

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Agriculture
(agency name)

Administrative Order No. 1930

(1) I, C. Alan Pettibone, director of

Washington State Department of Agriculture

Olympia, WA

(place)

do promulgate and adopt at the annexed rules relating to:

Chapter 16-304 Annual Seed Inspection Charge; Chapter 16-316 Seed Standards, Varieties and Fees; Chapter 16-319 Forest Reproduction Material.

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

This action is taken pursuant to Notice No. WSR 87-08-063

filed with the code reviser on 4/1/87. 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 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 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.

APPROVED AND ADOPTED May 22 19 87

STATE OF WASHINGTON FILED

By C. Alan Pettibone

Director

Title

MAY 22 1987

[Form CR-7: Rev. 7/23/82]

CODE REVISER'S OFFICE WSR 87-12-006

AMENDATORY SECTION (Amending Order 1853, filed 5/2/85)

WAC 16-304-040 SCHEDULE OF CHARGES. (1) Testing fees shall be as fo

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY
Bentgrass	2 oz.	\$30.00	\$15.00
Bluegrass	4 oz.	21.00	13.00
Bromegrass	6 oz.	22.00	13.00
Fescue	4 oz.	21.00	13.00
Orchardgrass	4 oz.	24.00	15.00
Ryegrass	4 oz.	21.00	13.00
Crested Wheatgrass	4 oz.	24.50	15.00
Other Wheatgrasses	6 oz.	36.00	22.00
Other grasses	4 oz.	17.00	10.50
Beans and peas	1 1/4 lb.	13.00	7.50
Cereals	1 1/4 lb.	13.50	9.00
Other crops	4 oz.	13.50	9.00
Mixture (for each additional kind)		10.50	
Beets		18.00	8.50
Rapeseed		32.00	9.00
Carrot		13.50	9.00

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: One gram - bluegrass; five grams - alfalfa; and one hundred grams - wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: Ten grams - bluegrass; fifty grams - alfalfa; five hundred grams - wheat).

(b) Germination - test prescribed by Federal Seed Act to determine percent germination of seed sample based on four hundred 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 five grams..... \$16.00
Poa annua check for other grasses - each 10 grams..... \$16.00

(c) Sod seed analysis -
Bluegrass..... \$56.00
Fescue..... \$40.00
Ryegrass..... \$32.00

(A special test of turf grasses - for those who need a detailed examination of seed before purchase and/or use.)

WS:			OTS	
			-1458;1	10
			040;3	10
	PURITY	TETRA-	12	10
	AND	ZOLIUM	12	10
GERM	GERM	200	12	10
(b)	(c)	Seeds	12	10
		(d)	12	10
			12	10
			12	10
16.00	\$46.00	\$21.00	14	12
14.00	35.00	21.00	16	14
11.50	33.50	21.00	18	16
11.50	32.50	21.00	20	18
13.00	37.00	21.00	22	20
10.50	31.50	21.00	24	22
			25	23
13.00	37.50	21.00	27	25
			28	26
13.00	49.00	21.00	30	28
10.50	27.50	21.00	32	30
11.50	24.50	21.00	34	32
11.50	25.00	21.00	36	34
11.50	25.00	21.00	38	36
			39	37
13.00		21.00	41	39
17.00	35.00		42	40
16.00	48.00	21.00	43	41
11.50	25.00	36.00	44	42
			45	43
			46	44
			47	45
			49	47
			49	47
			51	49
			51	49
			52	50
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			67	65
			68	66
			70	68
			71	69
			72	70
			73	71
			74	72
			76	74
			76	74

Bluegrass test includes purity, twenty-five gram all weed/all crop, except ten gram Poa annua exam. Ryegrass and Fescue test includes purity, one hundred gram all weed/all crop. (Fluorescent required on ryegrass; germ and fluorescent test additional fee.)

- (d) Fluorescent test - (four hundred seed test)..... \$13.00
 - (e) Pest and disease, soil exam or similar..... \$16.00
- (Reported on seed analysis certificate.) A visual examination of a representative sample.
- (f) Sod analysis check - (~~fifty~~) twenty-five gram exam to evaluate if a lot appears to be sod quality (phone report only)..... \$ (~~45.00~~)

(g) Variety separation of Kentucky bluegrass..... \$18.00
 If separated at time of purity analysis..... \$ 9.00

- (h) Sodium Hydroxide test for presence of red and/or white wheat..... \$10.00
- (i) Brassica seed chemical identification test..... \$10.00
- (j) Analysis of partially cleaned, uncleaned or field run seed with excessive inert, other crop or weed seeds (per hour). \$16.00

(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 may not be mailed until all tests are completed.
- (b) Samples shall be plainly labeled "inventory samples."
- (c) Samples shall be reported according to the sender's designation. The laboratory shall assume no responsibility for correct identification. These samples and tests shall not become a part of our permanent record.
- (d) The fee for this service shall 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)..... \$ (~~9.00~~)

(b) Phone reports on test result, per call..... \$ 8.00

(c) Preliminary report on germination (phone report only)..... \$ 8.00

(d) Morphological test..... \$ 8.00
 (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

Revised reports (minimum fee)..... \$ 5.00
 (or hourly fee when applicable)

(g) (~~ISTA-test---purity-and-germination--fee--plus--fifty percent~~)

(h)) I. S. T. A. rules test	PURITY	GERMINATION
Alfalfa, clover	\$35.00	\$11.50
Kentucky bluegrass	\$45.00	\$14.00
Peas, lentils	\$26.00	\$11.50

