

permit to practice public accounting who is entering public accounting from some other status shall:

(1) Show to the board's satisfaction that the applicant has sufficient experience in the elements of the attest function as listed in WAC 4-12-170(3).

(2) Show to the board's satisfaction compliance with the continuing education requirements of Chapter 4-20 WAC or successor chapters. [Statutory Authority: RCW 18.04.070. 79-06-024 (Order PL 303), § 4-12-190, filed 5/15/79.]

### Chapter 4-20 WAC

## ACCOUNTANCY CONTINUING EDUCATION RULES

### WAC

4-20-020	Basic requirements—Amount.
4-20-030	Basic requirements—Effective date of requirement.
4-20-045	Basic requirements—Exceptions.

**WAC 4-20-020 Basic requirements—Amount.** In the three year period ending the December 31 immediately preceding the annual renewal of the permit to practice public accounting, the applicant must have completed 15 days, or accumulated 120 hours of acceptable continuing education: *Provided*, That at least two days or 16 hours in each calendar year period and six days or 48 hours in each three-year reporting period shall consist of accounting related or auditing related subjects: *Provided, further*, That affected licensees shall report 140 hours for the three and one-half year period ending December 31, 1979, of which at least eight hours must be in accounting or auditing related subjects. For the three-year period ending December 31, 1980, 120 hours must be reported of which at least 24 hours must be in accounting or auditing related subjects. For three-year periods ending December 31, 1981, and thereafter, 120 hours must be reported, of which at least 48 hours must be in accounting or auditing related subjects.

(1) Measurement is in full hours only (a fifty minute period equals one hour). A one day course will constitute eight hours of credit.

(2) Only class hours or the equivalent (and not hours devoted to preparation) are counted. [Statutory Authority: RCW 18.04.070. 79-06-024 (Order PL 303), § 4-20-020, filed 5/15/79; Order PL-148, § 4-20-020, filed 9/25/73.]

**WAC 4-20-030 Basic requirements—Effective date of requirement.** With respect to any individual, the regulation will become effective December 31, three years following the end of the calendar year in which the individual's first annual permit to practice public accounting is issued: *Provided*, That all individuals holding valid Washington CPA, LPA or PA certificates who are not eligible under RCW 18.04.290(2) to practice public accounting at the time of this amendment must comply with terms of this regulation prior to applying for a permit to practice public accounting: *Provided, further*, That licensees entering public accounting from some other status after the effective date of this amendment

must demonstrate compliance with WAC 4-20-020 before applying for a license to practice public accounting. [Statutory Authority: RCW 18.04.070. 79-06-024 (Order PL 303), § 4-20-030, filed 5/15/79; Order 233, § 4-20-030, filed 12/17/75; Order PL-148, § 4-20-030, filed 9/25/73.]

**WAC 4-20-045 Basic requirements—Exceptions.** The following are exceptions from the continuing education requirements:

(1) Licensees who are not practicing public accounting in the state of Washington are exempt from any continuing education requirement of RCW 18.04.290(2) and the applicable continuing education rules and regulations of the board.

(2) Upon a showing of good cause by a licensee to the board, the board may exempt such licensee from any, all or part of the continuing education requirements of RCW 18.04.290(2) and the applicable continuing education rules and regulations of the board. Good cause includes but is not limited to: chronic illness, retirement or military service.

(3) A licensee is exempted from the 16-hour accounting and auditing related subject provision for any calendar year in a reporting period during which the licensee was not involved in preparing reports on financial statements: *Provided*, That a licensee must accumulate at least 16 hours in accounting and auditing related subjects during the current calendar year if (s)he reasonably expects to be involved in preparing financial statements in the calendar year following the reporting period. [Statutory Authority: RCW 18.04.070. 79-06-024 (Order PL 303), § 4-20-045, filed 5/15/79; Order PL-175, § 4-20-045, filed 9/24/74. Formerly Order PL-148, WAC 4-20-040, filed 9/25/73.]

## Title 16 WAC

### AGRICULTURE, DEPARTMENT OF

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16-212	Grain, hay, beans and peas—Inspection fees.
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### Chapter 16-54 WAC

#### ANIMAL IMPORTATION

##### WAC

16-54-082 Domestic bovine animals.

**WAC 16-54-082 Domestic bovine animals.** All domestic bovine animals (including bison) except those for immediate slaughter at a federally inspected establishment, or to a registered quarantined feed lot, or consigned to a state-federal approved stockyard, shall be accompanied by a health certificate (WAC 16-54-030 this Order) and shall meet the following requirements:

(1) Tuberculosis. (a) All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area.

(2) Brucellosis. (a) Cattle originating from states other than Washington: All domestic bovine animals (including bison) moving into Washington, except those consigned to registered quarantined feed lots, or to federally inspected slaughter establishments for immediate slaughter, shall be moved on a permit issued by the Animal Health Division of the Department of Agriculture and an official interstate health certificate, and shall meet the following requirements:

(i) All cattle must be negative to an official brucellosis test conducted within forty-five days prior to date

of entry and will be quarantined on the premises of destination and kept separate from all other cattle for retest not less than thirty nor more than sixty days from the date of previous test, except that the following classes of cattle are exempt from these test requirements:

(a) Calves under six months of age.

(b) Steers and spayed heifers.

(c) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(d) Immediate slaughter cattle going directly to a federally inspected slaughter establishment.

(e) Cattle consigned directly to a registered quarantined feed lot.

(f) Cattle from certified brucellosis free herds.

(g) Cattle eligible for brucellosis testing coming from contiguous states certified brucellosis free may be moved to State-Federal approved livestock markets in Washington to meet entry health requirements. Cattle of the beef breeds from such equal status states and having the same import requirements as Washington are exempt from second test and quarantine requirements if found brucellosis negative on entry.

(ii) After January 1, 1979, all female dairy cattle must be identified as official brucellosis calfhood vaccines before entry. Except the following classes of cattle are exempt from this requirement:

(a) Calves under three months of age.

(b) Those cattle consigned directly to a federally inspected slaughter plant.

(c) Those cattle consigned directly to a registered quarantined feed lot.

(d) Spayed heifers.

(iii) Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the Animal Health Division and originate in a county or other political subdivision of equal status where brucellosis has not been diagnosed in the preceding twelve months, or tested negative to brucellosis within thirty days of entry. [Statutory Authority: Chapters 16.36 and 16.44 RCW. 78-06-116 (Order 1579), § 16-54-082, filed 6/7/78; Order 1540, § 16-54-082, filed 10/17/77.]

### Chapter 16-86 WAC

#### CATTLE, GOATS—BRUCELLOSIS AND TUBERCULOSIS

##### WAC

16-86-006	Department defined.
16-86-007	Definition—Accredited veterinarian.
16-86-012	Definition—Approved brucella vaccine.
16-86-015	Washington cattle sale requirements.
16-86-092	Indemnity for brucellosis infected or exposed cattle.
16-86-095	Requirements for authorizing payment to veterinarians for official calfhood vaccination.

**WAC 16-86-006 Department defined.** For the purpose of this order, the "department" means the Washington state department of agriculture. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-09-076 (Order 1642), § 16-86-006, filed 8/30/79.]

**WAC 16-86-007 Definition--Accredited veterinarian.** For the purpose of this order, "accredited veterinarian" shall be a veterinarian licensed to practice veterinary medicine, surgery and dentistry in the state of Washington and approved by the United States department of agriculture veterinary services to participate in state-federal cooperative programs. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-09-076 (Order 1642), § 16-86-007, filed 8/30/79.]

**WAC 16-86-012 Definition--Approved brucella vaccine.** For the purpose of this order, "approved brucella vaccine" shall mean only those biological products that are approved by and produced under license of the United States department of agriculture for injection into cattle for the purpose of enhancing their resistance to brucellosis. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-09-076 (Order 1642), § 16-86-012, filed 8/30/79.]

**WAC 16-86-015 Washington cattle sale requirements.** (1) No breeding cattle may be sold in this state unless within the thirty days immediately preceding the change of ownership the animal has been tested for brucellosis and the result of that test is negative. Except the following classes of cattle are exempt from this test requirement:

- (a) Calves under six months of age.
- (b) Cattle sold or consigned to a registered quarantine feed lot.
- (c) Cattle sold or consigned to an official slaughter establishment for slaughter within fourteen days.
- (d) Steers and spayed heifers.
- (e) Officially calfhood vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age from herds not under quarantine.
- (f) The department shall review operation of this section (WAC 16-86-015(1)) in February 1980, August 1980, and February 1981 to determine the results of the testing program in terms of the numbers of suspects and reactors discovered and the status of the brucellosis situation in the state. The purpose of the review is to assess the need for changes.

(g) Unless after a hearing renewal is determined to be necessary, this section (WAC 16-86-015(1)) shall expire on August 1, 1981.

(2) After September 1, 1979, no female dairy cattle may be sold or introduced into commercial dairy herds in the state of Washington unless they are properly identified as official brucellosis vaccinates; except the following classes of cattle are exempt from this requirement:

- (a) Calves under three months of age.
- (i) Female calves under three months acquired by the commercial herd and natural female additions shall be officially brucellosis calfhood vaccinated and identified before the age of six months or removed from the herd.
- (b) Female cattle over two years of age in Washington herds.

(c) After January 1, 1980, female cattle over three years of age in Washington herds.

(d) After January 1, 1981, female cattle over four years of age in Washington herds.

(e) After January 1, 1982, female cattle over five years of age in Washington herds.

