

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1587

(1) I, Bob J. Mickelson, director of

Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to: Grades and standards for certified seed potatoes, repealing WAC 16-324-440, 16-446-001, 16-446-100, 16-446-110, 16-446-120, 16-446-130, 16-446-140, 16-446-150, 16-446-160, 16-446-170, 16-446-180, 16-446-190, 16-446-200 and 16-446-210, amending 16-324-370, 16-324-380, 16-324-390, 16-324-400, 16-324-410, 16-324-420 and 16-324-430, and adopting 16-324-375, 16-324-445, 16-324-450, 16-324-460, 16-324-470, 16-324-480, 16-324-490, 16-324-500, 16-324-510, 16-324-520, 16-324-530, 16-324-540, all to be effective 30 days after the signing of this order, *and adopting 16-324-435, to be effective May 1, 1979.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 78-10-101 and 78-10-103 filed with the code reviser on 10/3/78. Such rules shall take effect:

- xx pursuant to RCW 34.04.040(2).
* at a later date, such date being see above.

(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):

- (a) This rule is promulgated pursuant to RCW 15.14 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 chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON FILED

APPROVED AND ADOPTED November 21 19 78

NOV 21 1978

By Bob J. Mickelson Director

Title

CODE REVISER'S OFFICE WSR 78-12-034



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

November 21, 1978

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

- (a) Administrative Order No. 1587, Grades and standards for certified seed potatoes, Department of Agriculture, under authority of RCW 15.14.
- (b) This order provides for a strengthening of the Department's legal position in carrying out the intent of this program.
- (c) Department of Agriculture
Division of Plant Industry
C. T. Nielsen, Assistant Director,
and A. R. Hurd
418 General Administration Building
Olympia
753-5052
- (d) Proponent: Washington State Department of Agriculture
Opponents: None
- (e) Agency comments:
These changes in rules for seed potato certification have come about because of a recent lawsuit. The changes have been mandated by the Attorney General's Office in order to strengthen the Department's legal position in carrying out the intent of this program. In order to minimize possible confusion, grades and standards are now being included as part of the rules and regulations for certification of seed potatoes.

REPEALER

Chapter 16-446 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 16-446-001 PROMULGATION.
- (2) WAC 16-446-100 TUBER INSPECTION--DISEASES AND GRADES.
- (3) WAC 16-446-110 SPECIFIC REQUIREMENTS (PERCENTAGE TOLERANCES).
- (4) WAC 16-446-120 WASHINGTON NO. 1 CERTIFIED SEED POTATOES (BLUE TAG STOCK).
- (5) WAC 16-446-130 WASHINGTON NO. 2 CERTIFIED SEED POTATOES (RED TAG STOCK).
- (6) WAC 16-446-140 WASHINGTON SINGLE DROP CERTIFIED SEED POTATOES (WHITE TAG STOCK).
- (7) WAC 16-446-150 WASHINGTON BUFF CERTIFIED SEED POTATOES (BUFF TAG STOCK).
- (8) WAC 16-446-160 MARKING REQUIREMENTS.
- (9) WAC 16-446-170 TOLERANCES.
- (10) WAC 16-446-180 DEFINITION OF TERMS.
- (11) WAC 16-446-190 DEFINITION--DAMAGE.
- (12) WAC 16-446-200 DEFINITION--SERIOUS DAMAGE.
- (13) WAC 16-446-210 EFFECTIVE DATE.

AMENDATORY SECTION (Amending Order 1199, filed 5/5/71)

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) ~~((The--department--may--refuse--acceptance--of--an--application--certification,--or--use--of--certification--tags--under--any--condition--which--may--be--detrimental--to--the--seed--potato--industry:))~~ 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.

~~((3)--When--potatoes--are--certified--by--the--department,--it--is--an--exercise--of--the--best--judgment--of--the--department.--Certification--does--not--constitute--a--warranty--of--the--department--regarding--the--quality--or--freedom--from--disease--of--the--seed--potatoes--beyond--the--express--representation--that--the--potatoes--were--produced,--tested,--inspected,--graded--and--packed--under--the--supervision--of--the--department--and--did--at--the--time--of--grading,--meet--all--requirements--of--this--article:))~~

(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.

NEW SECTION

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.

AMENDATORY SECTION (Amending Order 1199, filed 5/5/71)

WAC 16-324-380 FEES. (1) Potato certification fees shall be ~~((43.50))~~ thirteen dollars and fifty cents per acre.

~~((*)~~) Applications shall be accompanied by ~~((50%))~~ fifty percent of the total charge due and payable on or before June 15 of each year. Applications may be adjusted ~~((40%))~~ ten percent on or before July 15.

(2) Final payment of above fee is due and payable ~~((October))~~ November 1 of each year, PROVIDED:

(a) Fees for ~~((5))~~ five acres or less must be paid in full at the time of application.

(b) Fee for ~~((2))~~ two acres or less is ~~((40.00))~~ forty dollars minimum to be paid in full at time of application.

(c) No fees will be charged, up to ~~((5))~~ five acres, for regularly enrolled high school 4-H or PFA projects.

(3) Refunds of the application fee will be made only (upon receipt of a written notice to the department by the applicant with drawing the lot or field) 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) (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.

(6) Final fee under No. 4 must reach the state department of agriculture, Olympia, Washington, on or before October 1 each year in order to maintain eligibility.

(7)) Failure to pay fees when due shall result in removing the applicant from this program.