(h) Canadian rules test	PURITY	GERMINATION
Alfalfa, clover	\$35.00	\$11.50
Kentucky bluegrass	\$45.00	\$14.00
Peas, lentils	\$26.00	\$11.50

(i) Seed count..... \$16.00

(~~(j)~~) (j) Extra charge for samples requiring special preparation for germination, i.e., New Zealand spinach, pelleted seeds, spinach, chard, etc..... \$16.00

(~~(k)~~) (k) Hourly fee for miscellaneous services..... \$16.00

((+*)) (l) Service charge for submitted federal phyto-
sanitary certificates, per certificate..... \$ 5.00
((+*)) (m) All states noxious weed examination..... \$12.00

AMENDATORY SECTION (Amending Order 1889, filed 6/9/86)

WAC 16-316-800 GRASS VARIETIES ELIGIBLE. (1) Following are the grass varieties eligible and the certifying scheme for each:

Bentgrass: (subject to poa annua quarantine)	((<u>Asteria-Colonial</u> ***)) ((<u>Bardet-Colonial</u> *)) ((<u>Highland-Colonial</u> **)) Seaside Creeping*** <u>Putter Creeping</u> Emerald Creeping**
Big Bluegrass:	Sherman**
Canada Bluegrass: (subject to poa annua quarantine)	Reubens**
Canby Bluegrass:	Canbar**
Kentucky Bluegrass: (subject to poa annua quarantine)	((A-20-6*)) A-34 (Bensun)** Adelphi** <u>Alpine</u> Amason* America* Argyle** Banff** Barblue*ppvV Baron** Birka* ((<u>Bonnieblue-(Pae)</u> **)) Bono (Birdie)* ((<u>Bristol</u> *)) <u>Bronco</u> Cheri (Golf)* Classic** ((<u>Cougar</u> * <u>Eynthia</u> * <u>Delta</u> *)) <u>Destiny</u> <u>Dawn</u> Eclipse* Enmundi*ppvV <u>Estate</u> Fylking** Georgetown** Geronimo* Glade** Haga* Harmony* Holiday* <u>Huntsville</u> Ikone** ((F-13**)) Julia* Kenblue* Kyosti* <u>Leikra</u> Liberty** <u>Limosine</u> Majestic** Merion** Monopoly* Mystic* Nassau** Newport**

Nugget*
 Nutop*
 ((Pacific*pvvV))
 Parade*
 Park**
Paso
 Pennstar*
 Plush*
 Ram I*pvvV
 Rugby*
 Sving*
 Sydsport*
 S-21**
Tendos
 Touchdown**
 Troy**
 ((Vieta*))
 Wabash*
 Welcome*

Pough Bluegrass:

Colt

Meadow Brome:

Regar**

Mountain Brome:

Bromar**

Smooth Brome:

Baylor*
 Beacon*
 ((Blair*))
Bravo
Jubilee
 Manchar**
 Rebound*
 ((Sae**))
 Saratoga*

((Deertongue:-----Pioga*))

Fescue:
 (subject to poa annua
 quarantine - except tall
 fescue)

((Cascade-Chewings**))
 Countess Chewings**pvvV
 Arid Tall*
 ((Jamestown-Chewings*pvvV))
 Barcel Tall**pvvV
 Barfalla Chewings**
Baruba Chewings
 Durar Hard**
 Finelawn 1-Tall**
 ((Sealdis-Hard*
 Dawson-Red*
 Idaho-Joseph**))
Joseph Idaho**
 Nezpers Idaho*pvvV
 ((Neverubra-Red*))
 Logro Slender Creeping
 Red**pvvV
 Manade Tall*
 ((Pennlawn-Red*))
Mesa-Tall Turf Type
 Rebel Tall*
 ((Ruby-Red*))
 Safe Tall*
 ((Wintergreen-Red*))
Southern Cross Tall
 Covar Sheep**
 ((Alta-Tall**))
 Fawn Tall*
 Beaumont Meadow*

	First Meadow**
	Forager Tall*
	<u>Wrangler-Tall Turf Type</u>
Orchardgrass:	Hay King*
	Latar**
	Paiute**
	Pennlate*
	Potomac*
Redtop:	Streaker*
Indian Ricegrass:	Nezpar**
Perennial Ryegrass: (subject to poa annua quarantine)	All*Star** ({Belle*}) ({Cropper*}) ({Diplomat*pvv}) ({Elka*}) Friend**pvv ({P-20* Manhattan* Norlea* Pennfine*pvv Yorktown*pvv Yorktown-II*pvv})
Puccinellia distans:	Fults*
Timothy:	({Champlain*}) Clair* Climax* Hokuo* ({Chawk**}) <u>Hokusen</u> <u>Kempus</u> Nosappu* ({Prente*}) <u>Promesse</u> <u>Senpoku</u>
Wheatgrass:	Whitmar Beardless** Secar Bluebunch** Fairway Crested* Ruff Crested* Nordan Crested** Ephraim Rhizomatous Crested** ({Amur-Intermediate**}) Greenar Intermediate** Oahe Intermediate* Tegmar Intermediate* Siberian** Greenleaf Pubescent* Luna Pubescent** Topar Pubescent** ({Primar-Slender**}) P-27 Siberian** Sodar Streambank** Critana Thickspike** Alkar Tall**
(Wild-Rye:-----	Bozoisky-Russian**)
Basin Wild Rye:	Magnar**
Russian Wild Rye:	Bozoisky Select**

(2) Variety restrictions.

