h) To borrow money and incur indebtedness;

(i) To make necessary disbursements for routine operating expenses;

(j) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with and to effectuate the purposes of the act and this order;

(k) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying

out the provisions of this marketing order during each fiscal year;

(l) To accept and receive gifts, grants, and contributions and expend the same to effectuate the purposes of the act and this order;

(m) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this order.

(8) **Procedure for commission.**

(a) The commission may by resolution establish a headquarters which shall continue as such unless and until so changed by the commission, at which headquarters shall be kept the books, records, and minutes of the commission meetings.

(b) The commission shall hold regular meetings at least quarterly, with the time and date thereof to be fixed by the resolution of the commission.

(c) The commission may hold such special meetings as it may deem advisable and shall establish by resolution the time, place, and manner of calling such special meetings with reasonable notice to the members: *Provided, however,* That the notice of any special meeting may be waived by a waiver thereof signed by not less than a quorum of the membership.

(d) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(e) A quorum of the commission shall consist of at least five members.

(f) No member of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid a specified sum to be determined by resolution of the commission not to exceed $20.00 per day for each day spent in the actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expenses at the rate allowed by law to state employees.

(9) **Limitation of liability of commission members and employees.** Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee, or agent of the commission in his individual capacity. The members of the commission, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint and no member shall be liable for the default of any other member. [Order 1405, § 16-512-020, filed 7/7/75; Marketing Order, Article II, effective 4/15/57.]

WAC 16-512-030 Marketing order purposes. (1) **Advertising and sales promotion plans.**

(a) The fryer commission, subject to the provisions of the act, is hereby authorized to prepare plans, administer and conduct programs and expend moneys for advertising and sales promotion for promoting the sale of fryers for the purpose of maintaining existing markets or creating new and/or larger markets for fryers grown in the state of Washington including but not necessarily limited to the following:

(i) Increasing the sale and consumption of Washington produced fryers through the use of the press, radio, television and all other advertising media;

(ii) Dealer service work, trade promotion, publicity, market development and expansion activities;

(iii) Prevention, modification, or elimination of trade barriers which restrict the free flow of fryers produced in this state;

(iv) Presentation of facts to and negotiations with state, federal, or foreign governmental agencies on matters which affect the marketing of fryers produced in this state, including cooperation with any agency or group in efforts to increase per capita consumption of fryers, and such other activities and programs which are consistent with the objectives of this marketing order and the act.

(b) In carrying out any advertising and sales promotion plans or programs, the commission may engage or hire such advertising medias as may be necessary to accomplish the purposes of the act and this order, arrange for advertising space, display material and other advertising material, conduct dealer service work or may use any other methods consistent with the act and this marketing order which the commission considers appropriate in promoting or creating new and larger domestic or foreign markets for fryers, or in maintaining existing markets.

(c) Programs and plans adopted by the commission under this marketing order shall be directed towards promoting the sale of fryers without reference to any particular private brand or trade name and sales promotion and advertising programs so conducted shall not disparage the value, quality, sale or use of any other agricultural commodity or make use of any unwarranted or false claims on behalf of fryers.

(2) **Research.**

(a) The fryer commission, subject to the provisions of the act, is hereby authorized to carry on or cause to be carried on any necessary and proper marketing, production, processing, or handling research or survey studies relating to fryers and to expend moneys for such purposes.

(b) Such research and survey studies may include, but shall not necessarily be limited to the following:

(i) Production problems.

(ii) Developing objective quality factors for fryers.

(iii) Disease control.

(iv) Developing and improving methods of processing fryers for the purpose of increasing and expanding their use for food purposes.

(v) Improving packaging and handling techniques which promote more efficient operation in the marketing and distribution of fryers.

(vi) Investigating transportation rates and service costs.

(c) The commission may, in addition to the activities enumerated above, carry on any other proper and necessary research and/or survey programs and activities consistent with, and subject to, the limitations of the act. Such research and/or survey studies may include the collection of data and information relating to fryers; the analysis of such data and information; the dissemination of such data, information and analysis; and such other investigation that falls within the scope of the marketing, producing, processing or handling of fryers.

(3) **Labeling.**

(a) The fryer commission, subject to the provisions of the act, is hereby authorized to provide for the improving of standards and grades for fryers by defining, establishing and providing labeling requirements, as provided in the act, and not inconsistent with the laws of this state, with respect to the same, and to expend moneys for such purposes.

(b) The commission shall give reasonable written notice to all producers, handlers, and persons directly affected by the labeling requirements issued pursuant to this section, not less than ten days prior to the effective time of such requirements.

(c) The commission shall be authorized to cooperate with state and federal agencies or departments responsible for revising and modernizing grades and standards and labeling of fryers.

(d) All chickens commonly referred to as fryers, broilers, or fryer-roasters and including any and all breeds or varieties of chicken under the age of six months, sold or offered for sale in the state of Washington, must be labeled as to the state of origin at the point of retail sale. The state of origin is defined as the state wherein the bird has been raised to market weight. Specific requirements for such labeling shall be made by the fryer commission pursuant to rules promulgated in accordance with the provisions of chapter 34.04 RCW.

(4) **Unfair trade practices.** The fryer commission, subject to the provisions of the act, is hereby to investigate and take necessary action to prevent unfair trade practices and to correct, where possible, trade practices which hinder marketing of Washington produced fryers. Information acquired in such investigation shall be confidential and shall be released only to the extent necessary to effectuate the purposes of the act.

(5) **Standards, grades, labels and trade practices.** The provisions covering standards, grades, labels and trade practices shall apply with respect to fryers marketed or sold within the affected area regardless of where produced. [Statutory Authority: Chapter 15.66 RCW. 80-03-019 (Order 1664), § 16-512-030, filed 2/15/80; Marketing Order, Article III, effective 4/15/57.]

WAC 16-512-040 Assessments and assessment funds. (1) **Assessments levied.** On and after the effective date of this amendment, there is hereby levied and there shall be collected by the commission as provided in the act, upon all fryers, roasters and broilers under the age of 6 months, an assessment of .35 of one cent per lb. live weight. Such assessment shall be paid by the producer thereof upon each and every pound of fryers, roasters, or broilers sold, delivered for sale or processed by him: *Provided however*, That no assessment shall be collected on the following:

(a) Sales on a producer's premises by a producer direct to a consumer of thirty pounds or less of fryers from a producer's own production;

(b) Fryers of a producer's own production used by him for personal consumption; or

(c) Fryers donated or shipped for relief or charitable purposes.

No assessment levied or made collectable by the act under this order shall exceed three percent of the total market value of all such fryers sold, processed or delivered for sale or processing by all producers of fryers for the fiscal year to which the assessment applies.

(2) **Collection of assessment.**

(a) All assessments made and levied pursuant to the provisions of the act under this marketing order shall apply to the respective producer who shall be primarily liable therefor. To collect such assessments, the commission may require:

(i) Stamps to be known as "Washington fryer commission stamps" to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases or receiving receipts or tickets. Any such stamps shall be cancelled immediately upon being attached or fixed and the date of such cancellation shall be placed thereon;

(ii) Payment of producer assessments before the fryers are shipped off the farm or payment of assessments at different or later times and in such event, any person subject to the assessments shall give such adequate assurance or security for its payment as the commission shall require.

(iii) Every producer subject to the assessment under this order to deposit with the commission in advance an amount based on the estimated number of affected units upon which such person will be subject to such assessments in any one year during which this marketing order is in force, but in no event shall such deposit exceed twenty-five percent of the estimated total annual assessment payable by such person. At the close of such marketing season the sums so deposited shall be adjusted to the total of such assessments payable by such person.

(iv) Handlers receiving fryers from the producer, including warehousemen and processors, to collect producer assessments from producers whose production they handle and all moneys so collected shall be paid to the commission on or before the twentieth day of the succeeding month for the previous month's collections. Each handler shall at such times as by rule and regulation required, file with the commission a return under oath on forms to be furnished by the commission, stating the

quantity of fryers handled, processed, delivered and/or shipped during the period prescribed by the commission.

(b) The commission is authorized to make reasonable rules and regulations in accordance and conformity with the act and with this section to effectuate the collection of assessments. On or before the beginning of each marketing season, the commission shall give reasonable notice to all producers, handlers and other affected persons of the method or methods of collection to be used for that marketing season.

(c) No affected units of fryers shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued or stamp cancelled, but no liability hereunder shall attach to common carriers in the regular course of their business. When any fryers for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for such exemptions.

(d) Any producer or handler who fails to comply with the provisions of this section as herein provided shall be guilty of a violation of this order.

(3) **Funds.**

(a) Moneys collected by the fryer commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and this marketing order.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by such producer in excess of three percent of the total market value of all fryers sold, processed, delivered for sale or processing during that period. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director. [Statutory Authority: Chapter 15.66 RCW. 80-14-020 (Order 1714), § 16-512-040, filed 9/24/80, effective 11/1/80; Marketing Order, Article IV, effective 4/15/57.]

WAC 16-512-050 Information reports. All persons subject to the provisions of this order shall make and render such reports and furnish such information to the director or the commission as may be necessary or required under the act or this order to effectuate the purposes thereof. Any information obtained by any person pursuant to the provisions of this article shall be confidential and shall not be by him disclosed to any person save to a person with like right to obtain the same or any attorney employed by the director or the commission to give legal advice thereon or by court order. [Marketing Order, Article V, effective 4/15/57.]

WAC 16-512-060 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any person, circumstances, or thing shall not be affected thereby. [Marketing Order, Article VI, effective 4/15/57.]

WAC 16-512-070 Effective time. The provisions hereof shall become effective at such time as the director may declare above his signature attached hereto and shall continue in force until terminated as specified in the act. [Marketing Order, Article VII, effective 4/15/57.]

RULES OF THE WASHINGTON FRYER COMMISSION

WAC 16-512-101 Promulgation. The Washington fryer commission, by virtue of the authority vested in it by chapter 15.66 RCW, and the marketing order issued by J.D. Dwyer, the Washington state director of agriculture, effective April 15, 1957, does hereby make and promulgate the following regulation; (WAC 16-512-110). [Regulation I, Promulgation, effective 8/20/57.]

WAC 16-512-110 Labeling. (1) All chickens commonly referred to as fryers, broilers or fryer roasters and including any and all breeds or varieties of chicken under the age of six months, sold or offered for sale in the state of Washington, must be labeled as to state of origin, regardless of where produced. Such labeling is mandatory on and after August 20, 1957.

(2) "State of origin" is defined as that state where the bird has been raised to market weight.

(3) To effect this marketing step being taken under authority of WAC 16-512-030(3), the following points are mandatory:

(a) Each fryer, whole, half, cut-up or packaged parts thereof, sold at retail, must bear the state of origin label. (The identifying phrase must include "grown in (state)," or "(state) grown.")

(b) Such label must appear, plainly visible on the top face of the package, at the point of retail so as to provide ready identification by the consumer.

(c) Each shipping carton, container or box must also bear the state of origin label either imprinted or by a specially attached tag or label.

(d) The state of origin identification may be as large as desired, but must be no less than 1" x 1 3/4" in area and identifying phrases must be legible and printed in not less than a 14 point san serif bold type face with the state name to appear in 14 point san serif bold upper case letters.

(e) The actual label medium is not designated. It may be imprinted on any form of paper, tag or card stock meeting with normal food packaging standards. The labeling may be included as one element of an overwrap, bag, tag or carton design provided it is plainly visible. Furthermore, it must be (as stated in requirement no. 1) affixed to each individual fryer or package thereof however presented to the consumer at retail.

(f) In the case of institutional or bulk pack, each whole or half fryer must be individually labeled at

wholesale with the exception that a pack of parts (consisting of smaller pieces than 1/2 chicken in size) may bear the label affixed to the shipping carton or box.

(g) In meat case display where fryer parts are displayed of less than 1/2 chicken in size, each display utensil must show an identification 5" x 7" in size with the state of origin shown in letters not less than 3/4" high.

(4) As a further guide the Washington fryer commission suggests that each state of origin label bear the outline or facsimile of the state's geographic shape with the phrase "this fryer grown in _____."

For example:

Washington grown fryers may bear such a label as this:



(This label as reproduced requires a space approximately 1" x 1 3/4".) This regulation shall be effective August 20, 1957.

[Regulation I, effective 8/20/57.]

WAC 16-512-120 Fryer processor and grower report form.

(1) **Front.**

JUNE 1959 – 11 –

WASHINGTON FRYER COMMISSION

FRYER PROCESSOR & GROWER REPORT FORM (Month)

FRYER PROCESSOR, submit report to commission on or before 10th of each month

FRYER GROWER: Growers who sell fryers out of the state of Washington must submit report & assessment 10 days after sale of fryers.

SEND REPORT TO:

Washington Fryer Commission
1019 Securities Building
Seattle 1, Washington

(See instruction on reverse side)

(Rate of assessment is .0017¢ per lb live weight) Grower's Name and Address	No. of Head	Total Weight	Amount Collected	Do Not Use

Enter No. of pages in this report _____	Total assessment due this page				
Including continuation sheets attached.	Total assessment due continuing sheets attached				
Adjustments					
TOTAL ASSESSMENT SUBMITTED					

I DECLARE, under the penalties of perjury that this return, including any and all accompanying schedules and statements, have been examined by me and to the best of my knowledge and belief is a true, correct, and complete return.

Signature Title Firm Date

(2) **Reverse side.**

REPORTING INSTRUCTIONS

1. Assessment rate of .0017¢ per lb. live weight.

   EXAMPLE: 1000 head — 3300 lbs @ .0017¢ equals $5.61.

2. File this report by 10th of each month whether or not money is due.

3. If no money is due, print across face of return — NO ACTIVITY.

4. Pay assessment by check, draft, or money order only. Make payable to the Washington fryer commission.

5. Attach completed return to assessment check.

6. Growers who sell fryers out of the state of Washington will make reports not later than 10 days following the marketing of such fryers, but will not be required to report each month unless they market each month.

7. Be sure return is COMPLETE and PROPERLY SIGNED.

8. If birds are sold dressed weight, assessment rate is .0022¢ per lb.

9. Address all correspondence to:

WASHINGTON FRYER COMMISSION
1019 Securities Building
Seattle 1, Washington

Phone No: MUtual 2-8877

[Form, (codified as WAC 16-512-120), filed 3/21/60.]

Chapter 16-516 WAC
WASHINGTON POTATOES

WAC

16-516-002 Director's findings and decision approving a marketing order.
16-516-003 Director's order making marketing order effective and creating a potato commission.
16-516-005 Marketing order for Washington potatoes—Policy and purpose.
16-516-010 Definitions.
16-516-020 Potato commission.
16-516-030 Marketing order purposes.
16-516-040 Assessments and assessment funds.
16-516-050 Information reports.
16-516-060 Separability.
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RULES OF THE WASHINGTON STATE POTATO COMMISSION

16-516-110 Commission rules—Reporting and paying assessments.
16-516-125 Commission rules—Penalty assessments.
16-516-130 Commission rules—Assessments on field run or ungraded potatoes.
16-516-140 Conditions for prepayment of assessments and maximum payable.
16-516-150 Notice to director.
16-516-160 Exemption from prepayment.

WAC 16-516-002 Director's findings and decision approving a marketing order. Whereas, it is provided in RCW 15.66.020, as follows:

(1) "The marketing of agriculture products within this state is affected with a public interest. It is declared to be the policy and purpose of this act to promote the general welfare of the state by enabling producers of agricultural commodities to help themselves in establishing orderly, fair, sound, efficient and unhampered marketing, grading and standardizing of the commodities they produce, and in promoting and increasing the sale of such commodities:" and

(2) Whereas, it is further provided in RCW 15.66-.040, that marketing orders and orders modifying or terminating existing marketing orders shall be promulgated by the director; and

(3) Whereas, the director of agriculture having reason to believe that the issuance of a marketing order would tend to effectuate the declared policy of the act with respect to potatoes, did upon receipt of the industry petition signed by two hundred ninety potato producers of the state of Washington, and pursuant to the provisions of the act, issue on the 20th day of April, 1956, notice of public hearing to be held in Yakima, Washington on the 2nd day of May, 1956, upon a proposed marketing order for potatoes grown in the state of Washington providing

for the creation of a Washington potato commission and did upon said date and at said place, personally, and through his duly authorized representative, Phyllis Dolvin Schoedel, marketing act administrator, state department of agriculture, conduct a public hearing thereon and did give due notice of such hearing and opportunity to be heard to all persons directly affected by any action of the director pursuant to the provisions of said act whose names appear upon the official affected producer list for the potato producers in the state of Washington, whose names are on file in the office of the director of agriculture; and

(4) Whereas, the director of agriculture has reviewed the provisions of such marketing order which authorizes the purposes set forth in RCW 15.66.030 with provisions relating to the advertising and sales promotion; research; improving standards and grades; and investigating and preventing unfair trade practices, hereby finds that:

(a) The proposed issuance of said marketing order is reasonably calculated to attain the objective sought in such marketing order;

(b) The proposed issuance is in conformity with the provisions of chapter 15.66 RCW, known as the Washington Agricultural Enabling Act, and within the applicable limitations and restrictions set forth therein will tend to effectuate the declared purposes and policies of said act;

(c) Said marketing order will protect the interests of consumers of potatoes by exercising the powers of said chapter of the laws of the state of Washington only to such extent as is necessary to attain the objectives sought in the act; and

(5) Whereas, this marketing order embraces all producers who are engaged in the production of potatoes in the state of Washington;

(6) Whereas, the director of agriculture did execute and issue his findings and recommended decision of issuance of the marketing order for Washington potatoes on the 18th day of May, 1956 and did cause copies of said findings and recommended decision to be mailed to all parties of record appearing at the public hearing, or their attorneys of record, and did give proper and due consideration to such objections as were duly filed with the director, all as required by the act;

(7) Now therefore, I, Sverre N. Omdahl, director of agriculture of the state of Washington, do hereby execute and issue this final decision approving a marketing order for Washington potatoes which provides for the creation of a Washington potato commission and herewith submit the order for the referendum assent of the affected potato producers on the official affected potato producer list of the state department of agriculture. [Director's Findings and Final Decision, effective 6/6/56.]

WAC 16-516-003 Director's order making marketing order effective and creating a potato commission. (1) Whereas, the director of agriculture of the state of Washington acting pursuant to and by virtue of the authority vested in him by the provisions of the Washington Agricultural Enabling Act, being chapter 15.66 RCW, issued on June 6, 1956, that certain marketing order entitled, "Marketing Order for Washington Potatoes Providing for the Creation of a Washington Potato Commission," for the written referendum assent of the affected producers in accordance with RCW 15-.66.090 and,

(2) Whereas, the director of agriculture has found that more than fifty-one percent of the affected producers have replied to the written referendum within the time specified by the director and that said marketing order for Washington potatoes has been assented to in writing by more than sixty-five percent of the producers who produced more than fifty-one percent by volume of the said potatoes reported produced in the state of Washington during the past five years; said determination being based upon the official affected producer list of potato producers established by the director pursuant to the provisions of RCW 15.66.060, which list is now on file in the department; said affected producers being qualified to assent to said marketing order;

(3) Now therefore, I, Sverre N. Omdahl, director of the department of agriculture of the state of Washington, acting pursuant to and by virtue of the authority vested in me by said act, do hereby make effective the said marketing order for Washington potatoes providing for the creation of a Washington potato commission, said order to be effective at 12:01 a.m. July 23, 1956. [Order and Findings, effective 7/23/56.]

WAC 16-516-005 Marketing order for Washington potatoes--Policy and purpose. The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of the "act" and of this "potato marketing order" to promote the general welfare of the state by enabling potato producers to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing and labeling of the potatoes they produce, and in promoting and increasing the sale of such potatoes. [Marketing Order for Washington Potatoes, effective 7/23/56.]

WAC 16-516-010 Definitions. As used in this marketing order, the following terms shall have the following meanings:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative;

(2) "Act" means the Washington Agricultural Enabling Act, being chapter 15.66 RCW;

(3) "Person" includes any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals;

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market in commercial quantities potatoes as herein defined grown in the state of Washington;

(5) "Commercial quantities" shall mean and include five hundredweight or more;

(6) "Hundredweight" or "affected unit" are synonymous and mean and include each one hundred pound

unit or any combination of packages making a one hundred pound unit of potatoes;

(7) "Potatoes" means and includes all kinds and varieties of Irish potatoes grown in the state of Washington and marketed, sold or intended for use for human consumption;

(8) "Potato commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-516-020;

(9) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning June 1 of any year and ending upon the last day of May, both dates inclusive;

(10) "Handler" means any person engaged in the business of handling, selling, processing, storing, shipping, or distributing potatoes which he has purchased or acquired from a producer, or which he is shipping for or on behalf of a producer, and shall include any lending agencies for commodity credit corporation loan to producers, but shall not include a producer engaged in transporting potatoes produced by him for grading, washing, sorting, sacking, or otherwise preparing for marketing or market;

(11) "Sale" means a transaction wherein the property in or to potatoes is transferred from the producer to a purchaser for consideration. "Sale" shall also include an agreement to acquire such property for a consideration;

(12) "Affected area" or "area of production" are synonymous and mean and include all of the state of Washington.

(13) "District" means the geographical divisions of the area of potato production established pursuant to the provisions of WAC 16-516-020. [Marketing Order, Article I, effective 7/23/56.]

WAC 16-516-020 Potato commission. (1) Establishment and membership. A potato commission is hereby established to administer this marketing order which shall be composed of nine members who shall be producers elected from districts as provided in subsection (2) of this section and four members who shall be appointed by the elected producer members. In addition, the director shall be an ex officio member of the commission.

(2) Representative districts. For the purpose of nomination and selection of producer members of the commission, the affected area of the state of Washington shall be divided into five representative districts as follows:

(a) "District No. 1" shall be the east irrigation district of the Columbia project, plus the area of Grant County not included in either the Quincy or south irrigation districts and lies east of R27E, plus the area of Adams County not included in either the south or Quincy irrigation districts, plus the counties of Ferry, Stevens, Pend Oreille, Spokane, Whitman and Lincoln.

(b) "District No. 2" shall be the Quincy irrigation district of the Columbia Basin project, plus the area of Grant County not included in the east or south irrigation districts and lies west of R28E, and the counties of Kittitas, Douglas, Chelan and Okanogan.

(c) "District No. 3" shall be and include the counties of Benton, Yakima and Klickitat.

(d) "District No. 4" shall be the south irrigation district of the Columbia Basin project, plus the areas of Franklin County not included in the south district, plus the counties of Walla Walla, Columbia, Garfield and Asotin.

(e) "District No. 5" shall be and include all other counties in the state of Washington.

(3) Membership. Producer members shall be elected from the districts as follows:

(a) Two of the producer members, being positions 1 and 2 shall be elected from District No. 1.

(b) Two of the producer members, being positions 3 and 4, shall be elected from District No. 2.

(c) Two of the producer members, being positions 5 and 6, shall be elected from District No. 3.

(d) Two of the producer members, being positions 7 and 8, shall be elected from District No. 4.

(e) One of the producer members, being position 9, shall be elected from District No. 5.

Members appointed by the elected producers shall be appointed for positions 10, 11, 12 and 13.

(4) Membership qualifications. Commission members shall be citizens and residents of this state, over the age of twenty-five years. Producer members of the commission shall be producers of potatoes in the district in and for which they are nominated and elected. The qualifications of producer members of the commission as herein set forth must continue during their term of office. Members appointed by the elected producers shall be either potato producers, others active in matters relating to potatoes or persons not so related.

(5) Term of office; initial commission. The term of office of the commission members shall be three years from the date of their election and until their successors are elected and qualified: *Provided,* That the initial members of the commission shall serve from the effective date of this marketing order in terms terminating as follows: Positions 1, 5 and 7 shall terminate May 31, 1957; positions 2, 4 and 6 shall terminate May 31, 1958; and positions 3, 8 and 9 shall terminate May 31, 1959. Appointed members for positions 10 and 11 shall terminate their terms May 31, 1957; position 12 shall terminate May 31, 1958; and position 13 shall terminate May 31, 1959. The appointed members of the initial commission shall be elected by a majority of the elected commissioners at the first meeting of said commission.

(6) Nomination and election of commission members.

(a) Not earlier than February 16 and not later than March 2 of each year, the director shall give notice by mail to all producers, in a district wherein a vacancy will occur in the commission of such vacancy or such vacancies and call for nominations. Nominating petitions shall be signed by ten persons qualified to vote for such candidates. Such notice shall state the final date for filing said petitions which shall be not earlier than March 7 and not later then March 12 of each year.

(b) The director shall submit ballots by mail to all producers in the district wherein the vacancy will occur not earlier than March 17 and not later than April 1 of

each year. Ballots shall be returned not later than May 1 of such year. Such mailed ballot shall be conducted in a manner so that it shall be a secret ballot in accordance with rules and regulations to be promulgated by the director.

(c) With respect to the initial potato commission, the director shall call for nominations in the notice of his decision following the hearing designated in the act. The ballot specified herein shall be forwarded to the producer at the time the director's proposed marketing order is mailed to the producers for their referendum assent.

(d) Except with respect to the initial potato commission, the members of the commission not elected by the producers shall be elected by a majority of the commission within ninety days prior to the expiration of the term.

(7) Vacancies.

(a) To fill any vacancy occasioned by the failure to qualify of any person elected by the producers as a member of the commission, or in the event of the death, removal, resignation or disqualification of any member, the director shall call for nominations and conduct such election within the district wherein the vacancy occurred in the manner provided in subsection (6) of this section.

(b) To fill nonelective vacancies caused by other reasons than the expiration of the term, the new members shall be elected by the commission at its first meeting after the occurrence of the vacancy.

(8) Powers and duties of commission. The commission shall have the following powers and duties:

(a) To administer, enforce, direct and control the provisions of this marketing order and of the act relating thereto;

(b) To elect a chairman and such other officers as the commission may deem advisable; and to select subcommittees of commission members;

(c) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order;

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order;

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor;

(h) To borrow money and incur indebtedness;

(i) To make necessary disbursements for routine operating expenses;

(j) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with and to effectuate the purposes of the act and this marketing order;

(k) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year;

(l) To accept and receive gifts and grants and expend the same to effectuate the purposes of the act and this order;

(m) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this order.

(9) Procedure for commission.

(a) The commission shall by resolution establish a headquarters which shall continue as such unless and until so changed by the commission, at which headquarters shall be kept the books, records and minutes of the commission meetings.

(b) The commission shall hold regular meetings at least quarterly, with the time and date thereof to be fixed by the resolution of the commission.

(c) The commission may hold such special meetings as it may deem advisable and shall establish by resolution the time, place and manner of calling such special meetings with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof signed by not less than a quorum of the membership.

(d) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(e) A quorum of the commission shall consist of at least eight members.

(f) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid a specified sum to be determined by resolution of the commission, which rate shall not exceed per day rate set by chapter 15.66 RCW for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expense of the rate allowed by law to state employees.

(10) Limitation of liability of commission members and employees. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee or agent of the commission in his individual capacity. The members of the commission, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in

judgment, mistakes, or other acts, either of commission or omission, as principal agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint and no member shall be liable for the default of any other member. [Statutory Authority: RCW 15.66.090. 80-05-073 (Order 1684), § 16-516-020, filed 4/28/80, effective 6/1/80; Marketing Order, Article II, effective 7/23/56.]

WAC 16-516-030 Marketing order purposes. (1) Advertising and sales promotion plans.

(a) The potato commission, subject to the provisions of the act, is hereby authorized to prepare plans, administer and conduct programs and expend monies for advertising and sales promotion for promoting the sale of potatoes for the purpose of maintaining existing markets or creating new and/or larger markets for potatoes grown in the state of Washington, including but not necessarily limited to the following:

(i) Increasing the sale and consumption of Washington produced potatoes through the use of the press, radio, television and all other advertising media.

(ii) Dealer service work, trade promotion, publicity, market development and expansion activities.

(iii) Prevention, modification, or elimination of trade barriers which restrict the free flow of potatoes produced in this state.

(iv) Presentation of facts to and negotiations with state, federal, or foreign governmental agencies on matters which effect the marketing of potatoes produced in this state, including cooperation with any agency or group in efforts to increase per capita consumption of potatoes, and such other activities and programs which are consistent with the objectives of this marketing order and the act.

(b) In carrying out any advertising and sales promotion plans or programs, the commission may engage or hire such advertising medias as may be necessary to accomplish the purposes of the act and this order, arrange for advertising space, display material and other advertising material, conduct dealer service work or may use any other methods consistent with the act and this marketing order which the commission considers appropriate in promoting or creating new and larger domestic or foreign markets for potatoes, or in maintaining existing markets.

(c) Programs and plans adopted by the commission under this marketing order shall be directed towards promoting the sale of potatoes without reference to any particular private brand or trade name and sales promotion and advertising programs so conducted shall not disparage the value, quality, sale or use of any other agricultural commodity or make use of any unwarranted or false claims on behalf of potatoes.

(2) Research.

(a) The potato commission, subject to the provisions of the act, is hereby authorized to carry on or cause to be carried on any necessary and proper marketing, production, processing or handling research or survey studies relating to potatoes and to expend monies for such purposes.

(b) Such research and survey studies may include, but shall not necessarily be limited to the following:

(i) Production problems, such as soil, seed, fertilizers, irrigation, insecticides and the like.

(ii) Developing objective maturity and quality factors for potatoes; more disease-resistant potatoes for marketing, and determining any special nutritive qualities of potatoes produced in Washington.

(iii) Improving techniques and methods of harvesting potatoes.

(iv) Developing and improving methods of processing potatoes and potato by-products for the purpose of increasing and expanding their use for food and industrial purposes.

(v) Improving packing and handling techniques which promote more efficient operation in the marketing and distribution of potatoes.

(vi) Investigating transportation rates and service costs, and if the commission after such investigation finds transportation rates and service costs are restricting the free flow of potatoes produced in this state the commission is authorized to institute proper action before the interstate commerce commission or such other agency or body deemed necessary to correct the situation.

(c) The commission, may, in addition to the activities enumerated above, carry on any other proper and necessary research and/or survey programs and activities consistent with, and subject to the limitations of the act. Such research and/or survey studies may include the collection of data and information relating to potatoes; the analysis of such data and information; the dissemination of such data, information and analysis; and such other investigation that falls within the scope of the marketing, producing, processing or handling of potatoes.

(3) Standards and grades.

(a) The potato commission, subject to the provisions of the act, is hereby authorized to define, establish and provide labeling requirements for improving standards and grades for potatoes, as provided in the act, not inconsistent with the horticultural laws of this state with respect to the same, and to expend monies for such purposes.

(b) The commission shall give reasonable written notice to all producers, handlers and persons directly affected by the labeling requirements issued pursuant to this section, not less than ten days prior to the effective time of such requirements.

(c) The commission shall be authorized to cooperate with state and federal agencies or departments responsible for revising and modernizing grades and standards and labeling of potatoes.

(d) Nothing in this section shall be construed as authorizing the commission to set minimum grades, sizes or maturity of potatoes which a producer may sell, offer for sale or ship.

(4) Unfair trade practices. The potato commission, subject to the provisions of the act, is hereby authorized to investigate and take necessary action to prevent unfair trade practices and to correct, where possible, trade practices which hinder marketing of Washington produced potatoes or potato products. Information acquired in such investigation shall be confidential and shall be released only to the extent necessary to effectuate the purposes of the act.

(5) Standards, grades, labels and trade practices. The provisions covering standards, grades, labels and trade practices shall apply with respect to potatoes marketed or sold within this state regardless of where produced. [Marketing Order, Article III, effective 7/23/56.]

WAC 16-516-040 Assessments and assessment funds. (1) Assessments levied.

(a) On and after the effective date of this order, there is hereby levied and there shall be collected by the commission, as provided in the act, upon all potatoes grown in the state an annual assessment of three cents per hundredweight which shall be paid by the producer thereof upon each and every hundredweight of potatoes sold, processed, delivered for sale or processing by him or stored or delivered for storage when such storage or delivery for storage shall be outside the boundaries of this state: *Provided*, That no assessment shall be collected on the following:

(i) Potatoes grown and sold for seed under an established seed certification program;

(ii) Potatoes sold for livestock feed, regardless of grade;

(iii) Potatoes sold for nonfood products, such as industrial starch;

(iv) Potatoes of a producer's own production used by him on his own premises for seed, feed or personal consumption;

(v) Potatoes donated or shipped for relief or charitable purposes; or

(vi) Sales on a producer's premises by a producer direct to a consumer of five hundred pounds or less of potatoes from a producer's own production.

(b) The commission is authorized to provide by rule and regulation for an assessment discount not to exceed twenty-five percent of the total hundredweight on field run or ungraded potatoes to allow for cull potatoes not used or intended for use for human consumption.

(c) No assessment levied or made collectable by the act under this order shall exceed three percent of the total market value of all such potatoes sold, processed or delivered for sale or processing by all producers of potatoes for the fiscal year to which the assessment applies.

(2) Collection of assessment.

(a) All assessments made and levied pursuant to the provisions of the act under this marketing order shall apply to the respective producer who shall be primarily liable therefore. To collect such assessments, the commission may require:

(i) Stamps to be known as "Washington potato commission stamps" to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases or receiving receipts or tickets. Any such stamps shall be canceled immediately upon being attached or fixed and the date of such cancellation shall be placed thereon;

(ii) Handlers receiving potatoes from the producer, including warehousemen and processors to collect producer assessments from producers whose production they handle and all moneys so collected shall be paid to the commission on or before the twentieth day of the succeeding month for the previous month's collections. Each handler shall at such times as by rule and regulation required, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of potatoes handled, processed, delivered and/or shipped during the period prescribed by the commission;

(iii) Payment of producer assessments before the potatoes are shipped off the farm or payments of assessments at different or later times and in such event, any person subject to the assessment shall give such adequate assurance or security for its payments as the commission shall require.

(b) The commission is authorized to make reasonable rules and regulations in accordance and conformity with the act and with this section to effectuate the collection of assessments. On or before the beginning of each marketing season, the commission shall give reasonable notice to all producers, handlers and other affected persons of the method or methods of collection to be used for that marketing season and of the assessment discount, if any, allowable on field run or ungraded potatoes.

(c) No affected units of potatoes shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued or stamp canceled, but no liability hereunder shall attach to common carriers in the regular course of their business. When any potatoes for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for such exemptions.

(d) Any producer or handler who fails to comply with the provisions of this subsection as herein provided shall be guilty of a violation of this order.

(3) Funds.

(a) Moneys collected by the potato commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and this marketing order.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by such producer in excess of three percent of the total market value of all potatoes sold, processed, delivered for sale or processing during that period. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director. [Statutory Authority: RCW 15.66.090. 80-

05-073 (Order 1684), § 16-516-040, filed 4/28/80, effective 6/1/80; Marketing Order, Article IV, effective 7/23/56.]

WAC 16-516-050 Information reports. All persons subject to the provisions of this order shall make and render such reports and furnish such information to the director or the commission as may be necessary or required under the act or this order to effectuate the purposes thereof. Any information obtained by any person pursuant to the provisions of this article shall be confidential and shall not be by him disclosed to any other person save to a person with like right to obtain the same or any attorney employed by the director of the commission to give legal advice thereon or by court order. [Marketing Order, Article V, effective 7/23/56.]

WAC 16-516-060 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby. [Marketing Order, Article VI, effective 7/23/56.]

WAC 16-516-070 Effective time. The provisions hereof shall become effective at such time as the director may declare above his signature attached hereto and shall continue in force until terminated as specified in the act. [Marketing Order, Article VII, effective 7/23/56.]

RULES OF THE WASHINGTON STATE POTATO COMMISSION

WAC 16-516-110 Commission rules--Reporting and paying assessments. Effective with the growing season of 1962, the following procedure is established for the reporting and paying assessments levied pursuant to RCW 15.66.150 and WAC 16-516-040:

(1) The commission shall have the discretion to determine which one or more of the methods hereinafter set forth shall be respectively followed by each respective affected producer and or handler in reporting and paying assessments.

(2) Assessments shall be paid in accordance with one or more of the following methods as prescribed by the commission, in its discretion, for each respective affected producer and or handler:

(a) By means of the purchase of stamps, to be known as "Washington potato commission stamps," from the Washington state potato commission

(i) The said stamps shall be in denominations of 1¢, 2¢, 10¢, 50¢, $1.00, $2.00, $4.00, $6.00, and $8.00 respectively and shall be in such form as may from time to time be determined by the commission.

(ii) The stamps shall be printed in serially numbered sheets of ten stamps of like denomination per sheet, the individual stamps on each sheet to bear the same number as the sheet of which they are a part.

(iii) Such stamps shall be purchased from the Washington state potato commission by handlers, including producers who handle their own potatoes, and shall be affixed, in an amount equal to 2¢ per hundred weight of potatoes listed on the document, to such shipping or other document as the commission may from time to time designate, at or prior to the time the shipping permit for such potatoes is issued by the inspector of the horticultural division of the Washington state department of agriculture: *Provided, however,* That nothing herein contained shall prevent the handler from paying the amount of assessment due upon such potatoes in cash or by check at or prior to the issuance of the shipping permit in lieu of affixing such stamps to such document. Such document shall, however, in either event, be prepared by the inspector issuing the shipping permit and shall be forwarded by him, together with stamps affixed or accompanying payment in lieu of stamps, to the office of the commission at such intervals as the manager of the commission may from time to time designate for each respective handler. Stamps shall be deemed cancelled when affixed to such document.

(iv) In order to pay for such stamps, or to provide funds for the payment made in lieu thereof, handlers, including warehousemen and processors, receiving potatoes from a producer, shall collect the assessment of 2¢ per hundred weight of potatoes handled from the respective producer thereof at the time the potatoes are first handled. Producers handling their own potatoes shall pay the assessment either through the purchase of stamps directly from the commission or through payment in lieu of stamps as provided in subsection (b) below.