(f) After January 1, 1983, female cattle over six years of age in Washington herds.

(3) All Washington cattle shall be individually identified and permanently recorded as to herd of origin prior to being sold or consigned for slaughter. Such identity shall be transferred to the blood sample taken for MCI test purposes. These records shall be made available to the department upon request. Except the following classes of cattle shall be exempt from this requirement:

(a) Cattle under twenty-four months of age. (Not parturient or post parturient.)

(b) Steers and spayed heifers. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-09-076 (Order 1642), § 16-86-015, filed 8/30/79; 79-07-089 (Order 1634), § 16-86-015, filed 6/29/79; 78-12-053 (Order 1588), § 16-86-015, filed 11/29/78; Order 1539, § 16-86-015, filed 10/17/77.]

**WAC 16-86-092 Indemnity for brucellosis infected or exposed cattle.** All cattle in this state classified by the director or his designated representative as brucellosis reactor cattle or brucellosis exposed cattle pursuant to chapter 16.40 RCW, shall have a valid claim for indemnity subject to the approval of the director: *Provided*, That such animals were not imported into the state within the six months immediately preceding such classification and indemnity claim: *Provided further*, That owners of brucellosis reactor cattle or brucellosis exposed cattle for which indemnity is claimed shall have complied with the department's change of ownership testing program and shall have implemented a brucellosis vaccination program which at the time such claim is made the director shall determine is an adequate preventative measure to reduce the incidence of brucellosis. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-11-096 (Order 1660), § 16-86-092, filed 10/26/79.]

**WAC 16-86-095 Requirements for authorizing payment to veterinarians for official calfhood vaccination.** The fee schedule for payment by the department to accredited veterinarians for official brucellosis calfhood vaccination on one premise under a single ownership shall be as follows:

(1) When heifers to be vaccinated number twenty or less, the department shall pay the accredited veterinarian two dollars per animal.

(2) If there are over twenty heifers to be vaccinated, the department will pay the accredited veterinarian one dollar seventy-five cents per animal for those in excess of twenty animals.

(3) Official vaccination report - Calfhood vaccinations must be reported to the department within thirty days of occurrence on an approved report form (AGRI 030-3003) issued by the Washington state department

of agriculture for the purpose of identifying and recording by official eartag or registry tattoo calves officially brucella vaccinated.

(4) Accredited veterinarians in private practice may make claim to the department for each beef breed or dairy breed female bovine calf they officially vaccinate in the state of Washington.

(a) No claim for payment shall be made except for those officially calfhooed vaccinated.

(b) No claim for payment shall be made unless an approved brucella vaccine is used for official calfhooed vaccination.

(c) No claim for payment shall be made prior to submitting to the department the official calfhooed vaccination report, countersigned by the owner of the animal, identifying by official eartag or registry tattoo each individual calf vaccinated. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-09-076 (Order 1642), § 16-86-095, filed 8/30/79.]

**Chapter 16-212 WAC**

**GRAIN, HAY, BEANS AND PEAS--INSPECTION FEES**

**WAC**

- 16-212-085 Inspection of corn or sorghum.
- 16-212-160 Financial statements.

**WAC 16-212-085 Inspection of corn or sorghum.**

For the purpose of RCW 22.09.210, any corn or sorghum which has been sampled, inspected, and/or graded under a designated or delegated agency or the Federal Grain Inspection Service inspection program and which has remained in the original container and has not lost its identity since such sampling, inspection, and/or grading shall be deemed to have been sampled, inspected, and/or graded by an employee of the department under the supervision of a duly authorized inspector of the department: *Provided*, That the warehouseman must give written assurance to a duly authorized inspector of the department that the corn or sorghum container has been officially sampled, inspected, and/or graded as per this regulation: *Provided Further*, That any warehouseman who intentionally, negligently or carelessly gives such written assurance to a duly authorized inspector that the corn or sorghum container has been officially sampled, inspected, and/or graded, when in fact it has not, will no longer be permitted to operate pursuant to this regulation. [Statutory Authority: Chapter 22.09 RCW. 79-11-051 (Order 1659), § 16-212-085, filed 10/16/79.]

**WAC 16-212-160 Financial statements.** The department shall receive annually as close to the end of the warehouseman's fiscal year as practical but in no case later than six months, financial statements audited or reviewed by a certified or licensed public accountant which include:

- (1) Balance sheet.
- (2) Income statement which includes annual gross sales of commodities covered under the Washington Warehouse Act, chapter 22.09 RCW.
- (3) Statement of changes in financial position.
- (4) Footnote or schedule disclosure of:
  - (a) Total bushels/pounds received annually by commodity.
  - (b) Amount of each commodity in storage at end of year.
  - (c) Amount of each commodity held for depositors.
  - (d) Amount of farm storage contracted but not delivered.
  - (e) Amount of each commodity sold but not shipped.
  - (f) New crop purchases and sales by commodity.

For purposes of this section, commodity refers to those commodities covered under the Washington Warehouse Act, chapter 22.09 RCW. [Statutory Authority: Chapter 22.09 RCW. 79-05-055 (Order 1624), § 16-212-160, filed 4/30/79; Order 1532, § 16-212-160, filed 6/1/77, effective 7/2/77; Order 1423, § 16-212-160, filed 9/24/75.]

**Chapter 16-216 WAC**

**HOPS--CHEMICAL ANALYSES--FEES**

**WAC**

- 16-216-001 Repealed.
- 16-216-010 Repealed.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 16-216-001 Promulgation. [Order 1094, Promulgation, § 16-216-001, filed 6/28/68, effective 8/1/68; Emergency Order 1092, § 16-216-001, filed 6/8/68; Order 995, Promulgation, filed 12/8/65.] Repealed by 78-07-074 (Order 1580), filed 6/30/78. Statutory Authority: Chapter 22.09 RCW.
- 16-216-010 Schedule of charges for chemical analyses of hops. [Order 1094, § 16-216-010, filed 6/28/68, effective 8/1/68; Emergency Order 1092, § 16-216-010, filed 6/28/68; Order 995, Regulation 2, filed 12/8/65; Order 780, Regulations 1 through 5, effective 9/1/58.] Repealed by 78-07-074 (Order 1580), filed 6/30/78. Statutory Authority: Chapter 22.09 RCW.

**WAC 16-216-001 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-216-010 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 16-218 WAC**

**HOPS--CERTIFICATION ANALYSES--FEES**

**WAC**

- 16-218-002 Repealed.
- 16-218-010 Schedule of fees for physical grading.
- 16-218-02001 Schedule of charges for chemical analyses of hops, hop extract, hop pellets or hop powder.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

16-218-002 Promulgation. [Order 1372, § 16-218-002, filed 7/5/74.] Repealed by 78-07-074 (Order 1580), filed 6/30/78. Statutory Authority: Chapter 22.09 RCW.

**WAC 16-218-002 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-218-010 Schedule of fees for physical grading.** The schedule of fees, payable to the department for certification of hops pursuant to the standards established by the Federal Grain Inspection Service of the United States department of agriculture as authorized by the Agricultural Marketing Act of 1946, as amended, shall be as follows:

(1) **Lot inspection.** Seventy cents per bale in each lot, minimum charge shall be fifteen dollars.

(2) **Sample inspection.** Fifteen dollars per unofficial sample submitted.

(3) **Supplemental certificates.** Two dollars per certificate.

(4) **Appeal inspection.** Charges for appeal inspections will be made by the Federal Grain Inspection Service, Portland, Oregon, and payment for appeal inspections shall be made to them.

(5) **Extra copies.** A charge of fifty cents per set will be made for typing extra copies of a certificate when requested by the original applicant or other financially interested party.

(6) **Extra time and mileage charges.** If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages and mileage rates will be in accordance with current applicable fees charge by the department.

To be considered available for sampling and certification, it is necessary that each and every bale in the lot of hops be readily accessible so that each bale may be properly stenciled and samples drawn from those bales selected by the inspector. [Statutory Authority: Chapter 22.09 RCW. 79-04-077 (Order 1596), § 16-218-010, filed 3/30/79; 78-07-074 (Order 1580), § 16-218-010, filed 6/30/78; Order 1372, § 16-218-010, filed 7/5/74; Order 1156, § 16-218-010, filed 7/1/70, effective 8/1/70; Order 1095, § 16-218-010, filed 6/28/68, effective 8/1/68; Emergency Order 1093, § 16-218-010, filed 6/28/68; Order 995, Regulation 1, filed 12/8/65; Order 815, Regulations 1 and 2, effective 7/1/60.]

**WAC 16-218-02001 Schedule of charges for chemical analyses of hops, hop extract, hop pellets or hop powder.** (1) When samples are submitted to the Yakima Chemical and Hop Laboratory, the charges will be: Twenty-five dollars per certificate for the Wollmer Hop Analysis Method; fifteen dollars per certificate for the ASBC Spectrophotometric or Conductometric Methods; and fifteen dollars per certificate for the EBC Conductometric Method. A Submitted Sample Certificate will be issued.

(2) Official samples of hops drawn by department personnel are composited either from the cores drawn for grade analysis, or from cores specially drawn on federal sampling schedule for brewing value only. Charges for analysis are: Fifteen cents per bale, with a minimum of twenty-five dollars for the Wollmer Hop Analysis Method; fifteen cents per bale, with a minimum of fifteen dollars for the ASBC Spectrophotometric or Conductometric Methods; and fifteen cents per bale, with a minimum of fifteen dollars for the EBC Conductometric Method. An official Brewing Value Certificate will be used.

