

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1797

(1) I, M. Keith Ellis, director of Washington State Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to: General procedures for sampling seed and schedule of charges for testing seed in WAC 16-304.

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

This action is taken pursuant to Notice No. WSR 83-08-066 filed with the code reviser on Apr. 6, 1983. These rules shall take effect: [X] thirty days after they are filed with the code reviser 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 this 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 the emergency is:

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

(3) Pursuant to the requirements of RCW 34.04.026 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 15.49.310, 15.49.370; 15.49.400 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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 May 13, 19 83

MAY 16 1983

By M. Keith Ellis

Director of Agriculture

Title

CODE REVISER'S OFFICE

WSR 83-11-030

AMENDATORY SECTION (Amending 1244, filed 4/13/72)

WAC 16-304-020 (~~Sampling in the administration of the Washington State Seed Act~~) 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 ~~((2))~~ at least five cores or ~~((handfuls))~~ handsfull.

(b) For lots of more than six bags, sample five bags plus at least ~~((10%))~~ 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 ~~((handfuls))~~ handsfull as if the same quantity of seed were in bags of an ordinary size. Take the cores or ~~((handfuls))~~ 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 (~~as follows~~): See WAC 16-304-040, Schedule of Charges.

~~((a) Two ounces (approximately 55 grams) of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these.~~

~~(b) Five ounces (approximately 150 grams) of red or crimson clover, alfalfa, lespedezas, ryegrasses, bromes, millet, flax, rape, or seeds of similar size.~~

~~(c) One pound of sudangrass, sorghum, proso, hemp seed, or seeds of similar size.~~

~~(d) Two pounds (approximately 1,000 grams) of screenings, cereals, vetches, or seed of similar or larger size.~~

~~(e) Vegetable seed samples shall consist of at least 400 seeds per sample.)~~

AMENDATORY SECTION (Amending Order No. 1756, filed 3/31/82)

WAC 16-304-040 (~~Schedule of charges~~) SCHEDULE OF CHARGES.
 (1) Testing fees shall be as follows:

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY & GERM (c)	TETRA- ZOLIUM 200 Seeds
Bentgrass	2 oz.	(\$21.50) \$26.00	\$13.00	(\$11.50) \$14.00	(\$33.00) \$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 & 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 addi- tional 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 & 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

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

WAC 16-304-030 TOLERANCES FOR SEED LAW ENFORCEMENT
WAC 16-304-001 PROMULGATION