(v) In providing stamps, the commission may extend credit to the handler ordering them for a period not to exceed 30 days from date stamps are forwarded from the office of the commission to the handler, or may require payment for the stamps prior to forwarding. The commission shall provide no additional stamps to any handler until all stamps previously provided have been paid for. All stamps shall remain the property of the commission until paid for and the commission may at any time reclaim any stamps not paid for, from the handler in possession thereof.

(vi) If stamps are issued on credit, the handler to whom issued shall be invoiced for the amount thereof, at the time of issue, which invoice will be considered as a statement, and the handler's account charged with the amount of stamps issued. Payments for stamps will be credited as received. Unused stamps may be returned for credit or, if the account has been paid in full, for cash refund.

(vii) The party to whom stamps are issued shall be primarily liable for payment for them; if stamps are used by a party other than to whom issued, both parties shall be jointly and severally liable for payment therefor.

(viii) If stamps are issued on credit and not paid for within the period for which credit was extended by the commission, a penalty of 10% of the unpaid balance of the account for such stamps shall be added thereto.

(b) By means of collection from producers by handlers, including warehousemen and processors receiving potatoes from producers, at the time the potatoes are first handled, and payment by said handlers to the commission of the assessments so collected.

(i) The commission shall bill each handler at such intervals, not less frequently than monthly, as the commission may from time to time determine, for the assessments due upon potatoes handled in the preceding period for which billing has not previously been made, and upon which assessments have not been paid, computed on the basis of the quantity of potatoes so handled as recorded on potato shipping pertaining to each handler prepared by the state of Washington department of agriculture in behalf of the commission, and filed with the commission, or, with respect to handlers who are processors, on the basis of the quantity of potatoes so handled as recorded on potato shipping records pertaining to such processor prepared by such processor and filed with the commission.

(ii) As used in subsection (b)(i) immediately preceding, the term "handler" shall be deemed to be the person, firm, or corporation designated as "shipper" on the potato shipping record form.

(iii) In the event potatoes subject to assessment are handled by processors or other handlers under circumstances in which no potato shipping record is filed with the commission with respect to the potatoes so handled the handler shall, at the time of submitting the report required by subsection (b)(iv) immediately following, pay in full the assessment on the potatoes so reported.

(iv) Each handler shall, in any event, file a monthly report, under oath, on forms provided by the commission, showing the name and address of the handler making the report, the quantity of potatoes handled during the preceding calendar month, the name, address, handler's lot number, and quantity of potatoes handled, for each respective producer, and the representative district as defined in WAC 16-516-020, within which the potatoes were grown. The report shall be filed with the commission not later than the 20th day of the month following that in which the potatoes were handled.

(c) By means of payment in cash by the producer, or handler, as determined by the commission in each respective instance, prior to the time the potatoes are shipped in either interstate or intrastate commerce. [Rule XII, filed 6/25/62; Rule XII, § 1, filed 4/7/61; Rule XII, filed 3/3/60.]

WAC 16-516-125 Commission rules--Penalty assessments. Pursuant to authority granted by RCW 15-.66.170 and by WAC 16-516-020(8), in the event that any assessment is not paid within 90 days after the date of the billing therefore by the commission, or within 90 days after the due date of the report required by WAC 16-516-110(b) (iii) and (iv) a sum equal to 10% of such unpaid assessment of unpaid portion thereof shall be added thereto and be due and owing to the commission. [Commission Rule XI, § 16-516-125, filed 6/26/72; Rule XI, filed 6/25/62; Rule XI, filed 3/3/60.]

WAC 16-516-130 Commission rules--Assessments on field run or ungraded potatoes. Assessments shall be levied upon potatoes sold on a field run or ungraded basis as follows:

(1) If payment to the grower for said potatoes is based upon the gross weight of potatoes sold and not upon the yield of any particular grade of potatoes as determined by any type of sorting or inspection, then upon 90% of the gross hundred weight of potatoes so sold.

(2) If payment to the grower for said potatoes is based upon the net weight of potatoes intended for human consumption derived from the potatoes so sold as determined by any type of sorting or inspection, then upon the total net weight of such potatoes intended for human consumption. [Order XII, § 16-516-130, filed 7/2/73; Rule XIII, filed 3/3/60.]

WAC 16-516-140 Conditions for prepayment of assessments and maximum payable. (1) Any handler, as defined in WAC 16-516-010(10) handling potatoes for fresh market and who has not established a record of prompt payment of assessments due on fresh market potatoes in accordance with WAC 16-516-125, shall prepay the assessments due the commission.

(2) The sum of such prepayment shall be determined on the estimated basis of the potatoes the handler will handle during the first thirty days of the potato shipping season, or if the handler has shipped in the immediately prior potato shipping season the prepayment shall be based on the highest thirty day assessment due the commission during such shipping season: *Provided*, That such prepayment shall not exceed twenty-five percent of the total estimated annual assessment payable by such handler. [Order XII, § 16-516-140, filed 7/2/73.]

WAC 16-516-150 Notice to director. The commission shall notify the director in writing of any handler who has not established a record of prompt payment as set forth in WAC 16-516-140, and such handler shall be subject to the provisions of WAC 16-516-040 (2)(c) which states as follows: No affected units of potatoes shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued or stamp cancelled, but no liability hereunder shall attach to common carriers in the regular course of their business. When any potatoes for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for such exemptions. [Order XII, § 16-516-150, filed 7/2/73.]

WAC 16-516-160 Exemption from prepayment. Any handler who has established a record of prompt payment during the entire previous potato shipping season and continues to maintain such record of prompt payment shall not be subject to the prepayment requirements set forth in WAC 16-516-140, such handler shall

however at all times be subject to WAC 16-516-125. [Order XII, § 16-516-160, filed 7/2/73.]

Chapter 16-520 WAC
SEED POTATOES

WAC
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RULES OF THE WASHINGTON STATE SEED POTATO COMMISSION
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WAC 16-520-002 Director's findings and final decision approving a marketing order. Whereas, it is provided in RCW 15.66.020, as follows:

(1) "The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of this act to promote the general welfare of the state by enabling producers of agricultural commodities to help themselves in establishing orderly, fair, sound, efficient and unhampered marketing, grading and standardizing of the commodities they produce, and in promoting and increasing the sale of such commodities;" and

(2) Whereas, it is further provided in RCW 15.66-.040, that marketing orders and orders modifying or terminating existing marketing orders shall be promulgated by the director; and

(3) Whereas, the director of agriculture having reason to believe that the issuance of a marketing order would tend to effectuate the declared policy of the act with respect to seed potatoes, did upon receipt of the industry petition signed by five percent of the seed potato producers of the state of Washington, and pursuant to the provisions of the act, issue on the 10th day of July, 1956 notice of public hearing to be held in Lynden, Washington on the 23rd of July, 1956, upon a proposed marketing order for seed potatoes grown in the state of Washington providing for the creation of a Washington seed potato commission and did upon said date and at said place, personally, and through his duly authorized representative, Phyllis Dolvin Schoedel, marketing act administrator, state department of agriculture, conduct a public hearing thereon and did give due notice of such hearing and opportunity to be heard to all persons directly affected by any action of the director pursuant to the provisions of said act whose names appear on the official affected producer list for the seed potato producers in the state of Washington, whose names are on file in the office of the director of agriculture; and

(4) Whereas, the director of agriculture has reviewed the provisions of such marketing order which authorizes the purposes set forth in RCW 15.66.030 with provisions relating to the advertising and sales promotion; research; improving standards and grades; and investigating and preventing unfair trade practices, hereby finds that:

(a) The proposed issuance of said marketing order is reasonably calculated to attain the objective sought in such marketing order;

(b) The proposed issuance is in conformity with the provisions of chapter 15.66 RCW, known as the Washington Agricultural Enabling Act, and within the applicable limitations and restrictions set forth therein will tend to effectuate the declared purposes and policies of said act;

(c) Said marketing order will protect the interests of consumers of seed potatoes by exercising the powers of said chapter of the laws of the state of Washington only to such extent as is necessary to attain the objectives sought in the act; and

(5) Whereas, this marketing order embraces all producers who are engaged in the production of seed potatoes in the state of Washington; and

(6) Whereas, the director of agriculture did execute and issue his findings and recommended decision of issuance of the marketing order for Washington seed potatoes on the 2nd day of August, 1956 and did cause copies of said findings and recommended decision to be mailed to all parties of record appearing at the public hearing, or their attorneys of record, and did give proper and due consideration to such objections as were duly filed with the director, all as required by the act;

(7) Now therefore, I Sverre N. Omdahl, director of agriculture of the state of Washington, do hereby execute and issue this final decision approving a Washington seed potato marketing order providing for the creation of a Washington seed potato commission and herewith submit this order for the referendum assent of the affected seed potato producers on the official affected seed potato producer list of the state department of agriculture. [Director's Findings and Decision, effective 8/17/56.]

WAC 16-520-003 Director's order creating seed potato commission and making marketing order effective. (1) Whereas, the director of agriculture of the state of Washington acting pursuant to and by virtue of the authority vested in him by the provisions of the Washington Agricultural Enabling Act, being chapter 15.66 RCW, issued on August 17, 1956, that certain marketing order entitled, "Marketing order for Washington seed potatoes providing for the creation of a Washington seed potato commission," for the written referendum assent of the affected producers in accordance with RCW 15.66.090 and,

(2) Whereas, the director of agriculture has found that more than fifty-one percent of the affected producers have replied to the written referendum within the time specified by the director and that said marketing order for Washington seed potatoes has been assented to

in writing by more than sixty–five percent of the producers who produced more than fifty–one percent by volume of the said seed potatoes reported produced in the state of Washington during the past five years; said determination being based upon the official affected producer list of seed potato producers established by the director pursuant to the provisions of RCW 15.66.060, which list is now on file in the department; said affected producers being qualified to assent to said marketing order;

(3) Now therefore, I, Sverre N. Omdahl, director of the department of agriculture of the state of Washington, acting pursuant to and by virtue of the authority vested in me by said act, do hereby make effective the said act, do hereby make effective the said marketing order for Washington seed potatoes providing for the creation of a Washington seed potato commission, said order to be effective at 12:01 a.m. October 1, 1956. [Order and Findings, issued 9/18/56.]

WAC 16-520-005 Marketing order--Policy and purpose. The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of the "act" and of this "Washington seed potato marketing order" to promote the general welfare of the state by enabling seed potato producers to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing and standardizing of the seed potatoes they produce, and in promoting and increasing the sale of such seed potatoes. [Marketing Order for Washington Seed Potatoes, effective 10/1/56.]

WAC 16-520-010 Definitions. As used in this marketing order, the following terms shall have the following meanings:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative;

(2) "Act" means the Washington Agricultural Enabling Act, being chapter 15.66 RCW;

(3) "Person" includes any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals;

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market in commercial quantities seed potatoes as herein defined grown in the state of Washington;

(5) "Commercial quantities" shall mean and include five hundred weight or more;

(6) "Hundredweight" or "affected unit" are synonymous and mean and include each one hundred pound unit or any combination of packages making a one hundred pound unit of seed potatoes;

(7) "Seed potatoes" mean and include all kinds and varieties of Irish seed potatoes grown in the state of Washington and marketed, sold or intended for use for seed purposes;

(8) "Seed potato commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16–520–020;

(9) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning July 1 of any year and ending upon the last day of June, both dates inclusive;

(10) "Handler" means any person engaged in the business of handling, selling, processing, storing, shipping, or distributing seed potatoes which he has purchased or acquired from a producer, or which he is shipping for or on behalf of a producer, and shall include any lending agencies for commodity credit corporation loan to producers, but shall not include a producer engaged in transporting seed potatoes produced by him for grading, washing, sorting, sacking, or otherwise preparing for marketing or market;

(11) "Sale" means a transaction wherein the property in or to seed potatoes in transferred from the producer to a purchaser for consideration. "Sale" shall also include an agreement to acquire such property for a consideration;

(12) "Affected area" or "area of production" are synonymous and mean and include all of the state of Washington. [Marketing Order, Article I, effective 10/1/56.]

WAC 16-520-020 Seed potato commission—— Structure, powers, duties, and procedure. (1) **Establishment and membership.** A seed potato commission is hereby established to administer this marketing order which shall be composed of five members who shall be producers elected by the producers as provided in the act, and two members who shall be appointed by the elected producer members. In addition, the director shall be an ex officio member of the commission.

(2) **Membership qualifications.** Commission members shall be citizens and residents of this state, over the age of twenty–five years and producer members of the commission shall be producers of seed potatoes in the state of Washington. The qualifications of producer members of the commission as herein set forth must continue during their term of office. Members appointed by the elected producers shall be either seed potato producers, others active in matters relating to seed potatoes or persons not so related.

(3) **Term of office; initial commission.** The term of office of commission members shall be three years from the date of their election and until their successors are elected and qualified so that one–third of the terms will commence as nearly as practicable each year provided, however, that the initial members of the commission shall serve from the effective date of this marketing order in terms terminating as follows: Two producer members, being positions 1 and 2 shall be elected for one year terms terminating June 30, 1957; two producer members, being positions 3 and 4 shall be elected for 2 year terms terminating June 30, 1958; and one producer member, being position 5 shall be elected for a 3 year term terminating June 30, 1959.

The appointed members of the initial commission shall be elected by a majority of the elected commissioners at the first meeting of said commission. One appointed member being position 6, shall be appointed for

a two year term expiring June 30, 1958, and one appointed member, being position 7, shall be appointed for a three year term, expiring June 30, 1959.

(4) **Nomination and election of commission members.** (a) Not earlier than March 19 and not later than April 3 of each year, the director shall give notice by mail to all producers that a vacancy or vacancies will occur in the commission and call for nominations. Nominating petitions shall be signed by five persons qualified to vote for such candidates. Such notice shall state the final date for filing said petitions which shall be not earlier than April 7 and not later than April 12 of such year.

(b) The director shall submit ballots by mail to all producers in the district wherein the vacancy will occur not earlier than April 17 and not later than May 2 of each year. Ballots shall be returned not later than June 1 of such year. Such mailed ballot shall be conducted in a manner so that it shall be a secret ballot in accordance with rules and regulations to be promulgated by the director.

(c) With respect to the initial seed potato commission, the director shall call for nominations in the notice of his decision following the hearing designated in the act. The ballot specified herein shall be forwarded to the producers at the time the director's proposed marketing order is mailed to the producers for their referendum assent.

(d) Except with respect to the initial seed potato commission, the members of the commission not elected by the producers shall be elected by a majority of the commission within ninety days prior to the expiration of the term.

(5) **Vacancies.**

(a) To fill any vacancy occasioned by the failure to qualify of any person elected by the producers as a member of the commission, or in the event of the death, removal, resignation or disqualification of any member, the director shall call for nominations and conduct such election in the manner provided in subsection (4) of this section.

(b) To fill nonelective vacancies caused by other reasons than the expiration of the term, the new members shall be elected by the commission at its first meeting after the occurrence of the vacancy.

(6) **Powers and duties of commission.** The commission shall have the following powers and duties:

(a) To administer, enforce, direct and control the provisions of this marketing order and of the act relating thereto;

(b) To elect a chairman and such other officers as the commission may deem advisable; and to select subcommittees of commission members;

(c) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order;

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order;

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor;

(h) To borrow money and incur indebtedness;

(i) To make necessary disbursements for routine operating expenses;

(j) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with and to effectuate the purposes of the act and this marketing order.

(k) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year;

(l) To accept and receive gifts and grants and expend the same to effectuate the purposes of the act and this order;

(m) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this order.

(7) **Procedure for commission.**

(a) The commission may by resolution establish a headquarters which shall continue as such unless and until so changed by the commission, at which headquarters shall be kept the books, records and minutes of the commission meetings.

(b) The commission shall hold at least two regular meetings during each fiscal year with the time and date thereof to be fixed by the resolution of the commission.

(c) The commission may hold such special meetings as it may deem advisable and shall establish by resolution the time, place and manner of calling such special meetings with reasonable notice to the members, provided, however, that the notice of any special meeting may be waived by a waiver thereof signed by not less than a quorum of the membership.

(d) Any action taken by the commission shall require the majority vote of the members present provided a quorum is present.

(e) A quorum of the commission shall consist of at least four members.

(f) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid a specified sum to be determined by resolution of the commission, which rate shall not exceed $20.00 per day for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expense of the rate allowed by law to state employees.

(8) **Limitation of liability of commission members and employees.** Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee or agent of the commission in his individual capacity. The members of the commission, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint and no member shall be liable for the default of any other member. [Statutory Authority: Chapter 15.66 RCW. 83-22-019 (Order 1808), § 16-520-020, filed 10/25/83, effective 12/1/83; Marketing Order, Article II, effective 10/1/56.]

WAC 16-520-030 Marketing order purposes. (1) **Research.**

(a) The seed potato commission, subject to the provisions of the act, is hereby authorized to carry on or cause to be carried on any necessary and proper marketing, production, processing or handling research or survey studies relating to seed potatoes and to expend monies for such purposes.

(b) Such research and survey studies may include, but shall not necessarily be limited to the following:

(i) Production problems, such as soil, fertilizers, irrigation, insecticides and the like.

(ii) Investigating and developing more disease-resistant seed potatoes for marketing.

(iii) Improving techniques and methods of harvesting and storing seed potatoes.

(iv) Improving packing and handling techniques which promote more efficient operation in the marketing and distribution of seed potatoes.

(v) Investigating transportation rates and service costs, and if the commission after such investigation finds transportation rates and service costs are restricting the free flow of seed potatoes produced in this state the commission is authorized to institute proper action before the interstate commerce commission or such other agency or body deemed necessary to correct the situation.

(c) The commission may, in addition to the activities enumerated above, carry on any other proper and necessary research and/or survey programs and activities consistent with, and subject to the limitations of the act. Such research and/or survey studies may include the collection of data and information relating to seed potatoes; the analysis of such data and information; the dissemination of such data, information and analysis; and such other investigation that falls within the scope of the marketing, producing, or handling of seed potatoes.

(2) **Advertising and sales promotion plans.**

(a) The seed potato commission, subject to the provisions of the act, is hereby authorized to prepare plans, administer and conduct programs and expend monies for advertising and sales promotion for promoting the sale of seed potatoes for the purpose of maintaining existing markets or creating new and/or larger markets for seed potatoes grown in the state of Washington, including but not necessarily limited to the following:

(i) Increasing the sale of Washington produced seed potatoes through the use of the press, radio, television and all other advertising media.

(ii) Trade promotion, publicity, market development and expansion activities.

(iii) Prevention, modification, or elimination of trade barriers which restrict the free flow of seed potatoes produced in this state.

(iv) Presentation of facts to and negotiations with state, federal, or foreign governmental agencies on matters which affect the marketing of seed potatoes produced in this state, and such other activities and programs which are consistent with the objectives of this marketing order and the act.

(b) In carrying out any advertising and sales promotion plans or programs, the commission may engage or hire such advertising medias as may be necessary to accomplish the purposes of the act and this order, arrange for advertising space, display material and other advertising material, or may use any other methods consistent with the act and this marketing order which the commission considers appropriate in promoting or creating new and larger domestic or foreign markets for seed potatoes, or in maintaining existing markets.

(c) Programs and plans adopted by the commission under this marketing order shall be directed towards promoting the sale of seed potatoes without reference to any particular private brand or trade name and sales promotion and advertising programs so conducted shall not disparage the value, quality, sale or use of any other agricultural commodity or make use of any unwarranted or false claims on behalf of seed potatoes.

(3) **Labeling.**

(a) The seed potato commission, subject to the provisions of the act, is hereby authorized to define, establish and provide labeling requirements for improving standards and grades for seed potatoes, as provided in the act, not inconsistent with the horticultural laws of this state with respect to the same, and to expend monies for such purposes.

(b) The commission shall give reasonable written notice to all producer, handlers, and persons directly affected by the labeling requirements issued pursuant to this section, not less than ten days prior to the effective time of such requirements.

(c) The commission shall be authorized to cooperate with state and federal agencies or departments responsible for revising and modernizing grades and standards and labeling of seed potatoes.

(d) Nothing in this section shall be construed as authorizing the commission to set minimum grades, sizes or maturity of seed potatoes which a producer may sell, offer for sale or ship.

(4) **Unfair trade practices.** The seed potato commission, subject to the provisions of the act, is hereby authorized to investigate and take necessary action to prevent unfair trade practices and to correct, where possible, trade practices which hinder marketing of Washington produced seed potatoes. Information acquired in such investigation shall be confidential and shall be released only to the extent necessary to effectuate the purposes of the act.

(5) **Standards, grades, labels, trade practices.** The provisions covering standards, grades, labels and trade practices shall apply with respect to seed potatoes marketed or sold within this state regardless of where produced. [Marketing Order, Article III, effective 10/1/56.]

WAC 16-520-040 Assessments and assessment funds. (1) **Assessments levied.** Beginning December 1, 1983, there is hereby levied and there shall be collected by the commission, as provided in chapter 15.66 RCW, upon all seed potatoes grown in the state an annual assessment which shall be paid by the producer thereof upon each and every hundredweight of seed potatoes sold, processed, delivered for sale or processing by him or stored or delivered for storage when such storage or delivery for storage is outside the boundaries of this state. The assessment shall be three cents per hundredweight from December 1, 1983 until August 31, 1984. The assessment shall then be set by the seed potato commission at a regular meeting before July 15th of each year, to become effective from September 1st of the same year to August 31st of the following year. The assessment shall not be less than three cents or more than five cents per hundredweight. No assessment may be collected on the following:

(a) Seed potatoes of a producer's own production used by him on his own premises for seed, feed or personal consumption;

(b) Seed potatoes donated or shipped for relief or charitable purposes; or

(c) Sales on a producer's premises by a producer direct to a consumer of five hundred pounds or less of seed potatoes from a producer's own production.

No assessment levied or made collectable by the act under this order shall exceed three percent of the total market value of all such seed potatoes sold, processed or delivered for sale or processing by all producers of seed potatoes for the fiscal year to which the assessment applies.

(2) **Collection of assessment.**

(a) All assessments made and levied pursuant to the provisions of the act under this marketing order shall apply to the respective producer who shall be primarily liable therefore. To collect such assessments, the commission may require:

(i) Stamps to be known as "Washington seed potato commission stamps" to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases or receiving receipts or tickets. Any such stamps shall be canceled immediately upon being attached or fixed and the date of such cancellation shall be placed thereon;

(ii) Handlers receiving seed potatoes from the producer, including warehousemen and processors, to collect producer assessments from producers whose production they handle and all monies so collected shall be paid to the commission on or before the twentieth day of the succeeding month for the previous month's collections. Each handler shall at such times as by rule and regulation required, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of seed potatoes handled, processed, delivered and/or shipped during the period prescribed by the commission.

(iii) Payment of producer assessments before the seed potatoes are shipped off the farm or payments of assessments at different or later times and in such event, any person subject to the assessment shall give such adequate assurance or security for its payment as the commission shall require.

(b) The commission is authorized to make reasonable rules and regulations in accordance and conformity with the act and with this section to effectuate the collection of assessment. On or before the beginning of each marketing season, the commission shall give reasonable notice to all producers, handlers and other affected persons of the method or methods of collection to be used for that marketing season.

(c) No affected units of seed potatoes shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued or stamp canceled, but no liability hereunder shall attach to common carriers in the regular course of their business. When any seed potatoes for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for such exemptions.

(d) Any producer or handler who fails to comply with the provisions of this section as herein provided shall be guilty of a violation of this order.

(3) **Funds.**

(a) Monies collected by the seed potato commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and this marketing order.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by such producer in excess of three percent of the total market value of all seed potatoes sold, processed, delivered for

sale or processing or delivered for storage or stored when such storage or delivery for storage was outside the boundaries of this state during that period. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director. [Statutory Authority: Chapter 15.66 RCW. 83-22-019 (Order 1808), § 16-520-040, filed 10/25/83, effective 12/1/83; Marketing Order, Article IV, effective 10/1/56.]

WAC 16-520-050 Information reports. All persons subject to the provisions of this order shall make and render such reports and furnish such information to the director or the commission as may be necessary or required under the act or this order to effectuate the purposes thereof. Any information obtained by any persons pursuant to the provisions of this section shall be confidential and shall not be by him disclosed to any other person save to a person with like right to obtain the same or any attorney employed by the director or the commission to give legal advice thereon or by court order. [Marketing Order, Article V, effective 10/1/56.]

WAC 16-520-060 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby. [Marketing Order, Article VI, effective 10/1/56.]

WAC 16-520-070 Effective time. The provisions hereof shall become effective at such time as the director may declare above his signature attached hereto and shall continue in force until terminated as specified in the act. [Marketing Order, Article VII, effective 10/1/56.]

RULES OF THE WASHINGTON STATE SEED POTATO COMMISSION

WAC 16-520-110 Collection of assessments. Such assessments shall become due and payable within thirty days after levy of same and, if such fees are not paid within the prescribed time, the state department of agriculture, division of horticulture, may withdraw inspection or refuse to perform any inspection or certification service for the person in arrears: *Provided*, Such horticultural inspector in behalf of the commission may demand and collect the assessment prior to inspecting and certifying any seed potatoes for such person. [Rule, filed 12/8/64; Emergency Rule, filed 9/16/64.]

Chapter 16-524 WAC
TULIP, IRIS AND NARCISSUS BULBS

WAC

16-524-002 Director's findings and decision approving a marketing order.
16-524-003 Director's order making marketing order effective.
16-524-010 Definitions.
16-524-020 Bulb commission.
16-524-030 Marketing order purposes.
16-524-040 Assessments and assessment funds.
16-524-050 Information reports.
16-524-060 Separability.
16-524-070 Effective time.
16-524-110 Producer's annual sales report—Form.

WAC 16-524-002 Director's findings and decision approving a marketing order. Whereas, it is provided in RCW 15.66.020, as follows:

(1) "The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of this act to promote the general welfare of the state by enabling producers of agricultural commodities to help themselves in establishing orderly, fair, sound, efficient and unhampered marketing, grading and standardizing of the commodities they produce, and in promoting and increasing the sale of such commodities"; and

(2) Whereas, it is further provided in RCW 15.66-.040, that marketing orders and orders modifying or terminating existing marketing orders shall be promulgated by the director; and

(3) Whereas, the director of agriculture having reason to believe that the issuance of a marketing order would tend to effectuate the declared policy of the act with respect to bulbs, did upon receipt of the industry petition signed by five percent of the bulb industry, and pursuant to the provisions of the act, issue on the 31st day of August, 1955 notice of public hearing to be held in Seattle, Washington on the 14th day of September, 1955, upon a proposed marketing order for tulip, iris and narcissus bulbs grown in the state of Washington, and did upon said date and at said place, personally, and through his duly authorized representative, Phyllis Dolvin Schoedel, marketing act administrator, state department of agriculture, conduct a public hearing thereon and did give due notice of such hearing and opportunity to be heard to all persons directly affected by any action of the director pursuant to the provisions of said act whose names appear upon the official affected producer list for the tulip, iris and narcissus bulb producers in the state of Washington, whose names are on file in the office of the director of agriculture; and

(4) Whereas, the director of agriculture has reviewed the provisions of such marketing order which authorizes the purposes set forth in RCW 15.66.030 with provisions relating to the advertising and sales promotion; research; improving standards and grades; and investigating and preventing unfair trade practices, hereby finds that:

(a) The proposed issuance of said marketing order is reasonably calculated to attain the objectives sought in such marketing order;

(b) The proposed issuance is in conformity with the provisions of chapter 15.66 RCW, known as the Washington Agricultural Enabling Act, and within the applicable limitations and restrictions set forth therein will tend to effectuate the declared purposes and policies of said act;

(c) Said marketing order will protect the interests of consumers of tulip, iris and narcissus bulbs by exercising

the powers of said chapter of the laws of the state of Washington only to such extent as is necessary to attain the objectives sought in the act; and

(5) Whereas, this marketing order embraces all persons who are engaged in the specific and distinct agricultural industry within the state and to be regulated by said marketing order; and

(6) Whereas, the director of agriculture did execute and issue his findings and recommended decision of issuance of the marketing order for Washington tulip, iris and narcissus bulbs on the 29th day of November, 1955 and did cause copies of said findings and recommended decision to be mailed to all affected producers on the official affected producer list of tulip, iris and narcissus bulb producers and did give proper and due consideration to such objections as were duly filed with the director, all as required by the act;

(7) Now, therefore, I, Sverre N. Omdahl, director of agriculture of the state of Washington, do hereby execute and issue this final decision approving a marketing order for Washington tulip, iris and narcissus bulbs, and herewith submit the same for the referendum assent of the affected tulip, iris and narcissus bulb producers on the official affected producer list of the state department of agriculture. [Director's Findings and Final Decision, effective 1/26/56.]

WAC 16-524-003 Director's order making marketing order effective. (1) Whereas, the director of agriculture of the state of Washington acting pursuant to and by virtue of the authority vested in him by the provisions of the Washington Agricultural Enabling Act, being chapter 15.66 RCW, issued on January 26, 1956, that certain marketing order entitled, "marketing order for Washington tulip, iris and narcissus bulbs," for the written referendum assent of the affected producers in accordance with RCW 15.66.090 and,

(2) Whereas, the director of agriculture has found that more than fifty-one percent of the affected producers have replied to the written referendum within the time specified by the director and that said marketing order for Washington tulip, iris and narcissus bulbs has been assented to in writing by more than sixty-five percent of the producers who produced more than fifty-one percent by volume of the said tulip, iris and narcissus bulbs in the state of Washington during the past five years. Said determination is based upon the official affected producer list of tulip, iris and narcissus bulb producers established by the director pursuant to the provisions of RCW 15.66.060, which list is now on file with the department; said affected producers being qualified to assent to said marketing order;

(3) Now therefore, I, Sverre N. Omdahl, director of the department of agriculture of the state of Washington, acting pursuant to and by virtue of the authority vested in me by said act, do hereby make effective the said marketing order for Washington tulip, iris and narcissus bulbs; said order to be effective at 12:01 a.m., April 16, 1956. [Order and Findings, effective 4/16/56.]

WAC 16-524-010 Definitions. As used in this marketing order, the following terms shall have the following meanings:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative;

(2) "Act" means the Washington Agricultural Enabling Act, being chapter 15.66 RCW;

(3) "Person" includes any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals;

(4) "Bulbs" for the purposes of this marketing order means and includes tulip, iris and narcissus bulbs of any kind and variety grown in the state of Washington;

(5) "Producer" means any person engaged in the business of producing or causing to be produced for market in commercial quantities, bulbs as defined herein;

(6) "Bulb commission" or "commission" are synonymous and mean the commission established pursuant to WAC 16-524-020;

(7) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning with January 1 of any year and ending upon the last day of December, both dates inclusive;

(8) "Sell" means a transaction wherein the property in or to bulbs is transferred from the producer to a purchaser for consideration. "Sell" shall also include an agreement to acquire such property for a consideration;

(9) "Affected area" shall mean and include all of the state of Washington. [Marketing Order, Article I, effective 4/16/56.]

WAC 16-524-020 Bulb commission. (1) **Establishment and membership.** A bulb commission is hereby established to administer this marketing order which shall be composed of five members who shall be producers elected as provided in subsection (2) of this section and two members who shall be appointed by the elected producer members. In addition, the director shall be an ex officio member of the commission.

(2) **Representative districts.** For the purpose of nomination and election of producer members of the commission, the state of Washington shall be divided into representative districts, as follows:

(a) District No. 1 shall be and include the counties of Snohomish, Skagit, Whatcom and Island.

(b) District No. 2 shall be and include all other counties in the state of Washington.

(c) District No. 3 shall be the entire state of Washington and shall include the areas defined in districts 1 and 2.

Two of the producer members, being positions 1 and 2, shall be elected from District No. 1; two of the producer members, being positions 3 and 4, shall be elected from District No. 2; and one producer member, being position 5 shall be elected from District No. 3. The producer member elected for position 5 shall be known as the commissioner-at-large and shall be elected by all of the producers.

(3) **Membership qualifications.** Commission members shall be citizens and residents of this state, over the age of twenty–five years. Producer members of the commission elected for positions 1 through 4 inclusive shall be producers of bulbs in the district in and for which they are nominated and elected. The qualifications of members of the commission as herein set forth shall continue during their term of office.

(4) **Term of office; initial commission.** The term of office of commission members shall be three years from the date of their election and until their successors are elected and qualified provided, however, that the initial members of the commission shall serve from the effective date of this marketing order as follows: Positions 1 and 3 shall terminate December 31, 1956, positions 2 and 4 shall terminate December 31, 1957 and position 5 shall terminate December 31, 1958; the term of one appointed member, being position 6, shall terminate December 31, 1957; the term of the second appointed member, being position 7, shall terminate December 31, 1958. The appointed members of the initial commission shall be elected by a majority of the commissioners at the first meeting of said commission.

(5) **Nomination and election of commission members.**

(a) Not earlier than September 18 nor later than October 2 of each year, the director shall give notice by mail to all producers in a district wherein a vacancy or vacancies will occur in the commission of such vacancy or vacancies and call for nominations. Nominating petitions shall be signed by five persons qualified to vote for such candidates. Such notice shall state the final date for filing said petitions which shall be not earlier than October 8 and not later than October 13 of each year.

(b) The director shall submit ballots by mail to all producers in the district wherein the vacancy or vacancies will occur not earlier than October 18 and not later than November 2 of each year. Ballots shall be returned not later than December 2 of such year. Such mailed ballot shall be conducted in a manner so that it shall be a secret ballot in accordance with rules and regulations to be promulgated by the director.

(c) With respect to the initial bulb commission, the director shall call for nominations in the notice of his decision following the hearing designated in the act. The ballot specified herein shall be forwarded to the producer at the time the director's proposed marketing order is mailed to the producers for their assent.

(d) The two appointed members of the commission, being positions 6 and 7, shall be elected by a majority of the commission within ninety days prior to the expiration of the term.

(6) **Vacancies.**

(a) To fill any vacancy occasioned by the failure to qualify of any person elected by the producers as a member of the commission, or in the event of the death, removal, resignation or disqualification of any member, the director shall call for nominations and conduct such election within the district wherein the vacancy occurred in the manner as provided in subsection (5) of this section.

(b) To fill nonelective vacancies caused by other reasons than the expiration of the term, the new members shall be elected by the commission at its first meeting after the occurrence of the vacancy.

(7) **Powers and duties of commission.** The commission shall have the following duties and powers:

(a) To administer, enforce, direct and control the provisions of this marketing order and of the act relating thereto;

(b) To elect a chairman from its membership, and to elect such other officers as the commission may deem advisable;

(c) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order;

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order;

(g) To keep accurate records of all receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor;

(h) To borrow money and incur indebtedness;

(i) To make necessary disbursements for routine operating expenses;

(j) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with and to effectuate the purposes of the act and this marketing order;

(k) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year;

(l) To accept and receive gifts and grants and to expend the same to effectuate the provisions of the act and this order;

(m) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this order.

(8) **Procedure for commission.**

(a) The commission shall hold at least two regular meetings during each fiscal year and such other special meetings as may be called in accordance with rules and regulations to be prescribed by the commission.

(b) A quorum of the commission shall consist of at least five members. Any action taken by the commission shall require the concurring vote of the majority of the

members present; provided, that in no event shall any action be taken unless a quorum is present.

(c) No member of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid not to exceed $20.00 per day for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and traveling expense at the rate allowed by law to state employees.

(9) **Limitation of liability of commission members and employees.** Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee or agent of the commission in his individual capacity. The members of the commission, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint and no member shall be liable for the default of any other member. [Marketing Order, Article II, effective 4/16/56.]

WAC 16-524-030 Marketing order purposes. (1) **Advertising and sales promotion plans.** The bulb commission, subject to the provisions of the act, is hereby authorized to prepare plans and administer programs and expend moneys for promoting the sale of bulbs for the purpose of maintaining existing markets or creating new and larger markets for bulbs; provided, that any such plans so developed and conducted shall be directed toward promoting the sale of bulbs without reference to a particular private brand or trade name, and, provided, further, that such plans or programs make no false or unwarranted claims on behalf of bulbs.

In carrying out any advertising and sales promotion plans or programs, the commission may arrange for advertising space, display material and other advertising material, conduct dealer service work or may use any other methods consistent with the act and this marketing order which the commission considers appropriate in promoting or creating new and larger domestic or foreign markets for bulbs, or in maintaining existing markets. Advertising and sales promotion activities of the commission may include the presentation of facts to and negotiations with state, federal or foreign governmental agencies on matters which affect the marketing of bulbs produced in Washington.

(2) **Research.** The bulb commission, subject to the provisions of the act, is hereby authorized to carry on or cause to be carried on any necessary and proper marketing, production, processing or handling research or survey studies relating to bulbs, and to expend moneys for such purposes. Such research and/or survey studies may include the collection of data and information relating to bulbs; the analysis of such data and information; the dissemination of such data information and analysis; and such other investigation that falls within the scope of the marketing, producing, processing or handling of bulbs.

(3) **Standards and grades.** The bulb commission, subject to the provisions of the act, is hereby authorized to provide for the improving of standards and grades for bulbs by defining, establishing and providing labeling requirements, not inconsistent with the agricultural and horticultural laws of the state, with respect to the same, and to expend moneys for such purposes.

(4) **Unfair trade practices.** The bulb commission, subject to the provisions of the act, is hereby authorized to investigate and take necessary action to prevent any unfair trade practices. Information acquired in any such investigation shall be confidential and shall be released only to the extent necessary to effectuate the purposes of the act. [Marketing Order, Article III, effective 4/16/56.]