(3) Extra time and mileage charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages and mileage rates will be in accordance with current applicable fees charge[d] by the department.

To be considered available for sampling and certification, it is necessary that each and every bale in the lot of hops be readily accessible so that each bale may be properly stenciled and samples drawn from these bales selected by the inspector.

(4) The fee to be charged by the department for analyses for tannin, isoconversion products from alpha and beta resins, oil analysis and other components, and possible adulterants such as residues, when requested, shall be the actual cost to the department. Such fee shall be based on and include man hour costs, necessary material costs, laboratory equipment use and depreciation costs, and administrative and overhead costs of such tests. [Statutory Authority: Chapter 22.09 RCW. 79-04-077 (Order 1596), § 16-218-02001, filed 3/30/79; 78-07-074 (Order 1580), § 16-218-020 (codified as WAC 16-218-02001), filed 6/30/78.]

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**Chapter 16-224 WAC****DESIGNATION OF WAREHOUSE STATIONS**

WAC

16-224-010 Combining certain warehouses into stations.

**WAC 16-224-010 Combining certain warehouses into stations.** The department of agriculture will allow the following warehouses to combine certain warehouses into stations as follows:

(1) ACM Feed & Grain, Inc., is combining Mabton, Prosser, and Hogue Ranch into one station - Prosser 722.

(2) Almira Farmers Warehouse Company is combining North Almira, South Almira, Highland, Govan, Almira, Hanson, and Hartline into one station - Almira 179.

- (3) Auvil-Warner Company, Inc., is combining Belmont, Oakesdale, and Warner Siding into one station - Belmont 245.
- (4) Berger & Plate of Washington is combining Tekoa, Tilma, Farmington, Seltice, and Garfield into one station - Tekoa 471.
- (5) Central Washington Grain Growers, Inc., is combining Almira, Hanson, Hartline, Coulee City, Grand Coulee, Withrow, Supplee, Waterville, Douglas, Alstown, Mansfield, and Brewster into one station - Waterville 852.
- (6) Cheney Grain Growers, Inc. is combining Cheney and Rodna into one station - Cheney 330.
- (7) Columbia Bean & Produce Co., Inc., is combining Wheeler Block 89, Royal Slope, and Homestead into one station - Wheeler 282.
- (8) Columbia Producers, Inc., is combining Warden and Royal City into one station - Warden 19.
- (9) Davenport Union Warehouse Company is combining Davenport, Mondovi, Omans, and Hunters into one station - Davenport 289.
- [(10)] Edwall Grain Growers, Inc., is combining Edwall, Canby, Waukon, Sprague, and Edens into one station - Edwall 4.
- (11) Empire Seed Company is combining Othello, Royal Camp, and Royal City into one station - Othello 256.
- (12) Fairfield Grain Growers, Inc., is combining Fairfield and Waverly into one station - Fairfield 525.
- (13) Fuhrman's Feed & Farm Supply Co. is combining Kettle Falls and Colville into one station - Kettle Falls 46.
- (14) Full Circle, Inc., is combining Wheeler, Warden, Quincy, Bruce, Royal City and Basin City into one station - Wheeler 887.
- (15) The Garfield Union Warehouse Company is combining Garfield, Grinnell, Walters, Crabtree, Elberton, and Sokulk into one station - Garfield 24.
- (16) Inland Empire Milling Company is combining Pine City St. John[,] and Pleasant Valley into one station - St. John 706.
- (17) Inland Empire Pea Growers Assoc., Inc., is combining Oakesdale, Garfield, Latah, Spangle, Waverly, West Fairfield, Fairfield, and Spokane into one station - Spokane 220.
- (18) LaCrosse Grain Growers, Inc., is combining LaCrosse, Pampa, Gordon, Hooper, Schreck, Hay[,] and Dusty into one station - LaCrosse 131.
- (19) Lamont Grain Growers, Inc., is combining Lamont and Revere into one station - Lamont 476.
- (20) Logan Feed, Inc., is combining Wapato, Harrah, and Toppenish into one station - Toppenish 104.
- (21) Odessa Trading Company is combining Odessa, Nemo, Ruff, Laing, Batum, Moody[,] and Schmierer into one station - Odessa 342.
- (22) Odessa Union Warehouse Co-op is combining Odessa, Irby, Lamona[,] [;] Lauer, Reiman, Jantz, Schoonover, and Packard into one station - Odessa 305; Harrington, Mohler, and Downs into one station - Harrington 6; and Davenport, Egypt, and Rocklyn into one station - Davenport 872.
- (23) Pendleton Grain Growers, Inc., is combining Prosser and Whitstran into one station - Prosser 648.
- (24) Roy Peringer Seed Co. is combining Belmont and Pullman into one station - Belmont 1.
- (25) Pioneer Elevators, Inc. is combining Chewelah, and Colville into one station - Chewelah 675.
- (26) Pomeroy Grain Growers, Inc., is combining Pomeroy, Zumwalt, Houser, Dodge and Central Ferry into one station - Pomeroy 400.
- (27) Quincy Farm Chemicals, Inc., is combining Quincy and Murphy's Corner into one station - Quincy 29.
- (28) Reardan Grain Growers, Inc., is combining Reardan, Gravelle, Eleanor, Hite, and Espanola into one station - Reardan 455.
- (29) Ritzville Warehouse Company, Inc., is combining Ritzville, Tokio, Ralston, Marcellus, Benge, and Meier into one station - Ritzville 295.
- (30) Rockford Grain Growers, Inc., is combining Mead, Rockford, Valleyford, Freeman, and Mt. Hope into one station - Rockford 196.
- (31) Rosalia Producers, Inc., is combining Rosalia, Plaza, Spring Valley, McCoy, Baler, Spangle, Squaw Canyon, and Pine City into one station - Rosalia 415.
- (32) St. John Grain Growers, Inc., is combining St. John, Ewan, Willada, Juno, Sunset, and Pleasant Valley into one station - St. John 534.
- (33) Spokane Seed Company is combining Spokane[,] Colfax, and Plaza into one station - Spokane 452.
- (34) Union Elevator & Warehouse Company, Inc., is combining Lind, Pizarro, Schrag, Paha[,] Pence, and Bauer into one station - Lind 474.
- (35) Uniontown Co-operative Association is combining Uniontown and Leon into one station - Uniontown 430.
- (36) United Grain Growers, Inc., is combining Harrington, Mohler, Downs, Bluestem, Wilbur, Sherman, Wheatridge, Govan and Creston into one station - Harrington 807.
- (37) Walla Walla Grain Growers, Inc., is combining Walla Walla, Baker-Langdon, Dixie, Port Kelly, Sapolil, Tracy, Valley Grove, Spring Valley, Reser, Miller, Whitman, Gardena, Clyde, Eureka, Pleasant View, Sheffler, Smith Springs, Rulo, Dry Creek, Ennis, and Paddock into one station - Walla Walla 462.
- (38) Washtucna Grain Growers, Inc., is combining Washtucna, Sperry, Fletcher, and Sand Hills into one station - Washtucna 653.
- (39) Western Farmers Association is combining Othello, Eltopia, Central Ferry, Wallula, Venner, Moses Lake, Ellensburg, Sprague, Keystone, Quincy, and Trinidad into one station - Wallula 91.
- (40) Wheat Growers of Endicott, Inc., is combining Endicott, Thera, and Winona into one station - Endicott 524.
- (41) Whitman County Growers, Inc., is combining Cashup, Glenwood, Manning, Mockonema, Steptoe, Thornton, Colfax, Albion, Busby, Ewartsville, Fallon, Parvin, Union Center, Whelan, and Pullman into one station - Colfax 74.

(42) Wilson Creek Union Grain & Trading Company is combining Stratford and Wilson Creek into one station - Wilson Creek 354.

(43) L.F. Zwiesler Company, Inc., is combining Ashue Siding and Harrah into one station - Ashue Siding 76. [Statutory Authority: Chapter 22.09 RCW. 78-06-075 (Order 1574), § 16-224-010, 5/31/78; Order 1531, § 16-224-010, filed 6/1/77, effective 7/2/77; Order 1474, § 16-224-010, filed 6/21/76; Order 1400, § 16-224-010, filed 5/29/75; Order 1270, § 16-224-010, filed 5/30/72; Order 1154, § 16-224-010, filed 5/28/70, effective 7/1/70; Order 1119, § 16-224-010, filed 5/28/69, effective 7/1/69; Order 1097, § 16-224-010, filed 7/2/68, effective 8/2/68; Order 1057, Regulation 1-22, filed 7/14/67, effective 8/15/67.]

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

### Chapter 16-228 WAC PESTICIDE REGULATIONS

#### WAC

16-228-165	State restricted use pesticides for use by certified applicators only—Requirements for user permits.
16-228-320	Heptachlor treated grain seed—Definition.
16-228-330	Use and distribution.