NO. OF SEED HARVESTS
FOUNDATION REGISTERED CERTIFIED

(a)	Kentucky Bluegrass:		
	Baron	5	5
	Birka	2 + 3 Cert.	5
	((Bonnieblue	2 + 5 Cert.	5
	Bristol	4	4
	Cougar	3	6))
	Enmundi	4	5
	Georgetown	5	5
	Geronimo	6	6
	Kenblue	5	7
	Majestic	3 + 5 Cert.	5
	((Pacific	5	5))
	Parade	5	5
	Ram-I	2	6
	Rugby	3 + 2 Cert.	5
	Sydsport		5
	Touchdown	2 + 5 Cert.	5
(b)	((Deertongue:		
	fioga		6
(c))	Orchardgrass:		
	Pennlate	3	6
((d)	Perennial-Ryegrass:		
	Belle	4 + 2 Cert.	5
	Diplomat	5 + 2 Cert.	5
	Eika	4	4
	Pennfine	2 + 2 Cert.	4
	Yorktown-II	4 + 3 Cert.	4
	Manhattan	2 + 5 Cert.	5))

AMENDATORY SECTION (Amending Order 1889, filed 6/9/86)

WAC 16-316-810 RED CLOVER VARIETIES ELIGIBLE. (1) Following are the red clover varieties eligible and the certification scheme for each:

- Arlington*
- Chesapeake*
- ((E-688*))
- Flare*
- Florex*
- Florie*
- Hamidori*
- Kenland*
- Kenstar*pvvV
- Lakeland*
- ((Pennscott*))
- Prosper I*
- Redland*pvvV
- Redland II*
- Redman*
- Reddy*
- Ruby**
- Sapporo*
- Tristan*
- W-116*

(2) Variety restrictions. Kenstar: No seed production permitted year of seeding.

AMENDATORY SECTION (Amending Order 1833, filed 6/15/84)

WAC 16-316-815 OTHER CLOVER VARIETIES. Following are the other clover varieties eligible and the certification scheme for each:

White Clover: ((Sacramento-Indiano*))
 Star*
 Aran**pvpV
Barbian

AMENDATORY SECTION (Amending Order 1889, filed 6/9/86)

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

((A-24**
 A-59**))
 Agate*
 Anchor*
 Answer*
 ((Apalachee*))
 Aquarius*
 ((Apetto*))
 Apollo II*
 ((Arc*))
 Armor*
 Atlas*
 Atra-55*
 Baker*pvpV
 Big Ten*
 Blazer*
 Challenger*
 Cimarron*
 ((Citation*))
 Classic*
 ((Defender*
 Delta**))
 DK-135*
 Drummor*
 ((Duke*
 Dupuits*))
 Eagle*
 Endure*
 ((Epie*))
 Excalibur*
 ((Expo*))
 Gladiator*
 G-2815*
 G-7730*
 Hi-Phy*
 Honeoye*pvpV
 Iroquois*
 Julius*
 ((Ladak**
 Ladak-65*
 Liberty**
 Maverick*
 Marathon*))
 Maxim*
 Mesilla**
 Mohawk*
 ((Multileaf*pvpV
 Narragansett**

Nomad**
 Nugget*
 Olympic*))
 Oneida*pvvV
 Peak*
 Perry*
 Phyltor*
 Polar II*
 Preserve*
 Primal*
 ((Prowler*
 Raider*
 Ramsey*))
 Ranger**
 Riley*
 Saranac*
 Saranac AR*pvvV
 Shenandoah*
 Sparta*
 ((Spectrum*))
 Spredor 2*
 Sverre*
 ((SX-40*))
 SX-217*
 SX-418*
 ((Team*
 Tempo*
 Titan*
 Trident*))
 Trumpetor*
 Turbo*
 Vernal*
 Vancor*
 ((Vanguard*))
 Vernema*
 Vista*
 ((Voris-A77*))
 WL-220*
 ((Washoe*))
 Weevlchek*
 WL-221*
 WL-312*
 WL-313*
 WL-315*pvvV
 WL-316*pvvV
 WL-318*
 ((WB-320*pvvV))
WL-320**pvvV
 Wrangler*
 88*
 120*
 123*
 130*
 521*
 520*
 526*
 530*
 531
 532*
 581*
 5444*
 624*
 629*
 _

(2) Variety restrictions.

	NO. OF SEED HARVESTS			
	Breeder	Foundation	Registered	Certified
Answer		2		5
Apollo II				3
Baker	2	3		6
Blazer		3		
Challenger	2	3		5
((Defender	2	3		5))
Drumcor	2	3		5
((Duke		3		5))
Epic		4		6
Expo		3		5))
G-7730		3		5
Honeoye		3		6
Iroquois		3		6
((Haverick		3		5))
Multileaf		3		6))
Oneida		3		6
Peak		3		
Perry	2	3		6
Preserve	2	3		5
Polar II	2	3		5
((Prowler	2	3		5))
Raidor	2	3		5))
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
Wrangler				6
120		3		
123		2		4
130		3		5
526		3		5

AMENDATORY SECTION (Amending Order 1889, filed 6/9/86)

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

Red Mexican: ((Highland**)) NW-59** NW-63** Rufus** U of I 42*

Pinto: Holberg* Fiesta*pvpV NW-410 NW-590 Nodak** Olathe**pvpV Pindak** U of I 114*** ((Wyo-466**)) Othello