WAC 16-524-040 Assessments and assessment funds. (1) **Rate of assessment.** There is hereby levied, and shall be collected by the commission, upon each and every one thousand bulbs or part thereof in excess of five hundred bulbs, an annual assessment as provided in the act which shall be paid by the producer thereof upon each and every one thousand bulbs or part thereof in excess of five hundred bulbs, sold, processed, stored or delivered for sale, processing or storage by him, as follows: 20¢ per thousand narcissus bulbs; 15¢ per thousand iris and tulip bulbs. No assessment levied or made collectible by the act under this order shall exceed three percent of the total market value of all such bulbs sold, processed, stored or delivered for sale, processing or storage, by all producers of bulbs for the fiscal year to which the assessment applies.

(2) **Collection of assessment.** All assessments made and levied pursuant to the provisions of the act under this marketing order shall be paid by the respective producers, who shall be primarily liable therefore. Such assessments shall be collected by stamps to be known as "bulb commission stamps" to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases, receiving receipts or tickets. Any such stamps shall be canceled immediately upon being attached or fixed and the date of cancellation shall be placed on such stamps. The commission is authorized to make such reasonable rules and regulations in accordance and conformity with the act and with this section to effectuate the collection of this assessment.

(3) **Funds.**

(a) Moneys collected by the bulb commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purpose of

paying for the cost or expenses arising in connection with carrying out the purposes and provisions of the act and of this marketing order.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by such producer in excess of three percent of the total market value of all bulbs sold, processed, stored or delivered for sale, processing or storage during that period. Refund shall be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director. [Marketing Order, Article IV, effective 4/16/56.]

WAC 16-524-050 Information reports. All persons subject to the provisions of this order shall make and render such reports and furnish such information to the director or the commission as may be necessary or required under the act or this order to effectuate the purposes thereof. Any information obtained by any person pursuant to the provisions of this article shall be confidential and shall not be by him disclosed to any other person save to a person with like right to obtain the same or any attorney employed by the director or the commission to give legal advice thereon or by court order. [Marketing Order, Article V, effective 4/16/56.]

WAC 16-524-060 Separability. If any provision hereof is declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby. [Marketing Order, Article VI, effective 4/16/56.]

WAC 16-524-070 Effective time. The provisions hereof shall become effective at such time as the director may declare above his signature attached hereto and shall continue in force until terminated as specified in the act. [Marketing Order, Article VII, effective 4/16/56.]

WAC 16-524-110 Producer's annual sales report--Form.

Washington State Bulb Commission

P.O. Box 215 Sumner, Washington

PRODUCER'S ANNUAL SALES REPORT

Date_____

Name_____Address_____

NARCISSUS

Assesssment

Number acres planted_____

Number bulbs sold by count_____ @ 20c per 1000_____ $

Value of bulbs sold by weight $_____ @ 1% of value_____

IRIS

Number acres planted_____

Number bulbs sold by count_____ @ 15c per 1000_____ $

Value of bulbs sold by weight $_____ @ 1% of value_____

TULIPS

Number acres planted_____

Number bulbs sold by count_____ @ 15c per 1000_____ $

Value of bulbs sold by weight $_____ @ 1% of value_____

_____

TOTAL assessment due_____ $

I, the undersigned, do hereby certify under penalty of perjury, that the above is a true and correct statement of my sales for the season of_____
(Year)

Subscribed this_____day of_____19_____at_____Wash.

_____Title_____

For _____

RETURN THIS REPORT WITH YOUR REMITTANCE BEFORE DECEMBER 1st

[Form, (codified as WAC 16-524-110), adopted 6/10/57.]

Reviser's note: Filed with the code reviser's office on February 23, 1960, was the following excerpt from the commission's minutes of June 10th, 1957: "Mr. Fryar presented a copy of a revised form for reporting bulb sales, which had the approval of the state department of agriculture (copy attached). The date of December 1st was established as the deadline for grower reporting. Mr. Staatz moved that the reporting form, as presented, be formally adopted, Mr. Hatch seconded and the motion carried."

Chapter 16-528 WAC
WHEAT

WAC

16-528-002 Director's final decision approving a marketing order.
16-528-010 Definitions.
16-528-020 Wheat commission—Structure—Powers, duties—Procedure.
16-528-030 Marketing order purposes.
16-528-040 Assessments and collection.
16-528-050 Effective time.
16-528-060 Separability.

RULES OF THE WHEAT COMMISSION

16-528-110 Monthly meetings of the commission.
16-528-120 Special meetings.
16-528-130 Annual meetings.
16-528-140 Fiscal year of commission.
16-528-150 Warrants drawn on commission account—Signatures.
16-528-160 Refund checks—Endorsement by payee.
16-528-210 Assessments—Rate—Duty of handlers, warehousemen, and processors.
16-528-220 Exemption from assessment.
16-528-230 Variations and discrepancies in assessment returns.

WAC 16-528-002 Director's final decision approving a marketing order. (1) I, Joe Dwyer, director of agriculture of the state of Washington, after due consideration given to all objections filed to the recommended decision previously issued, do hereby execute and issue this final decision approving a marketing order for Washington wheat and the formation of a Washington wheat commission.

(2) I do hereby approve the marketing order contained in my recommended decision dated November 19, 1957, the text of which marketing order is hereto attached in full and made a part hereof.

(3) I direct that said marketing order be submitted to a referendum vote of all affected wheat producers, as listed on the affected producers' list heretofore established. [Director's Final Decision, effective 12/4/57.]

WAC 16-528-010 Definitions. As used in this marketing order, the following terms shall have the following meanings:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representatives;

(2) "Act" means the Washington Agricultural Enabling Act, being chapter 15.66 RCW;

(3) "Person" includes any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals;

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market, in commercial quantities, wheat grown in the designated affected area of the state of Washington;

(5) "Commercial quantities" shall mean and include five hundred or more bushels of wheat produced for market in any calendar year by any producer;

(6) "Wheat" means and includes all kinds and varieties of wheat grown in the state of Washington;

(7) "Wheat commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-528-020;

(8) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning January 1 of any year and ending upon the last day of December, both dates inclusive;

(9) "Handler" means any person engaged in the business of handling, selling, processing, storing, shipping, or distributing wheat which he has purchased or acquired from a producer, or which he is shipping for or on behalf of a producer, and shall include any lending agency, for a commodity credit corporation loan to producers;

(10) "Commercial channels" means the sale of wheat for use as food, feed, seed or any industrial or chemurgic use, when sold to any commercial buyer, dealer, processor, cooperative, or to any person, public or private, who resells any wheat, or products produced from wheat;

(11) "Affected area" shall mean and include the following counties located in the state of Washington: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima. [Marketing Order, Article I, effective 4/30/58.]

WAC 16-528-020 Wheat commission--Structure--Powers, duties--Procedure. (1) **Establishment and membership.** A wheat commission is hereby established to administer this marketing order and shall be composed of five members who shall be producers elected as provided in this section and two members who shall be appointed by the elected producer members. In addition, the director shall be an ex officio member of the commission.

(2) **Representative districts.** The affected area shall be divided into the five following districts:

District I—One commission member

Ferry County
Lincoln County
Pend Oreille County
Spokane County
Stevens County

District II—One commission member

Whitman County

District III—One commission member

Asotin County
Columbia County
Garfield County
Walla Walla County

District IV—One commission member

Adams County
Chelan County
Douglas County
Grant County
Okanogan County

District V—One commission member

Benton County
Franklin County
Kittitas County
Klickitat County
Yakima County

Each district shall nominate one or more nominees but elect one commission member only.

(3) **Membership qualifications.** Commission members shall be citizens and residents of this state, over the age of twenty–five years. Producer members of the commission shall be producers of wheat in the district in and for which they are nominated and elected. The qualifications of producer members of the commission as herein set forth must continue during their term of office.

(4) **Term of office—Initial commission.** The term of office of commission members shall be three years from the date of their election and until their successors are elected and qualified. The terms of office for the initial commission members shall be as follows:

Districts I and II shall terminate December 31, 1958.

Districts III and IV shall terminate December 31, 1959.

District V shall terminate December 31, 1960.

One appointed member's term shall terminate December 31, 1959.

The second appointed member's term shall terminate December 31, 1960.

The appointed members of the initial commission shall be elected by a majority of the elected commissioners at the first meeting.

(5) **Nomination and election of commission members.**

(a) Nomination and election of commission members shall be as set forth in the act and specified by the director. Dates will be set as follows:

(i) Nominating petitions shall be sent not earlier than September 17th and not later than October 2nd of each year in the district wherein a vacancy will occur. Nominating petitions shall be signed by not less than five affected producers of the district from which such a candidate will be elected.

(ii) Filing of nominating petitions shall be mailed to the director not earlier than October 8th and not later than October 13th of each year.

(iii) Ballots will be mailed to all producers in the district wherein a vacancy will occur, not earlier than October 18th and not later than November 2nd of each year.

(iv) Ballots shall be returned not later than December 2nd of such year.

(b) With respect to the initial wheat commission, the director shall call for nominations with the notice of his final decision following the hearing. The ballot for the election of commissioners shall be secret and shall be forwarded to the producers at the same time the director's proposed marketing order is mailed to the producers for their assent.

(6) **Vacancies.**

(a) To fill any vacancy occasioned by the failure to qualify of any person elected by the producers as a member of the commission, or in the event of the death, removal, resignation or disqualification of any member, the director shall call for nominations and conduct such election within the district wherein the vacancy occurred, in the manner provided in subsection (5) of this section.

(b) To fill nonelective vacancies caused by other reasons than the expiration of the term, the new members shall be elected by the commission at its first meeting after the occurrence of the vacancy.

(7) **Powers and duties of commission.** The commission shall have the powers and duties, as specified under RCW 15.66.140, and shall include but not be limited to the following:

(a) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with, and to effectuate the purposes of the act, and this marketing order.

(b) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year.

(c) To accept and receive gifts and grants and expend same.

(8) **Procedure for commission.**

(a) The commission shall, by resolution, establish a headquarters which shall continue as such unless and until so changed by the commission, at which headquarters shall be kept the books, records and minutes of the commission meetings.

(b) The commission shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by the resolution of the commission.

(c) The commission shall hold an annual meeting at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the wheat commission at least ten days prior to the meeting, through the regular wire news services and radio–television press.

(d) The commission shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: *Provided, however,* That the notice of any special meeting may be waived by a waiver thereof signed by each member thereof.

(e) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(f) A quorum of the commission shall consist of at least five members.

(g) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall receive an amount not to exceed $20.00 per day for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expense allowed by law to state employees. [Marketing Order, Article II, effective 4/30/58.]

Meetings: See also WAC 16–528–110, 16–528–120, 16–528–130.

WAC 16-528-030 Marketing order purposes. The marketing order for wheat is to promote the general welfare of the state, to enable the producers of wheat to help themselves establish orderly, fair, sound, efficient, unhampered marketing, grading and standardization of wheat:

(1) To establish plans and conduct programs for advertising and sales promotion, to maintain present markets or to create new or larger markets for wheat grown in the state of Washington;

(2) To provide for carrying on research studies to find more efficient methods of production, processing, handling and marketing of wheat;

(3) To provide for improving standards and grades of wheat by defining, establishing and providing labeling requirements with respect to the same;

(4) To investigate and take necessary action to prevent unfair trade practices. [Marketing Order, Article III, effective 4/30/58.]

WAC 16-528-040 Assessments and collection. (1) **Assessments.** The annual assessment on wheat shall be one-quarter of one percent of the net receipts at the point of sale. The assessment shall be levied and paid by the producer, or deducted, as provided in this section, whether the wheat is sold in this or any other state.

(2) **Collection of assessments.** The collection of the assessment made and levied by the wheat commission, pursuant to the provisions of the act, shall be paid by the producer thereof upon all commercial quantities of wheat sold, processed, stored or delivered for sale, processing or storage by him, under any or all of the methods of collections set forth in RCW 15.66.150, in accordance with rules and regulations to be promulgated by the wheat commission: *Provided, however,* That no assessment shall be levied or collected on wheat grown and used by the producer for feed, seed, or personal consumption.

(3) **Funds.** All moneys collected by the wheat commission shall be used only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and the wheat marketing order. At the end of each fiscal year, the commission shall credit each producer with any amount paid by such producer in excess of one-quarter of one percent of the net receipts at the point of sale. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director. [Statutory Authority: Chapter 15.66 RCW. 82-11-002 (Order 1765), § 16-528-040, filed 5/6/82, effective 7/1/82; Order 1450, § 16-528-040, filed 4/30/76; Marketing Order, Article IV, effective 4/30/58.]

Assessments and collection: See also WAC 16-528-210, 16-528-220, 16-528-230.

WAC 16-528-050 Effective time. This marketing order for wheat shall become effective on and after April 30, 1958. [Marketing Order, Article V, effective 4/30/58.]

WAC 16-528-060 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstance or thing shall not be affected thereby. [Marketing Order, Article VI, effective 4/30/58.]

RULES OF THE WHEAT COMMISSION

WAC 16-528-110 Monthly meetings of the commission. It was moved that regular meetings be held every two months on the second Monday of the month, starting at 10 a.m., beginning in July. Motion carried unanimously. [Minute Order, 4/30/58.]

Regular meetings: See also WAC 16-528-020 (8)(b).

WAC 16-528-120 Special meetings. It was moved that the chairman be hereby authorized to call special meetings of the commission by giving ten days notice in writing of time and place to each commissioner and at the same time forward notices in the nature of a news release to regular wire services, radio, press and television media emanating from Spokane, Washington. Motion carried. [Minute Order, 6/9/58.]

Special meetings: See also WAC 16-528-020 (8)(d).

WAC 16-528-130 Annual meetings. It was moved that the commission designate May of each year as the month for the Washington wheat commission's annual meeting to be held. Motion carried. [Minute Order, 11/19/58.]

Annual meetings: See also WAC 16-528-020 (8)(c).

WAC 16-528-140 Fiscal year of commission. It was moved that the Washington wheat commission establish the period July 1 through June 30 as the official fiscal and budget year of the commission. Motion carried. [Minute Order, 11/19/58.]

WAC 16-528-150 Warrants drawn on commission account--Signatures. By a resolution—That the chairman, vice chairman, secretary-treasurer and the manager, be designated and authorized to draw warrants against the account of the Washington wheat commission. Signatures of any two of the above to be required on each and every check and that one of the signatures be a commissioner. Motion carried unanimously. [Minute Order, 11/19/58.]

WAC 16-528-160 Refund checks--Endorsement by payee. It was moved that the following affidavit be typed or stamped on the back of any refund checks: "The payee by his (her) endorsement hereon represents that he (she) is legally entitled to this refund and that he (she) accepts same in full payment thereof." Motion carried. [Minute Order, 9/14/59.]

WAC 16-528-210 Assessments--Rate--Duty of handlers, warehousemen, and processors. The following

resolution with respect to assessment collection methods was unanimously approved. "Resolved, that the Washington wheat commission adopts and promulgates the following assessment collection method as the sole and only means applicable and in effect and that the commission do and hereby does require handlers including warehousemen and processors receiving wheat in commercial quantities from the producer, to collect a one–fourth cent per bushel assessment from producers whose production they handle and remit the same to the Washington Wheat Commission, 409 Empire State Building, Spokane, Washington. A commodity credit corporation designated lending agency, and CCC as such in direct loans to producers, shall be deemed a handler for purposes of this resolution. No affected units shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued, but no liability hereunder shall attach to common carriers in the regular course of their business." [Minute Order, 9/8/58.]

Assessments: See also WAC 16–528–040.

WAC 16–528–220 Exemption from assessment. The following motion was made and passed with respect to modifying collection instructions. "Resolved: Receipt is acknowledged of attorney general's opinion dated Sept. 8, 1959 (AGO 59–60 No. 64) and the Washington wheat commission resolves to modify its collection instructions previously issued to Washington wheat producers, grain dealers, handlers, warehousemen and others to the effect that wheat sold, delivered, shipped or stored by the state of Washington from that grown on public and school lands leased to farmers on a share crop basis be, and the same is hereby declared to be, exempt, temporarily and until further resolution of this commission, from the assessment provided for by the Washington Agricultural Enabling Act and marketing order for Washington wheat dated December 4, 1957..." [Minute Order, 9/14/59.]

Assessments: See also WAC 16–528–040.

WAC 16–528–230 Variations and discrepancies in assessment returns. The following motion was unanimously passed dealing with variations and discrepancies in assessment returns. "A one dollar discrepancy involving either over or under payments for each one hundred dollars wheat assessment remitted shall be permitted and acceptable. Discrepancies in excess of one dollar per each one hundred dollars remitted shall be returned to the sender for correction." Motion passed. [Minute Order, 9/8/58.]

Assessments: See also WAC 16–528–040.

Chapter 16–529 WAC
WASHINGTON ALFALFA SEED COMMISSION

WAC

16–529–010 Definitions of terms.
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16–529–300 Time, place, method for collection and remittance of assessments.

WAC 16–529–010 Definitions of terms. For the purpose of this chapter: (1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces any variety of alfalfa seed in the state of Washington for market in commercial quantities: *Provided*, That for the purpose of election and membership on the commodity board, a producer–handler shall be considered as acting only as a producer.

(6) "Commercial quantity" means all alfalfa seed produced in any calendar year by any producer.

(7) "Affected handler" means any person who acts as principal or agent or otherwise in buying, selling, marketing, or distributing alfalfa seed not grown by him.

(8) "Producer–handler" means any person who acts both as a producer and as a handler with respect to the alfalfa seed which he produces, and a handler with respect to the alfalfa seed which he handles, including that produced by himself.

(9) "Alfalfa seed" means the seed that is harvested from any variety of alfalfa plants.

(10) "Alfalfa seed commodity board" hereinafter referred to as "board" means the commodity board or commission formed under the provisions of WAC 16–529–020 through 16–529–120.

(11) "Marketing season" or "fiscal year" means the twelve month period beginning with July 1 of any year and ending with June 30 of the year following, both dates being inclusive.

(12) "Affected area" means that portion of the state of Washington located east of the summit of the Cascade Mountains.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means one hundred weight (cwt) of cleaned alfalfa seed as sold by an affected producer to

a handler or other producer. [Order 1, Article I, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-020 The alfalfa seed commodity board--Administration. The provisions of this chapter and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director. [Order 1, Article II, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-030 Board membership. (1) The board shall consist of eight members. Six members shall be affected producers elected as provided in WAC 16-529-020 through 16-529-120. One member shall be an affected handler elected as provided in WAC 16-529-020 through 16-529-120. The director shall appoint one member of the board who is neither an affected producer nor an affected handler to represent the department and the public.

(2) For the purpose of nomination and election of producer members of the board, the affected area of the state of Washington shall be divided into three representative districts as follows:

(a) District I shall have two board members, being positions 1 and 2, and shall include the counties of Adams, Chelan, Douglas, Ferry, Franklin, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens.

(b) District II shall have two board members, being positions 3 and 4, and shall include the counties of Benton, Kittitas, Klickitat, and Yakima.

(c) District III shall have two board members, being positions 5 and 6, and shall include the counties of Asotin, Columbia, Garfield, Walla Walla, and Whitman.

(3) The handler member of the board shall be position 7.

(4) The member of the board to be appointed by the director shall be position 8. [Order 1, Article II, § B, filed 3/13/75, effective 7/1/75.]

WAC 16-529-040 Board membership qualifications. (1) The affected producer members of the board shall be practical producers of alfalfa seed and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing alfalfa seed within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(2) The affected handler member of the board shall be a practical handler of alfalfa seed and shall be a citizen and resident of the state of Washington, over the age of twenty-five years, and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership, association, or cooperative, actually engaged in handling alfalfa seed within the state of Washington for a period of five years and has during that period derived a substantial portion of his income therefrom.

(3) The qualifications of members of the board must continue during their term of office. [Order 1, Article II, § C, filed 3/13/75, effective 7/1/75.]

WAC 16-529-050 Term of office. (1) The term of office for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(2) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six, the affected handler shall have position seven, and the member appointed by the director, position eight.

(3) The term of office for the initial board members shall be as follows:

Positions one and four – one year
Positions three, five, and eight – two years
Positions two, six, and seven – three years.

No elected member of the board may serve more than two full consecutive three-year terms. [Order 1, Article II, § D, filed 3/13/75, effective 7/1/75.]

WAC 16-529-060 Nomination and election of board members. (1) For the purpose of nominating candidates for election to board membership, the director shall call separate meetings of affected producers and affected handlers.

(2) Each year the director shall call for nomination meetings in those districts whose board members' terms are about to expire. Such meetings shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in newspapers of general circulation within the affected district not less than ten days in advance of the date of such meeting and, in addition, written notice of every such meeting shall be given to all affected producers within such affected district, and to all handlers, according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer or handler may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers or affected handlers. [Order 1, Article II, § E, filed 3/13/75, effective 7/1/75.]

WAC 16-529-070 Election of board members. Members of the board shall be elected by secret mail ballot within the month of June under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district. Each affected producer shall be entitled to one vote. The affected handler member of the board shall be elected by a majority of votes cast by the affected handlers. Each affected handler shall be entitled to one vote.

If a nominee does not receive a majority of the votes on the first ballot, a runoff election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

Notice of every election for board membership shall be published in a newspaper of general circulation within the affected district not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer and affected handler entitled to vote whose name appears upon the list of such affected producers and affected handlers maintained by the director in accordance with RCW 15.65.200. Any other affected producer or affected handler entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by an affected producer or affected handler shall not invalidate the election of any board member. [Order 1, Article II, § F, filed 3/13/75, effective 7/1/75.]

WAC 16-529-080 Vacancies prior to election. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term. [Order 1, Article II, § G, filed 3/13/75, effective 7/1/75.]

WAC 16-529-090 Quorum. A majority of the voting members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board. [Order 1, Article II, § H, filed 3/13/75, effective 7/1/75.]

WAC 16-529-100 Board compensation. No member of the board shall receive any salary or other compensation, but each member shall receive $35.00 for each day in actual attendance on or travelling to and from meetings of the board or on special assignment for the board, together with subsistence and travelling expense at the rate allowed by law to state employees: *Provided,* That the method of determining whether per diem rates or actual subsistence and lodging shall be allowed shall be determined by resolution or rule of the board in advance of the incurrence of such expenses by any board member. [Order 1, Article II, § I, filed 3/13/75, effective 7/1/75.]

WAC 16-529-110 Powers and duties of the board. The board shall have the following powers and duties:

(1) To administer, enforce, and control the provisions of this chapter as the designee of the director.

(2) To elect a chairman and such other officers as the board deems advisable.

(3) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of this chapter and effectuate the declared policies of the act.

(4) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of this chapter. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(5) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating this chapter.

(6) To establish an "alfalfa seed revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the days as advisable.

(7) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to this chapter. Such records, books, and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last days of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(8) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(9) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this chapter during each fiscal year.

(10) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(11) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(12) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of this chapter and the act, along with the necessary authority and procedure for obtaining such information.

(13) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or this chapter.

(14) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(15) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section. [Order 1, Article II, § J, filed 3/13/75, effective 7/1/75.]

WAC 16-529-120 Procedures for board. (1) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(2) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting through regular wire news services and radio, television, and press.

(3) The board shall establish by resolution, the time, place, and manner of calling special meetings with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board. [Order 1, Article II, § K, filed 3/13/75, effective 7/1/75.]

WAC 16-529-130 Marketing order purposes. This chapter is to promote the general welfare of the state, to enable producers of alfalfa seed to help themselves establish orderly, fair, sound, efficient, and unhampered marketing of seed, and to develop improved production methods and/or programs for the control of disease, insects, and weeds associated with the culture and harvesting of alfalfa seed. (1) To carry out the purposes of this chapter, the board shall provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for advertising, sales, promotion, and/or other programs for maintaining present markets and/or creating new or larger markets for alfalfa seed. Such programs shall be directed toward increasing the sale of alfalfa seed without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of alfalfa seed nor disparage the quality, value, sale, or use of any other agricultural commodity.

(b) Provide for research in the production, harvesting, processing, and/or distribution of alfalfa seed and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried out by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide for collection and dissemination of information pertaining to alfalfa seed. [Order 1, Article III, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-140 Assessments. (1) The fixed annual assessment on all varieties of alfalfa seed subject to this marketing order shall be fifty cents per hundredweight of cleaned seed, which shall be paid by the producer thereof upon each and every unit sold, marketed, or delivered for sale by him.

(2) First handlers or purchasers shall collect assessments at time of payment for seed from producers whose production they handle and remit the same to the board in accordance with procedures adopted by the board.

Producers and producer-handlers who ship their alfalfa seed direct to handlers outside of the state of Washington shall remit assessments to the board at time of shipment. [Statutory Authority: Chapter 15.65 RCW. 79-07-061 (Order 1639), § 16-529-140, filed 6/27/79, effective 8/1/79; Order 1, Article IV, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-150 Collections. Any moneys collected or received by the board pursuant to the provisions of this chapter during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order to all persons from whom such moneys were collected or received, or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes. However, if at the end of any fiscal year, the unexpended moneys on deposit with the board shall exceed the total assessments received during that fiscal year, no assessment shall be levied during the next succeeding fiscal year. [Order 1, Article IV, § B, filed 3/13/75, effective 7/1/75.]

WAC 16-529-160 Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and this chapter, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable. [Order 1, Article IV, § C, filed 3/13/75, effective 7/1/75.]

WAC 16-529-170 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted by them by the act or this chapter, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the

whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this chapter shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member. [Order 1, Article V, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-180 Board is commission. In order to conform with accepted usage and nomenclature of the Washington state agricultural community, the board shall be referred to as the Washington alfalfa seed commission. [Order 1, Article VI, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-190 Termination of the order. This chapter shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15-.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season. [Order 1, Article VII, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-200 Effective time. This marketing order for alfalfa seed shall become effective after having been approved in a referendum of affected producers, by at least 51% of the producers of alfalfa seed having at least 65% of the volume of alfalfa seed produced, or by at least 65% of the producers of alfalfa seed having at least 51% of the volume of alfalfa seed produced, and after having been filed with the code reviser for not less than thirty days. [Order 1, Article VIII, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-210 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby. [Order 1, Article IX, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-300 Time, place, method for collection and remittance of assessments. Effective with the 1975 crop, the following procedure is established for the collection, reporting, and remittance of assessments levied on alfalfa seed pursuant to RCW 15.65.410 and WAC 16-529-040:

(1) All first buyers of alfalfa seed grown in the state of Washington, or the person acting on behalf of a first buyer, shall withhold the amount of assessment from their remittances to growers of such seed and transmit same to the commission not later than the last day of the calendar month following date of settlement.

(2) All producers selling alfalfa seed other than to first buyers for resale, whether selling directly or through brokers, and including all sales at retail, shall pay the amount of the assessment directly to the commission not later than the last day of the calendar month following date of settlement.

(3) To all assessments due and payable to the commission and not remitted on or before the date due, there shall be added a penalty fee of ten percent as provided in RCW 15.65.440.

(4) All remittances to the commission shall be transmitted with an official reporting form to be furnished free of charge by the commission. Said reporting form shall call for the name and address of the affected producer, the number of pounds of seed sold, the amount of assessment collected from each producer, and the name and address of the person or firm filing the report and remittance. [Order 2, § 16-529-110 (codified as WAC 16-529-300), filed 10/17/75.]

Chapter 16-532 WAC
HOPS

WAC

16-532-010 Definitions.
16-532-020 Hop board.
16-532-030 Marketing order purposes.
16-532-040 Assessments and collections.
16-532-050 Obligations of the board.
16-532-060 Termination of the order.
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RULES OF WASHINGTON STATE HOP COMMODITY BOARD

16-532-101 Promulgation.
16-532-110 Requirements for collection of assessments.
16-532-120 Labeling.

WAC 16-532-010 Definitions. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association or corporation.

(5) "Affected producer" means any person who produces hops in commercial quantities in the state of Washington.

(6) "Commercial quantity" means any hops produced for market by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing hops not produced by him.

(8) "Hop commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of WAC 16-532-020.

(9) "Hops" means and includes all kinds and varieties of "humulus lupulus" grown, picked and dried in the state of Washington, whether loose, packaged or baled and all oils, extracts and/or lupulin derived therefrom.

(10) "Marketing season" or "fiscal year" means the twelve month period beginning with July 1 of any year and ending with the last day of June, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to hops. A producer-handler shall be deemed to be a producer with respect to the hops which he produces and a handler with respect to the hops which he handles, including those produced by himself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(14) "Affected unit" means two hundred pounds net of hops, or the amount of lupulin, extract or oil produced from two hundred pounds net of hops. [Marketing Order Article I, § A, filed 7/1/64.]

WAC 16-532-020 Hop board. (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of ten members. Nine members shall be affected producers elected as provided in this section. The director shall appoint one member of the board who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the entire state of Washington.

(3) **Board membership qualifications.**

(a) The affected producer members of the board shall be practical producers of hops and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing hops within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(4) **Term of office.**

(a) The term of office for members of the board shall be three years and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through nine and the member appointed by the director position ten.

(c) The term of office for the initial board members shall be as follows:

Positions one, two, three and ten – until June 30, 1967
Positions four, five and six – until June 30, 1966
Positions seven, eight and nine – until June 30, 1965

(5) **Nomination and election of board members.** Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meetings by written petition filed with the director signed by not less than five affected producers. At the inception of this order nominations may be made at the issuance hearing.

(6) **Election of board members.**

(a) Members of the board shall be elected by secret mail ballot within the month of April under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board member.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member shall be reimbursed for actual subsistence and traveling expenses incurred through attendance at meetings or other board activities: *Provided*, That such expenses shall be authorized by resolution by unanimous approval of the board at a regular meeting.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating the order.

(f) To establish a "hop board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) **Procedures for board.**

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular wire news services and radio–television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings of the board with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board. [Marketing Order Article II, §§ A through K, filed 7/1/64.]

WAC 16-532-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of hops to help themselves establish orderly, fair, sound, efficient, unhampered marketing and standardization of hops and regulate unfair trade practices within the industry.

(1) To carry out the purposes of the order the board may provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for advertising, sales, promotion and/or other programs for maintaining present markets and/or creating new or

larger markets for hops. Such programs shall be directed toward increasing the sale of hops without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of hops nor disparage the quality, value, sale or use of any other agricultural commodity.

(b) Provide for research in the production, processing and/or distribution of hops and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide by rules and regulations for:

(i) Establishing uniform labels and labeling requirements for hops or any products thereof, requiring producers, handlers and other persons to conform to standards for the placing of labels, trademarks, insignia or brands on bales or packages, provided, that all licensed hop dealers or brokers are entitled to use on the face of their product any particular trademark, insignia, brand or label that they may now have or will have. That established brands, labels, trademarks or insignias may be properly used in selling or commercially disposing of hops and hop products or in offering the same for sale, advertising and/or delivering said hops or hop products;

(ii) Providing for inspection and enforcement to ascertain and effectuate compliance;

(iii) Establishing rules and regulations respecting the foregoing.

(d) Prohibit and/or otherwise regulate any one or more or all of the practices listed to the extent that such practices affect, directly or indirectly, hops or any product thereof, but only with respect to persons who engage in such practices with the intent of or with the reasonably foreseeable effect of inducing any purchaser to become his customer or his supplier or of otherwise dealing or trading with him or of diverting trade from a competitor, to wit:

(i) Paying rebates, commissions or unearned discounts;

(ii) Unfairly extending privileges or benefits (pertaining to price, to credit, to the loan, lease or giving away of facilities, equipment or other property or to any other matter or thing) to any customer, supplier or other person;

(iii) Discriminating between customers, or suppliers of a like class;

(iv) Making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons.

(e) The board may authorize use of any money received and of any persons employed thereunder for legal proceedings, of any type and in the name of any person, directed to enforcement of this or any other law in force in the state of Washington relating to the prevention of unfair trade practices.

(f) Provide for marketing information and services to affected producers for the verification of grades, standards, weights, tests and sampling of quality and quantity of hops purchased by handlers from affected producers. [Marketing Order Article III, § A, filed 7/1/64.]

WAC 16-532-040 Assessments and collections. (1) **Assessments.**

(a) The annual assessment on all varieties of hops shall be one dollar per affected unit.

(b) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable. [Statutory Authority: Chapter 15.65 RCW. 83-16-041 (Order 1800), § 16-532-040, filed 7/29/83; 80-05-090 (Order 1686), § 16-532-040,

filed 5/1/80; 79-01-045 (Order 1593), § 16-532-040, filed 12/21/78; Order 1332, § 16-532-040, filed 1/17/74; Marketing Order Article IV, §§ A through C, filed 7/1/64.]

WAC 16-532-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee or agent incurred in their official capacity under this order shall exist either against the board, officers, employees and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member. [Marketing Order Article V, § A, filed 7/1/64.]

WAC 16-532-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season. [Marketing Order Article VI, § A, filed 7/1/64.]

WAC 16-532-070 Effective time. This marketing order for hops shall become effective on and after August 15, 1964. [Marketing Order Article VII, § A, filed 7/1/64.]

WAC 16-532-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances or thing shall not be affected thereby. [Marketing Order Article VIII, § A, filed 7/1/64.]

RULES OF WASHINGTON STATE HOP COMMODITY BOARD

WAC 16-532-101 Promulgation. I, Ronald Riel, chairman of the Washington hop commodity board (commission) do hereby certify that a quorum of the said commodity board (commission) as designee of the director of agriculture of the state of Washington at an open meeting held in the city of Moxee, October 1, 1964, and by virtue of the authority granted to the said hop commodity board (commission) pursuant to chapters 15.65 and 34.04 RCW did hereby promulgate the following regulations. [Promulgation, filed 10/16/64.]

WAC 16-532-110 Requirements for collection of assessments. (1) Assessments on all hops marketed shall be paid at the rate of twenty cents per bale (two hundred pounds) to the hop commodity board (commission) by the first handler receiving or handling such hops for or from a producer. Such assessments shall be deducted from the payment to be made by such handler to the producer.

(2) Payment of such assessment shall be due and payable on the tenth day of the second calendar month following the receiving or delivery to said first handler or the assumption of control of a producer's hops, by said first handler.

(3) Any handler failing to pay on or before the due date set forth for payment in this regulation, shall add ten percent to the total amount due as a cost for collection as prescribed in RCW 15.65.440. [Regulation 1, filed 10/16/64.]

WAC 16-532-120 Labeling. (1) In addition to any other brands, labels, stencils or other marks customarily used by hop handlers to identify their own trademarks, labels or firm names, all hops shall be branded, labeled, stenciled or marked with one distinctive identifying marking, defined or designated by the hop commodity board (commission), which shall identify the hops as having been grown in the state of Washington.

(2) This mark or identification shall be stenciled in letters at least one inch in height and shall read: " WASHINGTON," or "GROWN IN WASHINGTON," as prescribed by the hop commodity board (commission).

(3) This mark or identification shall be affixed in a suitable position on the head or top of the bale, in the area generally used by the federal/state inspectors to stencil their own identification mark and in the same general area where the grower's "G" number is applied.

(4) At no time shall the said identification marking appear on the face or sides of the bales, as these areas are considered to be for the use of the dealer or handler for trademarks, shipping markings, bale numbers, firm insignias, etc.

(5) The approved identification marking shall be affixed by the federal/state inspector prior to the drawing of samples for federal/state inspection, and, no hops may be sampled for this purpose unless said markings

have been affixed thereto in compliance with the regulations prescribed by the hop commodity board (commission).

(6) Handlers who offer hops for sale in foreign countries where only shipping markings are permitted on the bales or containers, may apply to the hop commodity board (commission) for permission to blot out or remove the identifying marking. [Regulation 2, filed 10/16/64.]

Chapter 16-536 WAC
DRY PEAS AND LENTILS

WAC

16-536-010 Definitions of terms.
16-536-020 The dry pea and lentil board.
16-536-030 Marketing order purposes.
16-536-040 Assessments and collections.
16-536-050 Obligations of the board.
16-536-060 Termination of the order.
16-536-070 Effective time.
16-536-080 Separability.

WAC 16-536-010 Definitions of terms. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State Agriculture Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association or corporation.

(5) "Affected producer" means any person who produces, or causes to be produced, in commercial quantities, dry peas and/or lentils in the state of Washington.

(6) "Commercial quantity" means all the dry peas and/or lentils produced for market in any calendar year by any producer.

(7) "Affected handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing or distributing dry peas and/or lentils not produced by him.

(8) "Dry pea and lentil commodity board" hereinafter referred to as "board" means the dry pea and lentil commodity board formed under the provisions of WAC 16-536-020.

(9) "Dry peas" means and includes all kinds and varieties of dry peas grown in the state of Washington, including chick peas and commercially grown wrinkled peas raised for seed: *Provided*, That it shall not include dry peas used by the producer thereof for feed, seed and personal consumption: *Provided further*, That the inclusion of commercially grown wrinkled peas raised for seed will not become effective until approved by a referendum vote of the affected commercial wrinkled pea seed producers.

(10) "Lentils" means and includes all kinds and varieties of lentils grown in the state of Washington: *Provided*, That it shall not include lentils used by producers thereof on his premises for feed, seed, and personal consumption.

(11) "Marketing season" or "fiscal year" means the twelve month period beginning with July 1 of any year and ending with the last day of June, both dates being inclusive.

(12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to dry peas and/or lentils. A producer-handler shall be deemed to be a producer with respect to the dry peas and/or lentils which he produces, and a handler with respect to the dry peas and/or lentils which he handles, including those produced by himself.

(13) "Affected area" means that portion of the state of Washington located east of the summit of the Cascade Mountains.

(14) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(15) "Affected unit" means one hundred pounds of cleaned dry peas and/or lentils. [Statutory Authority: Chapter 15.65 RCW. 82-15-020 (Order 1768), § 16-536-010, filed 7/13/82; Marketing Order Article I § A, filed 3/26/65.]

