

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington
Department of Agriculture
(agency name)

Administrative Order No. 1558

(1) I, Bob J. Mickelson, director of the Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

WAC 16-316-215 of Chapter 16-316, Title 16 regulations and procedures for Organization for Economic Cooperation and Development scheme for varietal certification.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules. & 2/21/78

This action is taken pursuant to Notice No. 7963 and 78-03-037 filed with the code reviser on 12/30/77. Such rules shall take effect:

- pursuant to RCW 34.04.040(2).
X at a later date, such date being April 1, 1978

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

X (a) This rule is promulgated pursuant to RCW 15.49 and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to RCW 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON

FILED

APPROVED AND ADOPTED March 1 19 78

MAR 1 1978

By Bob J. Mickelson

Director of Agriculture

Title

CODE REVISER'S OFFICE WSR 78-03-102

AMENDATORY SECTION (Order 1250, filed 4/13/72)

WAC 16-316-215 REGULATIONS AND PROCEDURES FOR ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT SCHEME FOR VARIETAL CERTIFICATION.

(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, USDA, 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 regulations, 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 Washington State's certification program.

(b) Crop varieties, or 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. (~~A representative of the department of agriculture must sample each~~) Each lot of O.E.C.D. seed stock must be sampled under supervision of the certifying agency before seals are broken. If part of a seed stock lot is received at different times, samples must be drawn from both shipments. Sample will be used as control for grow-out 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 portion of an O.E.C.D. seed stock lot to be planted in the state of Washington for O.E.C.D. production. If stock is received in different shipments, separate requests will be submitted covering weights of each shipment. 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 Washington State's certification standards. Certification requirements and procedures for each kind shall be those standards in Washington 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.

(b) Seed produced from foreign varieties grown under the O.E.C.D. scheme will be O.E.C.D. certified as to genetic purity only. 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.

(c) 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.

(d) 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}000}~~) (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. (~~An inspector authorized by the seed branch will draw an official bagging sample at the time the seed is tagged and sealed. 100 to 250 grams of the sample will be sent to the originating country, or as directed by originator, and the balance will be used in required post control grow-out test.~~) A bagging sample of each lot of O.E.C.D. seed tagged must be drawn under supervision of the certifying agency. 100 to 250 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 official 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 1 of 4 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.:

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|---|--------------------|
| (a) Tagging | \$ 0.25 cwt. |
| (b) O.E.C.D. Certificate | \$10.00 each |
| (c) O.E.C.D. Grow-out Test | \$30.00 each entry |
| (d) 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}~~) (e) All fees payable by person requesting O.E.C.D. certificate. Certifying agency may require fees payable in advance.



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purposes of legislative review of agency rules, the following statement is submitted.

1. Rules pertaining to regulations and procedures for Organization for Economic Cooperation and Development scheme for varietal certification (Statutory authority 15.49 RCW)
2. Amendments are housekeeping, to clarify wording.
3. Art Losey
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Olympia, Washington 98504
753-5062
Bob Eschbach
2015 S. 1st Street
Yakima, Washington 98903
575-2750
4. Proponents: Department of Agriculture
Opponents: None
5. No agency comments