Pink: Gloria** Harold** Roza** Victor** Viva**

Small White: Chief** Bonus** Aurora**

Kidney: ((Pilgrim*7)) Royal Red**, ((Garmine*) Montcalm-Dark Red Isabella-Light Red, Kardinal, Kamiken (both light red)

Snap Bean: ((Apelle**)) Epoch**pvpV
 ((Yakima**)) Bluelake
 ((Fanta**))
 Navy: Bunsii**, C-20**, ((Duty)) Hyden**,
 Laker**, NW 395**, Seafarer**
Duty (Pulsar)*
 Great Northern: Emerson*, Harris**
 Black Turtle: Black Turtle Scup** #39
 Black Beauty** Ebony**pvpV
 ((~~Large, Round White~~-----Snowball*))

AMENDATORY SECTION (Amending Order 1889, filed 6/9/86)

WAC 16-316-880 RAPESEED--SEED STANDARDS. Rapeseed standards shall be as follows:

Purity	Foundation Registered Certified		
Pure seed (Min.)	99.00%	99.00%	99.00%
Other crop and/or varieties (Max.)	((1/50-grams ---- 1/50-grams -- 2/50-grams)) <u>2/100 grams</u>	<u>2/100 grams</u>	<u>4/100 grams</u>
Inert matter (Max.)	1.00%	1.00%	1.00%
Weed seed (Max.)	((10/50-grams ---- 10/50-grams -- 20/50-grams)) <u>20/100 grams</u>	<u>20/100 grams</u>	<u>40/100 grams</u>
Prohibited noxious weeds (1)	None	None	None
Objectionable weeds (2) (Max.)	((1/50-grams ---- 1/50-grams -- 2/50-grams)) <u>2/100 grams</u>	<u>2/100 grams</u>	<u>4/100 grams</u>
Oil Analysis (3)			
Germination (Min.)	85.00%	85.00%	85.00%

Note:
 (1) None means none found during normal inspection procedures. None is not a guarantee that the lot is free of noxious weed seeds.
 (2) Objectionable weed seeds are defined as: Restricted noxious plus: Brassica nigra, Sinapis arvensis, Brassica juncea, and Raphanus, raphanistrum.
 (3) Erucic acid and glucosinolate content shall be within tolerances as described by the plant breeder for each variety.

AMENDATORY SECTION (Amending Order 1834, filed 6/21/84)

WAC 16-319-020 FOREST REPRODUCTIVE MATERIAL CERTIFICATION STANDARDS. (1) Purpose. The purpose of certification of forest reproductive material is to make available reproductive material properly identified by species or species and cultivar, and by source or source and origin.

(2) Definitions:

(a) Applicant means person or organization who submits application for certification of forest reproductive material to certifying agency and who assumes responsibility for compliance with these standards.

(b) Audit means periodic examination and check by certifying agency of any part or all of the records and procedures specified in field standards and conditioning standards, and of additional records pertinent to inventory and distribution of reproductive material including verification of corresponding physical inventory to assure that no significant errors or omissions exist.

(c) Batch means all or part of a lot of reproductive material of a single species collected during one crop season from within stated breeding zone(s) or from within stated five hundred foot elevation increment(s) in stated seed zone(s) that is collected or processed at one time.

(d) Breeding zone means a specific designated unit of land, the description of which is on file at the certifying agency, for which an improved population of trees of a specific species or species cross is being produced.

(e) Buyer means person who first receives reproductive material from the collector.

(f) Certificate of genetic identity means a document furnished by the producer on demand and verified by the certifying agency describing the ancestry and breeding behavior of a lot of reproductive material.

(g) Certification of reproductive material means execution by certifying agency of field inspection, plant/warehouse inspection and/or audit to accomplish the purpose described in subsection (1) of this section.

(h) Certifying agency means the duly designated agent of the state agency: In Oregon state, the Oregon Seed Certification Service, ((102--Farm--Crops--Building)) 31 Crop Science Building, Oregon State University, Corvallis, Oregon 97331; in Washington state, Washington State Crop Improvement Association, Inc., 513 North Front Street, Yakima, Washington 98901.

(i) Certificate of provenance means a document issued by certifying agency which verifies source and origin of reproductive material by field inspection and audit. (Only certificates of provenance are issued to satisfy O.E.C.D.)

(j) Character means a distinctive trait, but not necessarily an invariable feature, exhibited by all individuals of a group and capable of being described or measured: e.g., growth; form; color; resistance to disease, insects, weather, animals, etc.

(k) Code means a unique identification of a group of the producer's pertinent records about a lot of forest reproductive material.

(l) Collector means a person who collects forest reproductive material at its source.

(m) Elevation means altitude above sea level and is divided in five hundred foot increments as shown below, or may mean appropriate elevational bands as provided for under code and/or breeding zone.

0 - 500 feet -- Code 05	2501 - 3000 feet -- Code 30
501 - 1000 feet -- Code 10	3001 - 3500 feet -- Code 35
1001 - 1500 feet -- Code 15	3501 - 4000 feet -- Code 40
1501 - 2000 feet -- Code 20	4001 - 4500 feet -- Code 45
2001 - 2500 feet -- Code 25	4501 - 5000 feet -- Code 50

and so forth.