WAC 16-536-020 The dry pea and lentil board. (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of ten members. Eight members shall be affected producers elected as provided in this article. One member shall be an affected handler elected as provided in this article. The director shall appoint one member of the board who is neither an affected producer nor an affected handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area of the state of Washington shall be divided into four representative districts as follows:

(i) District I shall have three board members, being positions 1, 2 and 3 and shall include the county of Whitman.

(ii) District II shall have two board members, being positions 4 and 5 and shall include the county of Spokane.

(iii) District III shall have one board member being position 6 and shall include the counties of Walla Walla, Garfield, Columbia and Asotin.

(iv) District IV shall have two board members, being positions 7 and 8 shall include all other counties of the state of Washington located east of the summit of the Cascade Mountains: *Provided*, That the addition of another member, being position 8, shall not become effective until approved by a referendum vote of the affected commercial wrinkled pea seed producers.

(3) **Board membership qualifications.**

(a) The affected producer members of the board shall be practical producers of dry peas and/or lentils in the district in and for which they are nominated and elected and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing dry

peas and/or lentils within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(b) The affected handler member of the board shall be a practical handler of dry peas and/or lentils and shall be a citizen and resident of the state of Washington, over the age of twenty–five years and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership association or cooperative actually engaged in handling dry peas and/or lentils within the state of Washington for a period of five years and has during that period derived a substantial portion of his income therefrom.

(c) The qualifications of members of the board must continue during their term of office.

(4) **Term of office.**

(a) The term of office for members of the board shall be three years, and one–third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven, the affected handler shall have position eight and the member appointed by the director position nine.

(c) The term of office for the initial board members shall be as follows:

Positions one, two and three – one year

Positions four, five and six – two years

Positions seven, eight, nine, and ten – three years

No elected member of the board may serve more than two full consecutive three–year terms.

(5) **Nomination and election of board members.**

(a) For the purpose of nominating candidates for election to board membership the director shall call separate meetings of affected producers and affected handlers.

(b) Each year the director shall call for nomination meetings in those districts whose board members term is about to expire. Such meetings shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in newspapers of general circulation within the affected district not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers within such affected district and handlers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer or handler may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director signed by not less than five affected producers or affected handlers.

(6) **Election of board members.**

(a) Members of the board shall be elected by secret mail ballot within the month of May under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district. Each affected producer shall be entitled to one vote. The affected handler member of the board shall be elected by a majority of votes cast by the affected handlers. Each affected handler shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot a runoff election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected district not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer and affected handler entitled to vote whose name appears upon the list of such affected producers and affected handlers maintained by the director in accordance with RCW 15.65.200. Any other affected producer or affected handler entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by an affected producer or affected handler shall not invalidate the election of any board member.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member shall receive ten dollars for each day in actual attendance on or traveling to and from meetings of the board or on special assignment for the board, together with subsistence and traveling expense at the rate allowed by law to state employees: *Provided*, That the method of determining whether per diem rates or actual subsistence and lodging shall be allowed shall be determined by resolution or rule of the board in advance of the incurrence of such expenses by a board member.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid

by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating the order: *Provided,* That the total reimbursement to all applicants shall not exceed two thousand dollars.

(f) To establish a "dry pea and lentil board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) **Procedures for board.**

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting through regular wire news services and radio–television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: *Provided,* That the notice of any special meeting may be waived by a waiver thereof by each member of the board. [Statutory Authority: Chapter 15.65 RCW. 82–15–020 (Order 1768), § 16–536–020, filed 7/13/82; Marketing Order Article II, §§ A through K, filed 3/26/65.]

WAC 16-536-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of dry peas and/or lentils to help themselves establish orderly, fair, sound, efficient, unhampered marketing, grading and standardization of dry peas and/or lentils.

(1) To carry out the purposes of the order the board shall provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for advertising, sales, promotion and/or other programs for maintaining present markets and/or creating new or larger markets for dry peas and/or lentils. Such programs shall be directed toward increasing the sale of dry peas and/or lentils without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of dry peas and/or lentils nor disparage the quality, value, sale or use of any other agricultural commodity.

(b) Provide for research in the production, processing and/or distribution of dry peas and/or lentils and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried out by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide by rules and regulations for:

(i) Establishing uniform grades and standards of quality, condition, maturity, size, weight, pack, packages and/or label for dry peas and/or lentils or any products thereof;

(ii) Requiring producers, handlers and/or other persons to conform to such grades and/or standards in

packing, packaging, processing, labeling, selling or otherwise commercially disposing of dry peas and/or lentils and/or in offering, advertising and/or delivering it therefor;

(iii) Providing for inspection and enforcement to ascertain and effectuate compliance;

(iv) Establishing rules and regulations respecting the foregoing;

(v) Providing that the board shall carry out inspection and enforcement of, and may (within the general provisions of the order) establish detailed provisions relating to, such standards and grades and such rules and regulations: *Provided*, That any modification not of a substantial nature, such as the modification of standards within a certain grade may be made without a hearing, and shall not be considered an amendment for the purposes of the act and order.

(d) Provide for marketing information and services to affected producers and for the verification of grades, standards, weights, tests and sampling of quality and quantity of dry peas and/or lentils purchased by handlers from affected producers. [Marketing Order Article III, § A, filed 3/26/65.]

WAC 16-536-040 Assessments and collections. (1) **Assessments.**

(a) The fixed annual assessment on all varieties of dry peas and dry lentils subject to this marketing order shall be as follows:

(i) Austrian and all other winter varieties – six cents per affected unit cleaned.

(ii) All other dry peas, including chick peas – seven cents per affected unit cleaned, except commercial wrinkled pea seed, which shall be five cents per affected unit cleaned: *Provided*, That such assessment on commercial wrinkled pea seed shall not become effective unless approved by a referendum vote of the affected wrinkled pea seed producers.

(iii) All varieties of dry lentils – eight cents per affected unit cleaned.

(b) Such assessments shall not be payable on any such dry peas and/or lentils used by the producer thereof on his premises for feed, seed and personal consumption.

(c) Handlers shall collect producer assessments from producers whose production they handle and remit the same to the board in accordance with procedures adopted by the board.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received, or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable. [Statutory Authority: Chapter 15.65 RCW. 82-15-020 (Order 1768), § 16-536-040, filed 7/13/82; Order 1533, § 16-536-040, filed 6/8/77; Marketing Order Article IV, §§ A through C, filed 3/26/65.]

WAC 16-536-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee or agent incurred in their official capacity under this order shall exist either against the board, officers, employees and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member. [Marketing Order Article V, § A, filed 3/26/65.]

WAC 16-536-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of

the act whether such termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season. [Marketing Order Article VI, § A, filed 3/26/65.]

WAC 16-536-070 Effective time. (1) This marketing order for dry peas and lentils shall become effective on and after July 1, 1965.

(2) This order shall remain in full force and effect until July 1, 1972 unless terminated prior thereto under the provisions of chapter 15.65 RCW as set forth in WAC 16-536-060: *Provided*, That if it remains in effect until said July 1, 1972 the director shall conduct a referendum election as required for the approval of an order under chapter 15.65 RCW at such time prior to such date so that he may determine if the affected producers and handlers desire that the order be terminated on such date or continued in full force and effect beyond such date. All the costs of conducting such election shall be defrayed from the funds of the board. [Marketing Order Articles VII and VIII, filed 3/26/65.]

WAC 16-536-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances or thing shall not be affected thereby. [Marketing Order Article IX, filed 3/26/65.]

Chapter 16-540 WAC
MINT

WAC

16-540-010 Definitions of terms.
16-540-020 The mint commodity board.
16-540-030 Marketing order purposes.
16-540-040 Assessments and collections.
16-540-050 Obligations of the board.
16-540-060 Termination of the order.
16-540-070 Effective time.
16-540-080 Separability.
16-540-110 Time and procedure for reporting and remitting assessments.

WAC 16-540-010 Definitions of terms. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association or corporation.

(5) "Affected producer" means any person who produces, or causes to be produced in commercial quantities, in the state of Washington, any variety of mint plant from which the essential oil is distilled or extracted.

(6) "Commercial quantity" means all of the mint plants produced in any calendar year by any producer, from which the essential oil is distilled or extracted.

(7) "Affected handler" means any person who acts as principal or agent or otherwise in buying, selling, marketing or distributing mint oils produced from mint plants not grown by him.

(8) "Producer-handler" means any person who acts both as a producer and as a handler with respect to mint oil. A producer-handler shall be deemed to be a producer with respect to the mint plants and/or oil which he produces, and a handler with respect to the mint oil which he handles, including those produced by himself.

(9) "Mint oil" means essential oil that is distilled from any variety of mint plant.

(10) "Mint commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of Article II of this order.

(11) "Marketing season" or "fiscal year" means the twelve-month period beginning with July 1 of any year and ending with the last day of June, both dates being inclusive.

(12) "Affected area" means that portion of the state of Washington located east of the summit of the Cascade Mountains.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(14) "Affected unit" means one pound of mint oil as distilled from mint plants grown by an affected producer. [Article I, § A, filed 12/20/66, effective 2/1/67.]

WAC 16-540-020 The mint commodity board. (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of eight members. Seven members shall be affected producers elected as provided in this article. The director shall appoint one member of the board who is neither an affected producer nor an affected handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area of the state of Washington shall be divided into two representative districts as follows:

(i) District I shall have four board members, being positions 1, 2, 3 and 4 and shall include the counties of Kittitas, Yakima and Benton.

(ii) District II shall have three board members, being positions 5, 6 and 7 and shall include all other counties east of the Cascade Mountains.

(3) **Board membership qualifications.**

(a) The affected producer members of the board shall be practical producers of mint plants in the district in and for which they are nominated and elected and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing mint plants

within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(b) The qualifications of members of the board must continue during their term of office.

(4) **Term of office.**

(a) The term of office for members of the board shall be three years, and one–third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven and the member appointed by the director position eight.

(c) The term of office for the initial board members shall be as follows:

Positions one and two – one year

Positions three, four and eight – two years

Positions five, six and seven – three years

No elected member of the board may serve more than two full consecutive three–year terms.

(5) **Nomination and election of board members.**

(a) For the purpose of nominating candidates for election to board membership the director shall call separate meetings of affected producers.

(b) Each year the director shall call for nomination meetings in those districts whose board members' term is about to expire. Such meetings shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in newspapers of general circulation within the affected district not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers within such affected district according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director signed by not less than five affected producers.

(6) **Election of board members.**

(a) Members of the board shall be elected by secret mail ballot within the month of June under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot a run–off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected district not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by an affected producer shall not invalidate the election of any board member.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member shall receive not to exceed twenty dollars for each day in actual attendance on or traveling to and from meetings of the board or on special assignment for the board, together with subsistence and traveling expense at the rate allowed by law to state employees: *Provided*, That the method of determining whether per diem rates or actual subsistence and lodging shall be allowed shall be determined by resolution or rule of the board in advance of the incurrence of such expenses by any board member.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating the order.

(f) To establish a "mint board revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least annually subject to procedures and methods

lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting through regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board. [Article II, §§ A-K, filed 12/20/66, effective 2/1/67.]

WAC 16-540-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of mint plants to help themselves develop improved production methods and/or programs for the control of disease, insects and weeds associated with mint plant culture and to provide for the dissemination of information to affected producers.

(1) To carry out the purposes of the order the board shall provide for a program in one or more of the following areas:

(a) Provide for aid in research in the production of mint plants and the distilling of mint oil by producers and to expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried out by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(b) Provide for collection and dissemination of information pertaining to mint. [Article III, § A, filed 12/20/66, effective 2/1/67.]

WAC 16-540-040 Assessments and collections. (1) **Assessments.**

(a) The fixed annual assessment on all varieties of mint oil subject to this marketing order shall be two cents per pound of oil as weighed by first purchaser.

(b) First purchasers shall collect assessments at time of payment for oil, from producers whose production they handle and remit the same to the board in accordance with procedures adopted by the board. Producers and producer-handlers who ship their oil direct to handlers outside of the state of Washington shall remit assessments to the board at time of shipment.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order to all persons from whom such moneys were collected or received, or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes. However, if at the end of any fiscal year, the unexpended moneys on deposit with the board shall exceed the total assessments received during that fiscal year, no assessment shall be levied during the next succeeding fiscal year.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or

sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable. [Order 1406, § 16-540-040, filed 7/23/75; Article IV, §§ A-C, filed 12/20/66, effective 2/1/67.]

WAC 16-540-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted by them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee or agent incurred in their official capacity under this order shall exist either against the board, officers, employees and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member. [Article V, § A, filed 12/20/66, effective 2/1/67.]

WAC 16-540-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season. [Article VI, § A, filed 12/20/66, effective 2/1/67.]

WAC 16-540-070 Effective time. This marketing order for mint shall become effective after having been approved by at least 51 percent of the producers of mint having at least 65 percent of the volume of mint produced, or by at least 65 percent of the producers of mint having at least 51 percent of the volume of mint produced, and after having been filed with the code reviser for not less than thirty days. [Article VII, filed 12/20/66, effective 2/1/67.]

WAC 16-540-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances or thing shall not be affected thereby. [Article VIII, § A, filed 12/20/66, effective 2/1/67.]

WAC 16-540-110 Time and procedure for reporting and remitting assessments. Each first purchaser shall file a report on or before the 20th of each month covering mint oil purchased during the preceding month. Assessment reports shall contain the following information: Name and mailing address of first purchaser filing the report; name, mailing address, pounds of oil, and total assessment withheld for each producer from whom mint oil was purchased during the reporting period; total pounds of oil reported and total assessment remitted. [Order 1, § 16-540-110, filed 3/9/70.]

Chapter 16-550 WAC
BLUEBERRY

WAC

16-550-010 Definitions of terms.
16-550-020 Blueberry commodity board.
16-550-030 Marketing order purposes.
16-550-040 Assessments and collections.
16-550-050 Obligations of the board.
16-550-060 Termination of the order.
16-550-070 Effective time.
16-550-080 Separability.
16-550-500 Time, place, method for payment and collection of assessments.

WAC 16-550-010 Definitions of terms. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association or corporation.

(5) "Affected producer" means any person who produces blueberries in commercial quantities in the state of Washington.

(6) "Commercial quantity" means any blueberries produced for a market by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing or distributing blueberries not produced by him.

(8) "Blueberry commodity board" hereinafter referred to as "board" means the commodity board formed under

the provisions of WAC 16-550-020 of this blueberry order.

(9) "Blueberries" means and includes all kinds, varieties, and hybrids of "vaccinium corym bosum" and "vaccinium australe" grown and marketed in the state of Washington.

(10) "Marketing season" or "fiscal year" means the twelve-month period beginning with July 1 of any year and ending with the last day of June following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to blueberries. A producer-handler shall be deemed to be a producer with respect to the blueberries which he produces and a handler with respect to the blueberries which he handles, including those produced by himself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(14) "Affected unit" means one pound net of blueberries. [Order 1116, § 16-550-010, filed 5/14/69, effective 6/15/69.]

WAC 16-550-020 Blueberry commodity board. (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of seven members. Six members shall be affected producers elected as provided in this article. The director shall appoint one member of the board who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the entire state of Washington.

(3) **Board membership qualifications.**

(a) The affected producer members of the board shall be practical producers of blueberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing blueberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(4) **Term of office.**

(a) The term of office for members of the board shall be three years and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six and the member appointed by the director position seven.

(c) The term of office for the initial board members shall be as follows:

Positions one and two – until June 30, 1970

Positions three and four – until June 30, 1971

Positions five, six and seven – until June 30, 1972

(5) **Nomination and election of board members.**

(a) Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such meeting and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers.

(b) At the inception of this order, nominations may be made at the issuance hearing.

(6) **Election of board members.**

(a) Members of the board shall be elected by secret mail ballot within the month of May under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board member.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary, but each member shall receive not to exceed fifteen dollars per day and shall be reimbursed for subsistence and traveling expenses at a rate not to exceed that allowed by law to state employees.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from monies collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish a "blueberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) **Procedures for board.**

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular wire news services and radio–television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings of the board with reasonable notice to the members: *Provided,* That the notice of any special meeting may be waived by a waiver thereof by each member of the board. [Order 1116, § 16–550–020, filed 5/14/69, effective 6/15/69.]

WAC 16-550-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of blueberries to help themselves establish orderly, fair, sound, efficient, unhampered marketing; facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry.

(1) To carry out the purposes of the order, the board may provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for advertising, sales, promotion and/or other programs for advertising, sales, promotion and/or other programs for maintaining present markets and/or creating new or larger markets for blueberries. Such programs shall be directed toward increasing the sale of blueberries without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of blueberries nor disparage the quality, value, sale or use of any other agricultural commodity.

(b) Provide for research in the production, processing and/or marketing of blueberries and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide by rules and regulations for:

(i) Establishing uniform labels and labeling requirements for blueberries or any products thereof, requiring producers, handlers and other persons to conform to standards for the placing of labels, trademarks, insignia or brands on containers or packages: *Provided*, That all licensed blueberry dealers and brokers are entitled to use on the face of their product any particular trademark, insignia, brand or label that they may now have or will have. That established brands, labels, trademarks or insignias may be properly used in selling or commercially disposing of blueberries and blueberry products or in offering the same for sale, advertising and/or delivering said blueberries or blueberry products;

(ii) Providing for inspection and enforcement to ascertain and effectuate compliance;

(iii) Establishing rules and regulations respecting the foregoing.

(d) The board may authorize use of any money received and of any persons employed thereunder for legal proceedings, of any type and in the name of any person, directed to enforcement of this or any other law in force in the state of Washington relating to the prevention of unfair trade practices.

(e) Provide for marketing information and services to affected producers, for the verification of grades, standards, weights, tests and sampling of quality and quantity of blueberries purchased by handlers from affected producers. [Order 1116, § 16-550-030, filed 5/14/69, effective 6/15/69.]

WAC 16-550-040 Assessments and collections. (1) **Assessments.**

(a) The annual assessment on all varieties of blueberries shall be one-half cent per affected unit (pound).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized, to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable. [Statutory Authority: Chapter 15.65 RCW. 79-01-046 (Order 1594), § 16-550-040, filed 12/21/78; Order 1116, § 16-550-040, filed 5/14/69, effective 6/15/69.]

WAC 16-550-050 Obligations of the board. Obligations incurred by the board or employee or agent, thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee or agent incurred in their official capacity under this order shall exist either against the board, officers, employees and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member. [Order 1116, § 16-550-050, filed 5/14/69, effective 6/15/69.]

WAC 16-550-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of

the act whether such termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season. [Order 1116, § 16–550–060, filed 5/14/69, effective 6/15/69.]

WAC 16–550–070 Effective time. This marketing order for blueberries shall become effective on and after June 15, 1969. [Order 1116, § 16–550–070, filed 5/14/69, effective 6/15/69.]

WAC 16–550–080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances or thing shall not be affected thereby. [Order 1116, § 16–550–080, filed 5/14/69, effective 6/15/69.]

WAC 16–550–500 Time, place, method for payment and collection of assessments. Effective with the growing season of 1969, the following procedure is established for the reporting and paying assessments levied pursuant to section RCW 15.65.410 and WAC 16–550–040:

(1) All first handlers of blueberries for resale or for processing shall withhold the amount of the assessment from their remittances to growers and transmit same to the commission.

(2) All growers selling blueberries other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, shall pay the assessment directly to the commission.

(3) All growers having blueberries in cold storage that are not sold on October 31 of each year, shall compute the assessment due on such berries and pay same to the commission.

(4) All assessments for the crop year are due and payable to the commission on or before October 31 of each year.

(5) Any assessments paid on or after December 1 shall be accompanied with a penalty fee of 10% as provided in RCW 15.65.440 of the act. [Order 1, § 16–550–500, filed 7/10/69.]

Chapter 16–560 WAC
WASHINGTON TREE FRUIT RESEARCH COMMISSION

WAC

16–560–005 Authority and purpose.
16–560–010 Withholding assessments by first handler.
16–560–020 Payment of assessment by first handler.
16–560–030 Collection and remittance of assessments on processing apples.
16–560–040 Collection of assessments by state department of agriculture.
16–560–050 Payments to tree fruit research commission.
16–560–060 Reports of dealer, handler, and processor.
16–560–06001 Assessment rates.

WAC 16–560–005 Authority and purpose. These rules are promulgated by the Washington tree fruit research commission pursuant to the authority granted by chapter 15.26 RCW and in accordance with procedures required under chapter 1–12 WAC. The purpose of administrative rules and regulations adopted under this chapter is to administer and carry out the provisions of chapter 15.26 RCW. [Order 4, § 16–560–005, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16–560–010 (part).]

WAC 16–560–010 Withholding assessments by first handler. All dealers, handlers, or processors who purchase commercial tree fruit from a producer for sale, processing, or shipment anywhere, shall withhold the assessment due and payable the Washington tree fruit research commission by producers of such commercial tree fruit unless adequate evidence is supplied by such producer that payment of the assessment has been or will have been made directly by himself. The first handler is responsible for payment of the research assessment, but he shall charge the same against the producer, who is finally responsible for such assessment. A producer who transports his own fruit or fruit on consignment to fresh market is deemed to be a first handler. [Order 4, § 16–560–010, filed 4/30/70; Emergency Order 3, filed 3/11/70; Order 2, § 16–560–010, Regulations 1, 2, 3, filed 9/26/69.]

WAC 16–560–020 Payment of assessment by first handler. All first handlers shall remit such assessment to the Washington state apple advertising commission, when such assessment has been withheld for apples, and such remittance shall be made in the same manner and time as assessments due the said Washington state apple advertising commission for apple advertising assessments; and to the Washington state fruit commission, when such assessment has been withheld for any other tree fruit, including winter pears, and such remittance shall be made in the same manner and time as assessments due the said Washington state fruit commission. [Order 4, § 16–560–020, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16–560–010 (part).]

WAC 16–560–030 Collection and remittance of assessments on processing apples. The Washington state apple advertising commission is hereby designated to collect assessments due and payable to the Washington tree fruit research commission on processing apples as defined in RCW 15.24.010(6). The Washington tree fruit research commission will prescribe the official form to be used by the Washington apple advertising commission and all dealers, handlers and processors handling processing apples in the collection and payment of such assessments. The Washington state apple advertising commission shall determine the manner and time of payment of such assessments in conformance with its system of assessment collections. The remittance of such assessments collected on processing apples shall be made by the Washington apple advertising commission to the

Washington tree fruit research commission, in conformance with WAC 16-560-050. [Order 4, § 16-560-030, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

WAC 16-560-040 Collection of assessments by state department of agriculture. The Washington state department of agriculture may upon request of the Washington tree fruit research commission collect any or all assessments due and payable to the Washington tree fruit research commission. [Order 4, § 16-560-040, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

WAC 16-560-050 Payments to tree fruit research commission. All assessments collected by the Washington state apple advertising commission, the Washington state fruit commission, and the Washington state department of agriculture shall be paid to the Washington tree fruit research commission within thirty days of such collection. [Order 4, § 16-560-050, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

WAC 16-560-060 Reports of dealer, handler, and processor. Every dealer, handler and processor shall annually, within thirty days following each August 31, file with the Washington tree fruit research commission a report, under oath, on forms prescribed and furnished by said commission, stating the quantity of apples covered by the provisions of the Tree Fruit Research Act handled, shipped or processed by him during the twelve-month period immediately preceding said August 31. Said return shall in addition identify each person from whom said apples were received and the amount of apples furnished by each said person. All said returns shall be submitted directly to the Washington state apple advertising commission as the designated agent for audit and collection of assessments levied on apples pursuant to the provisions of the Tree Fruit Research Act. The above is to conform with RCW 15.26.190. [Order 4, § 16-560-060, filed 7/17/72.]

WAC 16-560-06001 Assessment rates. There is hereby levied on all commercial tree fruit produced in this state or held out as being produced in this state for fresh or processing use, an assessment of twenty-five cents per ton on all such tree fruit: *Provided*, That such assessment for cherries shall be two dollars per ton: *Provided further*, That such assessment for apples for fresh shipment shall be at the rate of one and one-quarter cents per hundred pounds gross billing weight. [Statutory Authority: RCW 15.26.140. 80-05-091 (Order 6, Resolution 6), § 16-560-06001, filed 5/1/80; Order 5, § 16-560-060 (codified as WAC 16-560-06001), filed 3/8/74.]

Chapter 16-561 WAC
WASHINGTON RED RASPBERRY COMMISSION

WAC

16-561-010 Definition of terms.
16-561-020 Red raspberry commodity board.
16-561-030 Marketing order purposes.
16-561-040 Assessments and collections.
16-561-041 Time—Place—Method for payment and collection of assessments.
16-561-050 Obligations of the board.
16-561-060 Termination of the order.
16-561-070 Effective time.
16-561-080 Separability.

WAC 16-561-010 Definition of terms. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces raspberries in commercial quantities for fresh market, for processing, or for sale to processors in the state of Washington.

(6) "Commercial quantity" means any raspberries produced for a market in quantities of three tons (6,000 pounds) or more, by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, storing, freezing, or distributing raspberries not produced by him.

(8) "Red raspberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-561-020.

(9) "Raspberries" means and includes all kinds, varieties, and hybrids of "RUBUS IDAEUS" of red color grown and marketed in the state of Washington.

(10) "Marketing season" or "fiscal year" means the twelve-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to raspberries. A producer-handler shall be deemed to be a producer with respect to the raspberries which he produces and a handler with respect to the raspberries which he handles, including those produced by himself.

(12) "Affected area" means that portion of the state of Washington located west of the summit of the Cascade Mountains.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means one pound net of raspberries. [Statutory Authority: RCW 15.65.180. 83-24-028 (Order 1809), § 16-561-010, filed 12/1/83; Order 1478, § 16-561-010, filed 7/29/76.]

WAC 16-561-020 Red raspberry commodity board. (1) ADMINISTRATION. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) BOARD MEMBERSHIP.

(a) The board shall consist of eight members. Seven members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be that portion of the state of Washington located west of the summit of the Cascade Mountains and shall be divided into three representative districts as follows:

(i) District I shall have three board members, being positions 2, 3, and 6, and shall include the counties of Island, San Juan, Skagit, Snohomish, and Whatcom.

(ii) District II shall have three board members, being positions 1, 4, and 7, and shall include the counties of Clallam, Grays Harbor, Jefferson, King, Kitsap, Mason, Pierce, and Thurston.

(iii) District III shall have one board member, being position 5, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum.

(3) BOARD MEMBERSHIP QUALIFICATIONS. The affected producer members of the board shall be practical producers of raspberries and shall be citizens and residents of the state of Washington, over the age of twenty–five years, each of whom is and has been actually engaged in producing raspberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer–handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) TERM OF OFFICE.

(a) The term of office, for members of the board shall be three years, and one–third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven and the member appointed by the director, position eight.

(c) The term of office for the initial board members shall be as follows:

Positions one and two – one year;

Positions three, four, and five – two years;

Positions six, seven, and eight – three years.

(d) No elected member of the board may serve more than two full consecutive three–year terms.

(5) NOMINATION AND ELECTION OF BOARD MEMBERS. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this order, nominations may be made at the issuance hearing.

(6) ELECTION OF BOARD MEMBERS.

(a) Members of the board shall be elected by secret mail ballot within the month of June under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run–off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) VACANCIES PRIOR TO ELECTION. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) QUORUM. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) BOARD COMPENSATION. No member of the board shall receive any salary or other compensation, but each member shall receive $35.00 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) POWERS AND DUTIES OF THE BOARD. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from monies collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish a "raspberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not-to-exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) PROCEDURES FOR BOARD.

(a) The board shall hold regular meetings, at least quarterly, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board. [Statutory Authority: RCW 15.65.180. 83-24-028 (Order 1809), § 16-561-020, filed 12/1/83; Order 1478, § 16-561-020, filed 7/29/76.]

WAC 16-561-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of raspberries to help themselves establish orderly, fair, sound, efficient, unhampered marketing; facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry. To carry out the purposes of the order, the board may provide for a program in one or more of the following areas:

(1) Establish plans and conduct programs for advertising, sales, promotion, and/or other programs for maintaining present markets and/or creating new or larger markets for raspberries. Such programs shall be directed toward increasing the sale of raspberries without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of raspberries nor disparage the quality, value, sale, or use of any other agricultural commodity.

(2) Provide for research in the production, processing, and/or marketing of raspberries and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(3) Provide for marketing information and services to affected producers, for the verification of grades, standards, weights, tests, and sampling of quality and quantity of raspberries purchased by handlers from affected producers and for the purpose of facilitating the efficient marketing of raspberries. [Statutory Authority: RCW 15.65.180. 83-24-028 (Order 1809), § 16-561-030,

filed 12/1/83; Order 1478, § 16-561-030, filed 7/29/76.]

WAC 16-561-040 Assessments and collections. (1) **Assessments.**

(a) The annual assessment on all varieties of raspberries shall be one-half cent per affected unit (pound).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable. [Statutory Authority: Chapter 15.65 RCW. 81-09-003 (Order 1728), § 16-561-040, filed 4/6/81; Order 1478, § 16-561-040, filed 7/29/76.]

WAC 16-561-041 Time--Place--Method for payment and collection of assessments. Effective with the growing season of 1977, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-561-040:

(1) All first handlers of raspberries for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. Where the first handler does not remit proceeds to the producer, the first handler shall include in his bill for services the assessment due and upon payment by the producer shall remit same to the commission. All such assessments accumulated in one calendar week will be due and payable to the commission on or before the end of the following calendar week. First handlers shall submit to the commission on or before September 30 of each year, a report listing the name, address, pounds handled or purchased, and amount deducted or collected for each producer on forms provided by the commission.

(2) All growers selling raspberries other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, shall pay the assessment directly to the commission, on or before September 30 of each year.

(3) All growers having raspberries in cold storage that are not sold on September 15 of each year, shall compute the assessment due on such berries and pay same to the commission by September 30 of each year.

(4) Any assessments paid after the above deadlines shall be accompanied by a penalty fee of 10% as provided in RCW 15.65.440 of the act. [Statutory Authority: RCW 15.65.180. 83-24-028 (Order 1809), § 16-561-041, filed 12/1/83; Order 1, § 16-561-041, filed 6/3/77.]

WAC 16-561-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member

shall be liable for the default of any other member. [Order 1478, § 16-561-050, filed 7/29/76.]

WAC 16-561-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season. [Order 1478, § 16-561-060, filed 7/29/76.]

WAC 16-561-070 Effective time. The marketing order for raspberries shall become effective on and after September 1, 1976. [Order 1478, § 16-561-070, filed 7/29/76.]

WAC 16-561-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby. [Order 1478, § 16-561-080, filed 7/29/76.]

Chapter 16-565 WAC
WASHINGTON CRANBERRY COMMISSION

WAC

16-565-010 Definition of terms.
16-565-020 Cranberry commodity board.
16-565-030 Marketing order purpose.
16-565-040 Assessments and collections.
16-565-041 Time, place, and method for payment and collection of assessments.
16-565-050 Obligations of the board.
16-565-060 Termination of the order.
16-565-070 Separability.

WAC 16-565-010 Definition of terms. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces cranberries in the state of Washington, in commercial quantities for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any cranberries produced for a market, by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing cranberries not produced by him.

(8) "Cranberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-565-020.

(9) "Cranberries" means and includes all kinds, varieties, and hybrids of "*vaccinium macrocarpon*" grown and marketed in the state of Washington.

(10) "Fiscal year" means the twelve-month period beginning with September 1 of any year and ending with the last day of August following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to cranberries. A producer-handler shall be deemed to be a producer with respect to the cranberries which he produces and a handler with respect to the cranberries which he handles, including those produced by himself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade, other than those sold retail by the producer.

(14) "Affected unit" means one hundred pounds (barrel) net of cranberries.

(15) "Substantial portion" means five percent or more. [Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-010, filed 9/12/80, effective 10/13/80.]

WAC 16-565-020 Cranberry commodity board. (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of eight members. Seven members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the state of Washington and shall be divided into three representative districts as follows:

District I shall have two board members, being positions 1 and 2, and shall comprise that portion of Pacific County lying south of the Willapa River.

District II shall have four board members, being positions 3, 4, 5, and 6, and shall comprise that portion of Pacific County and that portion of Grays Harbor County lying between the Willapa River and the Chehalis River.

District III shall have one board member, being position 7, and shall comprise the rest of the state.

(3) **Board membership qualifications.** The affected producer members of the board shall be practical producers of cranberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing cranberries within the state of Washington for a period of five years and has, during that time, derived

a substantial portion of his income therefrom. Producer–handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) **Term of office.**

(a) The term of office for members of the board shall be three years, and one–third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven and the member appointed by the director, position eight.

(c) The term of office for the initial board members shall be as follows:

Positions one and three – one year;

Positions four and five – two years;

Positions two, six, seven, and eight – three years.

(d) No elected member of the board may serve more than two full consecutive three–year terms.

(5) **Nomination and election of board members.** Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this order, nominations may be made at the issuance hearing.

(6) **Election of board members.**

(a) Members of the board shall be elected by secret mail ballot within the month of June under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run–off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member shall receive per diem in accordance with RCW 15.65.270 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, and travel expenses at the rates allowed state employees.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish a "cranberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not–to–exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such

bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) **Procedures for board.**

(a) The board shall hold regular meetings, at least quarterly, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board. [Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-020, filed 9/12/80, effective 10/13/80.]

WAC 16-565-030 Marketing order purpose. The order is to promote the general welfare of the state to enable producers of cranberries to help themselves develop production methods and/or programs for the control of diseases, insects, weeds, and other problems associated with cranberry production and to provide for the dissemination of information to the affected producers.

Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board. [Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-030, filed 9/12/80, effective 10/13/80.]

WAC 16-565-040 Assessments and collections. (1) **Assessments.**

(a) The annual assessment on all varieties of cranberries shall be five cents per affected unit (100 lbs.).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable. [Statutory Authority: Chapter

15.65 RCW. 80-13-037 (Order 1713), § 16-565-040, filed 9/12/80, effective 10/13/80.]

WAC 16-565-041 Time, place, and method for payment and collection of assessments. Effective with the 1981 crop, the following procedure is established for the reporting and payment of assessments levied pursuant to RCW 15.65.410 and WAC 16-565-040:

(1) All first handlers of cranberries for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. All such assessments are due and payable on or before February 28 following the harvest period.

(2) All growers selling cranberries other than to first handlers for resale, including selling direct or through brokers, and including all sales at retail, shall pay the assessment directly to the commission on or before February 28 following the harvest period.

(3) Any assessment paid after the above deadline shall be accompanied by a penalty fee of ten percent as provided for in RCW 15.65.440. [Statutory Authority: RCW 15.65.410. 81-19-109 (Order 1, Resolution 1), § 16-565-041, filed 9/22/81.]

WAC 16-565-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member. [Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-050, filed 9/12/80, effective 10/13/80.]

WAC 16-565-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season. [Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-060, filed 9/12/80, effective 10/13/80.]

WAC 16-565-070 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby. [Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-070, filed 9/12/80, effective 10/13/80.]

Chapter 16-600 WAC
HONEY

WAC

16-600-001 Promulgation.
16-600-010 Grades to be uniform with federal grades.
16-600-020 Use of Washington state honey seal.

WAC 16-600-001 Promulgation. I, Sverre N. Omdahl, director of agriculture, by virtue of authority vested in me in RCW 69.28.020, do hereby promulgate the following laws and regulations. [Order 581, Promulgation, effective 7/17/50.]

WAC 16-600-010 Grades to be uniform with federal grades. Effective immediately, grades of honey sold in the state of Washington shall be uniform with the federal grades for extracted honey, comb honey and cut-comb honey. [Order 431, effective 7/10/45.]

WAC 16-600-020 Use of Washington state honey seal. Any person, persons, firms or company may, by making application to the Washington state department of agriculture, and entering into an agreement with the Washington state department of agriculture, be granted the authority to have a facsimile of the Washington state honey seal printed on the label or carton of honey to be sold in the state of Washington, as prescribed by law. [Order 581, effective 7/17/50.]

Chapter 16-602 WAC
APIARIES

WAC

16-602-010 Apiary board, area boundaries.
16-602-020 Apiary inspection fees.
16-602-030 Colony strength.

WAC 16-602-010 Apiary board, area boundaries. Area 1. Area 1 shall include the counties of Whatcom, San Juan, Island, Skagit, Snohomish and King.

Area 2. Area 2 shall include the counties of Pierce, Kitsap, Clallam, Jefferson, Grays Harbor, Mason, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark and Skamania.

Area 3. Area 3 shall include the counties of Kittitas, Yakima, Klickitat and Benton.

Area 4. Area 4 shall include the counties of Okanogan, Chelan and Douglas.

Area 5. Area 5 shall include the counties of Grant, Adams, Franklin, Walla Walla, Columbia, Garfield, Asotin and Whitman.

Area 6. Area 6 shall include the counties of Spokane, Lincoln, Ferry, Stevens and Pend Oreille. [Statutory Authority: Chapter 15.60 RCW. 78-04-062 (Order 1551), § 16-602-010, filed 3/31/78.]

WAC 16-602-020 Apiary inspection fees. (1) Certification of honey bees for out-of-state movement – $12.00 per hour.
Colony strength inspection – $12.00 per hour
All other inspection – $12.00 per hour

(2) For all inspection services performed after 5:00 p.m. or on Saturdays, or Sundays, or state legal holidays, an hourly charge equivalent of $18.00 per hour for actual hours spent in performance of duties must be made.

(3) The following state legal holidays will be observed: New Year's Day, Veterans Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the day following Thanksgiving Day, Christmas Day, Lincoln's Birthday and Washington's Birthday. NO SERVICE will be performed on Thanksgiving Day, Christmas Day or New Years Day, beginning at 5:00 p.m. on the previous day.

