



RULE-MAKING ORDER

CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) 12-1-07 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: This rule making order modifies the Seed Program fee schedule. These modifications re-align certain fees to correspond to the amount of time necessary to render a particular service. Specifically some fees are being raised, and other fees have been lowered. In addition fees have been established for new services offered by the Seed Program. Typographical errors and formatting of certain charts have also been addressed making the fee schedule easier to understand.

Citation of existing rules affected by this order:

Repealed:
 Amended: Chapter 16-301 303 M.C.
 Suspended:

Statutory authority for adoption: RCW 15.49.310

Other authority : RCW 34.05

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 07-17-073 on August 13, 2007.
 Describe any changes other than editing from proposed to adopted version: None.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

EMERGENCY RULE ONLY

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

Reasons for this finding:

Date adopted: Oct 12, 2007 M.C.

NAME (TYPE OR PRINT)
Valoria Loveland

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

12
 945
 07-21-060

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	10	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended		Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	10	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending WSR 05-12-053, filed 5/26/05, effective 6/26/05)

WAC 16-303-200 Seed program testing fees. Seed testing fees are as follows:

(1)

Category	Crop kind	PURITY	GERM/1	TZ	Additional Crops in each Category/2
1	Agricultural Grasses	37.00	22.60	41.83	Alkaligrass, Bermudagrass, Canarygrass, Foxtail, Switchgrass, Timothy, Zoysia
2	Alfalfa & Clover	28.78	24.66	41.83	Alfalfa, Black Medic, Clover, Lupine, Milkvetch, Sainfoin, Trefoil
3	Beans	26.72	24.66	41.83	Beans
4	Beets	39.06	43.16	41.83	Beets, Swiss chard, Spinach
5	Bentgrass, redtop	65.78	34.94	41.83	Bentgrass, Redtop
6	Bluegrass	45.22	30.82	41.83	Bluegrass, all types
7	Brassica ((sp:)) <u>Species</u>	69.88	34.94	41.83	Brassica Species
8	Brome	47.28	24.66	41.83	Brome: Mountain, Smooth, Meadow
9	Fescue	37.00	24.66	41.83	Fescue: Tall and Meadow
10	Fescue, all others	45.22	24.66	41.83	Fescue: Arizona, Blue, Blue Hard, Chewings, Creeping, Hard, Idaho, Red, Sheep
11	Flax	28.78	24.66	41.83	Lewis flax
12	Orchardgrass	51.38	26.72	41.83	Orchardgrass
13	Peas and other large seeded legumes	28.78	24.66	41.83	Peas, Chickpeas, Lentil, <u>Vetch</u>
14	Primrose	28.78	24.66	41.83	Primrose
15	Ryegrass	45.22	22.60	41.83	Ryegrass, (Perennial or Annual)
16	Small burnet	28.78	24.66	41.83	Small burnet
17	Sudangrass	28.78	24.66	41.83	Sudangrass