(n) Field inspection means observation by certifying agency of all activities and records involved in propagation, collection, buying, production, and transportation of forest reproductive material to assure compliance with field standards.

(o) Forest reproductive material means plant material of genera and species of trees which will be used for forestry.

(p) Genetic identity means the ancestry and breeding background of selected and tested classes only of the forest reproductive material.

(q) Genetic superiority means that forest reproductive material originated from tree(s) whose superiority in one or more characters important to forestry has been proven by tests conducted in specified environments.

(r) Location means description by seed zone or portion thereof and elevation and/or breeding zone or code.

(s) Legal description means legal cadastral survey subdivision.

(t) Lot means a homogeneous quantity of forest reproductive material.

(i) For tested and selected classes, it is of a single species, cultivar, or cross collected during one crop season from a distinctively described and recorded population of trees.

(ii) For source identified class, it is a single species collected during one crop season from within stated seed zone(s) and from within five hundred foot elevation increment(s) and/or breeding zones or appropriate codes.

(iii) For audit class, it is a single species collected during one crop season from within stated seed zone(s) and from within five hundred foot elevation increment(s).

(iv) Lots shall be identified by number and/or code or breeding zone.

((t)) (u) Origin means the location of the indigenous parents; for nonindigenous parents, it is the location from which the seed or plants were originally introduced.

((t)) (v) Plant/warehouse inspection means observation by certifying agency of all activities and records involved in receiving, processing, storage and labeling of forest reproductive material to assure compliance with conditioning standards.

((t)) (w) Producer means person, company, bureau or agency with overall responsibility for producing forest reproductive material.

((t)) (x) Provenance means the original geographic source of seed, pollen or propagules.

((t)) (y) Reproductive material means seed, pollen, trees, cuttings, scions, etc., originating from forest trees.

((t)) (z) Seed zone means a geographic area delineated on western forest tree seed council's tree seed zone map published July 1973, or similarly authoritative maps of seed zones as approved by certifying agency.

((t)) (aa) Source means the location of the immediate parents, the origin of which may be indigenous, nonindigenous, or unknown.

((t)) (bb) Test means evaluation of parents by comparing the performance of their offspring under more controlled conditions that exist for the parent(s) or other applicable tests which evaluate specific character(s) of the parents or the offspring.

((t)) (cc) Unit of measure means a consistent volume of measure, i.e., bushels, pounds, grams, number, cubic centimeters, etc.

AMENDATORY SECTION (Amending Order 1704, filed 7/24/80)

WAC 16-319-030 CLASSES OF REPRODUCTIVE MATERIAL. (1) Tested class means that forest reproductive material came from tree(s) which have been tested for specific character(s) as determined by progeny or other applicable tests and under specified conditions. Further, such forest reproductive material is produced and processed in a manner

assuring genetic identity common with the tested material, and, for nursery stock, that it was produced from tested reproductive material. Said forest reproductive material shall be labeled with a blue label stating "tested." Certifying agency shall examine trees and reproductive material; exercise field, plant, and warehouse inspection, and audit all pertinent records involved.

(2) Selected class means that reproductive material came from trees that were selected for specific character(s). Two subclasses are recognized:

Subclass A: Reproductive material is obtained from selected trees and, in addition for tree seed, the male parent(s) is also selected.

Subclass B: Applies to tree seed when only one parent is selected.

Both subclasses shall be labeled with a green label stating "selected" and the subclass. Certifying agency shall examine trees and reproductive material; exercise field, plant, and warehouse inspection, and audit all pertinent records involved.

(a) Selected subclass A means that the donor or parents of the reproductive material are selected, known, and of record, but have no test results of record, and, for nursery stock, that it was produced from selected subclass A or better reproductive material.

(b) Selected subclass B means that only one parent of the tree seed is selected, known, and of record and reproductive material has not been tested, and, for nursery stock, that it was produced from selected subclass B or better reproductive material.

(3) Source identified class means that the reproductive material came from within a seed zone(s) or portion thereof (as defined by legal description) and from within a 500-foot elevation increment(s) or breeding zone(s) or code(s).

Subclass A: Personally supervised production.

Subclass B: Procedurally supervised production.

Both classes of said reproductive material shall be labeled with a yellow label stating "source identified" and the subclass. Certifying agency shall exercise field inspection, plant/warehouse inspection, and audit.

(a) Subclass A source identified means that applicant and certifying agency personally know beyond a reasonable doubt the seed zone(s) or portion thereof and 500-foot elevation increment(s) within which cones and/or reproductive material were collected; and, for nursery stock, that it was produced from subclass A source identified or better reproductive material. Certifying agency knows location from applicant's prior written plan of his reproductive material collecting and/or producing activities. For source identified subzone collections, a representative of the producer, whose major responsibility is observation of picker location, shall make daily observations within the collection area.

(b) Subclass B source identified means that applicant and certifying agency know reproductive material is identified as collected from within a seed zone(s) (~~or portion thereof~~) and from within a 500-foot elevation increment(s), and for nursery stock, that it was produced from subclass B source identified or better reproductive material.

(4) Audit class means that the applicant's records of procurement, processing, storage, and distribution state that the reproductive material was collected from within stated seed zone(s) or described portions thereof and from within 500-foot elevation increment(s), and, for nursery stock, certifying agency knows that it was produced from audit class or better reproductive material. Containers of said reproductive material shall carry a serially numbered brown and white label stating "audit certificate." All records of the applicant for this class of reproductive material are subject to audit.

