

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture
(agency name)

Administrative Order No. 1798

(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:

OECD rules and procedures, certification fees, application fees, seed sampling, and alfalfa and bean varieties eligible in WAC 16-316.

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

This action is taken pursuant to Notice No. WSR 83-08-067 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 83-11031

AMENDATORY SECTION (Amending Order No. 1647, filed 8/31/79)

WAC 16-316-215 (~~Regulations and procedures for organization for economic cooperation and development scheme for varietal certification~~) RULES AND PROCEDURES FOR ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT SCHEME FOR VARIETAL CERTIFICATION (O.E.C.D.).

(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~~) United States department of agriculture, 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~~) rules, 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, (~~of~~ ~~or~~) of 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. Each lot of O.E.C.D. seed stock must be sampled under supervision of the certifying agency before seals are broken. Sample will be used as control for growout

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 O.E.C.D. seed stock lot to be planted in the state of Washington for O.E.C.D. production. 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 the genetic 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. 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.

(b) 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.

(c) 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-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. 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)~~) One-hundred to two hundred fifty 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 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)~~) one of four 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.:

~~((a))~~ Tagging\$ 0.25 cwt.

~~((b))~~ (a) O.E.C.D. Certificate\$10.00 each

~~((c))~~ (b) O.E.C.D. Grow-out Test (each entry)
(no charge for control entry).....\$40.00 each
entry

~~((d))~~ (c) Fees for seed stock sampling or services not listed in this order shall be the most applicable fee established by the director of agriculture.

~~((e))~~ (d) All fees payable by person requesting O.E.C.D. certificate. Certifying agency may require fees payable in advance.

AMENDATORY SECTION (Amending Order No. 1650, filed 8/31/79)

WAC 16-316-350 (~~Certification fees~~) CERTIFICATION FEES. (1) (~~SEEDLING APPLICATIONS~~) 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~~) 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~~) Reinspection: Other than isolation (each field).....\$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: 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~~) conditioner 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~~) one-hundred pounds. (If no seed is tagged, (~~20¢~~) \$0.20 of the final certification fee is refundable upon request).

(ii) Service fee for out-of-state origin.....\$ 0.30 per (~~100~~) one-hundred pounds.

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

(iv) Payment of fees shall be the responsibility of the person signing the application. However, (~~processor~~) conditioner 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))~~ one-hundred pounds. (Minimum fee per tagging).....\$10.00

(ii) Service fee for out-of-state origin.....\$ 0.65 per ~~((100))~~ one-hundred pounds.

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

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

(B) Out-of-state origin certified seed used in blend.....\$ 0.60 per ~~((100))~~ one-hundred 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%))~~ forty percent of the blend is not tagged, ~~((40%))~~ forty percent 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.

(5) ~~((PAYMENT OF FEES))~~ Payment of fees shall be the responsibility of the ~~((processor))~~ conditioner. A ~~((processor))~~ conditioner 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))~~ conditioner shall be responsible for Option A fees on all certified seed not tagged at termination date.

(6) ~~((FEES FOR SERVICES))~~ Fees for services such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(7) ~~((PURITY AND GERMINATION TEST))~~ Purity and Germination test fees shall be as established by the director of agriculture.

(8) ~~((FEES FOR RETAGGING, OR SERVICES NOT LISTED IN THIS ORDER))~~ Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(9) ~~((FEES FOR REISSUE OF TAGS))~~ Fees for Reissue of Tags shall be ~~((0.05))~~ \$0.10 per tag with a minimum fee of ~~((5.00))~~ \$10.00.

AMENDATORY SECTION (Amending Order No. 1744, filed 7/10/81)

WAC 16-316-474 (~~(Application fees)~~) APPLICATION AND FEES.

(1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field must be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of field pea, lentil, soybean, sorghum and small grains.

(2) Due dates:

- (a) Field pea - June 1
- (b) Lentil - June 1
- (c) Soybean - July 1
- (d) Sorghum - July 15
- (e) Small grains - June 1 for winter varieties; July 1 for spring varieties.

(f) After due date, an application with late application fee may be accepted for service.

(3) Fees:

- (a) Application fee per variety per grower.....\$10.00
- (b) Field inspection fee per acre.....\$ 1.10
- (c) Late application fee.....\$10.00
- (d) Reinspection fee.....\$20.00

minimum for each field which did not pass field inspection plus \$0.20 (~~(+for)~~) for each acre over ((25)) twenty-five. The reinspection fee for isolation requirements only for a field of any size is \$20.00.