**WAC 16-228-165 State restricted use pesticides for use by certified applicators only—Requirements for user permits.** (1) The following pesticides are hereby declared to be state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator (refer to definition of "direct supervision"). Any EPA restricted use pesticide not listed shall be distributed and used only under these restrictions:

- (a) Azodrin
- (b) Bidrin
- (c) DDD & DDT (for essential uses determined by law)
- (d) DiSyston - Liquid
- (e) Endrin - 2.5% and above
- (f) Parathion & Methyl Parathion - 1.1% and above
- (g) Phosdrin
- (h) Schradan (OMPA)
- (i) Sodium Arsenite
- (j) Systox (Demeton)
- (k) Temik
- (l) TEPP
- (m) Thimet (Phorate) - Liquid
- (n) Tordon 22K - For use on rangeland and permanent grass pastures east of the crest of the Cascade Mountains.
- (o) 2,4-D - All formulations distributed in packages of 1 gallon and larger to be used in counties located east

of the crest of the Cascade Mountains. Pesticide dealers shall be required to furnish the purchaser with a copy of the regulations covering the use of 2,4-D in the area in which the material will be applied.

- (p) Zinophos
- (q) All pesticide formulations labeled for application onto or into water to control pests in or on water, except those labeled only for use in:
  - (i) swimming pools;
  - (ii) wholly impounded ornamental pools and fountains;
  - (iii) aquariums;
  - (iv) closed plumbing and sewage systems;
  - (v) enclosed food processing systems;
  - (vi) air conditioners and humidifiers;
  - (vii) cooling towers;
  - (viii) and aquatic environments in states other than Washington:

*Provided*, That for purposes of this subsection, sales of pesticides bearing combined labeling for uses into or onto water and for other uses may be made by licensed pesticide dealers to non-certified applicators, if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that it is not to be applied into or onto water. If requested by the department, dealers must furnish records on the sales of pesticides labeled for application into or onto water, whether sold for that use or not. Records must include the name and address of the purchaser, the complete product name and/or EPA registration number of the pesticide and the amount purchased.

(2) User Permits will be furnished by the Washington State Department of Agriculture pesticide branch and may be issued by a licensed pesticide dealer.

(3) A certified private applicator or private-commercial applicator may list on his permit the name or names of authorized agent(s) for the purpose of purchasing or receiving above listed pesticides.

(4) Permits shall be on a form furnished by the director and shall include the following:

- (a) Permit number
- (b) Date of issuance
- (c) Name and address of the certified applicator
- (d) Crops and acreage to which the pesticides will be applied.
- (e) Name of authorized agent(s)
- (f) Any other information prescribed by the director.

(5) A copy of the permit shall be issued to the certified applicator and a duplicate shall be retained by the pesticide dealer. Permits shall expire on December 31 of each year.

(6) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving the restricted use pesticide listed in WAC 16-228-165 (1) by making previous arrangements with the pesticide dealer or the authorized agent provides written authorization to the dealer at the time of purchase. At the time of purchase the pesticide dealer shall require the certified applicator's name and license or certification number.

(7) Licensed dealers shall keep records on each sale of these restricted use pesticides which shall include the following:

- (a) Name and address of the certified applicator
- (b) Applicator or operator certificate or license number
- (c) Name of authorized agent
- (d) Date of purchase
- (e) Brand and specific pesticide name
- (f) Percent active ingredient or pounds active ingredient per gallon
- (g) For DDT & DDD - rate of formulation to be applied per acre
- (h) Amount sold
- (i) Crop to which pesticide will be applied

(8) Pesticide dealers shall keep permits and dealer records for a period of one year from the date of issuance and the director shall have access to these records upon request. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-05-003 (Order 1597), § 16-228-165, filed 4/10/79; Order 1538, § 16-228-165, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-165, filed 5/14/76. Formerly WAC 16-222-160 and 16-223-230.]

**WAC 16-228-320 Heptachlor treated grain seed--**  
**Definition.** Any grain seed treated with heptachlorotetrahydro-4,7-methanoindene (heptachlor) is hereby declared to be a pesticide. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-090 (Order 1641), § 16-228-320, filed 6/29/79.]

**WAC 16-228-330 Use and distribution.** (1) Heptachlor treated grain seed is hereby declared to be a restricted use pesticide and the use or application of any heptachlor treated grain seed for commercial plantings shall be prohibited on all irrigated land within an area starting at the common boundary of Klickitat and Benton county and the Columbia River; thence north along the county boundary fourteen miles more or less to the common township line between T6N and T7N; thence east along the township line twenty-nine miles more or less to the common range line between R28E and R29E; thence south along the range line six miles more or less to the Columbia River; thence westerly along the Columbia River to the point of beginning, including the Umatilla National Wildlife Refuge lying in Benton county in Washington State.

(2) Heptachlor treated grain seed shall be secured during transit within the state of Washington by use of side and/or end racks, bracings, chocks, tiedowns, tarps or other means to prevent the treated seed containers or the treated seed from falling or blowing off the vehicle with normal vehicle acceleration, travel speed, deceleration, or change in direction.

(3) Heptachlor treated grain seed shall be handled in such a manner as to prevent any spillage within the state of Washington. Should spillage of the treated seed occur, the seed spill must immediately be cleaned up to prevent any hazard to wildlife, domestic animals or humans.

(4) Heptachlor treated grain seed shall be exempt from the pesticide registration requirements of sections 15.58.050 and 15.58.130 of the Washington Pesticide Control Act chapter 15.58 RCW. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-090 (Order 1641), § 16-228-330, filed 6/29/79.]

### Chapter 16-230 WAC

#### USE OF CHEMICALS AND CHEMICALLY TREATED MATERIALS IN CERTAIN COUNTIES

##### WAC

16-230-115	Procedure for collecting special program fees.
16-230-120	Procedure for submitting reports.
16-230-150	Area under order—Restricted use desiccants and defoliants.
16-230-160	Ground equipment—Nozzle and pressure requirements for the entire area under order.
16-230-170	Aerial equipment—Boom length, pressure and nozzle requirements.
16-230-180	Weather and evening cutoff requirements.
16-230-190	Restrictions on the use of Diquat and Paraquat in Walla Walla county.
16-230-200	Repealed.
16-230-250	Area under order.
16-230-260	Definitions.
16-230-270	Restrictions—Exemptions.
16-230-280	Six-mile radius.
16-230-290	Distribution.
16-230-300	Supersedure.
16-230-400	Area under order.
16-230-410	Restricted use herbicides.
16-230-420	Area 2.
16-230-430	Area 3.
16-230-440	Area 4.
16-230-450	Farm operator to notify.
16-230-460	Commercial greenhouse notification.
16-230-470	Wind conditions.
16-230-510	Definition.
16-230-520	Use and application.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-230-200	Walla Walla county area 2. [Order 1545, § 16-230-200, filed 11/30/77.] Repealed by 79-02-046 (Order 1591), filed 1/29/79. Statutory Authority: Chapters 15.58 and 17.21 RCW.
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**WAC 16-230-115 Procedure for collecting special program fees.** (1) Each first distributor of a restricted use herbicide in this state shall pay to the department a fee of five cents per pound of active ingredient of restricted use herbicide distributed by such person during the year beginning July 1, 1979 and ending June 30, 1980: *Provided*, That when computing the pounds of active ingredient on which the fees must be paid, distribution for use outside the state by the first distributor may be excluded.

(2) When more than one first distributor is involved in the distribution of a restricted use herbicide the initial first distributor meeting the criteria of WAC 16-230-110(1) is responsible for reporting the pounds of active ingredient of restricted use herbicides and paying the fee, unless the reporting and paying of fees have been made by another distributor of restricted use herbicides as per WAC 16-230-115(3).



(3) Any distributor other than the first distributor may act as an agent in paying the special program fee: *Provided*, That written agreement exists between the distributors, and: *Provided further*, That such written agreement has been approved by the director. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-016 (Order 1637), § 16-230-115, filed 6/12/79; 78-06-076 (Order 1576), § 16-230-115, filed 5/31/78; Order 1534, § 16-230-115, filed 7/1/77; Order 1469, § 16-230-115, filed 5/14/76; Order 1424, Regulation 2 (Codified as WAC 16-230-115), filed 10/2/75.]

**WAC 16-230-120 Procedure for submitting reports.**

(1) Each person made responsible by these regulations for the payment of fees for restricted use herbicides distributed in this state shall file a report with the department on January 1, 1980 and July 1, 1980 showing the number of pounds of such restricted use herbicides distributed during the six calendar months immediately preceding the date the report is due. When verifying such reports, the department may accept sales records or other records accurately reflecting the poundage sold. The appropriate fee, no less than the five dollar minimum fee, shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty day grace period. Such grace period shall expire on January 30, 1980 for the January 1, 1980 report and July 30, 1980 for the July 1, 1980 report. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-016 (Order 1637), § 16-230-120, filed 6/12/79; 78-06-076 (Order 1576), § 16-230-120, filed 5/31/78; Order 1534, § 16-230-120, filed 7/1/77; Order 1469, § 16-230-120, filed 5/14/76; Order 1424, Regulation 3 (Codified as WAC 16-230-120), filed 10/2/75.]

**WAC 16-230-150 Area under order--Restricted use desiccants and defoliant.** (1) Area under order: All counties located east of the crest of the Cascade Mountains, including additional restrictions for Walla Walla county.

(2) Restricted use desiccants and defoliant: The following desiccants and defoliant are by this order declared to be restricted use desiccants and defoliant: 6,7-dihydrodipyrido (1,2-a:2',1'c) pyrazidiinium dibromide, herein and commonly referred to as Diquat; Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride, herein and commonly referred to as Paraquat; Mono (N,N dimethylalkylamine) salt of 7-oxabicyclo (2.2.1) heptane-2,3-dicarboxylic acid, herein and commonly referred to as the amine salt of Endothall; and Dinoseb (2-sec-Butyl-4,6-dinitrophenol), herein and commonly referred to as Dinitro. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-05-043 (Order 1598), § 16-230-150, filed 4/26/79; 79-02-046 (Order 1591), § 16-230-150, filed 1/29/79; Order 1545, § 16-230-150, filed 11/30/77.]