(4) Mileage. Whenever necessary, mileage will be charged at the rate established by the state office of financial management. [Statutory Authority: Chapter 15-.60 RCW. 78-10-071 (Order 1582), § 16-602-020, filed 9/27/78.]

WAC 16-602-030 Colony strength. The official minimum standard required for colony strength certification in the state of Washington shall be six frames, two-thirds covered with bees at a temperature of 65° Fahrenheit. It shall remain at this strength continuously from year to year unless, in a given year, the director by his own motion or upon the advice of apiary advisory board determines that a new standard may need to be established, in which case he will hold a hearing on this issue in accordance with chapter 34.04 RCW. [Statutory Authority: Chapter 15.60 RCW. 78-10-071 (Order 1582), § 16-602-030, filed 9/27/78.]

Chapter 16-604 WAC
PUBLIC LIVESTOCK MARKETS--HEALTH, BRANDS AND WEIGHTS AND MEASURES

WAC

16-604-001 Promulgation.
16-604-002 Promulgation.
16-604-003 Promulgation.
16-604-009 Definitions.
16-604-010 Brand inspection regulations.
16-604-020 Facilities and sanitation.
16-604-025 Health regulations.
16-604-030 Scale installation regulations.
16-604-040 Penalty.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-604-100, 16-604-110, 16-604-120, 16-604-130, 16-604-140, 16-604-150. [Order 958, Promulgation, and Regulations 1-5, filed 8/31/64.] Superseded by Order 1059, Promulgation, Regulations 1-6, filed 7/24/67, effective 8/23/67. Later promulgation, see WAC 16-604-001 through 16-604-040.

WAC 16-604-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapters 16.36, 16.57, 16.65, 19.93, and 16.40 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on July 18, 1967, do promulgate the following regulations. [Order 1059, Promulgation, filed 7/24/67, effective 8/23/67; Order 1025, Promulgation, filed 7/22/66; Order 954, Promulgation, filed 8/20/64; Order 913, filed 4/1/63; Order 853, effective 7/19/61; Order 788, effective 6/17/59.]

WAC 16-604-002 Promulgation. (This promulgation relates only to WAC 16-604-009 and 16-604-010.)

I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.57 RCW and after due notice as provided under chapters 34.04 and 42.32 RCW and a public hearing held in Olympia, Washington, November 13, 1968, do hereby promulgate the following regulations relating to brand inspection; and amending Regulation 1, Order No. 1059 and WAC 16-604-009 and Regulation 2, Order No. 1059 and WAC 16-604-010. [Order 1102, Promulgation, § 16.604.002 (codified as WAC 16-604-002), filed 11/18/68, effective 12/19/68.]

WAC 16-604-003 Promulgation. (This promulgation relates only to WAC 16-604-20 and 16-604-25.)

I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapters 16.36 and 16.40 RCW, and after due notice as provided chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington, December 1, 1970, do hereby promulgate the following regulations relating to facilities and health regulations, and amending Regulation 3, Order No. 1102, WAC 16-604-20, and Regulation 4, Order No. 1102, WAC 16-604-25. [Order 1174, § 16-604-003, filed 12/15/70.]

WAC 16-604-009 Definitions. For the purposes of this order:

(1) "Market" means public livestock market as defined in RCW 16.65.010(1).

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department or his duly authorized representative.

(4) "Licensee" means any person licensed to operate a market.

(5) "Livestock" except as used in the brand inspection regulations of this order means all cattle, horses, mules, swine, sheep, goats, poultry and rabbits.

(6) "Livestock" as used in the brand inspection regulations of this order means all cattle of whatever species, breed or age.

(7) "Lot" means livestock of one ownership. [Order 1102, § 16.604.009 (codified as WAC 16-604-009), filed 11/18/68; Order 1059, Regulation 1, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 1, filed 7/22/66, effective 8/22/66.]

WAC 16-604-010 Brand inspection regulations. (1) All livestock before being offered for sale at any market shall be brand inspected by a regulatory officer of this state.

(2) Whenever any livestock is offered for sale at a market and not sold, the identical animals may be offered for sale at the same market within eight days of the original inspection date without being required to pay a second brand inspection fee, upon presentation of the prior brand inspection certificate. In any such instance the unsold livestock must be presented for brand inspection without any animals having been taken from, or other animals having been added to, such lot or group of livestock and must be retained on the premises where first offered for sale within the time limit specified above.

(3) It shall be the responsibility of the licensee to identify each head of cattle consigned to a market by placing a numbered tag or other method of identification as approved by the director on each animal before the livestock are brand inspected, except certain lots of one brand cattle or lots of no brand cattle under one year of age may be exempted by the regulatory officer. The licensee shall provide the regulatory officer with a sale ticket or sale sheet immediately after the animal is sold which shall show the name of the new buyer and the number identifying the animals.

(4) Adequate facilities and space shall be provided for inspection for brands or other identifying characteristics, such facilities to be approved by the director. The market or the consignor shall at the request of the regulatory officer make visible the brand or brands on the animal. Brand inspection facilities shall be approved by the director and shall consist of:

(a) Adequate covered chute or chutes and work space adjacent;

(b) Adequate office facilities;

(c) Electrical outlets for clippers at chutes;

(d) Adequate lighting of chutes.

(5) No person shall remove any livestock from the premises of any market without first obtaining a signed release from the licensee: *Provided*, The licensee or any agent or employee thereof shall not allow the removal of any livestock from the premises of the market without first obtaining a brand inspection clearance of the livestock to be removed: *Provided further*, That horses, swine, sheep, poultry and rabbits will be exempt from the brand inspection requirements of this regulation. [Order 1102, § 16.604.010 (codified as WAC 16-604-010), filed 11/18/68, effective 12/19/68; Order 1059, Regulation 2, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 2, filed 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 788, effective 6/17/59.]

WAC 16-604-020 Facilities and sanitation. (1) Licensees shall provide facilities and sanitation for the prevention of livestock diseases at their public livestock markets, as follows:

(a) The licensee shall be responsible for the moving and yarding of livestock necessary for brand inspection. Personnel employed by the salesmarket will be required to sort and designate any apparent unhealthy animals before they are admitted into trade channels.

(b) The floors of all pens and alleys that are part of a public livestock market shall be constructed of concrete or similar impervious material and kept in good repair, with a slope of not less than one-fourth inch per foot to adequate drains leading to an approved system: *Provided*, That the director may designate certain pens within such public livestock markets as feeding and holding pens and the floors and alleys of such pens shall not be subject to the aforementioned surfacing requirements.

(c) Feeding and holding pens maintained in an area adjacent to a public livestock market shall be constructed and separated from such public livestock market, in a manner prescribed by the director, in order to prevent the spread of communicable diseases to the livestock sold or held for sale in such public livestock market.

(d) All yards, chutes and pens used in handling livestock shall be constructed of such material which will render them easily cleaned and disinfected, and such yards, pens and chutes shall be kept clean, sanitary and in good repair at all times, as required by the director.

(e) Sufficient calf pens of adequate size to prevent overcrowding shall be provided, and such pens when used shall be cleaned and disinfected no later than the day subsequent to each sale.

(f) All swine pen facilities shall be covered and when used shall be cleaned and disinfected no later than the day subsequent to each sale.

(g) A water system carrying a pressure of forty pounds and supplying sufficient water to thoroughly wash all pens, floors, alleys and equipment shall be provided.

(h) Sufficient quarantine pens of adequate capacity shall be provided. Such pens shall be used to hold only cattle reacting to brucellosis and tuberculosis or to quarantine livestock with other contagious or communicable diseases and shall be:

(i) Hard surfaced with concrete or similar impervious material and shall be kept in good repair.

(ii) Provided with separate watering facilities.

(iii) Painted white with the word "quarantine" painted in red letters not less than four inches high on such quarantine pen's gate.

(iv) Provided with a tight board fence not less than five and one-half feet high.

(v) Cleaned and disinfected not later than one day subsequent to the date of sale.

To prevent the spread of communicable diseases among livestock, the director shall have the authority to cause the cleaning and disinfecting of any area or all areas of a public livestock market and equipment or vehicles with a complete coverage of disinfectants approved by the director.

(2) For the purpose of tracing dealer consigned livestock to herds of origin for health purposes, the certificate of permit (S.F. No. 4847) will be the accepted document for transferring tracing information to the director at the market. The dealer shall:

(a) Record on the back of the state copy of the certificate of permit signed by the original owner the number(s) of the back tag(s) applied at the salesyard and submit this copy to the director before the animal is offered for sale at the market.

(b) Exceptions – this section does not apply to dairy cattle under twenty months of age nor beef cattle under twenty-four months of age. [Order 1174, § 16-604-020, filed 12/15/70; Order 1059, Regulation 3, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 3, filed 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 853, filed 6/19/61; Order 788, effective 6/17/59.]

WAC 16-604-025 Health regulations. (1) The director shall require such testing, treating, identifying, examining and record keeping of livestock by a deputy state veterinarian as in the director's judgment may be necessary to prevent the spread of brucellosis, tuberculosis, paratuberculosis, hog cholera or any other infectious, contagious or communicable disease among the livestock of this state.

(2) For livestock health purposes, the director shall establish procedures for inspection of livestock markets for compliance with sanitary requirements and to observe livestock being handled. Such inspections shall be conducted by inspection personnel working under the jurisdiction of the director. Such inspectors will not issue health certificates, perform "private treaty work" or engage in functions other than those in connection with surveillance for communicable, infectious animal diseases and sanitary measures. Operators of markets may arrange with private veterinary practitioners to perform animal health inspections, issue health certificates, perform private treaty work, etc. Departmental inspectors will work in cooperation with any such private veterinary practitioners in performing yard inspections.

(3) Markets handling swine shall be required to provide veterinary health inspection of all swine received, handled or sold. This action is required under Joint State-Federal Cooperative Program for the eradication of hog cholera and to maintain the status as a hog cholera state.

(4) All animals consigned to market from out-of-state must be accompanied by an official health certificate signed by an accredited veterinarian in the state of origin. Such animals not so accompanied shall be announced in the ring as illegal entry livestock and may leave the yard to points in Washington under quarantine at destination.

(5) No livestock may leave the market for points outside the state of Washington without first obtaining an official health certificate meeting the requirements of the state of destination.

(6) Any animal or animals which have been found by the inspector to be diseased or unhealthy shall be handled in accordance with instructions of a veterinarian as to disposition. He may require they be marked "slaughter only" and be sold only to immediate slaughter; require they be sold "as is" with an announcement; require they be returned to consignor with or without quarantine; or require they be held under quarantine in the yard.

(7) Brucellosis. (a) All cattle originating from a brucellosis free herd, area or state are exempt from brucellosis testing.

(b) All female cattle, bulls and goats originating from less than a brucellosis free herd, area, or state shall be accompanied by an official health certificate and must be negative to a brucellosis test within thirty days prior to entry into the state of Washington. Steers, spayed heifers and official vaccinates of the dairy breeds under twenty months of age, and official vaccinates of the beef breeds under twenty-four months of age are exempt from the testing requirements.

(c) Cattle may be shipped to Washington markets specifically approved under Title 9, Part 78, CFR, without health certificates or burcellosis testing, and may be moved from the approved market to a licensed slaughter establishment for immediate slaughter or to a registered quarantined feed lot after veterinary inspection. Cattle so consigned are exempt from brucellosis test requirement. Cattle moved from the approved market to other than a licensed slaughter establishment or a registered quarantine feed lot must meet Washington import regulations and moved on official health certificate issued by the market veterinarian.

(d) Animals released from Washington markets to points outside the state shall be in compliance with Federal Interstate Regulations and must meet the import requirements of the receiving state.

(e) Salesyard brucellosis reactors will be:

(i) Tagged with reactor identification tags in the left ear and branded "B" on the left jaw.

(ii) Placed in a "quarantine pen."

(iii) Sold at the close of the regular sale to licensed slaughterer or their designated agent operating under federal or state inspection.

(iv) The veterinarian shall issue ADE Form 1-27 on all reactors immediately after their sale and the pink copy (duplicate) must accompany the animals to slaughter. The original copy is to be mailed immediately to the supervisor of animal industry, Olympia, and the triplicate mailed to the veterinary meat inspector in

charge of the slaughtering establishment to which the reactors are consigned.

(v) All brucellosis reactors must be consigned and transported directly to a licensed slaughtering establishment for immediate slaughter, and cannot be transported with any animals not so consigned. All trucks and railway cars or other conveyances used for the transportation of such reactors shall be cleaned and disinfected at destination under state and federal supervision.

(vi) Heifer calves of dairy breeds three to eight months (90 – 239 days) of age or heifer calves of beef breeds three to eleven months (90 – 299 days) of age may be vaccinated at the market for brucellosis upon request at no state–federal expense.

(8) Tuberculosis. Tuberculosis reactors will be handled as in subdivision (e), item (ii), (iii), (iv), and (v), this order, after being identified by a reactor identification tag in the left ear, and branded "T" on the left jaw.

(9) Immediate slaughter livestock. (a) Livestock purchased through a market for slaughter in the state of Washington may be consigned only to a licensed slaughtering establishment, registered quarantined feed lot, or another market for sale for immediate slaughter. Such animals will be cleared from the market on Washington state slaughter cattle brand certificate and must reach the declared point of destination at slaughter establishment or registered quarantined feed lot within ten days of first being declared immediate slaughter livestock. Identification tags may not be removed and clearance papers must be presented with the animals at declared point of destination and livestock shall not be diverted to any other point.

(b) Cattle that have been declared immediate slaughter cattle shall not be commingled with cattle not so declared.

(c) No Washington state slaughter cattle brand certificate will be issued at any market unless the purchaser first certifies the exact name and address of the destination of such domestic animals or animal and such animals are identified to herd of origin in a manner prescribed by the director.

(10) Health of swine. (a) Intrastate consignments. Washington swine that are healthy, unexposed and not under quarantine may enter and leave any market in the state after veterinary inspection.

(b) Interstate consignments. (i) Slaughter swine. Swine not known to be affected with or exposed to infectious or communicable swine diseases may be moved into the state without health certificate to a recognized slaughtering center, public stockyards under federal supervision or livestock market specifically approved under Part 76, Title 9, Code of Federal Regulations for immediate slaughter, and may not be diverted enroute. The waybills or certificates for shipment must state for "slaughter only."

(ii) Feeder and breeder swine – must have originated from states in Phase IV or hog cholera free status. Animals must be accompanied by official health certificate stating that they are clinically free of symptoms of infectious and contagious disease or exposure thereto, unless consigned to a market approved under Part 76, Title 9, CFR. The consignor and consignee will be properly listed with exact mailing addresses clearly shown. Such hogs must not come in contact with hogs from states of unlike status prior to or during shipment, and must have been transported in one continuous movement. Swine from an area less than Phase IV status will not be accepted at a livestock market.

(c) Swine brucellosis. All interstate swine over six months of age entering public livestock markets to be sold for breeding purposes must have been tested and found negative to brucellosis within thirty days prior to entry or originate in a validated brucellosis free herd. Swine not in compliance will not be sold as breeder swine. Swine originating from a herd where brucellosis is known to exist will not be sold as breeder swine.

(d) Handling of all swine at the market. (i) Swine destined for movement to states other than Washington must meet the requirements of Title 9, CFR and the current import requirements of the receiving state before being released from the market.

(ii) When the health status inspection at the market reveals suspected evidence of cholera, the entire lot shall be returned to premise of origin under quarantine, or quarantined in an "isolation pen" pending disposition in a manner approved by the director. Cleaning and disinfecting of pens and vehicles must be carried out in a manner approved by the director. [Order 1174, § 16–604–025, filed 12/15/70; Order 1059, Regulation 4, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 3, 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 853, filed 6/19/64; Order 788, effective 6/17/59.]

WAC 16–604–030 Scale installation regulations. (1) Approaches and accessibility for testing.

(a) A convenient unobstructed hard surfaced approach to the livestock scale at the scale deck level must be provided when the scale is inaccessible for a test truck.

(b) Doors and passageways shall be a minimum of six feet in width.

(2) The scale deck shall be constructed preferably of reinforced concrete with "Z" bar coping. If cleats are used which are more than 3/4" in thickness, such cleats shall be hinged or readily removable, otherwise a satisfactory covering for such cleats must be provided to allow for proper testing.

(3) The stock rack shall be securely fastened to the scale deck. There shall be a minimum clearance of 3" between the rack and surrounding dead construction. Adequate space and visibility shall be provided so that interested parties may observe the weighing operation. All dial scales used by the licensee shall be of adequate size to be readily visible to all interested parties and shall be equipped with a mechanical weight recorder. All beam scales used by the licensee shall be equipped with a balance indicator, a weigh beam and a mechanical weight recorder, all readily visible to all interested parties.

(4) The pit and foundation shall be of monolithic construction. Coping iron shall be required on all corners

adjacent to the deck. The pit shall be six feet in depth, dry and readily accessible for inspection. Electrical lighting facilities for inspection shall be provided. Exception to the six foot depth may be allowed, upon approval of the director, when conditions are sufficiently adverse. However, a minimum of two feet clearance shall always be provided between the lowest scale lever and the pit floor.

(5) The recording element shall be adequately housed for protection against wind and weather.

(6) No scales are required at markets licensed to handle horses and mules only unless animals are to be sold by weight. When animals are sold by weight, the scale requirements as shown previously shall apply. [Order 1059, Regulation 5, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 4, filed 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 788, effective 6/17/59.]

WAC 16-604-040 Penalty. The violation of any regulation set forth in this order shall constitute a violation of the applicable statute under which such regulation was adopted. [Order 1174, § 16-604-040, filed 12/15/70; Order 1059, Regulation 6, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 6, filed 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 788, effective 6/17/59.]

Chapter 16-605 WAC
LICENSING REQUIREMENTS OF COMMERCIAL FEED LOTS

WAC

16-605-001 Promulgation.
16-605-010 Facilities.
16-605-020 Audits.
16-605-030 Audit fees.
16-605-040 Approval for cattle transferred to an unlicensed feed lot.

WAC 16-605-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 181, Laws of 1971 ex. sess., after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington, on October 12, 1971, do hereby promulgate the following regulations governing minimum guidelines for licensing requirements of commercial feed lots. [Order, § 16-605-001, filed 10/21/71.]

WAC 16-605-010 Facilities. The holding pen, or pens, for livestock brand inspection at a certified feed lot shall be situated in an area immediately adjacent to the main point of delivery of cattle to such feed lot. Such holding pen, or pens, shall have a direct access to the brand inspection chute to be used by the department for brand inspection. The fences of such holding pen, or pens, shall be of such strength and height that will readily prevent cattle held therein from commingling with other cattle in the certified feed lot. Barbed wire enclosures will not be acceptable for any holding pen.

The brand inspection chute shall be the same in construction as those commonly used at public livestock markets: *Provided*, That such chutes shall conform to safety standards required by the safety division of the department of labor and industries. [Order, § 16-605-010, filed 10/21/71.]

WAC 16-605-020 Audits. For the purpose of maintaining the integrity of audits performed at certified lots, fencing shall be provided of sufficient strength and height that will readily prevent audited cattle from commingling with any other cattle. Such fences may be constructed of wood or metal, including barbed wire.

Certified feed lots shall supply the department with records on demand concerning cattle handled, and such records shall include:

1. Date cattle are received at the certified feed lot.
2. If consigned for feeding, by whom consigned.
3. If purchased, from whom purchased.
4. If cattle are sold, date of sale and to whom delivered.
5. Date custom fed cattle are delivered to the owner, consignor, or purchaser.
6. Cattle removed from certified feed lots because of mortality, disease, injury, or any other cause other than removal for normal use.

[Order, § 16-605-020, filed 10/21/71.]

WAC 16-605-030 Audit fees. Additional audit cost in excess of that for which prepayment is provided in chapter 181, Laws of 1971 ex. sess., shall be:

1. The actual hourly employee cost to the department not exceeding $50 per any regular eight-hour working day.
2. Travel costs shall be based on a fee of 9¢ per mile on the actual mileage traveled by the auditor from Moses Lake and return.

[Order, § 16-605-030, filed 10/21/71.]

WAC 16-605-040 Approval for cattle transferred to an unlicensed feed lot. Cattle received by a licensed commercial feed lot may be diverted to an unlicensed commercial feed lot for feeding upon approval of the director; provided that such diverted cattle shall not be commingled with cattle other than those placed in said unlicensed commercial feed lot by said licensed commercial feed lot operator, and further provided that if such cattle are commingled with any other cattle they shall be subject to brand inspection before being delivered to a licensed commercial feed lot. [Order, § 16-605-040, filed 10/21/71.]

Chapter 16-606 WAC
STANDARDS FOR SANITATION AND FACILITIES OF PUBLIC LIVESTOCK MARKET LICENSED TO HANDLE HORSES ONLY

WAC
16-606-001 Promulgation.
16-606-009 Definitions.
16-606-010 Facilities and sanitation.
16-606-020 Penalty.

WAC 16-606-001 Promulgation. I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 16.36 and 16.65 RCW, and after due notice as provided in chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington on April 27, 1972, do hereby promulgate the following regulations relating to licensing, facilities and health requirements at public horse sales. [Order 1239, § 16-606-001, filed 5/5/72.]

WAC 16-606-009 Definitions. For the purpose of this order:

(1) "Market" means public horse sale market.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department or his duly authorized representative.

(4) "Licensee" means any person licensed to operate a horse sale market.

(5) "Livestock" as used in this order means all horses, mules or asses. [Order 1239, § 16-606-009, filed 5/5/72.]

WAC 16-606-010 Facilities and sanitation. (1) Licensees shall provide facilities and sanitation for the prevention of livestock diseases at their public livestock market.

(a) The facilities for the housing and sale of horses shall be under roof. All areas will be adequately lighted to allow for inspection and viewing of all animals. A potable water supply will be provided in sufficient quantity and under adequate pressure to provide for cleaning and for fire protection.

(b) Floors of all pens, alleys and stalls that are part of the horse auction market shall be so constructed and maintained as not to allow for the accumulation or pooling of water.

(c) Fencing and walls of the entire sales facility shall be constructed of such material which will render them easily cleaned and disinfected, painted and maintained in a sanitary manner, free of accumulating secretions that might harbor horse diseases, as provided by the director. To prevent the spread of communicable diseases among horses the director shall have the authority to cause the cleaning and disinfecting of any area or all areas of the horse auction market, including equipment and vehicles.

(d) When required the floor surface shall be cleaned of loose material, and all fencing, walls, stalls, mangers, equipment and vehicles shall be cleaned and covered with a disinfecting material approved by the director.

(e) A common watering facility will not be acceptable. Horses will be individually bucket watered.

(f) The licensee shall employ an accredited veterinarian on a private fee basis, who will have authority and responsibility for the direction and control of the sanitary practices and examination of all horses at the sale market, and his decision as to the health of animals presented for sale shall be final.

(g) Horses may be consigned to the sale on individual health certificates made within five days prior to the date of the sale and/or be individually inspected by the attending veterinarian prior to stalling. Animals exhibiting symptoms of infectious, contagious or communicable diseases will be returned to point of origin. The sales management or personnel employed by the salesmarket will receive such health certificate and/or will require a prestalling veterinary health inspection. Copies of health certificates will be mailed to the division of animal industry, Washington state department of agriculture, Olympia, one day following the sale. A blanket health certificate, covering all of the sale horses, made by the attending veterinarian, will be acceptable.

(h) Tranquilizing, drugging or nerve blocking to disguise temperament and blemishes or ailments of a horse will be strictly prohibited. Horses suspected by the attending veterinarian of such treatment will not be accepted for sale.

(i) No group or mass corralling will be authorized; provided, however, that mare and foal may be stalled together. [Order 1239, § 16-606-010, filed 5/5/72.]

WAC 16-606-020 Penalty. The violation of any regulation set forth in this order shall constitute a violation of the applicable statute under which such regulation was adopted. [Order 1239, § 16-606-020, filed 5/5/72.]

Chapter 16-608 WAC
SPECIAL LIVESTOCK SALES

WAC
16-608-001 Definitions.
16-608-010 Special permits.
16-608-020 Membership.

WAC 16-608-001 Definitions. For the purpose of these regulations:

(1) "Farmers cooperative association" means any properly incorporated cooperative association whose membership is made up of livestock producers.

(2) "Association of livestock breeders" means any properly incorporated association whose membership is made up of livestock breeders. In addition, all definitions contained in RCW 16.65.010 shall apply. [Statutory Authority: Chapter 16.65 RCW. 81-05-010 (Order 1720), § 16-608-001, filed 2/9/81.]

WAC 16-608-010 Special permits. Any farmers cooperative association or association of livestock breeders,

or farmer selling his own livestock on his own premises by auction or any other method, who is requesting the approval of the director for a special sale, shall make such request in writing at least fifteen days prior to such proposed sale date and such sale date shall be approved subject to the discretion of the director. [Statutory Authority: Chapter 16.65 RCW. 81-05-010 (Order 1720), § 16-608-010, filed 2/9/81.]

WAC 16-608-020 Membership. For the purpose of assuring that any sale proposed by a farmers cooperative association or association of livestock breeders is limited to the sale of their own livestock, any such association may be required to verify to the director that any person offering livestock for sale in such special sale was a member of the association at the time of the filing of any consignment application, contract or commitment. [Statutory Authority: Chapter 16.65 RCW. 81-05-010 (Order 1720), § 16-608-020, filed 2/9/81.]

Chapter 16-620 WAC
RELATING TO BRAND INSPECTION

WAC

16-620-010 Definitions.
16-620-020 Point of inspection.
16-620-030 Out-of-state points of inspection.
16-620-040 Approval as inspection point.
16-620-050 Records.
16-620-060 Charge for brand inspection.
16-620-070 Inspection exemption at feed lot.
16-620-080 Inspection exemption at slaughterhouse.
16-620-090 Documents for exemption.
16-620-100 Prescribed certificate of permit and bill of sale form.
16-620-200 Brand inspection.
16-620-205 Identification by freeze branding.
16-620-210 Purchase of official forms.
16-620-220 Required brand inspection on custom slaughtered cattle.
16-620-230 Certificate of permit.
16-620-240 Slaughter tag.
16-620-250 Brand identification on slaughtered cattle by owner.
16-620-260 Fee.
16-620-265 Actual costs for enforcement and surveillance established.
16-620-270 Actual costs established.
16-620-275 Minimum fee.
16-620-280 Inspection—Annual and lifetime certificates.
16-620-290 Fees—Regular inspection points.
16-620-300 Other inspection points.
16-620-320 Inspection prior to branding.
16-620-330 Inspection prior to sale.
16-620-340 Inspection, special sales.
16-620-350 Inspection time charged.
16-620-370 Actual costs established.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-620-001 Promulgation. [Order 1117, § 16-620-001, filed 5/21/69, effective 7/1/69.] Repealed by 80-07-034 (Order 1707), filed 6/17/80. Statutory Authority: Chapter 16.57 RCW.

16-620-002 Promulgation. [Order 1160, § 16-620-002, filed 8/10/70, effective 9/10/70.] Repealed by 80-07-034 (Order 1707), filed 6/17/80. Statutory Authority: Chapter 16.57 RCW.

16-620-004 Promulgation. [Order 1167, § 16-620-004, filed 11/16/70, effective 12/17/70.] Repealed by 80-07-034 (Order 1707), filed 6/17/80. Statutory Authority: Chapter 16.57 RCW.

16-620-005 Promulgation. [Order 1180, § 16-620-005, filed 3/2/71.] Repealed by 80-07-034 (Order 1707), filed 6/17/80. Statutory Authority: Chapter 16.57 RCW.

16-620-006 Promulgation. [Order 1266, § 16-620-006, filed 5/18/72, effective 7/1/72.] Repealed by 80-07-034 (Order 1707), filed 6/17/80. Statutory Authority: Chapter 16.57 RCW.

16-620-007 Promulgation. [Order 1379, § 16-620-007, filed 11/6/74; Order 1373, § 16-620-007, filed 7/15/74; Order 1328, § 16-620-007, filed 11/2/73.] Repealed by 79-07-098 (Order 1590), filed 6/29/79. Statutory Authority: Chapter 16.57 RCW.

16-620-255 Brand identification on horses. [Statutory Authority: Chapter 16.57 RCW. 80-07-034 (Order 1707), § 16-620-255, filed 6/17/80.] Repealed by 82-04-001 (Order 1753), filed 1/21/82. Statutory Authority: Chapter 16.57 RCW.

16-620-310 Further inspection points. [Order 1379, § 16-620-310, filed 11/6/74.] Repealed by 82-04-001 (Order 1753), filed 1/21/82. Statutory Authority: Chapter 16.57 RCW.

16-620-360 Change of ownership. [Statutory Authority: Chapter 16.57 RCW. 80-07-034 (Order 1707), § 16-620-360, filed 6/17/80; Order 1379, § 16-620-360, filed 11/6/74.] Repealed by 82-04-001 (Order 1753), filed 1/21/82. Statutory Authority: Chapter 16.57 RCW.

WAC 16-620-010 Definitions. For the purpose of these regulations:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department.

(3) "Commercial feed lot" means any facility, place or establishment commonly known as a commercial feed lot, operated for the purpose of fattening or finishing cattle for the slaughter market consisting of pens and the necessary appurtenances for the operation of such a commercial feed lot. [Order 1160, § 16-620-010, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-010, filed 5/21/69, effective 7/1/69.]

WAC 16-620-020 Point of inspection. Except as otherwise set forth in the following regulation, all cattle shall be brand inspected.

(1) Prior to moving out of state.

(2) Prior to sale at a public livestock market.

(3) Prior to slaughter at a state or federally inspected slaughterhouse.

(4) Upon entry or reentry and prior to commingling with other cattle at a commercial feed lot approved as a brand inspection point by the director.

(5) At any point of sale or the taking of possession by an intended purchaser or his agent subject to title passing upon the meeting or satisfaction of certain conditions: *Provided*, That the provisions of this subsection shall not apply to dairy breed cows and heifer calves being sold or purchased for milk production purposes only and unbranded registered livestock. [Order 1180, § 16-620-020, filed 3/2/71; Order 1167, § 16-620-020, filed 11/16/70, effective 12/17/70; Order 1160, § 16-620-020, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-020, filed 5/21/69, effective 7/1/69.]

WAC 16-620-030 Out-of-state points of inspection. Cattle may be moved out-of-state without prior brand inspection when they are destined for a public livestock market or slaughterhouse in another state where brand inspection is performed by the department or an agent pursuant to an agreement with such state. Such cattle may move out of the state of Washington to such public livestock market or slaughterhouse if accompanied by a certificate of permit showing that such cattle are directly destined for and being directly transported to such out-of-state inspection point. Such certificate of permit shall not be valid for transportation to any other inspection point or beyond such inspection points. [Order 1160, § 16-620-030, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-030, filed 5/21/69, effective 7/1/69.]

WAC 16-620-040 Approval as inspection point. The director may, upon application by any commercial feed lot, designate such commercial feed lot as a brand inspection point for cattle, and when so designated, all cattle entering or reentering such commercial feed lot shall be brand inspected.

In approving or disapproving such application for designation as a brand inspection point, the director will consider the facilities available for brand inspection, the number of cattle fed annually, the accessibility of the area where the commercial feed lot is located and the cost to the department in maintaining brand inspection at such commercial feed lot. [Order 1160, § 16-620-040, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-040, filed 5/21/69, effective 7/1/69.]

WAC 16-620-050 Records. All commercial feed lots approved by the director as brand inspection points shall furnish the director with records as required by him of all cattle entering, on feed, and dispersed from such commercial feed lot or such records may be subject to audit by the director where maintained by said feed lot during reasonable business hours. [Order 1160, § 16-620-050, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-050, filed 5/21/69, effective 7/1/69.]

WAC 16-620-060 Charge for brand inspection. The cost of brand inspection at a commercial feed lot designated as a brand inspection point shall be paid to the department by the person selling cattle to such feed lot or by the owner of cattle consigned to such feed lot for custom feeding. [Order 1160, § 16-620-060, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-060, filed 5/21/69, effective 7/1/69.]

WAC 16-620-070 Inspection exemption at feed lot. Any cattle or lot of cattle owned by a commercial feed lot and delivered to or received at such feed lot and accompanied by a brand inspection certificate issued by the department or by another state shall not be subject to brand inspection if the department is given written assurance, upon a form provided by the department, by the said commercial feed lot that such cattle or lot of cattle have not been commingled with other cattle or added to or deducted from. [Order 1160, § 16-620-070, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-070, filed 5/21/69, effective 7/1/69.]

WAC 16-620-080 Inspection exemption at slaughterhouse. Any cattle or lot of cattle owned by a slaughterhouse and accompanied by a brand inspection certificate issued by the department or by another state shall not be subject to brand inspection if the department is given written assurance, upon a form provided by the department, by the said slaughterhouse that the cattle or lot of cattle described on such inspection certificate have not been commingled with other cattle or added to or deducted from. [Order 1160, § 16-620-080, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-080, filed 5/21/69, effective 7/1/69.]

WAC 16-620-090 Documents for exemption. Any cattle or lot of cattle delivered directly to a slaughterhouse from a commercial feed lot approved as a brand inspection point by the director shall not be subject to brand inspection if such cattle or lot of cattle are accompanied by a certificate of permit or bill of sale signed by the owner or authorized agent of such commercial feed lot or the owner of cattle custom fed at such commercial feed lot and the department is given written assurance, upon a form provided by the department, by the said slaughterhouse that such cattle are those described on such certificate of permit or bill of sale. [Order 1160, § 16-620-090, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-090, filed 5/21/69, effective 7/1/69.]

WAC 16-620-100 Prescribed certificate of permit and bill of sale form. The certificate of permit and bill of sale form incorporated herein shall constitute the official form prescribed by the director under the provisions of RCW 16.57.240. Such form shall represent a bill of sale only after it has been presented to a brand inspector for validation and has been validated within seven days of the sale of cattle subject to brand inspection under the provisions of RCW 16.57.160 and WAC 16-620-020.

STATE OF WASHINGTON No.
DEPARTMENT OF AGRICULTURE

CERTIFICATE OF PERMIT OR BILL OF SALE

Required for transportation of cattle, hides, or carcasses within Washington state.

May be used for change of ownership of cattle or horses inspected by a Washington state brand inspector.

Validation by brand inspector required for bill of sale only

Owner Date

Sold to City

Point of Origin (Nearest Post Office) County

Destination (Consigned to) City

Hauled by (Signature)

Vehicle License No. State

No. of Livestock Breed Sex Brand Brand Location

Are the above cattle subject to a lien or mortgage?
Yes ☐ No ☐
Failure to disclose the existence of a lien or mortgage to a public livestock market constitutes a gross misdemeanor (RCW 16.65.150)

I certify that I am
the owner of the
described livestock*
Address of Owner City

*If submitted by an authorized
agent on behalf of the owner
agent must sign here
When presented as proof of ownership at a public livestock market or slaughterhouse, the document becomes a record of the Washington state department of agriculture. Any person who falsifies or forges such a public document is guilty of a felony. (RCW 40.16.630) [RCW 40.16.030].
AGR-070-7020 (Rev.8-81)
PLEASE PRINT CLEARLY

[Statutory Authority: RCW 16.57.160 and 16.57.240. 81-19-026 (Order 1748), § 16-620-100, filed 9/9/81. Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-100, filed 6/29/79; Order 1167, § 16-620-100, filed 11/16/70, effective 12/17/70.]

Reviser's note: RCW 40.16.630, referred to in the above section, does not exist. The intended reference appears to be to RCW 40.16.030, set forth in brackets.

WAC 16-620-200 Brand inspection. Brand inspection shall not be required prior to branding. [Order 1266, § 16-620-200, filed 5/18/72, effective 7/1/72.]

WAC 16-620-205 Identification by freeze branding. The technique of identifying livestock by freeze branding may be used for complying with the requirements of chapter 16.57 RCW and chapter 16-620 WAC. [Statutory Authority: Chapter 16.57 RCW. 80-07-034 (Order 1707), § 16-620-205, filed 6/17/80.]

WAC 16-620-210 Purchase of official forms. Books of the official certificate of permit and bill of sale shall be obtained from the regulatory services division of the department of agriculture upon payment of one dollar. [Statutory Authority: Chapter 16.57 RCW. 82-04-001 (Order 1753), § 16-620-210, filed 1/21/82. Statutory Authority: RCW 16.57.160 and 16.57.240. 81-19-026 (Order 1748), § 16-620-210, filed 9/9/81; Order 1266, § 16-620-210, filed 5/18/72, effective 7/1/72.]

WAC 16-620-220 Required brand inspection on custom slaughtered cattle. On and after December 3, 1973, all cattle custom slaughtered shall be brand inspected immediately prior to such slaughter. Such brand inspection shall be performed by the department of agriculture. If such brand inspection is performed at other than regular brand inspection points, the cost of such brand inspection shall be based on the actual net cost to the department of agriculture for performing such brand inspection. [Order 1328, § 16-620-220, filed 11/2/73.]

WAC 16-620-230 Certificate of permit. In lieu of the brand inspection required under WAC 16-620-220, any licensed slaughterer shall identify the cattle custom slaughtered on the certificate of permit obtained from the department by listing the brand, breed and sex if branded or the breed, sex, color and any other identifying feature if not branded. The number on the official Washington state department paper slaughter tag shall also be listed on the certificate of permit obtained from the department. Such certificate of permit shall be signed by the owner of the livestock and a copy mailed to the department in accordance with RCW 16.57.275. [Order 1328, § 16-620-230, filed 11/2/73.]