Category	Crop kind	PURITY	GERM/1	TZ	Additional Crops in each Category/2
18	Vegetables	28.78	24.66	45.00	Vegetables: <u>Arugula</u> , Asparagus, Cantaloupe, Carrot, Celery, Corn, Coriander, Cucumber, Dill, Eggplant, Endive, Leek, Lettuce, Okra, Onion, Parsley, Parsnip, Pepper, Pumpkin, Radish, Squash, Tomato, Watermelon
19	Grains ((and Pulses))	28.78	24.66	41.83	Wheat, Triticale, Sunflower, Sorghum, Safflower, Rye, Rice, Millet, Buckwheat, Barley, Oats, ((<u>Vetch</u>)) <u>Emmer, Spelt</u>
20	Wheatgrass, Wildrye, other native ((<u>sp.</u>)) <u>species Group A</u>	78.12	30.82	41.83	((Wheatgrass: <u>Beardless, Bluebunch, Crested, Intermediate, Pubescent, R/S, Slender, Siberian, Tall, Thickspike, Western Wildrye</u>)) <u>Bluestem, Buffalograss, Lovegrass, Penstemon, Sand dropseed, Sideoats, Squirreltail, Intermediate, Pubescent, Tall, Thickspike, Slender, and Western wheatgrasses; Small-seeded wildrye</u>
	<u>Wheatgrass, Wildrye, other native species and flowers Group B</u>	<u>69.00</u>	<u>30.82</u>	<u>41.83</u>	((Other Native Species: <u>Echinacea, Green needlegrass, Indian ricegrass, Junegrass, Little bluestem, Needle and Thread, Squirreltail, Kochia, Penstemon, Oatgrass, Prairie sandreed, Sand dropseed, Sand Lovegrass, Sideoats grama</u>)) <u>Bitterbrush, Echinacea, Indian ricegrass, Junegrass, Kochia, Oatgrass, Indian ricegrass, Blue and other large-seeded wildrye, Crested and Siberian wheatgrasses</u>
	<u>Wheatgrass, Wildrye, other native species and flowers Group C</u>	<u>69.00</u>	<u>114.48*</u>	<u>41.83</u>	<u>Green needlegrass, Needle & Thread, Penstemon</u> *(Germination requires 400 seed TZ according to AOSA Rules)

/1 Standard 400 seed germination test.

(2) Crops not listed in the above table will be charged by the category that they fit into.

WAC 16-303-210 Fees for special seed tests.

Test	Fee	Additional Information
(1) All states noxious weed examination	\$ 33.38	
(2) Dormant Seed Test	\$ 41.83	
(a) For crops requiring a 400 seed TZ as required in the AOSA rules	\$ 83.66	
(b) This fee also applies to paired tests when required by AOSA rules		
(3) ((Brassica seed chemical identification	\$ 20.94	
(4)) Cold (vigor) test for wheat	\$ 65.00	
((5)) (4) Crop or weed exam		Standard noxious amount from AOSA rules
(a) Turf-type and other small seeded grasses	\$ 38.00	Kentucky bluegrass, timothy, alkaligrass, fine-leaved fescues
(b) Small seeded legumes and medium seeded crops	\$ 44.00	Brassicas, ryegrass, tall fescue
(c) Wheatgrass and native species	\$ 50.00	
(d) Grains and ((pulses)) large seeded legumes	\$ 22.00	
((6)) (5) Fescue seed ammonia test	\$ 30.82	<u>Required on all certified Blue, Hard, and Sheep fescues</u>
((7)) (6) Fluorescence test (400 seed test)	\$ 26.72	<u>Required on all Perennial and Annual ryegrass samples</u>
((8)) (7) Miscellaneous services, samples requiring extra time, field run samples, etc.	\$(30.00)) <u>35.00/hour</u>	
((9)) (8) Pest and disease (phyto exam) and/or soil exam	\$ 34.94	
((10)) (9) Quarantine tests on seed		
Bluegrass and Bentgrass	\$ 18.04/5 grams	
Other grasses	\$ 18.04/10 grams	
((11)) (10) Rules test--Canadian	PURITY	GERMINATION
Alfalfa, clover, peas, lentils	\$ 32.37	\$ 24.66
Kentucky bluegrass	\$ 49.34	\$ 30.82
Bentgrass	\$ 72.47	\$ 34.94
((12)) (11) Rules test--I.S.T.A.	PURITY	GERMINATION
Alfalfa, clover, peas, lentils	\$ 32.37	\$ 30.82
Kentucky bluegrass	\$ 49.34	\$ 30.82
((13)) (12) Moisture test	\$ 30.00	
((14)) (13) Seed Count	\$(21.84))	
((15)) (a) Large seed	<u>\$ 9.25</u>	
(b) Small seed	<u>\$ 12.30</u>	
(14) Out-sourcing charge	\$ 15.00	