**WAC 16-230-160 Ground equipment--Nozzle and pressure requirements for the entire area under order.** (1) Nozzle requirements - A minimum orifice diameter of

0.072 inches shall be used for application of all restricted use desiccants and defoliant: *Provided*, That applications of Dinitro may use a minimum orifice diameter of 0.052 inches.

(2) Pressure requirements - Maximum pressure at the nozzles for all applications of restricted use desiccants and defoliant shall be 30 psi. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-02-046 (Order 1591), § 16-230-160, filed 1/29/79; Order 1545, § 16-230-160, filed 11/30/77.]

**WAC 16-230-170 Aerial equipment--Boom length, pressure, nozzle height of discharge and smoke device requirements for the entire area under order.** (1) Boom length restrictions:

(a) Fixed wing: The working boom length shall not exceed 3/4 of the distance from center of aircraft to wing tip on each side of aircraft.

(b) Helicopters: The working boom length shall not exceed 6/7 of the distance from the center of rotor to rotor tip on each side of the aircraft for rotors 40 feet or under or 3/4 of the distance from the center of rotor to rotor tip on each side of the aircraft where the rotor exceeds 40 feet while applying restricted use desiccants and defoliant.

(2) Pressure restrictions: Maximum pressure at the nozzles for all aerial applications of restricted use desiccants and defoliant shall be 25 psi.

(3) Nozzle requirements:

(a) Fixed wing applications of Diquat or Paraquat:

(i) Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.094 inches;

(ii) By written permit from Washington State Department of Agriculture, the Raindrop nozzle may be used with a minimum orifice diameter of 0.156 inches with a No. 46 core plate or larger.

(b) Fixed wing applications of Endothall and Dinitro:

(i) Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.063 inches;

(ii) The Raindrop nozzle may be used with a minimum orifice diameter of 0.156 inches with a No. 46 core plate or larger.

(c) Helicopter applications of restricted use desiccants and defoliant:

(i) Straight stream jet nozzles, without core plates, with a minimum orifice diameter of 0.063 inches;

(ii) Straight stream jet nozzles with a minimum orifice diameter of 0.125 inches with No. 46 core plates or larger;

(iii) By written permit from Washington State Department of Agriculture, the Raindrop nozzles may be used with a minimum orifice diameter of 0.156 inches with No. 46 core plates or larger.

(d) Nozzle direction:

(i) Nozzles shall be directed backward 180 degrees from the direction of flight while discharging restricted use desiccants or defoliant from any aircraft.

(4) Height of discharge requirements: No aircraft shall discharge restricted use desiccants and defoliant from the nozzles while either descending on to the target field or ascending from the target field.

(5) Smoke device requirements: All aircraft applying restricted use desiccants and defoliant shall utilize a smoke device to determine wind directions and temperature inversion situations. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-02-046 (Order 1591), § 16-230-170, filed 1/29/79; 78-02-053 (Order 1548), § 16-230-170, filed 1/19/78; Order 1545, § 16-230-170, filed 11/30/77.]

**WAC 16-230-180 Weather and evening cutoff requirements.** (1) Weather conditions: Restricted use desiccants and defoliant shall not be applied when there is a temperature inversion, or if wind or weather conditions are such that damage could result to susceptible crops or ornamentals.

(2) Evening cutoff: All applications of restricted use desiccants and defoliant shall be prohibited from three hours prior to sunset to one hour after sunrise the following morning: *Provided*, That ground applications of Dinitro may begin at sunrise the following morning. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-02-046 (Order 1591), § 16-230-180, filed 1/29/79; Order 1545, § 16-230-180, filed 11/30/77.]

**WAC 16-230-190 Restrictions on the use of Diquat and Paraquat in Walla Walla county.** (1) Area 1 description - Town of Walla Walla and vicinity: This area includes all lands lying within the Town of Walla Walla and vicinity beginning at the Washington state line at the common boundary line between Sections 15 and 16, T6N, R34E, north along Hoon Road and continuing north on McDonald Bridge Road; across U.P.R.R. and Highway 12; thence north 4 miles more or less to the northwest corner of Section 10, T7N, R34E; thence east 20 miles to the northeast corner of Section 11, T7N, R37E; thence south 7 miles more or less to the Washington-Oregon state line; thence west to point of beginning.

(2) Area 1 restrictions:

(a) The application of Paraquat or Diquat or any mix containing Paraquat or Diquat is hereby prohibited in Area 1. *Provided*, That the department, upon written request, may issue a permit for the use of Paraquat for special weed control in the area lying northwest of Dry Creed in Area 1.

(b) The loading and/or mixing of Paraquat or Diquat for aerial application is prohibited on any airstrip, airfield or any location within Area 1 of Walla Walla county. Aerial application equipment used for Paraquat or Diquat applications must be decontaminated prior to bringing the application equipment back into Area 1 of Walla Walla county. *Provided*, That the loading and/or mixing of Paraquat shall be allowed at the Walla Walla airport and those aircraft are restricted to exit and enter the airport to the north over Sections 10 and 11, T7N, R36E.

(3) Area 2 description: All lands in Walla Walla county excluding Area 1.

(4) Area 2 restrictions:

[(a)] The application of Paraquat or any mix containing Paraquat is hereby prohibited four hours prior to

sunset to two hours after sunrise the following morning. *Provided*, That this restriction shall not apply to ground applications during the months of November, December and January.

(b) Application of Diquat or any mix containing Diquat is hereby restricted to ground apparatus only upon obtaining a permit from the Washington State Department of Agriculture.

(i) Applications shall be limited to a total of 100 acres per day.

(ii) Prior to July 16 of each year, growers desiring to use Diquat must report their total number of acres of alfalfa seed to the Washington State Department of Agriculture on a form furnished by the department. By August 10 of each year, the department will allocate each grower the number of acres that Diquat may be used on.

(iii) Permits will be valid for only 24 hours and will be issued each day for the following day's application. If weather conditions are such to prevent diquat application, the department may renew the permits.

(iv) Visco elastic additives must be added to all Diquat applications and applicable label directions for that product must be followed. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-05-043 (Order 1598), § 16-230-190, filed 4/26/79; 79-02-046 (Order 1591), § 16-230-190, filed 1/29/79; Order 1545, § 16-230-190, filed 11/30/77.]

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 16-230-200 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-230-250 Area under order.** This order will be in effect in all counties of the state of Washington. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-250, filed 4/21/78.]

**WAC 16-230-260 Definitions.** (1) "Blossoming crops" as used in this order shall mean when there are five or more blooms per square yard on the average in a given field, when there are one or more open blooms per tree or vine in an orchard or vineyard, and when there are five or more weed blooms per square yard on the average for the area being measured for cover crops in orchards or vineyards, fence lines, ditch banks, or field, vineyard or orchard edges: *Provided*, That white blossomed pea plants and second bloom of pears shall be exempt from this definition.

(2) "Pollen shedding corn" shall mean that stage of growth when 10 percent or more of the corn plants in any one quarter portion of that field are showing spike anthers.

(3) "Properly marked honey bee apiaries" shall mean apiaries marked in accordance with RCW 15.60.030 as follows: "Each person owning or having bees in his possession shall register with the director the location of the bee yard, name, address, and phone number of the

owner, and post at the bee yard a registration number as provided for herein, on or before April 1st each year. The director shall issue to each apiarist owning or operating more than twenty-five colonies in the state who is registered with the department a registration number, transferable, which shall be posted conspicuously at the entrance of each apiary at all times, not more than one hundred fifty feet from the bees. Bees placed in orchards for pollination shall be exempt from posting during placement."

(4) "Full bloom" shall be those dates as established by the state department of agriculture plant industry division for full bloom of red delicious apples. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-260, filed 4/21/78.]

**WAC 16-230-270 Restrictions--Exemptions.** Microencapsulated methyl parathion is hereby declared to be a restricted use pesticide and the use or application of the formulation shall be prohibited on all blossoming crops and on pollen shedding corn: *Provided*, That (1) On or after October 15 through May 15 of the following year, applications of microencapsulated methyl parathion shall be allowed (using label restrictions) on winter wheat for aphid control in the wheat growing areas of eastern Washington.

(2) The application of microencapsulated methyl parathion shall be allowed (using label restrictions) in the Palouse area of Spokane and Whitman counties. This area shall be bounded on the north by an east-west line along longitude 47°30', in the southern portion of Spokane county, to the southern boundary of Whitman county. Applications of microencapsulated methyl parathion on white blooming peas in this area shall be prohibited within 1/2 mile of the breaks of the Snake River Canyon.

(3) Applications of microencapsulated formulations of methyl parathion shall be prohibited on orchards up to thirty days after full bloom of each year in the area under order.

(4) The use of microencapsulated methyl parathion shall be allowed, (using label restrictions) during the period starting thirty days after full bloom to sixty days after full bloom in all orchards within designated areas in the Wenatchee River Valley area from the mouth of the Wenatchee River through Leavenworth, excluding Mission Creek and Brender Canyons; Entiat proper and the Entiat Valley area from the mouth of the Entiat River through Ardenvoir; and the Howard Flats area and the Chelan-Manson area from the mouth of the Chelan River to the town of Lake Chelan on the south side of Lake Chelan and to Antilon Creek on the north side of Lake Chelan. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-04-018 (Order 1595), § 16-230-270, filed 3/16/79; 78-05-042 (Order 1573), § 16-230-270, filed 4/21/78.]