AMENDATORY SECTION (Amending Order 1834, filed 6/21/84)

WAC 16-319-041 APPLICATION FOR CERTIFICATION OF FOREST REPRODUCTIVE MATERIAL. (1) The conditions of applicant's submittal and of certifying agency's acceptance of application are:

(a) The application should show all classes for which certification services are requested.

(b) All reproductive material acquired or distributed by applicant of a type for which certification is requested is subject to audit.

(c) Applicant shall be responsible for payment of fees for certification services.

(d) Applicant is responsible for developing a record keeping system and labels available and satisfactory to the certifying agency.

(e) Certifying agency reserves the right to refuse certification service to applicant.

(f) Application for audit certification reproductive material shall be filed with certifying agency of the state in which warehouse, nursery, etc., is located with a copy to the certifying agency in the state where the reproductive material is collected.

(2) Timing of application requests for certification services:

(a) Application requests for ((all-certification-classes)) source identified subclass B and lower classes for the current year's production of reproductive material shall be received by certifying agency from applicant not later than three days prior to initiation of collection, production, or propagation of forest reproductive material.

(b) For source identified subclass A and higher certification class, the applicant shall make application for service, and present a written plan to the certifying agency two weeks prior to the beginning of the collection season. The written plan will include the following:

(i) For subzone collection, areas shall be defined by legal description.

(ii) Details of the collection organization including names of buyers and field supervisors, estimated harvest volume, receiving station location(s), and other pertinent information.

(c) Application requests for all other services shall be received by certifying agency from applicant not later than seven days before need.

(3) The certifying agency establishes the fee schedule for certification services. These may be adjusted at the beginning of a crop year if certifying agency determines that costs are significantly more or less than anticipated: PROVIDED, That increases shall not exceed twenty-five percent.

(a) Cones and seed:

(i) Tested and selected - the service includes review of test plans, audit of pertinent records and field inspection at the hourly job time rate shown in current fee schedule.

(ii) Source identified classes - the fee includes field inspection at the per bushel rate shown in the current fee schedule and audit of conditioning at the hourly rate also shown in the current fee schedule.

The fee for each lot containing less than sixty bushels shall be a maximum of thirty-six dollars: PROVIDED, That the certifying agency, due to specific circumstances, may waive this maximum fee or a part thereof.

(iii) Audit class - the fee includes audit of applicant's field and conditioning records at the hourly rate shown in the current fee schedule.

(b) Trees: The fee includes the verification of the source of the trees from the seed source, stratification, sowing, bed identification, lifting, sorting, package identification, storing and/or transplanting.

(c) Not entered for certification: The fee for audit of reproductive material not entered for certification service is performed as required by and satisfactory to certifying agency to exercise said

audit simultaneously with audit of reproductive material which applicant has requested certification service.

(d) The fee for certification classes applied for shall be charged whether or not offered material qualifies.

(e) The certifying agency may provide other services, such as training to comply with these standards, advising on the development of recordkeeping systems directly connected with certification needs if requested by the applicant.

(4) Fee schedule:

(a) Tree cones and seed -

Certification Classes	Field Inspection	Audit	Fee Due
Tested and Selected	(\$45/hr.)	(\$45/hr.)	When billed
	<u>\$20.50/hr.</u>	<u>\$20.50/hr.</u>	
Source Identified Classes:			
Lots 11 bu. and more	(\$0.60/bu.)	(\$45/hr.)	
	<u>\$0.70/bu.</u>	<u>\$20.50/hr.</u>	
(*) Lots 6-10 bu.	(\$45/lot)	(\$45/hr.)	
	<u>\$16.50/lot</u>	<u>\$20.50/hr.</u>	
(*) Lots 0-5 bu.	(\$9/lot)	(\$45/hr.)	
	<u>\$10/lot</u>	<u>\$20.50/hr.</u>	
(Total-bushels-x-\$0.36/bu.)			((With-application))
Audit	None	(\$45/hr.)	When billed
		<u>\$20.50/hr.</u>	
(*Small-lot-fee-applies-when-over-twenty-percent-of-total-lots audited-range-between-0-and-10-bu-inclusive.)			

(b) Tree certification - \$20.50/hr.

(i) Bare-root seedlings - \$20/m with a minimum of six hundred dollars per growing site;

(ii) Container and tubling seedlings - fifty cents per thousand for a total of less than two million with a minimum of six hundred dollars per growing site; thirty cents per thousand for quantities over two million per growing site;

(iii) Forty percent of the fee to accompany the application at the beginning stage of the crop. Final billing will be based on the number when packed. Seedling certification - experience has shown that seedling certification normally requires a minimum of five nursery visits totalling approximately thirty-two hours. Plantation certification procedures shall be billed at the hourly rate.

(c) Other services including education to comply with the standards, development of record system, verification of source of pollen, (signs), cuttings, audit of forest reproductive material not offered for certification by applicant or other services requested, etc. at (\$45/hr.) \$20.50/hour payable when billed.

(d) OECD certification (certificates of provenance) - \$0.50 per certificate plus the hourly audit rate. (Auditors shall issue certificates.)

AMENDATORY SECTION (Amending Order 1704, filed 7/24/80)

WAC 16-319-051 FOREST REPRODUCTIVE MATERIAL--FIELD STANDARDS.

