

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 2006

(1) I, C. Alan Pettibone, director of Washington State Department of Agriculture

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to:

Production of bermudagrass seed in Chapter 16-300 WAC and 16-316 WAC.

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

This action is taken pursuant to Notice No. filed with the code reviser on. These rules shall take effect: 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, C. Alan Pettibone, 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:

The department has received a request to allow the production of bermudagrass seed. New strains have been developed for production which have been approved by the Washington Seed Council. This species is not on any county or state noxious weed list.

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 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 23

STATE OF WASHINGTON

FILED

MAY 25 1989

CODE REVISER'S OFFICE

WSR

89-12-001

By

[Signature]

Deputy

Director

Title

AMENDATORY SECTION (Amending Order 1796, filed 6/16/83)

WAC 16-300-020 Restricted noxious weed seeds. (1) Restricted (secondary) noxious weed seeds are the seeds of weeds which are objectionable in fields, lawns, and gardens of this state, but which can be controlled by cultural or chemical practices.

(2) It shall be unlawful for any person to distribute mislabeled seed. Seed shall be deemed to be mislabeled if it consists of or contains any of the restricted noxious weed seeds listed below in excess of the number declared on the label.

English or Common Name	Botanical or Scientific Name
((Bermudagrass	Cynodon dactylon (L.) Pers.)
Blue lettuce	Lactuca pulchella (Pursh.) DC.
Docks and Sorrel	Rumex spp.
Dodder	Cuscuta spp.
Field pennycress (fan- weed)	Thlaspi arvense
Field sandbur	Cenchrus pauciflorus Benth.
Gromwell (only in small grain)	Lithospermum arvense
Halogeton	Halogeton glomeratus C.A. Mey.
Medusahead	Elymus caput-medusae L. or Taeniatherum asperum (Sim.) Nevski
Plantains	Plantago spp.
Poverty weed	Iva axillaris Pursh.
Puncturevine	Tribulus terrestris L.
St. Johnswort	Hypericum perforatum L.
Dalmation toadflax	Linaria dalmatica (L.) Mill.
Yellow toadflax	Linaria vulgaris Hill.
Western ragweed	Ambrosia psilostachya DC.
Wild mustard	Brassica kaber (DC.) L.C. Wheeler Var.
Wild oat	Avena fatua L.
Yellow starthistle	Centaurea solstitialis L.

For the purpose of seed certification, see WAC 16-316-165 for the list of objectionable weeds.

AMENDATORY SECTION (Amending Order 1948, filed 8/13/87)

WAC 16-316-165 Objectionable weeds. The following weeds shall be considered objectionable weeds for the purpose of seed certification:

English or Common Name	Botanical or Scientific Name
((Bermudagrass	Cynodon dactylon (L.) Pers.)
Blue lettuce	Lactuca pulchella (Pursh.) DC.
Docks and Sorrel	Rumex spp.
Field pennycress (fanweed)	Thlaspi arvense
Field sanbur	Cenchrus pauciflorus Benth.
Halogeton	Halogeton glomeratus C.A. Mey.
Medusahead	Elymus caput-medusae L. or Taeniatherum asperum (Sim) Nevski
Plantains	Plantago spp.
Poverty weed	Iva axillaris Pursh.
Puncturevine	Tribulus terrestris L.
St. Johnswort	Hypericum perforatum L.
Dalmation toadflax	Linaria dalmatica (L.) Mill.
Yellow toadflax	Linaria vulgaris Hill.
Western ragweed	Ambrosia psilostachya DC.
Wild mustard	Brassica kaber (DC.) L.C. Wheeler Var.
Wild oat	Avena fatua L.
Yellow starthistle	Centaurea solstitialis L.
Gromwell (in small grain)	Lithospermum arvense
Bedstraw	Galium aparine (in alfalfa only - inclusion of this species on weed list means certified class is limited to a maximum 18 per pound with no tolerance for foundation or registered seed

AMENDATORY SECTION (Amending Order 1499, filed 3/31/77)

WAC 16-316-245 Field tolerances. Field tolerances shall be as follows:

	Field Producing*		
	Foundation	Registered	Certified
Other varieties	0.10%	0.5%	1.0%
Sweet clover	none	5 plants/acre	20 plants/acre
Red clover	none	4 plants/acre	((20 plants/acre))=

*Prohibited noxious weeds must be controlled to prevent seed formation.