**WAC 16-230-280 Six-mile radius.** The application of microencapsulated methyl parathion shall be prohibited on all blossoming crops and pollen shedding corn when properly marked honey bee apiaries occur within a

six-mile radius of the blossoming crop or pollen shedding corn to be treated: *Provided*, That designated orchard areas in WAC 16-230-270(4) shall be excluded from this requirement during the period starting thirty days from full bloom to sixty days from full bloom. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-280, filed 4/21/78.]

**WAC 16-230-290 Distribution.** Microencapsulated methyl parathion shall be distributed only by licensed pesticide dealers to certified applicators or their authorized representative. Microencapsulated methyl parathion shall be applied only by certified applicators or by persons under the direct supervision of a certified applicator. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-290, filed 4/21/78.]

**WAC 16-230-300 Superseded.** This order supersedes all previous restrictions related to the use of methyl parathion formulations where a conflict may exist in Order No. 1299 (relating to the restricted use of insecticides on corn actively shedding pollen). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-300, filed 4/21/78.]

**WAC 16-230-400 Area under order.** All lands lying within the borders of Spokane County. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-01-038 (Order 1585), § 16-230-400, filed 12/20/78.]

**WAC 16-230-410 Restricted use herbicides.** All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides, including 2,4-D, 2,4,5-T, 2,4,5-TP and MCPA are hereby declared to be restricted use herbicides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-01-038 (Order 1585), § 16-230-410, filed 12/20/78.]

**WAC 16-230-420 Area 2.** (1) This area includes all lands lying within a boundary line starting at the intersection of U.S. Highway 2 and Wood Road; thence northerly 2 miles more or less along Wood Road to its intersection with Mission Road; thence easterly along Mission Road and the extending section line 4 miles more or less to Deno Road; thence easterly along Deno Road 4 miles more or less to Hayford Road; thence northerly along Hayford Road and the extending section line boundary 8 miles more or less to the northwest corner of Section 6, R42E, T26N; thence easterly 18 miles more or less along the township line between T26N and T27N to the northwest corner of Section 6, R45E, T26N; thence northerly 2 miles more or less along the section boundary line to the northwest corner of Section 30, R45E, T27N; thence easterly 6 miles to the Idaho-Washington Border; thence southerly 14 miles more or less to the township boundary between T25N and T24N; thence westerly 6 miles more or less to the southwest corner of Section 31, R45E, T25N; thence south 1 mile more or less along Chapman Road to the southeast corner of Section 1, R44E, T24N; thence westerly 13 miles

more or less to the Cheney-Spokane Road; thence southwesterly 2 miles more or less to the common boundary line between Section 15 and Section 14, R42E, T24N; thence southerly 1.5 miles more or less to the southeast corner of Section 22, R42E, T24N; thence westerly 1.5 miles more or less along the Cheney-Spokane Highway; thence southerly 3 miles more or less to the Cheney-Spokane Highway to the common boundary line between Section 5 and Section 6, R42E, T23N; thence southerly 3 miles more or less to the southeast corner of Section 19, R42E, T23N; thence westerly 3 miles more or less to the southwest corner of Section 23, R41E, T23N; thence northerly along the section line 1.5 miles more or less to the Salnave Road; thence northwesterly along the Salnave Road 7 miles more or less to its intersection with the Medical Lake-Tyler Road; thence northerly .5 mile more or less to Gray Road; thence westerly .5 mile more or less to Ladd Road; thence northerly 6 miles more or less to Thorpe Road; thence easterly 1 mile more or less to Espanola Road; thence northerly 2 miles more or less to the point of beginning.

(2) Area 2 Restrictions:

(a) On and after May 1 through October 15, ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.036 inches.

(b) For Roadside and Right-of-Way application drift reduction type systems such as direct-spray, raindrop or invert systems must be used.

(c) The use or application of low volatile ester formulations of restricted use herbicides is prohibited from May 1 through October 15; *Provided*, That the department, upon written request, may issue a permit for the use of low volatile formulations for special weed control.

(d) The application of restricted use herbicides is prohibited from three hours prior to sunset to sunrise the next day; *Provided*, That lawn and turf residential weed control, using nonvolatile formulations are exempt from the evening cutoff.

(e) The aerial application of restricted use herbicides is prohibited within Area 2; *Provided*, That the department may issue a special permit, upon written request, for special weed control.

(f) Restricted use herbicides shall not be applied on or after May 1 through October 15 when the temperature is 85° or above at the point of application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-01-038 (Order 1585), § 16-230-420, filed 12/20/78.]

**WAC 16-230-430 Area 3.** (1) An area within a distance of one mile of the city limits of incorporated cities and towns and the same distance from the center of any unincorporated town comprised of ten or more inhabited, closely grouped residences within Area 4 exclusive of Area 2.

(2) Area 3 Restrictions:

(a) The aerial application of restricted use herbicides is prohibited within Area 3; *Provided*, That the department, upon written request, may issue a permit to allow application of restricted use herbicides within 1/2 mile

of the city limits of incorporated towns and cities and within 1/2 mile of the center of any unincorporated towns comprised of 10 or more inhabited, closely grouped residences.

(b) On and after May 1 through October 15, aerial application shall be made using the Danger Area Restrictions (see Order 1508, Regulation 11). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-01-038 (Order 1585), § 16-230-430, filed 12/20/78.]

**WAC 16-230-440 Area 4.** (1) All remaining lands in Spokane County.

(2) Area 4 Restrictions:

(a) On and after May 1 through October 15, ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 15, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see Order 1508, Regulation 11). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-01-038 (Order 1585), § 16-230-440, filed 12/20/78.]

**WAC 16-230-450 Farm operator to notify.** The landowner or person in charge of the farming operation shall notify the aerial applicator he hires of any susceptible crops planted or to be planted bordering the field to which restricted use herbicides are to be applied. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-01-038 (Order 1585), § 16-230-450, filed 12/20/78.]

**WAC 16-230-460 Commercial greenhouse notification.** The owners of commercial greenhouses located in the area under order shall be notified in person or by certified mail by aerial applicators and public operators at least 48 hours prior to the application of allowable restricted use herbicides to be applied within 1/2 mile of the above greenhouses. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-01-038 (Order 1585), § 16-230-460, filed 12/20/78.]

**WAC 16-230-470 Wind conditions.** The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over 12 miles per hour throughout the year. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-01-038 (Order 1585), § 16-230-470, filed 12/20/78.]

**WAC 16-230-510 Definition.** Picloram means all registered pesticide products containing 4-amino-3,5,6-trichloropicolinic acid as the potassium salt. This formulation may be known as Tordon. [Statutory Authority: Chapters 15.57 and 17.21 RCW. 79-07-091 (Order 1633), § 16-230-510, filed 6/29/79.]

**WAC 16-230-520 Use and application.** Picloram (Tordon) is hereby declared to be a restricted use pesticide and the use or application of any formulation of picloram shall be prohibited in the following portion of Spokane county: An area beginning at the intersection of Brooks Road and State Highway 902; thence northerly

along the Brooks Road four miles more or less to State Highway 2; thence easterly along State Highway 2 four miles more or less to the Craig Road; thence northerly on Craig Road for 1/2 mile more or less to the Airway Heights city limits; thence easterly one mile more or less along the north boundary of the Airway Heights city limits; thence southerly 1/2 mile more or less along the east boundary of the Airway Heights city limits to State Highway 2; thence easterly one mile along State Highway 2 to the Hayford Road; thence southerly three miles more or less along the Hayford Road to State Highway 902; thence westerly along State Highway 902 to the point of beginning. [Statutory Authority: Chapters 15.57 and 17.21 RCW. 79-07-091 (Order 1633), § 16-230-520, filed 6/29/79.]

**Chapter 16-300 WAC  
NOXIOUS WEED SEEDS**

- WAC  
16-300-003 Repealed.  
16-300-020 Restricted noxious weed seeds.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 16-300-003 Promulgation. [Order 1413, § 16-300-003, filed 8/15/75.] Repealed by 79-05-066 (Order 1604), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

WAC 16-300-003 Repealed. See Disposition Table at beginning of this chapter.

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	<i>Cynodon dactylon</i> (L.) Pers.
Blue lettuce	<i>Lactuca pulchella</i> (Pursh.) DC.
Docks and Sorrel	<i>Rumex</i> spp.
Dodder	<i>Cuscuta</i> spp.
Field pennycress (fanweed)	<i>Thlaspi arvense</i>
Field sandbur	<i>Cenchrus pauciflorus</i> Benth.
Gromwell (only in small grain)	<i>Lithospermum arvense</i>
Halogeton	<i>Halogeton glomeratus</i> C.A. Mey.
Jointed goatgrass (only in small grain)	<i>Aegilops Cylindrica</i>
Medusahead	<i>Elymus caput-medusae</i> L. or <i>Taeniatherum asperum</i> (Sim.) Nevski
Pacific Meadow-foxtail	<i>Alopecurus myosuroides</i> Huds. Fl. Angl.
Plantains	<i>Plantago</i> spp.
Poverty weed	<i>Iva axillaris</i> Pursh.
Puncturevine	<i>Tribulus terrestris</i> L.
Rye (only in other small grain)	<i>Secale cereale</i>
St. Johnswort	<i>Hypericum perforatum</i> L.