(1) Tested and selected classes. Applicant shall maintain continuous record(s) satisfactory to certifying agency which maintains the identity of the reproductive material through all stages of production,

collection, processing, storage, and disbursement from stores, and, in addition, such records as needed to trace the pedigree and document the performance of the reproductive material. The records shall include but are not limited to those involving:

- (a) Selection, location, and origin of the parent trees.
- (b) Pollen, seed, scions, etc., collection, processing, inventory, storage, and use in tree improvement and breeding programs.
- (c) Design, establishment and management of test(s) and the collection, analysis and interpretation of test data.
- (d) Nursery stock production.

Certifying agency shall inspect all phases of the field operation including periodic checks of parent trees, pollen and scion collections; pollinations; cone harvest, storage, processing and inventory; and tests, together with appropriate records (~~used in the field. Certifying agency shall record and identify each lot of reproductive material produced in the field for use in tree improvement program(s) unless the applicant has provided an accurate and safe method of accountability from the field through processing and use~~).

(2) Source identified reproductive material. Applicant shall develop and make correct use of collector and buyer labels, collector registration, and transportation records, and for nursery stock, labels and records identifying the stock as originating from source identified or better reproductive material.

(a) Subclass A.

(i) Control of collectors shall be such that applicant and certifying agency personally know beyond a reasonable doubt the seed zone or breeding zone or code or (~~portion~~ ~~portions~~) portions thereof (as delineated by legal description), and 500-foot elevation increment or specified elevation increment for breeding zone(s) or code(s) within which reproductive material was collected. Control of producers of nursery stock shall be such that applicant and certifying agency personally know beyond a reasonable doubt that the nursery stock was produced from source identified subclass A or better reproductive material.

(ii) Applicant shall provide certifying agency with a written reproductive material collection and/or nursery stock production plan (not later than three days) prior to collection of reproduction material or production of nursery stock.

(iii) Further, all following requirements of subclass B shall be met.

(b) Subclass B.

(i) All collectors shall be supervised sufficiently so that either buyers know where reproductive material was collected, or buyers shall purchase all reproductive material that collectors present for sale without differential of acceptance stated or implied, as to source, location, seed zone, or elevation.

(ii) Buyer shall require collector to sign collector's registration record prior to collection of reproductive material. He shall also issue collector's labels, and direct collector to complete them and place them in or attach them to each container of reproductive material before it is transported from point of collection. Coincident with purchase of reproductive material, he shall complete description on labels including species, source by seed zone, breeding zone or code, elevation increment, special collection area if any, certification class, date of purchase and his signature or initials.

(iii) Buyer shall maintain a buyer record on a form for all reproductive material received, listing species, seed zone, elevation increment, units of reproductive material, date of purchase, collector's name and buyer's name.

(iv) Buyer shall maintain transportation record showing species, seed zone, elevation increment, units of reproductive material, and date shipped.

(v) Producers of nursery stock shall be supervised sufficiently so that applicant knows that the stock was produced from source identified subclass B or better reproductive material.

(vi) The certifying agency shall advise the applicant of problems or conditions that affect competent verification or execution of these standards by certifying agency and applicant.

(vii) Unless other arrangements are made, the certification class shown by the producer on all containers of reproductive material (~~must~~) shall be verified by the certifying agency before being transported from the receiving station. The producer is responsible for evidence of verification of the certification class applied for.

(3) Audit class reproductive material.

(a) Buyer shall require collector to sign collector's registration record and to complete collector's labels prior to purchase of reproductive material.

(b) Buyer shall maintain a buyer record on a form for all reproductive material received, listing species, seed zone, elevation increment, units of reproductive material, date of purchase, collector's name and buyer.

(c) Buyer or other shipper of reproductive material shall maintain a transportation record showing species, seed zone, elevation increment, units of reproductive material and date shipped.

(d) Producers of nursery stock shall maintain auditable records identifying the stock as being produced from audit class or better reproductive material.

AMENDATORY SECTION (Amending Order 1834, filed 6/21/84)

WAC 16-319-061 FOREST REPRODUCTIVE MATERIAL--CONDITIONING STANDARDS. (1) Applicant shall maintain a continuous record for each lot and batch of reproductive material at each plant or warehouse, showing lot and batch number or code, species, seed zone, breeding zone or code, elevation increment, date received and units of reproductive material. Reproductive material stored at plant or warehouse prior to conditioning shall be assembled by lot or batch and so arranged as to be reasonably accessible for audit. The auditor will advise producer before making changes in the certification class of cones or seed offered by the producer.

(2) Labels shall be maintained on containers until reproductive material is conditioned. During conditioning, labels shall be removed and immediately deposited in a container marked with the lot or batch designation or code. Upon completely emptying the containers for each lot or batch of audit or source identified classes, the package of labels from it shall be closed and set aside for examination by the certifying agency auditor. All labels for tested and selected classes shall be attached to or placed inside of the seed containers by the producer for examination by the certifying agency auditor. These labels (~~will~~) shall remain with the seed until the lot is depleted.

(3) All reproductive material shall be handled in a manner to prevent lot mixture and maintain lot identity. All machinery, containers, and equipment shall be thoroughly cleaned before conditioning another lot or batch.

(4) Specific requirement: Certifying agency may refuse to certify reproductive material failing to meet the following maximum standards: Other distinguishable species or cultivars: Seed one-half of one percent by weight; trees, cuttings, scions, etc. one percent by number; pollen one percent by number.

(5) Labeling and sealing of tested, selected, or source identified reproductive material shall be done by the certifying agency.