(e) Final certification fee.....(~~(\$ 0.13)~~)
\$ 0.14

per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee.....(~~(\$ 0.13)~~)
\$ 0.14

per cwt. of production from fields inspected which is utilized for seed, which shall be charged to conditioning plant or, if none, to applicant.

(f) Sampling fee.....\$ 0.10

per cwt. of clean seed sampled, with minimum charge of \$10.00 per sample, which shall be charged to conditioning plant in lieu of mechanical sampling.

(4) 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 shall be refunded upon request until June 30 of the year following harvest.

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

AMENDATORY SECTION (Amending Order No. 1744, filed 7/10/81)

WAC 16-316-484 (~~(Mechanical sampling)~~) MECHANICAL SAMPLING.

Seed for certification must be sampled by automatic mechanical sampler installed by a conditioning plant and acceptable to the

certifying agency, or alternatively must be sampled by a representative of the certifying agency and in which latter case the sampling fee shall be charged to the conditioning plant. It is recommended that conditioners limit the amount of seed a sample represents to as small an amount as possible in line with the scope of their individual operations.

AMENDATORY SECTION (Amending Order No. 1757, 3/31/82)

WAC 16-316-820 (~~Alfalfa varieties eligible~~) ALFALFA VARIETIES ELIGIBLE. (1) Following are the alfalfa varieties eligible and the certification scheme for each:

A-24**	Saranac*
A-59**	Saranac AR*pvvV
Agate*	Spredor 2*
Anchor*	SX-10*
Answer*	SX-418*
Apalachee*	Team*
Aquarius*	Tempo*
Apollo*	Thor*
Apollo II*	
Arc*	Titan*
((Arnim*))	Trident*
Atlas*	Trumpetor*
Atra-55*	Vernal*
Baker*pvvV	Vancor*
Blazer*	Vanguard*
Cimarron*	Vernema*
Citation*	Vista*
Classic*	Voris A77*
Conquest*	WL-220*
Dawson*	((Warrior*))
Defender*	Washoe*
Delta**	Weevlchek*
Duke*	WL-215*
Dupuits*	WL-219*
Epic*	WL-221*
Expo*	
G-777*	WL-311*
G-7730*	WL-312*
Gladiator*	WL-313*
Hi-Phy*	
Honeoye*pvvV	WL-315*
Iroquois*	WL-316*
Ladak**	WL-318*
Ladak 65*	120*
Liberty**	123*
Maverick*	
Marathon*	130*
Mesilla**	521*
Multileaf*pvvV	520*
Narragansett**	530*
Nomad**	
NS-79-P ₂	
Nugget*	
Olympic*	
Oneida*pvvV	
Peak*	
Perry*	
Phytor*	

Polar II*
 Preserve
 Primal*
 Prowler*
 Raidor*
 Ramsey*
 Ranger**

(2) Variety restrictions.

	NO. OF SEED HARVESTS		
	BREEDER	FOUNDATION REGISTERED	CERTIFIED
Answer		2	5
Apollo II			3
Baker	2	3	6
Blazer		3	
Defender	2	3	5
Duke		3	5
Epic		4	6
Expo		3	5
G-7730		3	5
Honeoye		3	6
Iroquois		3	6
Maverick		3	5
Multileaf		3	6
Oneida		3	6
Peak		3	
Perry	2	3	6
Polar II	2	3	5
Prowler	2	3	5
Raidor	2	3	5
Ranger (Beginning with 1980 Plantings)			6
Saranac		3	6
Saranac AR		3	6
Spredor 2	2	3	5
Trident		2	5
Trumpetor	2	3	5
Vancor	2	3	5
Vernema		4	6
Voris A-77		2	5
WL-221		3	
WL-313		3	
WL-315		3	5
WL-316		3	5
120		3	
123		2	4
130		3	5

AMENDATORY SECTION (Amending Order No. 1757, filed 3/31/82)

WAC 16-316-830 (~~Bean varieties eligible~~) BEAN VARIETIES ELIGIBLE. Following are the bean varieties eligible and the certification scheme for each:

Red Mexican:
Pinto:
Pink:
Small White:
Kidney:
Snap Bean:
Navy:
Great Northern:
Black Turtle:
Large, Round White

Bigbend** NW-59** NW-63**
Rufus**
NW-410 NW-590 Olathe**pvpV
Pindak** U of I 114***
Wyo 166**
Gloria** Roza** Viva**
Chief** Aurora** Bonus**
(~~NW-395**~~)
Royal Red** Pilgrim*
Carmine*
Yakima** Apollo** Epoch**
NW 395** Duty*
Harris** Emerson*
Black Turtle Soup** #39
Black Beauty** Ebony**pvpV
Snowball*