Test	Fee	Additional Information
((+6)) (15) Sod seed analysis	Bluegrass \$ 75.00 Fescue \$ 52.00 Ryegrass \$ 42.00	
((+7)) (16) Sodium Hydroxide test for presence of red and/or white wheat	\$ 20.54	
((+8)) (17) Undesirable grass species test (includes an all states noxious test) examination (UGS test)	\$ 70.37	
(18) Germination test in soil	\$ 50.00	
(19) Wheat bioassay test	\$ 50.00	
(20) Germination on mixtures Germination requiring embryo excision	\$ 35.00 per hour for separation of kinds or preparation time	This is in addition to the established germination fee

AMENDATORY SECTION (Amending WSR 03-18-071, filed 8/29/03, effective 9/29/03)

WAC 16-303-230 Official seed sampling or similar service.

Fees for official sampling are in addition to travel time and mileage.

Crop	Fee	Minimum charge
Peas, beans, small grains or seeds of similar size	<u>Standard sampling</u> \$(0.05) 0.07 Per cwt. I.S.T.A. sampling \$ 0.09 Per cwt. plus \$ 7.50 Per lot	\$(30.00) <u>35.00</u> \$ 35.00 plus \$7.50 Per lot
For all other kinds	<u>Standard sampling</u> \$(0.15) 0.018 Per cwt. I.S.T.A. sampling \$ 0.22 Per cwt. plus \$ 7.50 Per lot	\$(30.00) <u>35.00</u> \$ 35.00 plus \$ 7.50 Per lot

AMENDATORY SECTION (Amending WSR 03-18-071, filed 8/29/03, effective 9/29/03)

WAC 16-303-240 Fees for blending seed. Blending fee is not applicable to salvage blends.

Grass option B*	Washington origin seed	\$ 1.02 per cwt.
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Grass option B*	Out-of-state origin	\$ 0.61 per cwt.
Grass option A and all other blends of other crops		\$ ((0.05)) <u>0.07</u> per cwt.

*See WAC 16-303-320, footnote 6 for information on option A and option B.

AMENDATORY SECTION (Amending WSR 05-12-053, filed 5/26/05, effective 6/26/05)

WAC 16-303-250 Miscellaneous charges for seed services. Fees for miscellaneous department seed services are as follows:

Service	Fee
Rush samples (including phone or FAX report if requested at time sample is submitted)	\$ 15.00
High priority sample - purity result completed before the end of the next business day. (Special circumstances only. Call ahead for availability.)	\$ 150.00
Phone reports on test result, per call	\$ 7.18
Preliminary report on germination	\$ ((20.00)) <u>5.00</u>
Additional mailing of report	\$ 5.12 each destination
Additional copies of reports	\$ ((5.12)) <u>2.50</u> minimum fee
Revised reports	\$ 10.26 minimum (hourly fee when applicable)
Fee for special shipping and handling service, for example Federal Express, Air Parcel or air freight	\$ 3.70 plus exact shipping cost
Fee for facsimile transmission of documents	\$ 1.00 per document
Mileage - additional or special requested trips	As established by the Washington State Office of Financial Management

Stand-by time - or travel time	\$ ((30.00)) <u>35.00</u> /hour	Travel time to be charged when special trip is requested.
((Sample envelopes		Customer will be charged the exact cost of the envelopes.))

AMENDATORY SECTION (Amending WSR 03-18-071, filed 8/29/03,
effective 9/29/03)

**WAC 16-303-300 ((Phyto-sanitary)) Phytosanitary certification
of seed--Fees.**

Service	Fee	Additional Information
<u>Federal Phytosanitary certificate</u>	\$ ((30.00)) <u>35.00</u>	
<u>State Phytosanitary certificate</u>	<u>\$ 40.00</u>	
Field inspection--All seed except wheat seed (for each required inspection)	\$ 5.30 per acre, per required inspection	\$ 50.00 minimum fee, per inspection
Field inspection-- Wheat seed only	\$ 2.12 per acre or fraction thereof	\$ 50.00 minimum fee, per inspection
Area inspection ((billed at time certificate is issued))	\$.05 per cwt.)) <u>\$ 0.53/acre</u>	((\$ 50.00 minimum fee per certificate \$ 159.25 maximum fee per certificate))
Late fee - per application	\$ 41.00	