(a) Labeling of audit class reproductive material (~~will~~) shall be done by the applicant with the label being affixed to the container: PROVIDED, That for small sales (any quantity of reproductive material less than a full container of a size normally used by the applicant) the label may be affixed to the invoice or sales slip.

(6) For each lot of tested or selected reproductive material, a certificate of genetic identity shall be prepared and affirmed by the

producer upon demand and, if verified by the certifying agency, ((must)) shall be signed and placed in or attached to each container before other labels or seals are affixed. The certificate of genetic identity shall include the following information:

(a) For both tested and selected reproductive material, the lot number, breeding zone or code and information on:

(i) The donor or parents which produced the reproductive material, including their selection generation, type of selection made, selected character(s), seed zone(s) and elevation increment(s) in which selection was made, and selection procedure.

(ii) For each prior selection generation, the same information.

(iii) For sexual reproductive material, whether pollination was controlled or not: If controlled, the pollen situation; if controlled, the pollen or pollen mix used, including identification of pollen parent(s), also the number of maternal parents, and, if applicable, the crossing design used.

(b) For tested reproductive material only.

(i) A progeny, clonal, or other applicable test plan shall normally be submitted to the certifying agency for review and acceptance before installation. Acceptance of the test plan may be made after installation providing requirements in WAC 16-319-051(1) and 16-319-061 (6)(b)(ii) are met. Applicant may request assistance from the certifying agency in the development of a plan.

(ii) The plan shall include in the test both randomization and replication for the material to be tested and the identity and background of the check material to be used.

(iii) Complete randomization and balanced randomized blocks are recommended. The actual design of the established test ((must)) shall be recorded in detail.

(iv) Trees to be planted for tests ((must)) shall be grown together in soil as uniform as possible, or, if they are grown in different soils, ((must)) shall be so distributed that like proportions of all clones or progenies are produced in each distinct class of soil.

(v) Test measurements are to be presented in numerical form. Each character to be evaluated is to be measured separately. The genetic superiority as compared with the check ((must)) shall be clearly demonstrated for at least one of the characters being tested. Characters of economic importance in forestry identified in the test ((must)) shall be clearly reported if they are significantly inferior at the ninety-five percent level to those of the check material.

(vi) The results of the test measurements and data shall be readily available to the certifying agency and prospective user or purchaser.

(7) A document, acceptable to the certifying agency for informing the purchaser of species and certification information of each item, and, for auditing purposes, shall be issued by the producer for each sale of tested, selected, source identified, and audit class reproductive material. Such document may be a certificate of provenance for tested, selected, or source identified reproductive material, or an invoice, shipping order, or sales slip for audit class reproductive material. The certifying agency may authorize use of said certificate of provenance for portions of reproductive material from labeled and sealed containers in lieu of labels and seals when relabeling and resealing by the certifying agency is impractical.

(8) If a lot is composed of reproductive material from more than one seed zone, elevation increment or code in excess of seven percent if of contiguous seed zones, elevation increments, or codes or if in excess of two percent of other than contiguous seed zones, elevation increments, or codes, the certification label ((must)) shall show all seed zones, elevation increments, or codes either with or without the percentage of each.

(9) The allowance for accidental mixing of noncertifiable reproductive material with audit class, or noncertifiable or audit class reproductive material with source identified classes is two percent.

When in excess of two percent, the lot ((must)) shall drop to the lowest class represented. No mixing of lower classes with selected or tested classes is permissible.

~~((10) Any lot may be rejected if certifying agency determines that said lot fails to meet these standards. The privilege of certification may be withdrawn by certifying agency for a definite period of time in case of flagrant violations of these standards. If applicant believes an erroneous decision has been rendered, he may make written appeal to certifying agency for review by its governing body.))~~

AMENDATORY SECTION (Amending Order 1506, filed 4/11/77)

WAC 16-319-081 FOREST REPRODUCTIVE MATERIAL--AFFIRMATION BY CERTIFYING AGENCY. Affixing of label or label and seal to a container of forest reproductive material or to a certificate of ((origin)) provenance or certificate of genetic identity by the certifying agency affirms that to the best of its knowledge the reproductive material meets these forest reproductive material certification standards.

NEW SECTION

WAC 16-319-091 FOREST REPRODUCTIVE MATERIAL--MIXING OF LOTS.

(1) When lots collected in the same or different crop seasons are deliberately mixed, the new lot shall be given a new identification number and certification label. The certification class shall drop to the lowest certification class represented in the new lot.

(2) For the tested and selected classes, the certification label shall show the components of the new lot and the percentage of each in the new lot, or this information shall be contained on a properly executed certificate of genetic identity placed in, or attached to each container of the lot before other labels or seals are affixed.

(3) For the source identified classes and the audit class, the certification label shall show the components of the new lot and the percentage of each in the new lot.

(4) Lots being mixed shall be uniformly blended into the new lot so that they are near equally represented throughout the new lot.

(5) The producer of the new lot shall make the last viability information for the component parts of the new lot available to the certifying agency and prospective user or buyer upon demand.

NEW SECTION

WAC 16-319-101 FOREST REPRODUCTIVE MATERIAL--REJECTION OF CERTIFICATION. Any lot may be rejected if certifying agency determines that said lot fails to meet these standards. The privilege of certification may be withdrawn by certifying agency for a definite period of time in case of flagrant violations of field or processing standards. If applicant believes an erroneous decision has been rendered, he may make written appeal to certifying agency for review by its governing body.