WAC 16-620-240 Slaughter tag. Any person licensed as a custom farm slaughterer shall, in lieu of mandatory brand inspection, complete and attach an official department of agriculture paper slaughter tag to each of the four quarters of all slaughtered cattle handled by that slaughterer. These tags must remain on the quarters until the quarters are cut and wrapped. The department will maintain a surveillance and enforcement program to assure compliance with these [regulations]. [Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-240, filed 6/29/79; Order 1373, § 16-620-240, filed 7/15/74; Order 1328, § 16-620-240, filed 11/2/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-620-250 Brand identification on slaughtered cattle by owner. Any person slaughtering his own cattle shall, in lieu of brand inspection prior to slaughter, make the same identification as required of a licensed slaughterer under WAC 16-620-230 on a certificate of permit as prescribed in RCW 16.57.275 if the carcass is to be transported to a custom cutting and wrapping facility. No custom cutting and wrapping facility may receive a carcass from other than a custom farm slaughterer mobile or fixed location or an officially inspected slaughterhouse unless it is accompanied by the certificate of permit. Such custom cutting and wrapping

facility shall, when the carcass is accompanied by a certificate of permit, place an official Washington slaughter tag on each quarter of the carcass. These tags must remain on the quarters, for identification, until processing. [Order 1373, § 16–620–250, filed 7/15/74; Order 1328, § 16–620–250, filed 11/2/73.]

WAC 16–620–260 Fee. Only the department of agriculture will provide the identifying paper tags, referred to in WAC 16–620–240 and 16–620–250, to licensed custom farm slaughterers or custom cutting and wrapping facilities. The fee for each set of four paper tags will not exceed the actual cost to the department of producing and supplying the tags and enforcing these regulations. For the purposes of these regulations, the actual cost of producing and supplying the tags is twenty cents per set. The department will provide identifying paper tags, to licensed custom farm slaughterers or custom cutting and wrapping facilities, to identify slaughtered hogs at the actual cost of producing and supplying the tags, which is established at twenty cents per set. [Statutory Authority: Chapter 16.57 RCW. 79–07–098 (Order 1590), § 16–620–260, filed 6/29/79; Order 1373, § 16–620–260, filed 7/15/74; Order 1328, § 16–620–260, filed 11/2/73.]

WAC 16–620–265 Actual costs for enforcement and surveillance established. The actual cost of enforcement and surveillance for the purpose of assuring compliance with the slaughter tag program, in lieu of mandatory brand inspection, is sixty four thousand, seven hundred and fifty dollars to the department per year. Prorated per animal, the cost to the custom farm slaughterer or custom cutting and wrapping facility is eighty cents. This amount is due and owing at the time the slaughter tags are purchased. [Statutory Authority: Chapter 16.57 RCW. 79–07–098 (Order 1590), § 16–620–265, filed 6/29/79.]

WAC 16–620–270 Actual costs established. For the purpose of these regulations actual costs to the department shall be twelve dollars and fifty cents an hour, plus thirteen cents per mile traveled by the inspector from his official station and return thereto. [Statutory Authority: Chapter 16.57 RCW. 79–07–098 (Order 1590), § 16–620–270, filed 6/29/79; Order 1379, § 16–620–270, filed 11/6/74.]

WAC 16–620–275 Minimum fee. There shall be a minimum fee of $2.50 for the issuance of any official brand inspection certificate except when such certificate is issued at a public livestock market at a time when the normal brand inspection at that point requires a brand inspector to be present. [Statutory Authority: Chapter 16.57 RCW. 80–07–034 (Order 1707), § 16–620–275, filed 6/17/80.]

WAC 16–620–280 Inspection—Annual and lifetime certificates. Pursuant to the provisions of chapter 296, Laws of 1981, the owner of any horse may apply for an annual or lifetime identification certificate. The fee for an annual certificate shall be three dollars for any horse bearing a brand readily visible and currently registered with the director under the provisions of chapter 16.57 RCW or five dollars for any other horse. The fee for a lifetime certificate shall be seven dollars and fifty cents for any horse bearing a brand readily visible and currently registered with the director under the provisions of chapter 16.57 RCW or twelve dollars and fifty cents for any other horse. In the event the fees collected do not cover the cost of the inspector in performing any such inspection, an additional charge may be added at actual costs. [Statutory Authority: Chapter 16.57 RCW. 82–04–001 (Order 1753), § 16–620–280, filed 1/21/82; Order 1379, § 16–620–280, filed 11/6/74.]

WAC 16–620–290 Fees—Regular inspection points. The fee for identifying horses bearing individual identification symbols, as defined in chapter 16.57 RCW, at public livestock markets and slaughterhouses shall be two dollars per animal inspected and the fee for all other horses shall be one dollar per animal inspected. Such inspection fees shall be applicable only during the scheduled time which the director of agriculture has established as regular brand inspecting time at each such public livestock market or slaughterhouse. Inspection performed upon request during any other time at such public livestock markets or slaughterhouses shall be actual costs. [Statutory Authority: Chapter 16.57 RCW. 82–04–001 (Order 1753), § 16–620–290, filed 1/21/82; Order 1379, § 16–620–290, filed 11/6/74.]

WAC 16–620–300 Other inspection points. An inspection point shall also include a point agreed to by the director when such point is to the economic advantage of the department of agriculture in performing the inspection at such point. An inspection point shall include any point mutually agreed to by the director and more than one horse owner for the purpose of having multiple horse inspections which would be of economic advantage to the department in performing the inspection service. The cost of brand inspection at such points shall be two dollars per animal for any horse bearing an individual identification symbol, as defined in chapter 16.57 RCW, or one dollar per animal for any other horse. In the event the fees collected do not cover the cost of the inspector in performing any such inspection, an additional charge may be added at actual costs. [Statutory Authority: Chapter 16.57 RCW. 82–04–001 (Order 1753), § 16–620–300, filed 1/21/82; Order 1379, § 16–620–300, filed 11/6/74.]

WAC 16–620–320 Inspection prior to branding. Inspection prior to the branding of any horse shall not be mandatory; however, the department of agriculture will furnish inspection upon request of the owner or his agent at actual cost. Payment for such inspection shall be made at the time it is performed or prior thereto if the department of agriculture so requests. [Order 1379, § 16–620–320, filed 11/6/74.]

WAC 16-620-330 Inspection prior to sale. Inspection prior to sale, except at public livestock markets and special sales at locations other than public livestock markets whether by auction or private treaty, shall not be mandatory. The department of agriculture will, however, upon request of the buyer or their agents, furnish inspection at actual cost. Payment for such inspection shall be made by the party requesting the inspection and shall be made at the time the inspection is performed or prior thereto if the department of agriculture so requests. [Order 1379, § 16-620-330, filed 11/6/74.]

WAC 16-620-340 Inspection, special sales. Inspection shall be mandatory at all special horse sales wherein horses of more than one owner are offered for sale either by private treaty or auction. Inspection charges at any such sale shall be collected and paid to the department of agriculture by the person or business entity conducting the sale. The department of agriculture may require the prepayment of said inspection charges. The charge for inspection at special sales shall be two dollars per animal for any horse bearing an individual identification symbol, as defined in chapter 16.57 RCW, or one dollar per animal for any other horse. If the inspection charges do not cover the total cost incurred by the department, the remainder shall be the responsibility of the person or business entity conducting the sale at actual cost. [Statutory Authority: Chapter 16.57 RCW. 82-04-001 (Order 1753), § 16-620-340, filed 1/21/82; Order 1379, § 16-620-340, filed 11/6/74.]

WAC 16-620-350 Inspection time charged. All inspection performed on an hourly basis shall commence at the time the nearest inspector leaves his official station to the point of inspection and shall terminate upon his return to his official station and shall include travel to the point of inspection and return to the inspector's official station. [Order 1379, § 16-620-350, filed 11/6/74.]

WAC 16-620-370 Actual costs established. For the purpose of performing brand inspections of cattle at points other than those designated by the director or not in accord with schedules established by the director, actual costs to the department shall be twelve dollars and fifty cents an hour, plus thirteen cents per mile traveled by the inspector from his official station and return thereto. [Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-370, filed 6/29/79.]

Chapter 16-621 WAC
REGISTRATION OF ACREAGE COMMITMENTS MADE BY PROCESSORS TO PRODUCERS

WAC

16-621-001 Promulgation.
16-621-010 Processor plant capacity reporting form.
16-621-030 Grower notification of commitments by processor.
16-621-040 Basis for establishment of contract volume.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-621-020 Contracts and grower list. [Order 1297, § 16-621-020, filed 2/28/73.] Repealed by Order 1297, filed 6/20/73.

WAC 16-621-001 Promulgation. I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 20.01 RCW and after due notice and public hearings held in the Seattle area on January 19, 1973, and at Moses Lake, Washington on February 20, 1973, as provided under chapters 42.32 and 34.04 RCW, do hereby promulgate the following regulations relating to the registration of acreage commitments made by processors to producers of annual crops. [Order 1297, § 16-621-001, filed 2/28/73.]

WAC 16-621-010 Processor plant capacity reporting form. When reporting plant capacity as provided for under RCW 20.01.510 a processor shall include the daily total capacity in tons or cases for each crop for all plants which process any Washington product. [Order 1297, § 16-621-010, filed 2/28/73.]

WAC 16-621-030 Grower notification of commitments by processor. Any grower may notify the director in writing by certified mail that he has an oral commitment with a processor for a specified amount of product. Growers shall notify the director of any implied agreement within 10 days after commitment was allegedly made. Upon receipt of such notification the director shall notify the processor within 5 days by certified mail. The processor shall advise the director by certified mail within 10 days of the receipt of this notice whether or not they confirm such notice. Within 5 days of receipt of the processor reply, the director shall notify the grower by certified mail. The processor may accept all, none or any portion of the acreage and/or tonnage stated. The oral statement being confirmed by the processor for all or a portion thereof commits the processor to receive from that grower the acreage or tonnage so specified therein: Should the terms of the contract, price and other conditions, subsequently offered to the grower be unacceptable to said grower then nothing is binding upon said processor: *Provided,* The contract so offered and rejected is that processor's standard contract offered for that crop year. [Order 1297, § 16-621-030, filed 2/28/73.]

WAC 16-621-040 Basis for establishment of contract volume. In contracts specifying purchases of the production of a specific number of acres, the contracted amount will be based upon the crop yield for the comparable area according to the most recent 5 year average as established by the USDA crop reporting service. [Order 1297, § 16-621-040, filed 2/28/73.]

Chapter 16-650 WAC
WEIGHTS AND MEASURES--ABSORBENT TISSUES

WAC
16-650-001 Promulgation.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-650-010 Absorbent tissues. [Order 792, Regulation 6, effective 3/1/60.] Repealed by Order 1135, filed 12/29/69, effective 2/1/70.

WAC 16-650-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington by virtue of the authority vested in me under chapters 19.93 and 69.04 RCW after due notice as provided under chapter 42.32 RCW and a public hearing held in Olympia on October 14, 1959, do promulgate the following regulations relating to weights and measures. [Order 792, Promulgation, effective 3/1/60.]

Reviser's note: The above promulgation applies to chapters 16-650, 16-654, 16-658, 16-666, 16-670, and 16-674 WAC; said chapters all being parts of Order No. 792.

Chapter 16-654 WAC
WEIGHTS AND MEASURES--FLUID DAIRY PRODUCTS

WAC
16-654-030 Fluid milk products.
16-654-040 Other milk products.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-654-001 Promulgation. [Order 792, Regulation 2, effective 3/1/60.] Repealed by Order 1422, filed 10/31/75.
16-654-002 Promulgation. [Order 1141, § 16-654-002, filed 2/27/70, effective 4/1/70; Order 897, filed 1/14/63.] Repealed by Order 1422, filed 10/31/75.
16-654-003 Promulgation. [Order 1422, § 16-654-003, filed 10/31/75.] Repealed by 80-09-079 (Order 1712), filed 7/21/80. Statutory Authority: Chapter 19.94 RCW.
16-654-010 Fluid dairy products—Units of sale. [Order 1141, § 16-654-010, filed 2/27/70, effective 4/1/70; Order 792, Regulation 2, effective 3/1/60.] Repealed by Order 1422, filed 10/31/75. Later promulgation, see WAC 16-654-030.
16-654-020 Standards of fill and marking of fluid dairy product containers. [Order 1141, § 16-654-020, filed 2/27/70, effective 4/1/70; Order 897, Regulation 1, filed 1/14/63.] Repealed by Order 1422, filed 10/31/75.

WAC 16-654-030 Fluid milk products. All fluid dairy products, including, but not limited to whole milk, skimmed milk, cultured milk, sweet cream, and buttermilk and all fluid imitations and fluid substitute dairy products shall be packaged for retail sale only in units of:

(1) Inch-pound volumes – one gill, one-half liquid pint, ten fluid ounces, one liquid pint, one liquid quart, one-half gallon, one gallon, one and one-half gallon, two gallons, two and one-half gallons, or multiples of one gallon; or

(2) Metric volumes – 118 milliliters, 236 milliliters, 296 milliliters, 473 milliliters, 946 milliliters, 1.89 liters, 3.78 liters, 5.67 liters, 7.56 liters, 9.45 liters, or multiples of 3.78 liters; or

(3) Metric volumes – 125 milliliters, 250 milliliters, 500 milliliters, 1 liter, or multiples of 1 liter: *Provided*, That packages in inch-pound sizes less than one gill and metric sizes less than 118 milliliters shall be permitted. [Statutory Authority: Chapter 19.94 RCW. 80-09-079 (Order 1712), § 16-654-030, filed 7/21/80; Order 1422, § 16-654-030, filed 10/31/75. Formerly WAC 16-654-010.]

WAC 16-654-040 Other milk products. Cottage cheese, cottage cheese products, and other milk products which are solid, semi-solid, viscous, or a mixture of solid and liquid, as defined in WAC 16-101-401 through 16-101-670, shall be sold in terms of weight: *Provided*, That cottage cheese, sour cream, and yogurt shall be packaged for retail sale only in units of:

(1) Inch-pound weights – 8, 12, 16, 24, 32, 64, 80, and 128 ounces avoirdupois; or

(2) Metric weights – 227, 340, 454, 680, 907 grams; 1.81, 2.27, and 3.63 kilograms; or

(3) Metric weights – 250, 375, 500, 750 grams; 1, 2, and 4 kilograms: *And provided further*, That multipack or single serving inch-pound sizes of 6 ounces or less shall be sold only in whole ounce increments, and that metric sizes of 200 grams or less shall be sold only in 25 gram increments. [Statutory Authority: Chapter 19.94 RCW. 80-09-079 (Order 1712), § 16-654-040, filed 7/21/80; Order 1422, § 16-654-040, filed 10/31/75.]

Chapter 16-657 WAC
RETAIL PRICING OF MOTOR AND HEATING FUEL

WAC
16-657-001 Retail sales of motor fuels and home heating products.
16-657-010 Compliance schedule for retail motor fuel and home heating products dispensers.
16-657-025 Posting of motor fuel prices—Cash and credit sales.
16-657-030 Interim retail sales of home heating products.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-657-020 Interim retail sales of motor fuels. [Statutory Authority: Chapter 19.94 RCW. 79-12-030 (Order 1661), § 16-657-020, filed 11/19/79.] Repealed by 83-09-012 (Order 1794), filed 4/11/83. Statutory Authority: Chapter 19.94 RCW.

WAC 16-657-001 Retail sales of motor fuels and home heating products. All retail fuel metering and computing devices shall:

(1) Display the price per gallon or price per litre: *Provided*, That if motor fuel is offered for sale by the litre, the price per litre must be clearly displayed on the dispenser directly adjacent to the corresponding price

per gallon, with the information appearing in contrasting letters of at least two inches in height;

(2) Indicate the amount of fuel delivered during a single retail transaction;

(3) Register the selling price per unit;

(4) Register the total selling price for a single retail transaction;

(5) Compute the price per gallon or litre as set forth in National Bureau of Standards Handbook 44. [Statutory Authority: Chapter 19.94 RCW. 83-09-012 (Order 1794), § 16-657-001, filed 4/11/83; 79-12-030 (Order 1661), § 16-657-001, filed 11/19/79.]

WAC 16-657-010 Compliance schedule for retail motor fuel and home heating products dispensers. Devices which do not meet the requirements of WAC 16-657-001(3) and (4) shall be brought into compliance on or before July 1, 1981. [Statutory Authority: Chapter 19-.94 RCW. 79-12-030 (Order 1661), § 16-657-010, filed 11/19/79.]

WAC 16-657-025 Posting of motor fuel prices--Cash and credit sales. The following rules apply to the posting of prices of retail sales of motor fuels. As used herein, motor fuel means any fuel used in motor vehicles, including but not limited to gasoline, diesel, propane and alcohol-gasoline blends. As used herein, motor vehicles shall include all wheeled motorized vehicles, and all boats and airplanes.

(1) The posted or advertised price of motor fuel at retail outlets must be available to all consumers. Any condition or qualification required to obtain the posted price must be clearly displayed in letters of contrasting color at least one-half the size of the posted price and immediately adjacent thereto.

(2) A cash price may be posted or advertised if the posting of the price clearly shows it to be limited to cash purchases. The information shall be in letters at least one-half the size of the posted price and immediately adjacent thereto.

(3) Cash and credit sales.

(a) If a retailer elects to establish separate islands for cash and credit sales, the islands shall be clearly marked as such in letters at least six inches in height and of proportional width.

(b) If a retailer elects to permit cash and credit card sales from the same dispenser, the credit price will be displayed on the meter face. Immediately adjacent to or on the pump a chart shall be posted showing the cash discount price in one cent increments. The lettering on the chart shall be of such size and contrast lettering as to be easily read by the consumer.

(4) Posted prices of motor fuels at retail outlets shall include all federal, state and local taxes.

(5) The director of agriculture may require retailers to post additional signs or information as necessary to assure that the consumer is aware of information as necessary to make an informed purchase.

(6) Nothing herein shall be construed to prevent the use of a dispenser which is designed, manufactured, or adapted to permit cash and credit card sales from a single dispenser by manual or automatic means and which computes prices per gallon or litre pursuant to standards established in National Bureau of Standards Handbook 44. [Statutory Authority: Chapter 19.94 RCW. 83-09-012 (Order 1794), § 16-657-025, filed 4/11/83.]

WAC 16-657-030 Interim retail sales of home heating products. Computing dispensing devices used in the delivery of home heating products which do not meet the requirements of WAC 16-657-001(3) and (4) shall be altered to provide for an interim half price sale program and the following requirements shall be followed: (1) Such procedures shall be required when the price of one grade of fuel goes above the capabilities of one device at or operated from a given location. Once it is necessary for one device to be set at half price or modified to the litre, all devices at or operated from that location must be set at the same method of sale.

(2) The consumer's copy of the invoice covering deliveries of home heating products made on a basis of either half pricing or by the litre shall bear a clear and legible legend stating the computations have been made on the respective method of sale. [Statutory Authority: Chapter 19.94 RCW. 79-12-030 (Order 1661), § 16-657-030, filed 11/19/79.]

Chapter 16-659 WAC
WEIGHTS AND MEASURES--LIQUEFIED PETROLEUM GAS

WAC

16-659-001 Promulgation.
16-659-010 Liquefied petroleum gas.

WAC 16-659-001 Promulgation. (This promulgation relates only to WAC 16-659-010) Weights and measures regulation covering the sale of liquid petroleum gas.

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 67, Laws of 1969, and after due notice as provided under chapters 34.04 and 42.42 [42.32] RCW, and a public hearing held in Olympia, Washington, on February 17, 1970, do hereby promulgate the following regulation covering the sale of liquid petroleum gas, and superseding Order No. 1103. [Order 1142, § 16-659-001, filed 2/27/70, effective 4/1/70; Order 1103, § 16-659-001, filed 12/23/68, effective 2/1/69; Order 1036, filed 11/14/66, effective 12/15/66.]

WAC 16-659-010 Liquefied petroleum gas. (1) Liquefied petroleum gas shall be sold or exposed for sale at retail only by avoirdupois weight, specified in pounds; liquid measure, specified in gallons; or vapor, specified in cubic feet.

(2) When sold by weight or by liquid measure or in units of cubic feet, it shall be dispensed and sold only by

the use of such devices that conform to the specifications, tolerances, rules and regulations set forth in National Bureau of Standards Handbook 44, 3rd Edition.

(3) Liquefied petroleum gas sold or delivered to a consumer by liquid measure shall be corrected to a temperature of 60 F with an automatic correction device, or the quantity delivered shall be corrected to a temperature of 60 F in accordance with the volume correction factor table for liquefied petroleum gases set forth in subsection (6) of this chapter. When the delivery is made through a meter automatically corrected for temperature, the retail sales ticket shall show the meter adjusted gallons delivered and state that the temperature correction was made automatically. When the delivery is made through a meter not corrected automatically, the retail sales ticket shall show the metered gallons delivered and the temperature of the liquid at the time of delivery, the volume correction factor and the corrected gallonage: *Provided*, That this section shall be applicable to new equipment, equipment that has changed ownership or equipment used in the state of Washington for the first time after the effective date of this section. This subsection shall be applicable to all other equipment and with respect to the manual issuances of sales tickets as of January 1, 1969. This subsection shall not apply to unit sales or deliveries made direct to fuel tanks on trucks and automobiles operated on highways, or to containers of less than 200 pound water capacity.

(4) If a device is equipped with an automatic temperature compensator, this shall be connected, operable, and used at all times. Such automatic temperature compensator may not be removed, nor may a compensated device be replaced with an uncompensated device, without the written approval of the weights and measures authority having jurisdiction over the device. Nothing in this subsection shall prohibit the removal of a meter or temperature compensator for repair providing notice of such removal for repair shall be given the weights and measures office in Olympia within three working days.

(5) (a) Containers, including I.C.C. cylinders, with water capacity less than 200 pounds, shall be charged and sold by weight or by metered measure, except containers excluded by law or regulation. The tare weight of the container and the net weight of the contents shall be plainly and conspicuously marked on the outside of the container or on a label firmly attached thereto. This subsection shall not be construed to require the net weight to be labeled on a container that is being filled at the time of sale. Tare weight shall not be construed to include the valve protecting cap which shall be removed when weighing. When liquefied petroleum gas is sold by the package or container, either by refilling of a container or an exchange of containers, the vendor shall give the purchaser full credit for the unused liquid remaining in the container being exchanged or refilled.

(b) A delivery ticket shall be issued at the time of filling and shall set forth the exact amount of liquefied petroleum gas dispensed in terms of weight or if converted to gallons the weight factor used in such conversion. Any service charge shall be shown separately on the delivery ticket but may be included in the total price.

(c) When sold by weight, the tare weight, any unused portion and/or the net weight shall be determined only on devices that are adequately protected from wind and weather conditions that will assure normal accuracy.

(6) Volume correction factor table.

Specific Gravity at 60 F/60 F

[CODIFICATION NOTE: THE GRAPHIC PRESENTATION OF THESE TABLES HAS BEEN VARIED SLIGHTLY IN ORDER THAT THEY WOULD FALL WITHIN THE PRINTING SPECIFICATIONS FOR THE WASHINGTON ADMINISTRATIVE CODE. THE FOLLOWING TABLE WAS TOO WIDE TO BE ACCOMMODATED IN THE WIDTH OF THE WAC COLUMN. THE TABLE AS CODIFIED HAS BEEN DIVIDED INTO TWO TABLES COVERING THE "SPECIFIC GRAVITY AT 60 F/60 F." PART ONE IS FOR 0.500, 0.5079, 0.510, 0.520, 0.530, AND 0.540. PART TWO IS FOR 0.550, 0.560, 0.5631, 0.570, 0.580, AND 0.5844.]

[PART 1—0.500, 0.5079, ETC.]

Degrees Fahr	Propane 0.500	0.5079	0.510	0.520	0.530	0.540
	VOLUME CORRECTION FACTORS					
−15	1.112	1.109	1.107	1.102	1.097	1.093
−10	1.105	1.102	1.100	1.095	1.091	1.087
− 5	1.098	1.094	1.094	1.078	1.085	1.081
0	1.092	1.088	1.088	1.084	1.080	1.076
2	1.089	1.086	1.085	1.081	1.077	1.074
4	1.086	1.083	1.082	1.079	1.075	1.071
6	1.084	1.080	1.080	1.076	1.072	1.069
8	1.081	1.078	1.077	1.074	1.070	1.066
10	1.078	1.075	1.074	1.071	1.067	1.064
12	1.075	1.072	1.071	1.068	1.064	1.061
14	1.072	1.070	1.069	1.066	1.062	1.059
16	1.070	1.067	1.066	1.063	1.060	1.056
18	1.067	1.065	1.064	1.061	1.057	1.054
20	1.064	1.062	1.061	1.058	1.054	1.051
22	1.061	1.059	1.058	1.055	1.052	1.049
24	1.058	1.056	1.055	1.052	1.049	1.046
26	1.055	1.053	1.052	1.049	1.047	1.044
28	1.052	1.050	1.049	1.047	1.044	1.041
30	1.049	1.047	1.046	1.044	1.041	1.039
32	1.046	1.044	1.043	1.041	1.038	1.036
34	1.043	1.041	1.040	1.038	1.036	1.034
36	1.039	1.038	1.037	1.035	1.033	1.031
38	1.036	1.035	1.034	1.032	1.031	1.029
40	1.033	1.032	1.031	1.029	1.028	1.026
42	1.030	1.029	1.028	1.026	1.025	1.023
44	1.027	1.026	1.025	1.023	1.022	1.021
46	1.023	1.022	1.022	1.021	1.020	1.018
48	1.020	1.019	1.019	1.018	1.017	1.016
50	1.017	1.016	1.016	1.015	1.014	1.013
52	1.014	1.013	1.012	1.012	1.011	1.010
54	1.010	1.010	1.009	1.009	1.008	1.007
56	1.007	1.007	1.006	1.006	1.005	1.005
58	1.003	1.003	1.003	1.003	1.003	1.002
60	1.000	1.000	1.000	1.000	1.000	1.000
62	0.997	0.997	0.997	0.997	0.997	0.997
64	0.993	0.993	0.994	0.994	0.994	0.994
66	0.991	0.990	0.990	0.990	0.991	0.992
68	0.986	0.986	0.987	0.987	0.988	0.989
70	0.983	0.983	0.984	0.984	0.985	0.986

[PART 1—0.500, 0.5079, etc.]

Degrees Fahr	0.500	Propane 0.5079	0.510	0.520	0.530	0.540
			VOLUME CORRECTION FACTORS			
72	0.979	0.980	0.981	0.981	0.982	0.983
74	0.976	0.975	0.977	0.978	0.980	0.980
76	0.972	0.973	0.974	0.975	0.977	0.978
78	0.969	0.970	0.970	0.972	0.974	0.975
80	0.965	0.966	0.967	0.969	0.971	0.972
82	0.961	0.963	0.963	0.966	0.968	0.969
84	0.957	0.959	0.960	0.962	0.965	0.966
86	0.954	0.956	0.956	0.959	0.961	0.964
88	0.950	0.952	0.953	0.955	0.958	0.961
90	0.946	0.949	0.949	0.952	0.955	0.958
92	0.942	0.945	0.946	0.949	0.952	0.955
94	0.938	0.941	0.942	0.946	0.949	0.952
96	0.935	0.938	0.939	0.942	0.946	0.949
98	0.931	0.934	0.935	0.939	0.943	0.946
100	0.927	0.930	0.932	0.936	0.940	0.943
105	0.918	0.920	0.923	0.927	0.932	0.935
110	0.907	0.911	0.913	0.918	0.923	0.927
115	0.897	0.901	0.904	0.910	0.915	0.920
120	0.887	0.892	0.894	0.900	0.907	0.912

To convert from measured volume at another temperature to net volume at 60°F: Measure the volume and temperature. Determine the gravity at 60°F. Refer to the column corresponding to this gravity and read the volume conversion factor opposite the observed temperature. Multiply the observed volume by this factor to obtain the volume at 60°F.

[PART 2—0.550, 0.560, etc.]

Degrees Fahr	0.550	0.560	iso-Butane 0.5631	0.570	0.580	N-Butane 0.5844
			VOLUME CORRECTION FACTORS			
−15	1.089	1.084	1.083	1.080	1.077	1.075
−10	1.083	1.079	1.078	1.075	1.072	1.071
− 5	1.077	1.074	1.073	1.070	1.067	1.060
0	1.073	1.069	1.068	1.066	1.063	1.062
2	1.070	1.067	1.066	1.064	1.061	1.060
4	1.068	1.065	1.064	1.062	1.059	1.058
6	1.065	1.062	1.061	1.059	1.057	1.055
8	1.063	1.060	1.059	1.057	1.055	1.059
10	1.061	1.058	1.057	1.055	1.053	1.051
12	1.059	1.056	1.055	1.053	1.051	1.049
14	1.056	1.053	1.053	1.051	1.049	1.047
16	1.054	1.051	1.050	1.048	1.046	1.045
18	1.051	1.049	1.048	1.046	1.044	1.043
20	1.049	1.046	1.046	1.044	1.042	1.041
22	1.046	1.044	1.044	1.042	1.040	1.040
24	1.044	1.042	1.042	1.040	1.038	1.037
26	1.042	1.039	1.039	1.037	1.036	1.036
28	1.039	1.037	1.037	1.035	1.034	1.034
30	1.037	1.035	1.035	1.033	1.032	1.032

[PART 2—0.550, 0.560, etc.]

Degrees Fahr	0.550	0.560	iso-Butane 0.5631	0.570	0.580	N-Butane 0.5844
			VOLUME CORRECTION FACTORS			
32	1.035	1.033	1.033	1.031	1.030	1.030
34	1.032	1.031	1.030	1.029	1.028	1.028
36	1.030	1.028	1.028	1.027	1.025	1.025
38	1.027	1.026	1.025	1.025	1.023	1.023
40	1.025	1.024	1.023	1.023	1.021	1.021
42	1.023	1.022	1.021	1.021	1.019	1.019
44	1.020	1.019	1.019	1.018	1.017	1.017
46	1.018	1.017	1.016	1.016	1.015	1.015
48	1.015	1.014	1.014	1.013	1.013	1.013
50	1.013	1.012	1.012	1.011	1.011	1.011
52	1.101	1.009	1.009	1.009	1.009	1.009
54	1.007	1.007	1.007	1.007	1.006	1.006
56	1.005	1.005	1.005	1.005	1.004	1.004
58	1.002	1.002	1.002	1.002	1.002	1.002
60	1.000	1.000	1.000	1.000	1.000	1.000
62	0.997	0.998	0.998	0.998	0.998	0.998
64	0.995	0.995	0.995	0.995	0.996	0.996
66	0.992	0.993	0.993	0.993	0.993	0.993
68	0.990	0.990	0.990	0.990	0.991	0.991
70	0.987	0.988	0.988	0.988	0.989	0.989
72	0.984	0.985	0.986	0.986	0.987	0.987
74	0.982	0.983	0.983	0.984	0.985	0.985
76	0.979	0.980	0.981	0.981	0.982	0.982
78	0.977	0.978	0.978	0.979	0.980	0.980
80	0.974	0.975	0.976	0.977	0.978	0.978
82	0.971	0.972	0.973	0.974	0.976	0.976
84	0.968	0.970	0.971	0.972	0.974	0.974
86	0.966	0.967	0.968	0.969	0.972	0.972
88	0.963	0.965	0.966	0.967	0.969	0.969
90	0.960	0.962	0.963	0.964	0.967	0.967
92	0.957	0.959	0.960	0.962	0.964	0.965
94	0.954	0.957	0.958	0.959	0.962	0.962
96	0.952	0.954	0.955	0.957	0.959	0.960
98	0.949	0.952	0.953	0.954	0.957	0.957
100	0.946	0.949	0.950	0.952	0.954	0.955
105	0.939	0.943	0.943	0.946	0.949	0.949
110	0.932	0.936	0.937	0.939	0.943	0.944
115	0.925	0.930	0.930	0.933	0.937	0.938
120	0.918	0.923	0.924	0.927	0.931	0.932

To convert from measured volume at another temperature to net volume at 60°F: Measure the volume and temperature. Determine the gravity at 60°F. Refer to the column corresponding to this gravity and read the volume conversion factor opposite the observed temperature. Multiply the observed volume by this factor to obtain the volume at 60°F.

[Order 1142, § 16-659-010, filed 2/27/70, effective 4/1/70; Order 1103, § 16-659-010, filed 12/23/68, effective 2/1/69; Order 1036, filed 11/14/66, effective 12/15/66.]

Chapter 16-660 WAC
WEIGHTS AND MEASURES--SOLID WOOD FUEL

WAC

16-660-001 Promulgation.
16-660-010 Solid wood sold as fuel.

WAC 16-660-001 Promulgation. (This promulgation relates only to WAC 16-660-010) Weights and measures regulation covering the sale of solid wood sold as fuel.

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 67, Laws of 1969, and after due notice as provided under chapters 34.04 and 42.42 [42.32] RCW, and a public hearing held in Olympia, Washington, on February 17, 1970, do hereby promulgate the following regulation relating to the sale and advertising of solid wood as fuel, and superseding Order No. 1104. [Order 1143, § 16-660-001, filed 2/27/70, effective 4/1/70; Order 1104, § 16-660-001, filed 12/23/68, effective 2/1/69.]

WAC 16-660-010 Solid wood sold as fuel. (1) All solid wood sold as fuel to be delivered to the user's premises shall be offered, exposed and advertised for sale by the cord or fractional part thereof, provided this shall not apply to compressed sawdust or other compressed wood by-products sold as fuel.

(2) For the purpose of this regulation the following definitions shall apply:

(i) "Cord" means the measurement of wood intended for fuel or pulp purposes that is contained in a space of one hundred and twenty-eight cubic feet, when the wood is ranked and well stowed.

(ii) "Unit or load" means the measurement of wood intended for fuel that is contained in a space of one hundred and ninety-two cubic feet, when the wood is loosely or at random thrown into a container. Such a unit or load is recognized as the equivalent of a cord of wood when ranked and well stowed.

(3) Firewood sixteen inches or less in length, such as but not limited to mill ends, slabs, edgings and millblocks may be sold, offered, exposed or advertised for sale by the unit or load or one-half or quarter fractional part thereof. It shall be the responsibility of the seller to determine the capacity of any delivery vehicle used in dispensing a unit or load or fractional part thereof and so mark it in terms of the unit or load or fractional part thereof.

(4) All such fuel delivered to the consumer shall be accompanied by legible duplicate delivery tickets on which there shall be clearly stated:

(i) The name and address of the seller.

(ii) The name and address of the purchaser.

(iii) The identity of the type of fuel comprising the delivery.

(iv) The quantity delivered in terms of the cord or fractional part thereof.

(5) One of these tickets shall be retained by the seller and the other shall be delivered to the purchaser at the time of delivery of the fuel. [Order 1143, § 16-660-010, filed 2/27/70, effective 4/1/70; Order 1104, § 16-660-010, filed 12/23/68, effective 2/1/69.]

Chapter 16-662 WAC
WEIGHTS AND MEASURES--NATIONAL BUREAU OF STANDARDS HANDBOOK

WAC

16-662-070 Promulgation.
16-662-071 Replacement of amendments.

Reviser's note: NBS Handbook 44, Fourth Edition, filed June 18, 1973, Order 1318 entitled "Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices" and 1975 replacement sheets for NBS Handbook 44 - Fourth Edition, filed August 18, 1976. By authority of RCW 34.04.050 of the Administrative Procedure Act, this edition has been omitted from publication in the Washington Administrative Code. Copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-662-001, 16-662-002, 16-662-003, 16-662-010, 16-662-020, and 16-662-030; provisions of National Bureau of Standards Handbook 44, 2nd Edition, as set forth in RCW 19.93.060 have been superseded in total by the 3rd Edition, as amended in 1966. [Order 1035, filed 11/14/66, effective 12/15/66 and Order 1072, filed 11/27/67, effective 1/1/68.] Handbook 44 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

16-662-040 Promulgation—Weights and measures regulation adopting National Bureau of Standards Handbook 44, 3rd Edition. [Order 1134, § 16-662-040, filed 12/29/69, effective 2/1/70; Order 1035, Regulation 1, filed 11/14/66, effective 12/15/66.] Repealed by Order 1318, filed 6/18/73, effective 8/1/73. Later promulgation, see WAC 16-662-070.

16-662-050 Promulgation—Weights and measures regulation adopting amendments to National Bureau of Standards Handbook 44, 3rd Edition. [Order 1072, Regulation 1, filed 11/27/67, effective 1/1/68.] Repealed by Order 1134, filed 12/29/69, effective 2/1/70. See later enactment WAC 16-662-040.

16-662-060 Promulgation—Weights and measures regulations adopting National Bureau of Standards Handbook 44, 4th Edition as amended in 1972. [Order 1318, § 16-662-060, filed 6/18/73, effective 8/1/73.] Repealed by Order 1480, filed 8/18/76. Later promulgation, see WAC 16-662-071.

WAC 16-662-070 Promulgation. (This promulgation relates only to WAC 16-662-070 and 16-662-071) Weights and measures regulation adopting National Bureau of Standards Handbook 44, 4th Edition, as published in 1971 with amendments through 1975.

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 19.94 RCW, and after due notice as provided under chapter 34.04 RCW, and a public hearing held in Olympia, Washington, on August 6, 1976, do hereby promulgate the following regulation relating to the adoption of amendments to Handbook 44, and superseding Order No. 1318. [Order 1480, § 16-662-070, filed 8/18/76. Formerly WAC 16-662-040.]

WAC 16-662-071 Replacement of amendments. The provisions of the National Bureau of Standards Handbook 44, 4th Edition, as published in 1971 with amendments through 1975 are hereby adopted in total as provided under chapter 19.94 RCW, RCW 19.94.190, as the specifications, tolerances, and regulations for commercial weighing and/or measuring devices of the state.

Chapter 19.94 RCW, RCW 19.94.190, provides that specifications, tolerances, and regulations for commercial weighing and/or measuring devices, as recognized by the National Bureau of Standards Handbook 44 shall be mandatory in the State of Washington. As Handbook 44 will not be codified, it should be noted that it may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. [Order 1480, § 16-662-071, filed 8/18/76. Formerly WAC 16-662-060.]

