

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington
Department of Agriculture

(agency name)

Administrative Order No. 1610

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

do promulgate and adopt at Olympia, WA (place)
the annexed rules relating to:

Grass seed certification standards in WAC 16-316-350, WAC 16-316-370

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

This action is taken pursuant to Notice No. WSR 79-03-059 filed with the code reviser on March 6, 1979. Such rules shall take effect:

- [X] pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(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 chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON APPROVED AND ADOPTED April 30 19 79

FILED

APR 30 1979

By [Signature] Deputy Director

Title

CODE REVISER'S OFFICE

WSR 79-05-060

[Form CR-7: Effective 12/1/77]

AMENDATORY SECTION (Amending Order 1560, filed 3/1/78)

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).. ~~\$(40.00)~~
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 & 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 processor 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 100 pounds. (If no seed is tagged, 20% of the final certification fee is refundable upon request).

(ii) ~~((Resampling-if-required-.....-\$-0.45 per--400--pounds--Fees--not--applicable--if--lot--has--met--Washington--seed certification--standards--on--previous--certified--sample--and--lot--was remitted--to--improve--quality:))~~

(iii)) Service fee for out-of-state origin..... \$ 0.30 per 100 pounds.

((iv)) (iii) Blend fee shall be as established by blend regulation, and in addition to above fees. However, blend fee not applicable to salvage blends.

((v)) (iv) Payment of fees shall be the responsibility of the person signing the application. However, processor 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 100 pounds. (Minimum fee per tagging)..... \$10.00

(ii) Service fee for out-of-state origin \$ 0.75 per 100 pounds.

(iii) Blend fee (in addition to fee established by blend regulation) shall be as follows, and payable upon completion of blend on total weight of blend:

(A) Washington origin certified seed used in blend..... \$ 0.95 per 100 pounds.

(B) Out-of-state origin certified seed used in blend..... \$ 0.70

per 100 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 40% of the blend is not tagged, 40% 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.

(iv) Payment of fees shall be the responsibility of the processor. A processor 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, processor shall be responsible for Option A fees on all certified seed not tagged at termination date.

(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 shall be as established by the director of agriculture.

(7) FEES FOR ((RESAMPLING,)) 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 per tag with a minimum fee of \$5.00.

AMENDATORY SECTION (Amending Order 1560, filed 3/1/78)

WAC 16-316-370 SEED STANDARDS. Seed standards for grass 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 table, the text under the heading "Crop & its type of Reproduction" has been repeated twice. The table columns "Symbol" through the third "Cert." have been displayed with the Crop Name in PART ONE of the Table and the table columns "Max. % Weed(b) Fndt. Reg." through the last "Reg." have been displayed with the Crop Name in Part Two of the Table.]

PART ONE OF TABLE

Crop & its type of Reproduction	Symbol (as defined in WAC 16- 316-360)	Min. % Germ		Min. % Pure Fndt.		Max. % Inert Fndt.	
		Fndt. Reg.	Cert.	Reg.	Cert.	Reg.	Cert.
Bluegrass							
Sherman	(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	96 (d)	4	4
Smooth Brome	(C)	80	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

Crop & it's type of Reproduction	Symbol (as defined in WAC 16- 316-360)	Min. % Germ		Min. %		Max. %		
		Fndt. Reg.	Cert.	Pure Fndt. Reg.	Cert.	Inert Fndt. Reg.	Cert.	
Orchardgrass	(C)	80	85	85	90	15	10	
			80 for Pennlate & Latar					
Ryegrass	(C)	85 (g)	90 (g)	96	((98))	4	((2))	
Pennfine	(C)	85 (g)	85 (g)	96	$\frac{97}{97}$	4	$\frac{3}{3}$	
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, Siberian	(C)	80	85	90	95	10	5	
Slender	(S)	80	85	90	95	10	5	
Tall	(C)	80	85	95	95	5	5	

PART TWO OF TABLE

Crop & it's type of Reproduction	Max. % Weeds (b) Fndt.		Max. % Other Crop Fndt. (a)		Max. No. seeds of other grass spp.	
	Reg.	Cert.	Reg.	Cert.	Fndt.	Reg.
Bluegrass						
Sherman	.05	.3	.1	.5	1/10 grams	1/1 grams
Kentucky	.05	.3	.1	.5 (d)	1/10 grams	1/1 grams
Merion Kentucky	.05	.3	.1	.5 (d)	1/10 grams	2/1 grams
Canada	.05	.3	.1	.5 (d)	1/10 grams	1/1 grams
Smooth Brome	.05	.3 (c)	.1	.5	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

Crop & it's type of Reproduction	Max. % Weeds (b) Fndt.		Max. % Other Crop Fndt. (a)		Max. No. seeds of other grass spp.	
	Reg.	Cert.	Reg.	Cert.	Fndt.	Reg.
Timothy	.1	.3	.1	.5	1/50 grams	5/50 grams
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, 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

[The following (a-f) are NOTES to the above tables.]

(a) Not to exceed twenty-five hundredths of one percent (.25%) 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(s) 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 a Kentucky Bluegrass other than Merion, 2% of varieties other than the variety certified will be allowed. 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	((To-be-determined))	----	3%
	0		
NK-200	0	----	3%
Yorktown	0	0	2%
Loretta	((To-be-determined))	----	2%
	0		



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

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

- (a) This rule relates to the seed regulations in Washington state (statutory authority RCW 15.49).
- (b) Revision of regulations concerning production, certification and distribution of seed. These changes include a 15 percent increase in seed testing fees; amendments in seed certification, quarantine, phytosanitary, noxious weed seed programs, clover, alfalfa, grass, bean, pea, lentil, soybean, small grain, tree seed, sod quality, blending, the O.E.C.D. program; and, admendments to restricted noxious weed seed list.
- (c) Department of Agriculture
Grain and Chemical Division
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Olympia, WA 98504
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- Robert Eschbach
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- (d) Proponents:
- Department of Agriculture
Ted Dion
Les Clemmons
Jack McGillis
- Duward Massey
Bob Johnson
- Opponents: None
- (e) None