AMENDATORY SECTION (Amending Order 1457, filed 5/13/76)

WAC 16-316-455 Field tolerances. Field tolerances shall be as follows:

		Field Producing*	
		Foundation	Certified
Other varieties	(Max.)	0.00%	0.50%
Alfalfa	(Max.)	None	((10 plants/acre))_
Sweet Clover	(Max.)	None	20 plants/acre

* Prohibited noxious weeds must be controlled to prevent seed formation.

NEW SECTION

WAC 16-316-375 Bermudagrass seed certification standards. The general seed certification standards (WAC 16-316-100 through 16-316-214), and grass seed certification standards and fees (WAC 16-316-340 through 16-316-365) are basic and together with the following rules shall constitute the standards for bermudagrass seed certification in Washington State.

NEW SECTION

WAC 16-316-380 Bermudagrass seed certification--Field eligibility. A field to be eligible for the production of bermudagrass foundation seed shall not have been grown or been seeded to the same species during the previous five years, and shall have included a cultivated crop for three years. A field to be eligible for production of bermudagrass registered or certified seed shall not have grown or been seeded to the same species during the previous three years and shall include a cultivated crop for three years unless the crop was the same variety and passed field inspection for certification.

NEW SECTION

WAC 16-316-385 Bermudagrass seed certification--Isolation. Fields or portions of fields for bermudagrass certification shall be isolated from bermudagrass other than the same variety as follows: Foundation--nine hundred ninety feet; certified--one hundred sixty five feet.

NEW SECTION

WAC 16-316-390 Bermudagrass seed certification--Field inspection. In bermudagrass foundation fields no off-types or other varieties are permitted, and in bermudagrass certified fields only one percent off-types or other varieties is permitted.

NEW SECTION

WAC 16-316-395 Bermudagrass seed certification--Seed standards. Seed standards for bermudagrass seed certification shall be as follows:

<u>Seed Percentage Factor</u>	<u>Class</u>	
	<u>Foundation</u>	<u>Certified</u>
Pure seed (min.)	98.0%	98.0%
Inert matter (max.)	2.0%	2.0%
Objectionable seeds	None	None
Weed seeds (max.)	.01%	.05%*
Other crops or varieties (max.)	.01%	.25%
Germination (min.)	85.0%	85.0%

* Maximum of the following specific grasses: Sprangle top, Lovegrass and Sanddrop seed. Maximum seed permitted of Featherfinger and Rhodegrass - thirty six per pound, either alone or in combination.

AMENDATORY SECTION (Amending Order 1757, filed 3/31/82)

WAC 16-316-620 Standards. Seed standards for sod quality grass seed are as follows:

<u>Variety</u>	<u>Mini- mum Purity</u>	<u>Mini- mum Germin- ation</u>	<u>Maxi- mum* Other Crop</u>	<u>Maxi- mum ** Weed</u>
Merion Kentucky Bluegrass	95%	80%	0.1%	.02%
Other varieties of Kentucky Bluegrass	97%	80%	0.1%	.02%
Red Fescue	98%	90%	0.1%	.02%
Chewings Fescue	98%	90%	0.1%	.02%

* Must be free of ryegrass, orchardgrass, timothy, bentgrass, big bluegrass, Poa trivialis, smooth brome, reed canarygrass, tall fescue, clover, meadow foxtail, bermudagrass and Canby bluegrass. Maximum allowable Canada bluegrass .02%.

** Must be free of dock, chickweed, crabgrass, plantain, short-awn foxtail, black medic, annual bluegrass, velvetgrass, Rattail fescue and prohibited noxious weed seeds.

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

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

Red Mexican:	NW-59** NW-63** Rufus** U of I 42**
Pinto:	Holberg* Fiesta* <u>pvpV</u> NW-410** NW-590** Nodak** Olathe** <u>pvpV</u> Pindak** U of I 114*** Othello** <u>Sierra**</u>
Pink:	Gloria** Harold** Roza** Victor** Viva**
Small White:	Chief** Bonus** Aurora** <u>Mayflower**</u>
Kidney:	Royal Red**, Montcalm-Dark Red** Isabella-Light Red**, Kardinal**, Kamiken**
Snap Bean:	Epoch** <u>pvpV</u> <u>SB2002**</u>
Navy:	Bunsi**, C-20**, Duty (Pulsar)**, Hyden**, Laker**, NW 395** Seafarer**
Great Northern:	Emerson**, Harris**
Black Turtle:	Black Turtle Soup** #39** Black Beauty** Ebony** <u>pvpV</u> <u>Blackhawk**</u>