((8)) (6) No application for any grower owing the Washington state department of agriculture for previous fees will be considered.

AMENDATORY SECTION (Amending Order 1526, filed 4/27/77)

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 ((year)) two years unless the prior ((crop was)) 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) ((Fields)) Potatoes intended for certification must be isolated by at least ((100)) one hundred feet from ((fields growing)) other potatoes except ((fields)) potatoes entered for certification.

(b) A distinct separation ((must be used to denote different lots or varieties grown in the same field)) of at least six feet must be left unplanted or planted to some other crop between different lots of seed potatoes.

(3) ((Miscellaneous requirements--(a) Prospective growers 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.

(4)) 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 ((plot)) 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 ((Canada)) countries is eligible for certification if ((these states or provinces have foundation seed standards at least as high as the state of Washington)) the planting stock has met the requirements for foundation standards of their program.

((5) Test plot records--Each lot of Washington seed to be planted for certification must have passed winter greenhouse test tolerances;

(6)) (4) Field inspections. Each lot will be visually inspected on a sample basis. ((Fields)) Lots will be subjected to at least two inspections - the first about ((six to eight weeks)) 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 ~~((fields))~~ lots will be traversed sufficiently to accurately evaluate the factors to be considered with a minimum sample of one hundred plants per acre. ~~((Fields))~~ 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.

~~((7))~~ (5) Russet Burbank/Netted Gem potatoes to be eligible for certification must be ~~((represented-in-the-winter-greenhouse-test--and-be))~~ within the field tolerances and the winter ~~((greenhouse))~~ 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.

AMENDATORY SECTION (Amending Order 1199, filed 5/5/71)

WAC 16-324-400 FIELD INSPECTION STANDARDS. (1) The ~~((unit--of))~~ field certification ~~((will--be-the-entire))~~ of each lot ~~((within-the-field-standing-at-the-time-of-inspection))~~ will be based on the sample inspected.

(2) Specific requirements. ~~((Percentage-tolerances))~~
 (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: Inspection	Foundation		Certified	
	1	2-3	1	2-3
Leaf Roll	0.2%	0.1%	0.4%	0.2%
Well defined Mosaic, ((Spindle-Tuber, --or-Giant-Hill)) 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%
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.

((a)) (e) ((Fields)) Lots not meeting field ((tolerance requirements)) inspection standards at the time of inspection will be rejected.

((b)) (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 ((rejection-or--held--for-additional--winter-testing--any-lots-held-for-additional-winter-testing-will-not-be-eligible-for-tagging-until-such-lots-have-passed--winter-greenhouse-test-requirements)) 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.

AMENDATORY SECTION (Amending Order 1526, filed 4/27/77)

WAC 16-324-410 WINTER ((GREENHOUSE)) TEST. (1) ((To-be--eligible-to--plant--for-certification-any-lot-of-Washington-seed-must-be-represented-in-the-winter-greenhouse-test-and-be-within-the-field-tolerance-and-winter-greenhouse-test-tolerance-set--for--foundation--seed--potatoes.)) 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.

((2)) (3) "Foundation" may be stamped on the department's official certified tags when a lot has passed the required field standards and winter ((greenhouse)) test tolerances for foundation seed.

((3)--The--department--may--approve--special--foundation-testing-procedures.))

(4) Lots represented in winter ((greenhouse)) tests which do not meet the certification requirements of the winter ((greenhouse)) test will not be eligible for current year certification.

(5) In the event of serious malfunction of the winter ((greenhouse)) test facility, foundation and certified eligibility may be based on field readings.

AMENDATORY SECTION (Amending Order 1199, filed 5/5/71)

WAC 16-324-420 WINTER ((GREENHOUSE)) TEST TOLERANCES. (1) ((Specific-requirements--{Percentage-tolerances})) 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 ((7-Spindle--Tuber-or-Giant-Hill)) 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.

AMENDATORY SECTION (Amending Order 1199, filed 5/5/71)

WAC 16-324-430 DIGGING, STORAGE AND PREMARKETING. ((f)) Specific requirements.

((a)) (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.

((b)) (2) Graded according to state of Washington standards for seed potatoes.

((c)) (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.

((d)-For-the-convenience-of-the-grower,)

(4) Tags may be issued to the grower ((provided--he--agrees--to)) who will:

((i)) (a) Tag the bags as the potatoes are sorted.

((ii)) (b) Allow inspection of graded potatoes ((are-subject-to inspection)) at any time.

((iii)) (c) If the potatoes are out-of-grade, remove the tags under the supervision of the inspector.

((iv)) (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

((ii)) (b) and ((iii)) (c) is just cause to eject a grower from the certification program.

((e)) (5) Bulk lots, properly identified, may be moved under certification.

((f)--Storage--areas--and--sorting--equipment--shall--be--carefully cleaned--and--disinfected--each--year--

(g)-Seed-potatoes-may-be-stored-in-used-sacks-that-are-known--not-to-have-been-used-for-commercial-potatoes:

(2)-Recommendations:

(a)--Seed--potatoes--are--to--be--dug--and--stored--so--as--to--maintain vitality-of-seed:)

NEW SECTION

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.

NEW SECTION

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.

NEW SECTION

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 %

NEW SECTION

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.

NEW SECTION

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.

NEW SECTION

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.

NEW SECTION

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.

NEW SECTION

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.

NEW SECTION

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.

NEW SECTION

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.

NEW SECTION

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.

NEW SECTION

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 or 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-324-440 EFFECTIVE DATE.