AMENDATORY SECTION (Amending WSR 05-12-053, filed 5/26/05,
effective 6/26/05)

**WAC 16-303-310 Organization for economic cooperation and
development scheme for varietal certification (O.E.C.D.) fees.** In
addition to fees required by applicable Washington certification
rules, the following fees shall apply to all seed tagged O.E.C.D.
and is payable by the person requesting O.E.C.D. certificate. The
certifying agency may require fees paid in advance:

Service	Fee	Additional Information
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O.E.C.D. certificate	\$ 15.41 each	
O.E.C.D. grow out test	\$ 65.72 each entry	No charge for control entry
O.E.C.D. assessment	cost to program	<u>This is a pass through fee to USDA</u>
O.E.C.D. tagging fee	\$ 0.84/cwt.	All grasses except tall fescue
	\$ 0.51/cwt.	Tall fescue
	\$ 0.53/cwt.	all other crops

AMENDATORY SECTION (Amending WSR 03-18-071, filed 8/29/03, effective 9/29/03)

WAC 16-303-315 Service fee for sod quality seed tags and tagging. Service fee for sod quality seed tags and tagging shall be \$ ~~((0.12))~~ 0.22 per cwt.

AMENDATORY SECTION (Amending WSR 03-18-071, filed 8/29/03, effective 9/29/03)

WAC 16-303-317 Annual and rough bluegrass quarantine fees. Fees for sampling and analysis for the presence of annual or rough bluegrass are those fees established in this chapter and:

(1) Annual bluegrass and rough bluegrass - inspection fee for nursery plantings for the presence of annual bluegrass is \$ 59.10 per acre or portion thereof. The tagging fee is \$ 0.53 cwt. with a minimum fee of \$ 23.12.

(2) Quarantine inspection of grass seed fields found to be in violation of the quarantine requirements will be charged at the rate of \$ ~~((150.00))~~ 200.00 per field inspection.

AMENDATORY SECTION (Amending WSR 05-12-053, filed 5/26/05, effective 6/26/05)

WAC 16-303-320 Certification fees for seed certified by the department. (1) Fees apply to both new and renewal applications.

The seed processor is responsible for seed certification fees including sampling, testing, production and final certification fees, and may accept responsibility for any other additional fees associated with certification. Fees for services such as O.E.C.D.

and sod quality, etc., are in addition to the fees listed in this section.

Seed	Applica- tion Fee 1/	Seedling field inspection fee	Seedling producing or field inspection Fee 2/	Late Application Penalty Fee	Reinspection Fee (other than isolation)	Production Fee (includes tagging) 7/	Seed shipped Out-of-State (uncleaned)
Alfalfa, Red clover, White clover and Trefoil	\$ 30.00 per variety per grower	\$ 50.00/field	\$ 1.85/acre	\$ 41.00	\$ 53.44 ea. field	\$ 0.53/cwt. 5/	\$ 0.20/cwt.
Bean	\$ 30.00 per variety per grower	N/A	\$ 1.85/acre 3/ (one inspection) \$ 3.70/acre 4/ (two inspections)	\$ 41.00	\$ 53.44 ea. field	\$ 0.53/cwt.	\$ 0.20/cwt.
Turnip, Rutabaga, Kale	\$ 30.00 per field	N/A	\$ 3.70/acre (two inspections)	\$ 41.00	\$ 53.44 each field	\$ 0.53/cwt.	\$ 0.20
Perennial Grasses 6/	\$ 30.00 per field	\$ 50.00/field	\$ 50.00 per field	\$ 41.00	\$ 53.44 each field	Option A \$ 0.84/cwt. for all grass except tall fescue \$ 0.51/cwt. tall fescue Option B \$ 1.17/cwt. (min. \$ 11.66)	\$ 0.31
Com	\$ 30.00 (for each separate combinatio n/or isolation)) Per field	N/A	\$ 50.00 first acre \$ 10.99 ea. additional acre except hybrid corn \$ 4.85 ea. additional acre	() \$ 41.00	-----	() \$ 0.11 per tag issued or minimum fee of \$10.00 per lot	() \$ 3.00 per document
Annual grasses	\$ 30.00 per field	N/A	\$ 1.85/acre	\$ 41.00 per field	() \$ 53.44 each field	\$ 0.42/cwt.	\$ 0.20
Rapeseed, Canola, and Mustard	\$ 30.00 per variety per grower	N/A	\$ 1.85/acre (one inspection)	\$ 41.00 per grower	\$ 53.44 ea. field	\$ 0.53/cwt.	\$ 0.20