English or Common Name	Botanical or Scientific Name
Dalmation toadflax	<i>Linaria dalmatica</i> (L.) Mill.
Yellow toadflax	<i>Linaria vulgaris</i> Hill.
Western ragweed	<i>Ambrosia psilostachya</i> DC.
Wild mustard	<i>Brassica kaber</i> (DC.) L.C. Wheeler Var.
Wild oat	<i>Avena fatua</i> L.
Yellow starthistle	<i>Centaurea solstitialis</i> L.

[Statutory Authority: Chapter 15.49 RCW. 79-05-066 (Order 1604), § 16-300-020, filed 4/30/79; 78-03-103 (Order 1554), § 16-300-020, filed 3/1/78, effective 4/1/78; Order 1413, § 16-300-020, filed 8/15/75; Order 1149, § 16-300-020, filed 4/16/70; Order 946, Regulation 2, filed 4/20/64; Order 849, Regulation 2, effective 6/30/61.]

**Chapter 16-304 WAC  
SAMPLING AND TESTING OF SEEDS**

- WAC  
16-304-002 Repealed.  
16-304-003 Repealed.  
16-304-006 Repealed.  
16-304-040 Schedule of laboratory charges.  
16-304-100 Definitions.  
16-304-110 Annual seed inspection charge.  
16-304-120 Registrant records.  
16-304-130 Effective dates.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 16-304-002 Promulgation. [Order 1245, § 16-304-002, filed 4/13/72, effective 5/14/72; Order 1195, § 16-304-002, filed 4/16/71; Order 115, § 16-304-002, filed 4/17/69, effective 5/18/69.] Repealed by 79-05-072 (Order 1616), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-304-003 Promulgation. [Order 1361, § 16-304-003, filed 6/12/74.] Repealed by 79-05-072 (Order 1616), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-304-006 Promulgation. [Order 1477, § 16-304-006, filed 6/18/76.] Repealed by 79-05-072 (Order 1616), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

WAC 16-304-002 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-304-003 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-304-006 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-304-040 Schedule of laboratory charges. (1) Testing fees shall be as follows:

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY (b)	PURITY TETRA- & ZOLIUM (c)	
				GERM	200 Seeds
Bentgrass*	2 oz.	\$14.00	\$8.50	\$7.50	\$21.50
Bluegrass*	4 oz.	11.50	7.00	8.00	19.50
Bromegrass	6 oz.	12.50	7.00	6.50	19.00
Fescue	4 oz.	11.50	7.00	6.50	18.00

	SAMPLE MIN. SIZE	NOXIOUS ONLY		PURITY & TETRA-ZOLIUM		
		PURITY (a)	GERM (b)	GERM (c)	200 Seeds	
Orchardgrass	4 oz.	14.00	8.50	7.00	21.00	11.50
Ryegrass Crested	4 oz.	11.50	7.00	6.00	17.50	11.50
Wheatgrass Other	4 oz.	14.00	8.50	7.00	21.00	11.50
Wheatgrasses	6 oz.	20.00	12.	7.00	27.00	11.50
Other grasses	4 oz.	10.00	6.00	6.00	16.00	11.50
Beans & Peas	1 1/4 lb.	7.00	4.00	6.50	13.50	11.50
Cereals	1 1/4 lb.	7.50	5.00	6.50	14.00	11.50
Other crops	4 oz.	7.50	5.00	6.50	14.00	11.50
Mixture (for each additional kind)		6.00		7.00		11.50
*Separation of other varieties		4.50 (Required when labeling bentgrass or bluegrass by variety name).				

(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; 100 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 2.50 (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 . . . . . \$ 6.00  
 Poa annua check for other grasses - each 10 grams . . . . . \$ 5.00

(c) Sod Seed Analysis -  
 Bluegrass . . . . . \$35.00  
 Fescue . . . . . \$25.00  
 Ryegrass . . . . . \$20.00

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

Bluegrass test includes purity, variety separation, 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) . . . . . \$ 8.00  
 (e) Pest & Disease, Soil Exam or similar . . . \$10.00 (Reported on Seed Analysis Certificate). A visual examination of a representative sample. Phyto requested in addition to analysis certificate, additional fee of . . . . . \$ 5.00

(f) Sod Analysis Check - 50 gram exam to evaluate if a lot appears to be Sod Quality (phone report only) . . . . . \$ 9.00

(3) Inventory Testing for Germination: A service to provide opportunity to have carry-over seed stocks 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 except for mixtures where the primary ingredient will be tested at half price - balance to be tested at 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 . . . . . \$5.00  
 (b) Phone reports on test result, per call . . . . . \$2.00  
 (c) Preliminary report on germination (phone report only) . . . . . \$5.00  
 (d) Morphological Test . . . . . \$5.00  
 Alfalfa or clover examined under magnification for combine damage).

(e) Additional mailing of report (each destination) . . . . . \$1.00

(f) Recopies of reports (minimum fee) . . . . . \$2.00 (or hourly fee when applicable)

(g) ISTA Test - Purity and germination fee plus 50%

(h) Extra charge for samples requiring special preparation for germination, i.e. Beets, pelleted seeds, etc. . . . . \$4.00

(i) Hourly fee for miscellaneous services . . . . . \$10.00

[Statutory Authority: Chapter 15.49 RCW. 79-05-072 (Order 1616), § 16-304-040, filed 4/30/79; Order 1501, § 16-304-040, filed 3/31/77; Order 1477, § 16-304-040, filed 6/18/76; Order 1245, § 16-304-040, filed 4/13/72; Order 1195, § 16-304-040, filed 4/16/71; Order 1115, § 16-304-040, filed 4/17/69, effective 5/18/69; Order 1018, Regulation 4, filed 5/31/66; Order 917, Regulation 8, filed 4/25/63; Order 848, Regulation 4, effective 6/30/61.]

**WAC 16-304-100 Definitions.** (1) "Fiscal year" shall mean the twelve month period July 1 through June 30.

(2) "Seed labeling permit" means a permit issued by the Department pursuant to RCW 15.49.400 to a person labeling seed for distribution in this state.

(3) "Seed Branch Advisory Committee" means a committee elected by the Washington Seed Council and shall be composed of representatives of the small grains, pea and lentil, bean and vegetable, small seeded legumes and grass seed industries, together with the president of the Washington Seed Council who acts as chairman.

(4) "Stock seed" means breeders, pre-basic, or like initial generation of seed. [Statutory Authority: Chapter 15.49 RCW. 78-04-070 (Order 1571), § 16-304-100, filed 3/31/78, effective 7/1/78.]

**WAC 16-304-110 Annual seed inspection charge.** Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington State Seed Act, shall also, pursuant to RCW 15.49.310 and 15.49.370, pay a general seed inspection charge annually to the department in the amount of 10 cents per one hundred dollars gross annual dollar sales of agricultural and/or vegetable seed distributed in this state during the preceding fiscal year: *Provided*, That no assessment shall be collected on (1) seed for which the assessment has been previously collected, except when such seed has been relabeled; (2) agricultural or vegetable seed distributed out of state; (3) seed distributed in containers of 4 ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the USDA National foundation seed project: *Provided further*, That erroneous and overpayments shall be refunded on request. Requests for refund must be filed by June 30 of the year following the due date. Agricultural and/or vegetable seeds distributed under bailment contract shall be valued at the producer-processor agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, 1978 through June 30, 1979 shall be due August 1, 1979 and payable by February 1, 1980. The assessment fees for the period beginning July 1, 1979 through June 30, 1980 shall be due August 1, 1980 and payable by February 1, 1981.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of \$10.00, whichever is greater, shall be added to all assessments not paid by February 1. These funds shall only be used for seed control activities. The annual seed labeling permit may not be issued until all assessments and penalties have been satisfied. [Statutory Authority: Chapter 15.49 RCW. 79-05-062 (Order 1605), § 16-304-110, filed 4/30/79; 78-04-070 (Order 1571), § 16-304-110, filed 3/31/78, effective 7/1/78.]

**WAC 16-304-120 Registrant records.** Each seed labeling registrant shall maintain reasonable and necessary records accurately reflecting the gross annual dollar value of agricultural and/or vegetable seed distributed in

this state. [Statutory Authority: Chapter 15.49 RCW. 78-04-070 (Order 1571), § 16-304-120, filed 3/31/78, effective 7/1/78.]

**WAC 16-304-130 Effective dates.** This regulation is effective through June 30, 1980. Between January 1, 1980 and March 1, 1980 the assessment program shall be reviewed by the Seed Branch Advisory Committee, who will recommend whether to continue the seed assessment program. Such recommendations shall be considered at a public hearing under authority of chapters 42.32 and 34.04 RCW, the Administrative Procedures Acts. The Advisory Committee shall also recommend the objectives of the seed quality control activities and shall review expenditures of assessment funds to verify such funds are being used only for seed quality control activities. [Statutory Authority: Chapter 15.49 RCW. 78-04-070 (Order 1571), § 16-304-130, filed 3/31/78, effective 7/1/78.]

### Chapter 16-313 WAC BLENDING OF CERTIFIED SEED

#### WAC

16-313-001	Repealed.
16-313-015	Field run and remill blends.
16-313-090	Calculated analysis.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-313-001	Promulgation. [Order 1246, § 16-313-001, filed 4/13/72, effective 5/14/72; Order 979, Promulgation, filed 4/15/65; Order 709, effective 1/1/55.] Repealed by 79-05-059 (Order 1615), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
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**WAC 16-313-001 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-313-015 Field run and remill blends.** (1) Upon approval, field run lots may be commingled to facilitate processing. The blend fee shall not apply.