Chapter 16-663 WAC
REPORTING, TEST PROCEDURES AND STANDARDS BY PERSONS SERVICING AND CALIBRATING WEIGHING AND MEASURING DEVICES

WAC

16-663-001 Promulgation.
16-663-010 A regulation of weights and measures servicemen—Relating to reporting and test procedures—Reporting forms and submission of testing standards by persons servicing and calibrating commercial weighing and measuring devices—Definitions.
16-663-020 Submission of standards.
16-663-030 Availability of adequate standards.
16-663-040 Reports to be filed by serviceman or service agency.
16-663-050 Unlawful practices—Penalty.
16-663-060 Effective date.

WAC 16-663-001 Promulgation. (This promulgation relates to WAC 16-663-001 through 16-663-050.)

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 19.94 RCW, and after due notice as provided under chapters 34.04 and 42.42 [42.32] RCW, and a public hearing held in Olympia, Washington, on June 8, 1973, do hereby promulgate the following regulation relating to reporting and test procedures; reporting forms and submission of testing standards by persons servicing and calibrating weighing and measuring devices. [Order 1319, § 16-663-001, filed 6/18/73.]

WAC 16-663-010 A regulation of weights and measures servicemen--Relating to reporting and test procedures--Reporting forms and submission of testing standards by persons servicing and calibrating commercial weighing and measuring devices--Definitions. (1) **Serviceman.** The term "serviceman" shall be construed to mean any individual who for hire, award, commission, or any other payment of any kind, installs, services, repairs or reconditions a commercial weighing and measuring device.

(2) **Service agency.** The term "service agency" shall be construed to mean any agency, firm, company or corporation which for hire, award, commission or any other payment of any kind, installs, services, repairs or reconditions a commercial weighing or measuring device.

(3) **Commercial weighing or measuring device.** The term "commercial weighing or measuring device" shall be construed to include any weight or measure or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight, measure or count, and shall include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects, or may affect, the accuracy or indication of the device. [Order 1319, § 16-663-010, filed 6/18/73.]

WAC 16-663-020 Submission of standards. All persons servicing, repairing and/or calibrating commercial weighing or measuring devices shall submit for examination and certification by the department of agriculture those weights or measures used for such purpose to the place and such time as the director may designate. A serviceman or agency shall not use in servicing commercial weighing or measuring any standard or testing equipment that has not been certified by the director. [Order 1319, § 16-663-020, filed 6/18/73.]

WAC 16-663-030 Availability of adequate standards. All persons who shall hold themselves or their agent out as servicemen of commercial weighing or measuring devices shall have standards of adequate quantity and of such design to meet the requirements of National Bureau of Standards Handbooks 105-1; 105-2; 105-3, with respect to specifications and tolerances for reference standards and field standard weights and measures. The director shall have the authority to determine and designate the adequacy of the quantity or volume of standards used in servicing weighing or measuring devices. [Order 1319, § 16-663-030, filed 6/18/73.]

WAC 16-663-040 Reports to be filed by serviceman or service agency. On a form furnished by the department of agriculture the serviceman or agency will report the installation of any new or used weighing or measuring device that is being put in use for the first time at that location. If the installation involves a vehicle or livestock scale, notice shall be furnished the director a reasonable time (not less than two days) in advance of final test before placing in service so departmental personnel can be in attendance for the final test when the director deems it necessary. In instances where servicemen or service agencies are called upon to service, repair, or recondition a commercial weighing or measuring device that has been "rejected," ordered "out of service" or "condemned" they may be privileged to remove such regulatory tags but such tags much [must] be returned to the department along with the copy of the original

order or equipment rejection report that has been properly signed by the serviceman in the place so provided. In all instances of service that involves the use of standards or testing equipment for the calibration of a commercial weighing or measuring device, the serviceman or agency must make out a test report on forms provided by the department of agriculture indicating test methods, conditions found and the final values of tolerance in which the device/s were left. Such test shall be conducted in keeping with examination procedure outlines for that particular type of device that is referenced to the National Bureau of Standards Handbook 112. [Order 1319, § 16-663-040, filed 6/18/73.]

WAC 16-663-050 Unlawful practices--Penalty. Concerning violations of these regulations RCW 19.94-.510 states any person who, by himself, by his servant or agent, or as the servant or agent of another person, performs any one of the acts enumerated in subsections (1) through (9) below, shall be guilty of a misdemeanor and upon a second or subsequent conviction thereof he shall be guilty of a gross misdemeanor. Subsection (9) states as follows "Violate any provision of this chapter or of the rules and/or regulations promulgated under the provisions of this chapter for which a specific penalty has not been prescribed." [Order 1319, § 16-663-050, filed 6/18/73.]

WAC 16-663-060 Effective date. The effective date of this order shall be August 1, 1973. [Order 1319, § 16-663-060, filed 6/18/73.]

Chapter 16-666 WAC
WEIGHTS AND MEASURES--PACKAGING AND LABELING REGULATIONS

WAC

16-666-002 Promulgation.
16-666-003 Promulgation.
16-666-030 Application.
16-666-040 Definitions.
16-666-050 Identity.
16-666-060 Declaration of responsibility—Consumer and nonconsumer packages.
16-666-070 Declaration of quantity—Consumer packages.
16-666-080 Declaration of quantity—Nonconsumer packages.
16-666-090 Prominence and placement—Consumer packages.
16-666-100 Prominence and placement—Nonconsumer package.
16-666-110 Requirements—Specific consumer commodities, packages, containers.
16-666-120 Exemptions.
16-666-130 Variations to be allowed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-666-001 Promulgation. [Order 792, effective 3/1/60.] Repealed by Order 1135, filed 12/29/69, effective 2/1/70.

16-666-010 Packages. [Order 792, Regulation 1, effective 3/1/60.] Repealed by Order 1135, filed 12/29/69, effective 2/1/70.

16-666-020 Labeling of tare weight or net weight statements on manufactured or processed meats that are packaged in random weights. [Order 897, Regulation 2, filed 1/14/63.] Repealed by Order 1147, filed 4/14/70.

WAC 16-666-002 Promulgation. (This promulgation relates only to WAC 16-666-020) Labeling of tare weight or net weight statements on manufactured or processed meats that are packaged in random weights.

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 67, Laws of 1969, and after due notice as provided under chapters 34.04 and 42.42 [42.32] RCW, and a public hearing held in Olympia, Washington, on April 2, 1970, do hereby promulgate this order repealing Order No. 897, Regulation 2 codified as WAC 16-666-020. [Order 1147, § 16-666-002, filed 4/14/70. See also WAC 16-654-002.]

WAC 16-666-003 Promulgation. (This promulgation relates only to WAC 16-666-030 through 16-666-130) Packaging and labeling regulation.

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 67, Laws of 1969, and after due notice as provided under chapters 34.04 and 42.42 [42.32] RCW, and a public hearing held in Olympia, Washington, on December 18, 1969, do hereby promulgate the following regulation relating to packaging and labeling. [Order 1135, § 16-666-003, filed 12/29/69, effective 2/1/70.]

WAC 16-666-030 Application. This regulation shall apply to packages and to commodities in package form, but shall not apply to:

(a) Inner wrappings not intended to be individually sold to the customer,

(b) Auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity,

(c) Containers used for retail tray pack displays when the container itself is not intended to be sold (e.g., the tray that is used to display individual envelopes of seasonings, gravies, etc. and the tray itself is not intended to be sold),

(d) Commodities put up in variable weights and sizes for sale intact and intended to be either weighed or measured at the time of sale, where no package quantities are represented, and where the method of sale is clearly indicated in close proximity to the quantity being sold, or

(e) Open carriers and transparent wrappers or carriers for containers when the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by this regulation. [Order 1135, § 16-666-030, filed 12/29/69, effective 2/1/70.]

WAC 16-666-040 Definitions. (1) COMMODITY IN PACKAGE FORM. The term "commodity in package form" shall be construed to mean a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of

weight or of measure, shall be construed to be a commodity in package form. Where the term "package" is used in this regulation, it shall be construed to mean "commodity in package form" as here defined.

(2) CONSUMER PACKAGE: PACKAGE OF CONSUMER COMMODITY. A "consumer package" or "package of consumer commodity" shall be construed to mean a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

(3) NONCONSUMER PACKAGE: PACKAGE OF NONCONSUMER COMMODITY. A "nonconsumer package" or "package of nonconsumer commodity" shall be construed to mean any commodity in package form other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

(4) RANDOM PACKAGE. The term "random package" shall be construed to mean a package that is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight.

(5) LABEL. The term "label" shall be construed to mean any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a consumer commodity or a package containing any consumer commodity, for purposes of branding, identifying, or giving any information with respect to the commodity or to the contents of the package, except an inspector's tag or other nonpromotional matter affixed to or appearing upon a consumer commodity shall not be deemed to be a label requiring the repetition of label information required by this regulation.

(6) PERSON. The term "person" shall be construed to mean both singular and plural, and shall include any individual, partnership, company, corporation, association and society.

(7) PRINCIPAL DISPLAY PANEL OR PANELS. The term "principal display panel or panels" shall be construed to mean that part, or those parts, of a label that is, or are, so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."

(8) MULTI-UNIT PACKAGE. The term "multi-unit package" shall be construed to mean a package containing two or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multi-unit package but capable of being individually sold in full compliance with all requirements of this regulation. [Order 1135, § 16-666-040, filed 12/29/69, effective 2/1/70.]

WAC 16-666-050 Identity. (1) DECLARATION OF IDENTITY: CONSUMER PACKAGE. A declaration of identity on a consumer package shall appear on the principal display panel, and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

(2) PARALLEL IDENTITY DECLARATION: CONSUMER PACKAGE. A declaration of identity on a consumer package shall appear generally parallel to the base on which the package rests as it is designed to be displayed.

(3) DECLARATION OF IDENTITY: NONCONSUMER PACKAGE. A declaration of identity on a nonconsumer package shall appear on the outside of a package and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like. [Order 1135, § 16-666-050, filed 12/29/69, effective 2/1/70.]

WAC 16-666-060 Declaration of responsibility--Consumer and nonconsumer packages. Any package kept, offered, or exposed for sale, or sold, at any place other than on the premises where packed shall specify conspicuously on the label of the package the name and address of the manufacturer, packer, or distributor. The name shall be the actual corporate name, or, when not incorporated, the name under which the business is conducted. The address shall include street address, city, state, and zip code; however, the street address may be omitted if this is shown in a current city directory or telephone directory. The requirement for inclusion of the zip code shall apply only to labels that have been developed or revised after July 1, 1968.

If a person manufactures, packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity, such as "Manufactured for and packed by ----------," "Distributed by ----------," or any other wording of similar import that expressed the facts. [Order 1135, § 16-666-060, filed 12/29/69, effective 2/1/70.]

WAC 16-666-070 Declaration of quantity--Consumer packages. (1) LARGEST WHOLE UNIT. Where this regulation requires that the quantity declaration be in terms of the largest whole unit, the declaration shall, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed in

(a) Common or decimal fractions of such largest whole unit, or in

(b) The next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration.

(2) NET QUANTITY. A declaration of net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity, shall appear on the principal display panel of a consumer package and, unless otherwise specified in this regulation (see WAC 16-666-070(7) through (9)) shall be in terms of the largest whole unit.

(a) USE OF "NET WEIGHT." The term "net weight" shall be used in conjunction with the declaration of quantity in terms of weight; the term may either precede or follow the declaration of weight.

(b) LINES OF PRINT OR TYPE. A declaration of quantity may appear on one or more lines of print or type.

(3) TERMS: WEIGHT, LIQUID MEASURE, OR COUNT. The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

(a) COMBINATION DECLARATION: WEIGHT OR MEASURE . A declaration of quantity in terms of weight or measure shall be accompanied by a declaration of the count or size of the individual units of the commodity, unless a declaration of weight or measure alone is fully informative to the consumer. Such declaration shall appear on the principal display panel.

(b) COMBINATION DECLARATION: COUNT. A declaration of quantity in terms of count shall be accompanied by a declaration of the weight, measure, or size of the individual units of the commodity, or of the total weight or measure of the commodity, unless a declaration of count alone is fully informative to the consumer. Such declaration shall appear on the principal display panel.

(4) UNITS: WEIGHT, MEASURE. A declaration of quantity

(a) In units of weight shall be in terms of the avoirdupois pound or ounce;

(b) In units of liquid measure shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at 68°F (20°C), except in the case of petroleum products, for which the declaration shall express the volume at 60°F (15.6°C), and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F (4°C);

(c) In units of linear measure shall be in terms of the yard, foot, or inch;

(d) In units of area measure, shall be in terms of the square yard, square foot, or square inch;

(e) In units of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches, or peck, dry-quart, and dry-pint subdivisions of the bushel;

(f) In units of cubic measure shall be in terms of the cubic yard, cubic foot, or cubic inch: *Provided*, That in the case of prescription or insulin containing drugs, or in the case of a commodity packed for export shipment, the declaration of quantity may be in terms of the metric system of weight or measure.

(5) ABBREVIATIONS. Any of the following abbreviations, and none other, may be employed in the quantity statement on a package of commodity:

avoirdupois	avdp
cubic	cu
feet or foot	ft
fluid	fl
gallon	gal
inch	in
liquid	liq
ounce	oz
pint	pt
pound	lb
quart	qt
square	sq
weight	wt
yard	yd
cubic centimeter	cc
gram	g
kilogram	kg
microgram	mcg
milligram	mg
milliliter	ml

(There normally are no periods following, nor plural forms of, these abbreviations. For example, "oz" is the abbreviation for both "ounce" and "ounces.")

(6) UNITS WITH TWO OR MORE MEANINGS. When the term "ounce" is employed in a declaration of liquid quantity, the declaration shall identify the particular meaning of the term by the use of the term "fluid"; however, such distinction may be omitted when, by association of terms (for example, as in "1 pint 4 ounces"), the proper meaning is obvious. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declaration shall include the word "dry."

(7) PRESCRIBED UNITS. (a) LESS THAN ONE FOOT, ONE SQUARE FOOT, ONE POUND, OR ONE PINT. The declaration of quantity shall be expressed in terms of

(i) In the case of length measure of less than one foot, inches and fractions of inches;

(ii) In the case of area measure of less than one square foot, square inches and fractions of square inches;

(iii) In the case of weight of less than one pound, ounces and fractions of ounces;

(iv) In the case of fluid measure of less than one pint, ounces and fractions of ounces: *Provided*, That the quantity declaration appearing on a random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than two decimal places.

(b) FOUR FEET, FOUR SQUARE FEET, FOUR POUNDS, ONE GALLON, OR MORE. In the case of

(i) Length measure of four feet or more

the declaration of quantity shall be expressed in terms of feet, followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches. In the case of

(i) Area measure of four square feet or more;

(ii) Weight of four pounds or more;

(iii) Fluid measure of one gallon or more

the declaration of quantity shall be expressed in terms of the largest whole unit.

(c) WEIGHT: DUAL QUANTITY DECLARATION. On packages containing one pound or more but less than four pounds, the declaration shall be expressed in ounces and, in addition, shall be followed by declaration in parentheses, expressed in terms of the largest whole unit: *Provided*, That the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places.

(d) FLUID MEASURE: DUAL QUANTITY DECLARATION. On packages containing one pint or more but less than one gallon, the declaration shall be expressed in ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(e) LENGTH MEASURE: DUAL QUANTITY DECLARATION. On packages containing one foot but less than four feet, the declaration shall be expressed in inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(f) AREA MEASURE: DUAL QUANTITY DECLARATION. On packages containing one square foot but less than four square feet, the declaration shall be expressed in square inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(g) BIDIMENSIONAL COMMODITIES. For bidimensional commodities (including roll–type commodities) the quantity declaration shall be expressed,

(i) If less than one square foot, in terms of linear inches and fractions of linear inches;

(ii) If at least one square foot but less than four square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit: *Provided*, That

(1) No square inch declaration is required for a bidimensional commodity of four inches width or less, and

(2) A dimension of less than two feet may be stated in inches within the parenthetical, and

(3) Commodities consisting of usable individual units (except roll–type commodities with individual usable units created by perforations, for which see WAC 16–666–070(h). COUNT: PLY) require a declaration of unit area but not a declaration of total area of all such units;

(iii) If four square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole unit: *Provided*, That

(1) No declaration in square feet is required for a bidimensional commodity with a width of four inches or less,

(2) A dimension of less than two feet may be stated in inches within the parenthetical, and

(3) No declaration in square feet is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

(h) COUNT: PLY. If the commodity is in individually usable units of one or more components or ply, the quantity declaration shall, in addition to complying with other applicable quantity declaration requirements of this regulation, include the number of ply and the total number of usable units.

Roll–type commodities, when perforated so as to identify individual usable units, shall not be deemed to be made up of usable units; however, such roll–type commodities shall be labeled in terms of

(i) Total area measurement and

(ii) Number of ply,

(iii) Count of usable units, and

(iv) Dimensions of a single usable unit.

(8) REDUCTION OF FRACTIONS. Fractions employed in declarations of quantity may be either common fractions or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty–seconds, and shall be reduced to its lowest terms. A decimal fraction shall not be carried out to more than two places: *Provided*, That is there exists, with respect to a particular commodity, a firmly established general consumer usage and trade custom contrary to the requirement pertaining to common fractions, as set forth above, the declaration may be made in accordance with such usage and custom: *And provided further*, That in the case of prescription or insulin containing drugs, a decimal fraction may be carried out to three places.

(9) SUPPLEMENTARY DECLARATIONS. (a) SUPPLEMENTARY QUANTITY DECLARATIONS. The required quantity declaration may be supplemented by one or more declarations of weight, measure, or count, such declaration appearing other than on a principal display panel. Such supplemental statement of quantity of contents shall not include any terms qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., "giant" quart, "full" gallon, "when packed," "minimum," or words of similar import).

(b) METRIC SYSTEM DECLARATIONS. A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement, and a statement of quantity in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

(10) QUALIFICATIONS OF DECLARATION PROHIBITED. In no case shall any declaration of quantity be qualified

by the addition of the words "when packed," "minimum," or "not less than," or any words of similar import, nor shall any unit of weight measure, or count be qualified by any term (such as "jumbo," "giant," "full," or the like) that tends to exaggerate the amount of commodity. [Order 1135, § 16-666-070, filed 12/29/69, effective 2/1/70.]

WAC 16-666-080 Declaration of quantity--Nonconsumer packages. (1) LOCATION. A nonconsumer package shall bear on the outside a declaration of the net quantity of contents. Such declaration shall be in terms of the largest whole unit (see WAC 16-666-070(1) LARGEST WHOLE UNIT).

(2) TERMS: WEIGHT, LIQUID MEASURE, OR COUNT. The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

(3) UNITS: WEIGHT, MEASURE. A declaration of quantity

(a) In units of weight shall be in terms of the avoirdupois pound or ounce;

(b) In units of liquid measure shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at 68°F (20°C), except in the case of petroleum products, for which the declaration shall express the volume at 60°F (15.6°C), and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F (4°C);

(c) In units of linear measure shall be in terms of the yard, foot, or inch;

(d) In units of area measure, shall be in terms of the square yard, square foot, or square inch;

(e) In units of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches, or peck, dry-quart and dry-pint subdivisions of the bushel;

(f) In units of cubic measure shall be in terms of the cubic yard, cubic foot, or cubic inch: *Provided*, That nothing in this subsection shall prohibit the labeling of nonconsumer packages in terms of units of the metric system.

(4) ABBREVIATIONS. Any generally accepted abbreviation of a unit name may be employed in the quantity statement on a package of commodity. (For commonly accepted abbreviations, see WAC 16-666-070(5) ABBREVIATIONS.)

(5) CHARACTER OF DECLARATION: AVERAGE. The average quantity of contents in the packages of a particular lot, shipment, or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. [Order 1135, § 16-666-080, filed 12/29/69, effective 2/1/70.]

WAC 16-666-090 Prominence and placement--Consumer packages. (1) GENERAL. All information required to appear on a consumer package shall appear thereon in the English language and shall be prominent, definite, and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

(2) LOCATION. The declaration or declarations of quantity of the contents of a package shall appear in the bottom 30 percent of the principal display panel or panels, except as otherwise provided in WAC 16-666-110(7). CYLINDRICAL CONTAINERS.

(3) STYLE OF TYPE OR LETTERING. The declaration or declarations of quantity shall be in such a style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is permissible when all label information is blown, formed, or molded on the surface.

(4) COLOR CONTRAST. The declaration or declarations of quantity shall be in a color that contrasts conspicuously with its background, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface shall not be required to be presented in a contrasting color if no required label information is on the surface in a contrasting color.

(5) FREE AREA. The area surrounding the quantity declaration shall be free of printed information.

(a) Above and below, by a space equal to at least the height of the lettering in the declaration, and

(b) To the left and right, by a space equal to twice the width of the letter "N" of the style and size of type used in the declaration.

(6) PARALLEL QUANTITY DECLARATION. The quantity declaration shall be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it is designed to be displayed.

(7) CALCULATION OF AREA OF PRINCIPAL DISPLAY PANEL FOR PURPOSES OF TYPE SIZE. The square-inch area of the principal display panel shall be

(a) In the case of a rectangular container, one entire side which properly can be considered to be the principal display panel, the product of the height times the width of that side;

(b) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference; or

(c) In the case of any other shaped container, 40 percent of the total surface of the container, unless such container presents an obvious principal display panel (e.g., the top of a triangular or circular package of cheese, or the top of a can of shoe polish), the area shall consist of the entire such surface.

Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

(8) MINIMUM HEIGHT OF NUMBERS AND LETTERS. The height of any letter or number in the required quantity declaration shall be not less than that shown in Table 1 with respect to the square-inch area of the panel, and the height of each number of a common fraction shall meet one-half the minimum height standards.

(9) NUMBERS AND LETTERS; PROPORTION. No number or letter shall be more than three times as high as it is wide.

TABLE 1. Minimum Height of Numbers and Letters

Square-inch area of principal display panel	Minimum height of numbers and letters	Minimum height: label information blown, formed, or molded on surface of container
5 square inches and less.	1/16 inch	1/8 inch
Greater than 5 square inches and not greater than 25 square inches.	1/8 inch	3/16 inch
Greater than 25 square inches and not greater than 100 square inches.	3/16 inch	1/4 inch
Greater than 100 square inches and not greater than 400 square inches.	1/4 inch	5/16 inch
Greater than 400 square inches.	1/2 inch	9/16 inch

[Order 1135, § 16-666-090, filed 12/29/69, effective 2/1/70.]

WAC 16-666-100 Prominence and placement--Nonconsumer package. (1) GENERAL. All information required to appear on a nonconsumer package shall be definitely and clearly stated thereon in the English language. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility. [Order 1135, § 16-666-100, filed 12/29/69, effective 2/1/70.]

WAC 16-666-110 Requirements--Specific consumer commodities, packages, containers. (1) DISPLAY CARD PACKAGE. For an individual package affixed to a display card, or for a commodity and display card together comprising a package, the type size of the quantity declaration is governed by the dimensions of the display card.

(2) EGGS. When cartons containing 12 eggs have been designed so as to permit division in half by the retail purchaser, the required quantity declaration shall be so positioned as to have its context destroyed when the carton is divided.

(3) AEROSOLS AND SIMILAR PRESSURIZED CONTAINERS. The declaration of quantity on an aerosol package, and on a similar pressurized package, shall disclose the net quantity of the commodity (including propellant), in terms of weight, that will be expelled when the instructions for use as shown on the container are followed.

(4) MULTI-UNIT PACKAGES. Any package containing more than one individual "commodity in package form" (see WAC 16-666-040(1)) of the same commodity shall bear on the outside of the package a declaration of

(a) The number of individual units,

(b) The quantity of each individual unit, and

(c) The total quantity of the contents of the multi-unit package: *Provided*, That the requirement for a declaration of the total quantity of contents of a multi-unit package shall be effective (1) with respect to those labels revised after the effective date of this regulation, or (2) as of January 1, 1970, whichever occurs first. Any such declaration of total quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation. Whenever the quantity declaration appearing on individual units of a multi-unit package is located other than in the lower 30 percent of the principal display panel, the individual units of that multi-unit package may not be separately sold.

(5) COMBINATION PACKAGES. Any package containing individual units of dissimilar commodities (such as an antiquing kit, for example) shall bear on the label of the package a quantity declaration for each unit.

(6) VARIETY PACKAGES. Any package containing individual units of reasonably similar commodities (such as, for example, seasonal gift packages, variety packages of cereal) shall bear on the label of the package a declaration of the total quantity of commodity in the package.

(7) CYLINDRICAL CONTAINERS. In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. [Order 1135, § 16-666-110, filed 12/29/69, effective 2/1/70.]

WAC 16-666-120 Exemptions. (1) GENERAL. Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity declaration required to appear on the package shall be in terms of the largest whole unit (except see WAC 16-666-110(4)(c)).

(2) RANDOM PACKAGES. A random package bearing a label conspicuously declaring

(a) The net weight,

(b) The price per pound, and

(c) The total price

shall be exempt from the type size, dual declaration, placement, and free area requirements of this regulation. In the case of a random package of food packed at one

place for subsequent sale at another, neither the price per unit of weight nor the total selling price need appear on the package, provided the package label includes both such prices at the time it is offered or exposed for sale at retail.

(3) PENNY CANDY. Individually wrapped pieces of "penny candy" and other confectionery of less than one–half ounce net weight per individual piece shall be exempt from the labeling requirements of this part when the container in which such confectionery is shipped is in conformance with the labeling requirements of this part. Similarly, when such confectionery items are sold in bags or boxes, such items shall be exempt from the labeling requirements of this part, including the required declaration of net quantity of contents specified in this part when the declaration on the bag or box meets the requirements of this part.

(4) INDIVIDUAL SERVINGS. Individual–serving–size packages of foods containing less than 1/2 ounce or less than 1/2 fluid ounce for use in restaurants, institutions, and passenger carriers, and not intended for sale at retail, shall be exempt from the required declaration of net quantity of contents specified in this regulation.

(5) CUTS, PLUGS, AND TWISTS OF TOBACCO AND CIGARS. When individual cuts, plugs, and twists of tobacco and individual cigars are shipped or delivered in containers that conform to the labeling requirements of this regulation, such individual cuts, plugs, and twists of tobacco and cigars shall be exempt from such labeling requirements.

(6) REUSABLE (RETURNABLE) GLASS CONTAINERS. Nothing in this regulation shall be deemed to preclude the continued use of reusable (returnable) glass containers: *Provided,* That such glass containers ordered after the effective date of this regulation shall conform to all requirements of this regulation.

(7) CIGARETTES AND SMALL CIGARS. Cartons of cigarettes and small cigars, containing ten individual packages of twenty, labeled in accordance with the requirements of this regulation, shall be exempt from the requirements set forth in WAC 16–666–090(2). LOCATION, (8) MINIMUM HEIGHT OF NUMBERS AND LETTERS, and WAC 16–666–110(4) MULTI–UNIT PACKAGES: *Provided,* That such cartons bear a declaration of the net quantity of commodity in the package.

(8) PACKAGED COMMODITIES WITH LABELING REQUIREMENTS SPECIFIED IN FEDERAL LAW. Packages of meat and meat products, poultry and poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides, prescription and insulin–containing drugs, alcoholic beverages, and seeds shall be exempt from the requirements set forth in WAC 16–666–070 (7)(c) WEIGHT: DUAL QUANTITY DECLARATION. FLUID MEASURE: DUAL QUANTITY DECLARATION (7)(d). LENGTH MEASURE: DUAL QUANTITY DECLARATION (7)(e). AREA MEASURE: DUAL QUANTITY DECLARATION WAC 16–666–090(2). LOCATION, and subsection (8). MINIMUM HEIGHT OF NUMBERS AND LETTERS: *Provided,* That quantity labeling requirements for such products are specified in federal law, so as to follow reasonably sound principles of providing consumer information.

(9) FLUID DAIRY PRODUCTS, ICE CREAM, AND SIMILAR FROZEN DESSERTS.

(a) When measured by and packaged in 1/2–liquid pint and 1/2–gallon measure containers, as defined in the "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirements for stating net contents of 8 fluid ounces and 64 fluid ounces, which may be expressed as 1/2–pint and 1/2–gallon respectively.

(b) When measured by and packaged in 1–liquid pint, 1–liquid quart, and 1/2 gallon measure containers, as defined in the "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the dual net contents declaration requirements of WAC 16–666–070(7)(d).

(c) When measured by and packaged in 1/2 liquid pint, 1–liquid pint, 1–liquid quart, 1/2–gallon, and 1 gallon measure containers as defined in "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirement of WAC 16–666–090(2) that the declaration of net contents be located within the bottom 30 percent of the principal display panel.

(d) Milk and milk products when measured by and packaged in glass or plastic containers of 1/2–liquid pint, 1–liquid pint, 1–liquid quart, 1/2 gallon, and 1 gallon capacities are exempt from the placement requirement of WAC 16–666–090(2) that the declaration of net contents be located within the bottom 30 percent of the principal display panel, provided that other required label information is conspicuously displayed on the cap or outside closure, and the required net quantity of contents declaration is conspicuously blown, formed, or molded on, or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

(e) Molded, frozen confections (made up of ice cream or related frozen desserts) shall be exempt from the requirements for a declaration of TOTAL QUANTITY OF CONTENTS on a multi–unit package (see WAC 16–666–110(4)).

(10) SOFT–DRINK BOTTLES. Bottles of soft drinks shall be exempt from the placement requirements for the declaration of

(a) Identity, when such declaration appears on the bottle closure, and

(b) Quantity, when such declaration is blown, formed, or molded on or above the shoulder of the container and when all other information required by this regulation appears only on the bottle closure.

(11) MULTI–UNIT SOFT–DRINK PACKAGES. Multi–unit packages of soft drinks are exempt from the requirements for a declaration of

(a) Responsibility, when such declaration appears on the individual units and is not obscured by the multi–unit packaging, or when the outside container bears a statement to the effect that such declaration will be found on the individual units inside, and

(b) Identity, when such declaration appears on the individual units and is not obscured by the multi–unit packaging.

(12) BUTTER. When packaged in 4–ounce, 8–ounce, and 1–pound units with continuous label copy wrapping, butter is exempt from the requirements that the statement of identity (WAC 16–666–050(1) and the net quantity declaration (WAC 16–666–090(6) be generally parallel to the base of the package. When packaged in 8–ounce and 1–pound units, butter is exempt from the requirement for LOCATION (WAC 16–666–090(2)) of net quantity declaration and, when packaged in 1–pound units, is exempt from the requirement for DUAL QUANTITY DECLARATION (WAC 16–666–070 (7)(c)).

(13) EGGS. Cartons containing 12 eggs shall be exempt from the requirement for LOCATION (WAC 16–666–090(2) of net quantity declaration. When such cartons are designed to permit division in half, each half shall be exempt from the labeling requirements of this regulation if the undivided carton conforms to all such requirements.

(14) FLOUR. Packages of wheat flour packaged in units of 2, 5, 10, 25, 50, and 100 pounds shall be exempt from the requirement in this regulation for LOCATION (WAC 16–666–090(2) of the net quantity declaration and, when packaged in units of 2 pounds, shall be exempt also from the requirement for a DUAL QUANTITY DECLARATION (WAC 16–666–070 (7)(c)).

(15) EXEMPTION: LOCATION: SMALL PACKAGE. On a principal display panel of five square inches or less, the declaration of quantity need not appear in the bottom 30 percent of the principal display panel if that declaration satisfies the other requirements of this regulation.

(16) EXEMPTION: MULTI–UNIT PACKAGE: LOCATION. On individual units of a multi–unit retail package, the declaration of quantity need not appear in the bottom 30 percent of the principal display panel if that declaration satisfies the other requirements of this regulation.

(17) EXEMPTION: DECORATIVE CONTAINER. The principal display panel of a cosmetic marketed in a "boudoir–type" container including decorative cosmetic containers of the "cartridge," "pill box," "compact," or "pencil" variety, and those with a capacity of one–fourth ounce or less, may be a tear–away tag or tape affixed to the decorative container and bearing the mandatory label information as required by this regulation.

(18) EXEMPTION: COMBINATION PACKAGES. Combination packages are exempt from the requirements in this regulation for

(a) LOCATION (see WAC 16–666–090(2)),

(b) FREE AREA (see WAC 16–666–090(5)), and

(c) MINIMUM HEIGHT OF NUMBERS AND LETTERS (see WAC 16–666–090(8)).

(19) MARGARINE. Margarine in 1–pound rectangular packages, except for packages containing whipped or soft margarine or packages containing more than four sticks, shall be exempt from the requirement in this regulation for LOCATION (see WAC 16–666–090(2)) of the net quantity declaration, and shall be exempt from the requirement for a DUAL QUANTITY DECLARATION (see WAC 16–666–070 (7)(c)).

(20) CORN FLOUR. Corn flour packaged in conventional 5, 10, 25, 50, and 100–pound bags shall be exempt from the requirement in this regulation for LOCATION (see WAC 16–666–090(2)) of the net quantity declaration.

(21) PRESCRIPTION AND INSULIN CONTAINING DRUGS. Packages of prescription and insulin containing drugs shall be exempt from the requirements set forth in WAC 16–666–110(4) MULTI–UNIT PACKAGES. [Order 1135, § 16–666–120, filed 12/29/69, effective 2/1/70.]

WAC 16–666–130 Variations to be allowed. (1) PACKAGING VARIATIONS. (a) VARIATIONS FROM DECLARED NET QUANTITY. Variations from the declared net weight, measure, or count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular commodity, or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. Variations above the declared quantity shall not be unreasonably large.

(b) VARIATIONS RESULTING FROM EXPOSURE. Variations from the declared weight or measure shall be permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce: *Provided*, That the phrase "introduced into intrastate commerce" as used in this paragraph shall be construed to define the time and the place at which the first sale and delivery of a package is made within the state, the delivery being either

(i) Directly to the purchaser or to his agent, or

(ii) To a common carrier for shipment to the purchaser, and this paragraph shall be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate commerce, exposure variations shall not be permitted.

(2) MAGNITUDE OF PERMITTED VARIATIONS. The magnitude of variations permitted under WAC 16–666–130 (1)(a) and (b) of this regulation shall, in the case of any shipment, delivery, or lot, be determined by the facts in the individual case. [Order 1135, § 16–666–130, filed 12/29/69, effective 2/1/70.]

Chapter 16–670 WAC
WEIGHTS AND MEASURES--PREPACKAGE CHECKING PROCEDURE

WAC

16–670–001 Promulgation.
16–670–010 Prepackage checking procedure.

WAC 16–670–001 Promulgation. (This promulgation relates only to WAC 16–670–010) Weights and

measures regulation adopting National Bureau of Standards Handbook 67.

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 67, Laws of 1969, and after due notice as provided under chapters 34.04 and 42.30 RCW, and a public hearing held in Olympia, Washington, on February 17, 1970, do hereby promulgate the following regulation relating to the adoption of Handbook 67, and superseding Order No. 792. [Order 1144, § 16-670-001, filed 2/27/70, effective 4/1/70. Formerly WAC 16-650-001.]

WAC 16-670-010 Prepackage checking procedure. The National Bureau of Standards Handbook 67 entitled "Checking Prepackaged Commodities," a manual for weights and measures officials, as issued March 20, 1959, is hereby adopted. [Order 1144, § 16-670-010, filed 2/27/70, effective 4/1/70.]

Chapter 16-674 WAC
WEIGHTS AND MEASURES--SEALING, MARKING, RETESTING DEVICES

WAC

16-674-002 Promulgation.
16-674-010 Exemptions from sealing or marking and/or annual retesting of weights and measures devices.
16-674-020 Disposition of condemned and confiscated weights and measures.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-674-001 Promulgation. [Order 792, Promulgation, filed 3/1/60.] Decodified by Order 1145, filed 2/27/70. Later promulgation, see WAC 16-674-002.

WAC 16-674-002 Promulgation. (This promulgation relates only to WAC 16-674-010 and 16-674-020) Weights and measures regulations exempting from sealing or marking and/or annual retesting of weights and measures devices and providing for the disposition of condemned and confiscated weights and measures.

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 67, Laws of 1969, and after due notice as provided under chapters 34.04 and 42.30 RCW and a public hearing held in Olympia, Washington, on February 17, 1970, do hereby promulgate the following regulations relating to exemptions from sealing or marking and/or annual retesting of weights and measures devices and providing for the disposition of condemned and confiscated weights and measures. [Order 1145, § 16-674-002, filed 2/27/70, effective 4/1/70. Formerly WAC 16-650-001.]

WAC 16-674-010 Exemptions from sealing or marking and/or annual retesting of weights and measures devices. (1) The weights and measures listed below shall be specifically exempted from the sealing or marking requirements of section 25, chapter 67, Laws of 1969:

(a) Measure containers
(b) Milk bottles
(c) Lubricating-oil bottles
(d) Berry baskets and boxes.

(2) The weights and measures listed below shall be specifically exempted from the annual retesting requirements of sections 20 and 21, chapter 67, Laws of 1969, and shall be retested only as required by the director:

(a) Vehicle tanks used as measures*
(b) Farm milk tanks*
(c) Liquid measures*
(d) Glass graduates
(e) Measures containers
(f) Milk bottles
(g) Lubricating-oil bottles
(h) Linear measures*
(i) Dry measures*
(j) Berry baskets and boxes.

*Whenever an item of this class is damaged, repaired or modified in any way that affects the accuracy of measurement, it shall not thereafter be used for measurement until it has been officially inspected and reapproved.

[Order 1145, § 16-674-010, filed 2/27/70, effective 4/1/70; Order 792, Regulation 3, effective 3/1/60.]