- 1/ Seed certification application due dates can be found in WAC 16-302-050.
- 2/ Seedling producing or field inspection fees are refundable if the acreage is withdrawn before the inspection is completed. In the case of bean seed, fees are required of seedling fields to be harvested for certification the year of planting.
- 3/ One inspection is required for Great Northern Red Mexican, pinto, pink, and small white bean.
- 4/ Includes windrow inspection which is required for certification of snap beans, kidney beans, and eligibility for shipment into the state of Idaho.
- 5/ Production fees are billed at completion of laboratory analysis tests. If no seed is tagged, \$ 0.10 of the \$ 0.53 per cwt. production fee is refundable.
- 6/ Option A: Inspection and final certification fees are based on pounds sampled and billed upon completion of required laboratory tests.

Option B: Inspection and final certification fees are based on pounds tagged after required laboratory tests are completed. 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. The memorandum may be terminated by the director if the conditioner violates certification standards or requirements of memorandum.

7/ Does not include shipping and handling charge for tags.

8/ Service inspection of seed fields
Service inspection will be charged the established hourly rate inclusive of travel time and inspection time. This excludes the seedling inspection which is charged according to the above chart.

Service inspections will be charged a mileage fee based upon the OFM mileage rate.

9/ Hybrid inspections (pollen counts)
All crops except corn:
(a) \$ 45.00 per inspection if done at the time of the certification inspection.

(b) \$ 125 per inspection if not conducted at the time of the certification inspection.

(2) Other fees associated with grass seed certification:
 Out-of-state origin seed tagged with interagency certification

tags.

Grass Option A:	\$ 0.31 per cwt.
Grass Option B:	\$ 0.68 per cwt.
Reissuance of cert. tags:	\$ 0.11 per tag or minimum fee of \$ 11.66

AMENDATORY SECTION (Amending WSR 06-11-066, filed 5/12/06, effective 6/12/06)

WAC 16-303-340 Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains. (1) Seed certification fees for buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains are as follows:

(a) Application fee per variety per grower	\$(21.88) 22.97
(b) Field inspection fee per acre except millet and hybrid sorghum	\$(3.02) 3.11
(c) Millet - first acre	\$32.55
-each additional acre	\$6.48
(d) Hybrid sorghum - first acre	\$32.55
-each additional acre	\$13.00

(e) Special field inspection fee per acre	\$2.58
(f) Late application fee	\$(20.50) <u>30.75</u>
(g) Reinspection fee	\$(41.05) <u>43.10</u>

minimum for each field which did not pass field inspection plus ~~\$(0.44)~~ 0.46 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is ~~\$(41.05)~~ 43.10.

(h) Final certification fee	\$0.25
per cwt. of clean seed sampled, which is charged to conditioning plant, or production fee	\$0.105
per cwt. of production from fields inspected which is utilized for seed, which is charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.	
(i) Sampling fee	\$0.105
per cwt. of clean seed sampled, with minimum charge of \$10.30 per sample, which is charged to conditioning plant in lieu of mechanical sampling.	

(2) 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 is refunded upon request until June 30 of the year following harvest.

(3) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.