WAC 16-674-020 Disposition of condemned and confiscated weights and measures. Commercial weights and measures or weighing and measuring devices that have been found to be incorrect and in the best judgment of the director or his duly appointed representative are not susceptible of satisfactory repair may be confiscated as provided in chapter 67, Laws of 1969, and taken into his possession. Such devices shall be held for a period of sixty days from the date of confiscation and at the expiration of this period of time if no action at law or suit in equity has been brought for the recovery of such devices they may be destroyed. [Order 1145, § 16-674-020, filed 2/27/70, effective 4/1/70; Order 897, Regulation 3, filed 1/14/63.]

Chapter 16-678 WAC
CONTAINERS--MARKING REQUIREMENTS--SWEET CHERRIES

WAC

16-678-001 Promulgation.
16-678-010 Marking containers.

WAC 16-678-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 15.16 RCW, after due notice and public hearings held at Ellensburg on May 2, 1963, (pursuant to RCW 43.32-.010 and 34.04.020), do establish the following container marking requirements for sweet cherries. [Order 929, Promulgation, filed 8/6/63; Emergency Order 920, effective 6/4/63; Order 813, Promulgation, effective 5/2/60.]

WAC 16-678-010 Marking containers. All containers in which sweet cherries are offered for sale for fresh consumption shall be conspicuously and legibly stamped with the name and the address of the grower, packer, or shipper, the net weight, and may be marked with the true variety name or "sweet cherries." [Order 929, Regulation 1, filed 8/6/63; Emergency Order 920, effective 6/4/63; Order 813, Regulation 1, effective 5/2/60.]

Chapter 16-680 WAC
"GIFT GRADE" FOR FRUIT--MARKING REQUIREMENTS

WAC

16-680-001 Promulgation.
16-680-010 Definition.
16-680-015 Container marking.

WAC 16-680-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.16 RCW, after due notice and public hearing held at Ellensburg on August 14, 1962, (pursuant to RCW 43-.32.010 and 34.04.020), do hereby establish the following Washington standards for apples. [Order 893, Promulgation, filed 8/31/62.]

WAC 16-680-010 Definition. "Gift grade" may consist of mixed varieties (apples and pears) and in the case of apples shall meet Washington extra fancy grade as defined in Washington standards for apples, and in the case of pears shall be U.S. No. 1 or higher grade as defined in Washington standards for D'Anjou, Bosc, Winter Nelis and other varieties of winter pears. [Order 893, Regulation 12 (part), filed 8/31/62; Order 871, Regulation 1 (part), filed 11/13/61.]

WAC 16-680-015 Container marking. When gift containers meet the requirements of WAC 16-680-010, such containers need be marked only "gift grade" and a statement of net contents in weight and name and address of packer or shipper. [Order 893, Regulation 12 (part), filed 8/31/62; Order 871, Regulation 1 (part), filed 11/13/61.]

Chapter 16-690 WAC
FRUIT STORAGE

WAC

16-690-001 Promulgation.
16-690-010 Washington controlled atmosphere storage requirements—Definitions.
16-690-015 Washington controlled atmosphere storage requirements—Annual license.
16-690-020 Washington controlled atmosphere storage requirements—Warehouse number.
16-690-025 Washington controlled atmosphere storage requirements—Controlled storage requirements.
16-690-030 Washington controlled atmosphere storage requirements—Inspection, certification and marking.
16-690-035 Washington controlled atmosphere storage requirements—Standards for shipping.
16-690-040 Washington controlled atmosphere storage requirements—Reinspection.
16-690-045 Washington controlled atmosphere storage requirements—Failure to meet requirements.
16-690-100 Washington controlled atmosphere storage requirements—Bartlett pears.

WAC 16-690-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.30 RCW, after due notice and public hearing held at Quincy, Washington, on July 12, 1967, (pursuant to chapters 42.32 and 34.04 RCW), do hereby establish Washington controlled atmosphere storage requirements for Bartlett pears. [Order 1060, Promulgation, filed 7/27/67.]

Reviser's note: WAC 16-690-001 pertains to WAC 16-690-100 only.

WAC 16-690-010 Washington controlled atmosphere storage requirements--Definitions. (1) "Controlled atmosphere storages" means any storage warehouse consisting of one or more rooms, or one or more rooms in any one facility in which atmospheric gases are controlled in their amount and in degrees of temperature for the purpose of controlling the condition and maturity of any fresh fruits or vegetables in order that, upon removal, they may be designated as having been exposed to controlled atmosphere. [Order 893 (part), effective 10/1/62.]

WAC 16-690-015 Washington controlled atmosphere storage requirements--Annual license. It shall be unlawful for any person to engage in the business of operating a controlled atmosphere storage warehouse or warehouses without first obtaining an annual license from the director. Such license shall expire on August 31st of any one year. The annual license fee shall be five dollars. [Order 893 (part), effective 10/1/62.]

WAC 16-690-020 Washington controlled atmosphere storage requirements--Warehouse number. The director of agriculture when issuing a license shall include a warehouse number which shall be preceded by the letters "WN CA." These letters and number issued must appear on all containers in which fruits or vegetables are packed provided that such fruits or vegetables therein contained have qualified under all of the provisions of this act. [Order 893 (part), effective 10/1/62.]

WAC 16-690-025 Washington controlled atmosphere storage requirements--Controlled storage requirements. (1) Oxygen content of each room shall be reduced to 5% within 20 days after sealing of room.

(2) Fruit shall be retained in a controlled atmosphere storage, under required degrees of temperature and percentage of air components, for a period of not less than 90 days to qualify as having been stored in controlled atmosphere storage. [Order 893 (part), effective 10/1/62.]

WAC 16-690-030 Washington controlled atmosphere storage requirements--Inspection, certification and

marking. All fruit sold as C.A. fruit must be inspected and certified as to grade and condition and be marked with a state lot number in addition to the C.A. number. [Order 893 (part), effective 10/1/62.]

WAC 16-690-035 Washington controlled atmosphere storage requirements--Standards for shipping. At time of shipment all fruit shipped and marked with C.A. number shall meet the U.S. condition and maturity standards for export. [Order 893 (part), effective 10/1/62.]

WAC 16-690-040 Washington controlled atmosphere storage requirements--Reinspection. Fruit not shipped within a period of two weeks after inspection and certification, must be reinspected. [Order 893 (part), effective 10/1/62.]

WAC 16-690-045 Washington controlled atmosphere storage requirements--Failure to meet requirements. Failure to meet any one of the requirements noted above, will prohibit such fruit from being sold as C.A. storage fruit or the containers marked as such. [Order 893 (part), effective 10/1/62.]

WAC 16-690-100 Washington controlled atmosphere storage requirements--Bartlett pears. Bartlett pears to be classified as controlled atmosphere storage pears, which meet the following requirements, other than those specifically set forth in chapter 15.30 RCW. (1) Oxygen content of each room shall be reduced to 5% within 20 days after sealing of room.

(2) Fruit shall be retained in a controlled atmosphere storage, under required degrees of temperature and percentage of air components, for a period of not less than 45 days to qualify as having been stored in controlled atmosphere storage.

(3) At the time of shipment all Bartlett pears shipped and marked with C.A. number shall meet the following maturity and condition standards:

(a) Mostly hard – some firm.

(b) Not to exceed an average of 2% decay and/or breakdown.

(4) Failure to meet any one of the requirements noted above, will prohibit such fruit from being sold as C.A. storage fruit or the containers marked as such. [Order 1060, filed 7/27/67.]

Chapter 16-692 WAC
HAY AND STRAW--MANIFESTS AND SHIPPING DOCUMENTS

WAC

16-692-001 Promulgation.
16-692-010 Manifest of cargo—Form.

WAC 16-692-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 20.01 RCW after due notice and public hearing held at Olympia, Washington, on September 8, 1966 (pursuant to chapters 42.32 and 34.04 RCW), do hereby establish the following regulation requiring manifest of cargoes or certain other shipping documents to accompany hay and straw being transported. [Order 1034, Promulgation, filed 10/13/66, effective 1/1/67.]

WAC 16-692-010 Manifest of cargo--Form. (1) Any hay or straw being transported by a commission merchant, or dealer or their employees or licensed agents on equipment owned or under the control of said commission merchant, dealer or their employees or licensed agent shall be accompanied by a manifest of cargo as provided for in RCW 20.01.410, such manifest shall be only on the following form set forth herein:

ORIGINAL—To be retained and furnished to the director or his agent or the Washington state patrol upon request.

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE

MANIFEST OF CARGO AND BUYING RECORD
HAY and/or STRAW

0001

Date _____, 19__

Purchased by _____ Address _____ Dlr., or C.M. Lic. Plate No. __

Hauled by _____ Address _____ City _____

Received from _____ Address _____ City _____

WARNING: THIS MANIFEST MUST BE SIGNED BY BOTH THE BUYER AND THE SELLER

Lot No.	Unit Count (Bales)	Commodity	Grade or Quality	*Ton or Unit Price	Total Price	**Weight	Scale and Ticket No.
				@	$		
				@	$		
				@	$		
				@	$		
				@	$		

Chapter 20.01 RCW and Order No. 1034 requires this form to be executed and carried on vehicle while transporting HAY and/or STRAW by or on behalf of a dealer or commission merchant.

Representations as to grade, quality, weight, quantity, etc., are warranted in fact to meet the requirements of chapter 20.01 RCW.

*May be waived if transaction is by written contract which includes price.

**RCW 20.01.125 – Requires every dealer and commission merchant dealing in hay or straw shall obtain a certified vehicle tare weight and a certified vehicle gross weight for each load hauled.

TERMS OF SETTLEMENT
(Check proper square)

Paid in cash ..... ☐ Contracted for ..... ☐
Paid by check ..... ☐ Payment due _____ (date)
Purchased "as is" ..... ☐ Purchased subject to grade and inspection ..... ☐

Accepted by _____ Seller
(May be waived if transaction is by written contract)

---------- ----------
Licensee.

By ----------

ATTN: COMMON CARRIERS: Shipping documents prescribed by Washington public utilities and transportation commission, or interstate commerce commission, or a shipping document reviewed and authorized by the director may be used in lieu of this manifest of cargo.

(2) All the mandatory declarations shall be properly inserted as required.

(3) Any form of manifest of cargo, which contains any statements of conditions, agreements or other information which would vary, or tend to vary, add to, or detract from the information and terms set forth in the manifest form prescribed herein, shall not be recognized, accepted or allowed to be used by the department of agriculture as a proper manifest of cargo for hay or straw.

(4) Any common carrier moving or transporting hay or straw for a commission merchant or dealer may in lieu of the above prescribed manifest of cargo accompany said hay or straw being moved or transported for a commission merchant or dealer with shipping documents prescribed and required by the Washington public utilities and transportation commission, or interstate commerce commission, or such other shipping documents reviewed and authorized by the department of agriculture as satisfying the requirements of the manifest of cargo prescribed herein. [Order 1034, Regulation 1, filed 10/13/66, effective 1/1/67.]

Chapter 16-693 WAC
COMMISSION MERCHANT STANDARD CONTRACT FORMAT

WAC

16-693-001 Promulgation.
16-693-010 Commission merchant standard contract format.
16-693-020 Standard contract format—Title.

WAC 16-693-001 Promulgation. I, Stewart Bledsoe, director of agriculture of the state of Washington, by the virtue of the authority vested in me under chapter 20.01 RCW, after due notice and a public hearing held in Ellensburg, Washington on April 21, 1975, pursuant to chapter 34.04 RCW, do hereby adopt the following regulation establishing a standard contract format for the sale or consignment of horticultural products by persons licensed as commission merchants under chapter 20.01 RCW. [Order 1399, § 16-693-001, filed 5/8/75.]

WAC 16-693-010 Commission merchant standard contract format. On and after the effective date of this regulation every commission merchant, before taking control of any horticultural product for sale as such commission merchant shall, in accordance with RCW 20.01.370, use the following standard contract format and exhibits provided for therein:

THIS AGREEMENT entered into this _____ day of ----------, 19__, by and between ----------, hereinafter referred to as consignor, and ----------, hereinafter referred to as commission merchant, constitutes a contract to handle said consignor's horticultural product or products as a commission merchant as defined in RCW 20.01.010.

I. CONTRACT PRODUCTION

A. Consignor agrees to deliver to commission merchant for handling fruit of marketable grade and quality identified as to kind and variety and as to amount in an exhibit attached hereto.

B. Consignor agrees commission merchant shall handle and market his fruit:

(1) In a pool. (Conditions of consignment, including terms by commission merchant for handling the fruit, are specified in an exhibit attached hereto.)

(2) For consignor's individual account. (Conditions of consignment are specified in an exhibit attached hereto.)

II. CHARGES

A. The charges to consignor for handling his fruit shall be not greater than the charges posted at commission merchant's premises, and on file with the director of agriculture unless the same are mutually agreed to in writing and separately signed in an exhibit attached hereto, or amended and filed as required by RCW 20.01.080. Charges for services rendered and not listed on commission merchants schedule of charges and commissions filed with the director shall be rendered only on the basis of actual cost.

B. Commission merchant is authorized to use the service of brokers, (including terminal), commission merchants, dealers, joint partners and auctions, and to consign or reconsign; all such charges shall be based on actual services rendered and shall be charged to the consignor's account.

C. Promotion, research and marketing assessments—Federal and state or otherwise as listed in an exhibit attached hereto—Shall be charged to consignor's account.

III. DELIVERY RECEIPTS

A. Concurrent with delivery of fruit, consignor or his agent shall receive from commission merchant a delivery receipt which shall state:

(1) The name of consignor.

(2) The date the fruit was received, and the kind, variety and quantity delivered by consignor.

IV. INSPECTION AND GRADING

A. Consignor guarantees that all fruit delivered will be in compliance with the Federal Food and Drug and other federal and state regulations and that he will keep the required records. Commission merchant shall have the right to reject fruit that does not conform thereto. Consignor warrants his title to the fruit; title thereto shall remain in consignor until sold and purchaser accepts delivery (final sale). Consignor guarantees that the fruit is not subject to lien, security interests or encumbrance of any nature whatsoever, except _____
_____
_____
_____ .

B. Consignor agrees to indemnify commission merchant against any other liens or encumbrances against consignor's fruit.

V. SALES REPORTING AND REMITTANCE (Sales other than pools)

A. Commission merchant shall remit to consignor the full price for which consignor's fruit was sold, less charges, within thirty days of such sale (acceptance of fruit by the buyer) unless otherwise mutually agreed between consignor and commission merchant and specified in an exhibit attached hereto. The remittance to consignor shall include all collections, overcharges and damages, less the agreed commission and other charges, and a complete account of sale. No uniform exception to the requirement of payment within thirty days of sale shall be effective unless the clause providing for the exception is separately signed by consignor in an exhibit attached hereto.

B. Commission merchant shall promptly make and keep the following records on the handling, storage or sale of each kind and variety of fruit:

(1) The name and address of consignor.

(2) The date received.

(3) The quantity and variety delivered by consignor, and where applicable, the dockage, tare, grade, size and net weight, or quality.

(4) Date of such sale for account of consignor.

(5) The terms of the sale.

(6) The terms of payment to consignor.

(7) An itemized statement of the charges to be paid by consignor in connection with the sale.

(8) The names and addresses of all purchasers if said commission merchant has any financial interest in the business of said purchasers, or if said purchasers have any financial interest in the business of said commission merchant, directly or indirectly, as holder of the other's corporate stock, as co–partner, as lender or borrower of money to or from the other, or otherwise. Such interest shall be noted in said records following the name of any such purchaser.

(9) A lot number or other identifying mark for each consignment, which number or mark shall appear on all sales tags and other essential records needed to show what the fruit actually sold for.

(10) Any claim or claims which have been or may be filed by commission merchant against any person for overcharges or for damages resulting from the injury or deterioration of such fruit by the act, neglect or failure of such person, and such records shall be open to the inspection of the director and consignor of fruit for whom such claim or claims are made.

VI. POOLING

A. Commission merchant shall be subject to the following conditions when accepting Consignor's fruit for pooling:

(1) Written authority to commingle consignor's fruit in a specific pool shall be provided in an exhibit attached hereto together with standards for such pool and how consignor's fruit will be handled.

(2) Commission merchant shall furnish consignor with a delivery receipt which shall indicate the variety of fruit delivered by consignor and the number of containers or the weight and tare thereof.

(3) Consignor's fruit received for handling and sale in the fresh market shall be accounted for to consignor with individual pack–out records which shall include the variety, grade, size and date of delivery. Individual daily packing summaries shall be available to consignor within forty–eight hours after consignor's fruit is packed: *Provided*, That if consignor agrees as to small deliveries of fruit, commission merchant may use platform inspection to determine, where applicable, the

grade or size. The agreement as to the amount of fruit qualifying as a small delivery shall be specified in an exhibit attached hereto.

(4) Terms by which commission merchant may use his judgment in regard to the sale of the pooled fruit shall be attached as an exhibit attached hereto.

(5) Terms setting forth charges as filed with the director of agriculture or lesser charges than said filed charges as charged all other like consignors to said pools.

(6) Consignor shall be paid for his pool contribution by commission merchant when the pool is in the process of being marketed, in direct proportion up to eighty percent of consignor's interest, and within thirty days of sale, (acceptance of fruit by the buyer), unless otherwise mutually agreed between consignor and commission merchant and specified in an exhibit attached hereto and separately signed by consignor. Payment shall be less expenses directly incurred, prior liens and other advances on consignor's fruit crop. Remittance to consignor for his remaining interest in the pool shall be within thirty days of final sale from the pool, unless otherwise mutually agreed and specified in an exhibit attached hereto and separately signed by consignor.

(7) The final remittance to the consignor shall include:

(a) The average price received by commission merchant for fruit in that pool by variety and grade or size;

(b) The total house charges deducted from consignor's share of that pool;

(c) The industry check-off charges deducted from consignor's share;

(d) The net price to consignor by variety and grade or size;

(e) If consignor is paid on a basis other than variety and grade, the net price to consignor on the basis used.

(8) Commission merchant shall for a period of one year keep records as follows on pools for the information of pool consignors and shall supply such records to pool consignors upon request:

(a) Date of sale for account of pool.

(b) The terms of sale.

(c) The terms of payment to consignors.

(d) An itemized statement of the charges to be paid by consignors in connection with the sale.

(e) A lot number or mark identifying each consignment to the pool and a record of the prices received for the fruit in the pool.

(9) Commission merchant shall notify consignor whenever he does not include his fruit grown in the same district as the consignors in the same pools.

VII. DUTY TO INFORM AND SELL FRUIT IN CONSIGNOR'S BEST INTEREST

A. With regard to loose fruit, whenever consignor requests commission merchant shall inform the consignor as to the current selling price of the fruit and whether it will cover the market preparation and selling costs. Whenever such costs exceed the market price, consignor shall be free to sell his fruit to any other buyer and commission merchant shall have the right to refuse to accept delivery and/or pack the fruit.

B. Commission merchant shall notify consignor whenever, because of lack of space or other conditions in the physical facilities, consignor's fruit cannot be properly handled.

C. Commission merchant is authorized to sell for consignor's account, at times and in quantities the market will accept, as he deems in the best interest of consignor. Both parties recognize and agree that commission merchant may have to sell consignor's fruit even though the price may be lower than desirable, where condition (quality) is, or may become a factor: *Provided*, That the provisions of this section shall not affect the minimum guaranteed to a consignor where such minimum return is agreed to by both consignor and commission merchant.

D. Commission merchant is authorized to establish standards for packs and these standards may be higher than the minimum state or federal grades.

VIII. EXCUSE FOR NONPERFORMANCE

A. Upon payment by consignor of all of commission merchant's earned commissions and

charges consignor shall be excused for nonperformance of his obligations under the terms of this contract in the event the destruction of his fruit is caused by flood, frost, hail, rain, wind or any other act of nature beyond his control and/or in the event of strikes or the destruction of equipment and facilities beyond his control which would impair the delivery of his fruit to commission merchant.

B. Commission merchant shall not be responsible for the performance of his obligations under this contract in the event of flood, wind or act of nature beyond his control, or in the event of strikes, fire, embargoes or other conditions beyond the control of commission merchant and which would prevent the proper handling of consignor's fruit.

IX. **RISK OF LOSS**

A. Commission merchant shall provide casualty insurance covering loss or destruction of any fruit delivered to Commission merchant from fire, lightning, windstorm, hail, vehicle and aircraft, riot and civil commotions, smoke, vandalism, explosion, ammonia contamination or sprinkler leakage. The coverage shall continue through and until the time of shipment. The value of the fruit involved shall be that established at the time of loss.

X. **COMMISSION MERCHANT LIEN**

A. Commission merchant shall have a lien against all of fruit handled in behalf of consignor for advances, assessment charges and expenses herein authorized by consignor.

XI. **ADJUSTMENTS**

A. Consignor authorizes commission merchant to extend credit insofar as it will not abrogate consignor's right to payment within thirty days of sale of his fruit. Consignor authorizes commission merchant to make reasonable adjustments in price at destination, subject to USDA inspection, where reasonably available and without inspection if not reasonably available.

B. Consignor authorizes commission merchant to settle claims and collect the proceeds in either consignor's or commission merchant's name, this authority to include specifically the rights to handle, settle and collect carrier claims.

XII. **DIVERSION**

A. Fruit received from consignor for fresh market sale, except fruit for processing and culls, shall not be diverted to any other market by commission merchant unless written permission has been received from the consignor, or has been made a part of an exhibit attached hereto.

XIII. **MINIMUM GUARANTEED RETURN**

A. In the instance where a commission merchant agrees to a minimum guaranteed return: The minimum guaranteed return shall be specified in an exhibit attached hereto and shall show:

(1) The minimum guaranteed return to consignor for each kind and variety, or

(2) If the minimum guaranteed return to consignor includes more than one variety, how the minimum guaranteed price for each variety shall be determined:

(a) On the basis of the average of all sales of all such varieties or on the basis of sales of each single variety.

XIV. **DURATION OF CONTRACT**

A. This contract shall continue in effect from year to year, unless cancelled as to any kind or variety of fruit by either party by giving written notice to the other at least 60 days prior to harvest of that kind or variety of fruit in the year following the year in which this contract is signed or any year thereafter. Such cancellation shall not apply to any uncompleted preparation for market or marketing or other matters arising out of this agreement.

XV. **LICENSE REVOCATION**

A. This contract is assignable only by mutual consent, and consignor is released from compliance with its terms if the license of commission merchant is suspended or revoked.

XVI. **ENTIRE CONTRACT**

This contract and the appended exhibits constitute the entire agreement between the parties and may be modified only in writing, and, further, it shall in no way be construed to impair any mandatory provisions of chapter 20.01 RCW, the Washington Commission Merchants Act, governing either party hereto.

Both parties to this contract acknowledge that they have read and understand its provisions including attached exhibits which are identified as

_____ before signing the same.

DATED this _____ day of _____ 19__.

_____
COMMISSION MERCHANT

_____
CONSIGNOR

_____
ADDRESS

Department of Agriculture Standard Contract Format No. I

[Order 1399, § 16-693-010, filed 5/8/75.]

WAC 16-693-020 Standard contract format--Title. The standard contract format adopted in WAC 16-693-010 shall be known and identified as commission merchant standard contract format No. I. [Order 1399, § 16-693-020, filed 5/8/75.]

Chapter 16-700 WAC
STATE FAIR FUND--PRORATION

WAC

16-700-002 Definition.
16-700-010 Activity reports required.
16-700-021 Qualifications.
16-700-022 Requirements.
16-700-024 Director's review.
16-700-027 Board of directors.
16-700-030 Effect of donated labor, materials, and equipment.
16-700-040 Weight given to community support.
16-700-050 Merit criteria.
16-700-060 Criteria for youth shows and fairs.
16-700-070 Reserve for disaster grants.
16-700-080 Qualifying premiums and prizes.
16-700-090 Effective date.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-700-001 Promulgation. [Order 1279, § 16-700-001, filed 11/28/72, effective 1/1/73; Order 847, Promulgation, effective 6/8/61.] Repealed by 80-01-019 (Order 1662), filed 12/14/79, effective 1/1/81.

16-700-020 Allocations. [Order 1279, § 16-700-020, filed 11/28/72, effective 1/1/73; Order 847, Regulation 2, effective 6/8/61.] Repealed by 80-01-019 (Order 1662), filed 12/14/79, effective 1/1/81.

WAC 16-700-002 Definition. Agricultural fair: A fair or exhibition which is intended to promote agriculture by including a balanced variety of exhibits of livestock and agricultural products, as well as related arts and manufactures; including products of the farm home, and educational contests, displays, and demonstrations designed to train youth and to promote the welfare of farm people and rural living. [Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-002, filed 12/14/79, effective 1/1/81.]

WAC 16-700-010 Activity reports required. Any county fair desiring to apply for an allocation from the state fair fund under the provisions of chapter 61, Laws of 1961, must submit to the director annually, on or before February 15 of the following year, reports covering all of its activities on forms to be supplied by the director, and include a county auditor's report of receipts and expenditures attributed to the fair. Any area or community fair or youth show must submit to the director annually, on or before December 1, the reports of its activities on forms to be supplied by the director. [Order 1279, § 16-700-010, filed 11/28/72, effective 1/1/73; Order 847, Regulation 1, effective 6/8/61.]

WAC 16-700-021 Qualifications. Any area or community fair applying for an allocation from the state fair fund shall have on display or exhibit at one place, open to the public, for at least a seven-hour period:

(1) Three or more of the following animal categories: Beef, sheep, swine, horses, dairy, goats, dogs, and poultry and rabbits (poultry and rabbits being in one category) with at least five exhibits in each category, except poultry and rabbits which shall have ten; and

(2) At least three of the following categories: Foods, clothing, horticulture, crops, floriculture, arts and crafts, with at least five exhibits in each category.

(3) Each category, to qualify as per above, shall have at least three exhibitors.

(4) Each fair shall have at least twenty-five exhibitors in total.

Such area or community fair, whose application is accepted by the director, shall be entitled to a basic annual allocation of fifty percent of the premiums and prizes paid to the participants. An allocation of up to one hundred percent reimbursement of premiums and prizes paid may be made on a merit basis to such fairs as reporting one thousand dollars or more of the value of such premiums and prizes: *Provided*, That any community fair that has for its purpose the education and training of youth in the matters of rural living and production agriculture and serving the 4-H and FFA members and all interested youth in its community, may qualify for an allocation with:

(1) Three or more of the following categories: Beef, sheep, swine, dairy, horses, or goats; or

(2) At least two of the following categories: Beef, sheep, swine, dairy and/or goats, and at least two of the following categories: Foods, clothing, horticulture, crops, floriculture, arts and crafts, dogs, poultry and/or rabbits (poultry and/or rabbits being one category).

(3) Each category, to qualify as per above, shall have at least three exhibitors.

(4) Each fair shall have at least twenty-five exhibitors in total.

All such exhibits are to be exhibited by youth exhibitors, at one place, open to the public, for at least a seven-hour period. Such fair shall be entitled to an annual allocation of only fifty percent reimbursement of premiums and prizes. [Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-021, filed 12/14/79, effective 1/1/81.]

WAC 16-700-022 Requirements. All agricultural fairs shall:

(1) Have a written statement of aims and purposes made public.

(2) Provide special activities for youth development, such as judging contests, educational demonstrations, and displays designed to train youth.

(3) Hold all activities to be considered as part of the fair on consecutive days: *Provided*, That a portion of these activities may be held up to seven days before the first day of the fair. [Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-022, filed 12/14/79, effective 1/1/81.]

WAC 16-700-024 Director's review. Any fair not qualifying under WAC 16-700-021 or 16-700-022(3) may apply to the director for a review of its circumstances and the director is authorized to determine eligibility on the basis of those circumstances on a case-by-case basis. [Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-024, filed 12/14/79, effective 1/1/81.]

WAC 16-700-027 Board of directors. Area and community fairs and youth shows shall have an organized governing board of directors, be nonprofit, and show evidence of community support. [Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-027, filed 12/14/79, effective 1/1/81.]

WAC 16-700-030 Effect of donated labor, materials, and equipment. For the purpose of matching state fair fund allocations those fairs whose local resources are not sufficient to match dollar for dollar may in preparing their annual reports place a reasonable itemized monetary value upon donated labor, materials and equipment used in the construction, repairing and maintenance of fair grounds, buildings and facilities. [Order 847, Regulation 3, effective 6/8/61.]

WAC 16-700-040 Weight given to community support. Due weight shall be given to each of the several criteria by which fairs are to receive a merit rating. Special consideration may be given, however, to small and comparatively isolated fairs with limited local resources when such fairs have shown that a maximum community effort has been made in support of these fairs. [Order 847, Regulation 4, effective 6/8/61.]

WAC 16-700-050 Merit criteria. The merit of area, district, county and community fairs shall be determined on the basis of the following criteria:

(1) **Aims and purposes:** For what reason or purposes is the show held and what is the evidence of successful achievement of these aims and purposes?

(2) **Organization and management:** To what extent is the organization, its officers and management, and the physical setup geared to accomplish the objectives stated above?

(3) **Area served:** What is the extent of the area from which exhibits and exhibitors are drawn and the extent of the area served?

(4) **General attractiveness:** Are the agricultural, educational, commercial and recreational features wellbalanced, making the fair attractive to the fairgoing public?

(5) **Exhibits:** What is the number, quality and diversity of exhibits and their general rating judged by recognized standards of excellence, as well as their neatness and orderliness in all departments, in open and junior classes?

(6) **Community, county or area interest:** How is full participation and support of the area served indicated by (a) attendance, both paid and total, and (b) by active support of service clubs, farm organizations and other groups?

(7) **Financial management:** What are the receipts from all sources, all expenditures, including building funds, capital improvements, financial reserves and obligations?

(8) **Success of the fair:** How successful does the fair appear, measured by its accomplishment in relation to resources available? [Order 847, Regulation 5, effective 6/8/61.]

WAC 16-700-060 Criteria for youth shows and fairs. Youth shows and fairs shall be judged on a merit basis according to the following criteria:

(1) **Aims and purposes:** To what extent does the show supplement 4-H, FFA and other related youth programs and to what extent does it provide opportunity for showing results of supervised training in these programs?

(2) **Organization and management:** To what extent is the organization, its officers and management and the physical setup geared to accomplish the objectives stated above?

(3) **Scope:** What does the show include in the nature of youth participation, such as number of participants, kind and number of exhibits or displays, and the clubs or chapters represented?

(4) **Quality:** What is the general attractiveness of the show in all departments, the general rating of exhibits judged by recognized standards of excellence, and the neatness and orderliness in all departments?

(5) **Financial statement:** What are the receipts of all kinds, the expenditures, including salaries and wages, premiums paid, building fund accounts, financial reserves and general obligations?

(6) **Area and/or community support:** In what ways does the area served support this show?

(7) **Special activities:** To what extent does the show provide special activities for youth development, such as judging contests, educational demonstrations, banquets, barbecues, programs, or other supervised recreation? [Order 847, Regulation 6, effective 6/8/61.]

WAC 16-700-070 Reserve for disaster grants. Allocations to fairs from the special assistance portion of the state fair fund shall be made on a matching basis except that this requirement may be waived in the case of assistance due to disasters resulting from fire, flood, wind, snow, earthquake or other acts of God. A reserve of not less than $5,000 shall be held for the purpose of making disaster grants. [Order 847, Regulation 7, effective 6/8/61.]

WAC 16-700-080 Qualifying premiums and prizes. Premiums and prizes that qualify for listing for allocation purposes shall be those paid for exhibits and educational contests, displays, and demonstrations of an educational nature. This is not to include judges fees and expenses, prizes or premiums for promotion or entertainment activities such as queen contests, parades, dances, rodeos, and races. [Order 1279, § 16-700-080, filed 11/28/72, effective 1/1/73.]

WAC 16-700-090 Effective date. The effective date of these amended rules shall be January 1, 1981 [WAC 16-700-001, 16-700-020, 16-700-021, 16-700-022, 16-700-024, 16-700-027, and 16-700-090]. [Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-090, filed 12/14/79, effective 1/1/81.]

Chapter 16-720 WAC
DIETARY SUPPLEMENTS--ELEMENTAL IRON

WAC

16-720-001 Promulgation.
16-720-010 Definition.
16-720-020 Requirement.
16-720-030 Penalty.

Reviser's note: By the promulgation of Order 1483, filed in the office of the code reviser on September 2, 1976, the effective date of chapter 16-720 WAC, was extended from January 1, 1977, to June 2, 1977.

WAC 16-720-001 Promulgation. I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 70.106 RCW, after due notice as provided under chapters 42.32 [42.30] and 34.04 RCW, and a public hearing held in Olympia, Washington on January 28, 1976 and on August 30, 1976 do hereby promulgate the following regulations requiring dietary iron supplements and dietary multiple-vitamin-with iron supplements to be packaged in child-resistant containers. [Order 1483, § 16-720-001, filed 9/2/76, effective 6/2/77; Order 1433, § 16-720-001, filed 3/1/76, effective 1/1/77.]

WAC 16-720-010 Definition. Dietary supplement means any vitamin and/or mineral preparation offered in tablet, capsule, wafer or other similar uniform unit form; in powder, granular, flake, or liquid form; or in the physical form of a conventional food but which is not a conventional food; and which purports to be or is represented for special dietary use by humans to supplement their diets by increasing the total dietary intake of one or more of the essential vitamins and/or minerals. [Order 1483, § 16-720-010, filed 9/2/76, effective 6/2/77; Order 1433, § 16-720-010, filed 3/1/76, effective 1/1/77.]

WAC 16-720-020 Requirement. Iron preparations. Animal and human drugs (except for injectable drugs), and dietary supplements, as defined in WAC 16-720-010, that provide an equivalent of 250 milligrams or more of elemental iron per total package, shall be packaged in accordance with the provisions of chapter 70.106 RCW, the Washington Poison Prevention Act of 1974. [Order 1483, § 16-720-020, filed 9/2/76, effective 6/2/77; Order 1433, § 16-720-020, filed 3/1/76, effective 1/1/77.]

WAC 16-720-030 Penalty. Any person found to be in violation of WAC 16-720-020 shall be subject to the penalties provided in RCW 70.106.140. [Order 1483, § 16-720-030, filed 9/2/76, effective 6/2/77; Order 1433, § 16-720-030, filed 3/1/76, effective 1/1/77.]

Chapter 16-750 WAC
NOXIOUS WEED CONTROL BOARD--PROPOSED NOXIOUS WEED LIST

WAC

16-750-010 Proposed noxious weed list.

WAC 16-750-010 Proposed noxious weed list. In accordance with RCW 17.10.080, a proposed noxious weed list comprising the names of those plants which the noxious weed control board finds to be injurious to crops, livestock, or other property is hereby adopted as follows:

English or Common Name	Botanical or Scientific Name
Perennial Weeds	
Baby's Breath	Gypsophila paniculata
Bindweed, field	Convolvulus arvensis
Blue Lettuce	Lactuca pulchella
Blueweed, Texas	Helianthus ciliaris
Bracken, western	Pteridium aguilinum
Canada Thistle	Cirsium arvense
Dalmation Toadflax	Linaria dalmatica
Gorse	Ulex europaeus
Hoary Cress or White Top	Cardaria draba
Johnsongrass	Sorghum halepense
Knapweed, complex	Centaurea spp.
Leafy Spurge	Euphorbia esula
Lupine	Lupinus spp.
Nightshade, bitter	Solanum dulcamara
Nutsedge, yellow	Cyperus esculentus
Oxeye Daisy	Chrysanthemum leucanthemum
Pepperweed, perennial	Lepidium latifolium
Quackgrass	Agropyron repens
Rush Skeletonweed	Chondrilla juncea
St. Johnswort	Hypericum perforatum
Scotch Broom	Cytisus scoparius
Sowthistle, perennial	Sonchus arvensis
Tansy, common	Tanacetum vulgare
Waterhemlock, western	Cicuta douglasii
Watermilfoil, Eurasian	Myriophyllum spicatum
Wormwood, Absinthe	Artemisia absinthium
Yellow Toadflax	Linaria vulgaris
Biennial Weeds	
Bull Thistle	Cirsium vulgare
Houndstongue	Cynoglossum officinale
Knapweed, spotted	Centaurea maculosa
Musk Thistle	Carduus nutans L.
Plumeless Thistle	Carduus acanthoides
Poison Hemlock	Conium maculatum
Scotch Thistle	Onopordum acanthium
Tansy Ragwort	Senecio jacobaea

English or Common Name	Botanical or Scientific Name
Annual Weeds	
Cocklebur	Xanthium spp.
Dodder	Cuscuta spp.
Goatgrass, jointed	Aegilops cylindrica
Hemp (Marijuana)	Cannabis sativa
Kochia	Kochia scoparia
Medusahead	Taeniatherum asperum
Puncturevine	Tribulus terrestris
Rye	Secale cereale L.
Sandbur, longspine	Cenchrus longispinus
Yellow Starthistle	Centaurea solstitialis

[Statutory Authority: RCW 17.10.080. 83-07-042 (Order 14, Resolution No. 14), § 16-750-010, filed 3/17/83; 82-06-045 (Order 13, Resolution No. 13), § 16-750-010, filed 3/3/82. Statutory Authority: Chapter 17.10 RCW. 81-07-039 (Order 12, Resolution 12), § 16-750-010, filed 3/13/81; 80-03-075 (Order 11, Resolution 11), § 16-750-010, filed 2/29/80; 78-06-014 (Order 10, Resolution 10), § 16-750-010, filed 5/10/78; Order 8, § 16-750-010, filed 3/1/77; Order 7, § 16-750-010, filed 4/15/76; Order 5, § 16-750-010, filed 3/7/75; Order 4, § 16-750-010, filed 3/27/74; Order 3, § 16-750-010, filed 4/3/73; Order 2, § 16-750-010, filed 3/16/72; Order 1, § 16-750-010, filed 4/9/71.]