(2) Remill lots may be blended prior to testing to facilitate processing. A blend data sheet shall be filed prior to blending and laboratory analysis completed before tags can be issued. [Statutory Authority: Chapter 15.49 RCW. 79-05-059 (Order 1615), § 16-313-015, filed 4/30/79; Order 1496, § 16-313-015, filed 3/31/77.]

**WAC 16-313-090 Calculated analysis.** Blends will be eligible for tagging prior to analysis of the official sample of the blend upon meeting the following conditions:

(1) The calculated percent of impurities (weeds, crop, inert, etc.) shall be twenty percent less than the maximum allowed in rules for seed certification.

(2) The calculated percent of germination shall be not less than the minimum germination standard in the rules for seed certification.

(3) All the lots blended have met certification standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-059 (Order 1615), § 16-313-090, filed 4/30/79;

Order 979, Regulation 9, filed 4/15/65; Order 709, effective 1/1/55.]

**Chapter 16-316 WAC  
SEED CERTIFICATION**

**WAC**

16-316-0012 Repealed.  
16-316-0013 Repealed.  
16-316-0014 Repealed.  
16-316-0017 Repealed.  
16-316-0018 Repealed.  
16-316-0023 Repealed.  
16-316-0024 Repealed.  
16-316-0028 Repealed.  
16-316-003 Repealed.  
16-316-0031 Repealed.  
16-316-0032 Repealed.  
16-316-0033 Repealed.  
16-316-0034 Repealed.  
16-316-0036 Repealed.  
16-316-0039 Repealed.  
16-316-0041 Repealed.  
16-316-0042 Repealed.  
16-316-0046 Repealed.  
16-316-0047 Repealed.  
16-316-0048 Repealed.  
16-316-0049 Repealed.  
16-316-0051 Repealed.  
16-316-0052 Repealed.  
16-316-0054 Repealed.  
16-316-0056 Repealed.  
16-316-0057 Repealed.  
16-316-0061 Repealed.  
16-316-0063 Repealed.  
16-316-0064 Repealed.  
16-316-0066 Repealed.  
16-316-007 Repealed.  
16-316-0071 Repealed.  
16-316-0075 Repealed.  
16-316-0091 Repealed.  
16-316-0092 Repealed.  
16-316-0401 Certification fees.  
16-316-0551 Field tolerances.  
16-316-0901 Standards for verification of turf seed ingredients.  
16-316-110 Varieties eligible.  
16-316-115 Limitation of generations.  
16-316-151 Land history.  
16-316-160 Prohibited noxious weeds.  
16-316-165 Objectionable weeds.  
16-316-175 [All growers in certification program.]  
16-316-180 Field inspections.  
16-316-190 Containers and lot numbers.  
16-316-215 Regulations and procedures for organization for economic cooperation and development scheme for varietal certification.  
16-316-230 Certification fees.  
16-316-240 Isolation requirements.  
16-316-250 Seed standards.  
16-316-270 Certification fees.  
16-316-275 Land requirements.  
16-316-280 Field tolerances.  
16-316-285 Inspection requirements.  
16-316-290 Seed standards.  
16-316-300 Repealed.  
16-316-305 Repealed.  
16-316-310 Application for inspection and due dates.  
16-316-315 Fees and charges.  
16-316-325 Repealed.  
16-316-326 Phyto-sanitary certificate for peas.  
16-316-327 Phyto-sanitary certificate for beans.  
16-316-340 Grass seed certification standards.  
16-316-350 Certification fees.

16-316-356 Repealed.  
16-316-370 Seed standards.  
16-316-440 Certification fees.  
16-316-450 Isolation requirements.  
16-316-460 Seed standards.  
16-316-470 Field pea seed certification standards.  
16-316-472 Eligible variety and stock seed.  
16-316-474 Application and fees.  
16-316-520 Small grain seed certification standards.  
16-316-525 Eligible variety and stock seed.  
16-316-530 Application and fees.  
16-316-540 Isolation requirements.  
16-316-545 Field standards.  
16-316-550 Seed standards.  
16-316-600 Genetic purity certification.  
16-316-620 Standards.  
16-316-622 Ryegrass standards.  
16-316-625 Sod seed analysis certificate.  
16-316-660 Certification fees.  
16-316-680 Seed standards.  
16-316-690 Lentil seed certification standards.  
16-316-700 Application and fees.  
16-316-72001 Repealed.  
16-316-740 Procedure for all other kinds.  
16-316-790 Varieties eligible for seed certification.  
16-316-800 Grass varieties eligible.  
16-316-810 Red clover varieties eligible.  
16-316-820 Alfalfa varieties eligible.  
16-316-830 Bean varieties eligible.  
16-316-840 White clover and trefoil varieties eligible.  
16-316-900 Soybean seed certification standards.  
16-316-910 Application and fees.  
16-316-925 Field standards.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

16-316-0012 Promulgation. [Order 1305, § 16-316-0012, filed 4/24/73; Order 1260, § 16-316-0012, filed 4/13/72, effective 5/14/72; Order 1182, § 16-316-0012, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.  
16-316-0013 Promulgation. [Order 1304, § 16-316-0013, filed 4/24/73; Order 1183, § 16-316-0013, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.  
16-316-0014 Promulgation. [Order 1306, § 16-316-0014, filed 4/24/73; Order 1252, § 16-316-0014, filed 4/13/72, effective 5/14/72; Order 1184, § 16-316-0014, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.  
16-316-0017 Promulgation. [Order 1302, § 16-316-0017, filed 4/24/73; Order 1186, § 16-316-0017, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.  
16-316-0018 Promulgation. [Order 1303, § 16-316-0018, filed 4/24/73; Order 1187, § 16-316-0018, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.  
16-316-0023 Promulgation. [Order 1307, § 16-316-0023, filed 4/24/73; Order 1253, § 16-316-0023, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.  
16-316-0024 Promulgation. [Order 1257, § 16-316-0024, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.  
16-316-0028 Promulgation. [Order 1250, § 16-316-0028, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.



- 16-316-003 Promulgation. [Order 972, Promulgation, filed 4/8/65; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0031 Promulgation. [Order 1408, § 16-316-0031, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0032 Promulgation. [Order 1409, § 16-316-0032, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0033 Promulgation. [Order 1410, § 16-316-0033, filed 8/17/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0034 Promulgation. [Order 1411, § 16-316-0034, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0036 Promulgation. [Order 1362, § 16-316-0035, (codified as WAC 16-316-0036), filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0039 Promulgation. [Order 1418, § 16-316-0039, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0041 Promulgation. [Order 1419, § 16-316-0041, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0042 Promulgation. [Order 1420, § 16-316-0042, filed 8/15/75.] Repealed by 79-05-065 (Order 1603), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0046 Promulgation. [Order 1451, § 16-316-0046, filed 5/13/76; Order 1412, § 16-316-0035 (codified as WAC 16-316-0046), filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0047 Promulgation. [Order 1453, § 16-316-0047, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0048 Promulgation. [Order 1454, § 16-316-0048, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0049 Promulgation. [Order 1457, § 16-316-0049, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0051 Promulgation. [Order 1359, § 16-316-005 (codified as WAC 16-316-0051), filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0052 Promulgation. [Order 1458, § 16-316-0052, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0054 Promulgation. [Order 1462, § 16-316-0054, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0056 Promulgation. [Order 1464, § 16-316-0056, filed 5/13/76; Order 1366, § 16-316-0055 (codified as WAC 16-316-0056), filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0057 Promulgation. [Order 1456, § 16-316-0057, filed 5/13/76.] Repealed by 79-05-065 (Order 1603), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0061 Promulgation. [Order 1461, § 16-316-0061, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0063 Promulgation. [Order 1455, § 16-316-0063, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0064 Promulgation. [Order 1452, § 16-316-0064, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0066 Promulgation. [Order 1485, § 16-316-0066, filed 9/8/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-007 Promulgation. [Order 1360, § 16-316-007, filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0071 Promulgation. [Order 1463, § 16-316-0055, (codified as WAC 16-316-0071), filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0075 Promulgation. [Order 1363, § 16-316-0075, filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0091 Promulgation. [Order 1301, § 16-316-009 (codified as WAC 16-316-0091), filed 4/24/73.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0092 Promulgation. [Order 1112, § 16-316-0090 (codified as WAC 16-316-0092), filed 4/17/69, effective 5/18/69.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-300 Diseases for which phyto-sanitary certificates will be issued. [Order 1251, § 16-316-300, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-071 (Order 1626), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-305 Phyto-sanitary eligibility. [Order 1251, § 16-316-305, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-071 (Order 1626), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-325 Inspection requirements. [Order 1251, § 16-316-325, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-071 (Order 1626), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-356 Variety restrictions. [Order 1485, § 16-316-356, filed 9/8/76.] Repealed by 78-03-112 (Order 1560), filed 3/1/78, effective 4/1/78. Statutory Authority: Chapter 15.49 RCW.
- 16-316-72001 Field tolerances. [Order 1464, § 16-316-720, (codified as WAC 16-316-72001), filed 5/13/76.] Repealed by 78-03-109 (Order 1564), filed 3/1/78, effective 4/1/78. Statutory Authority: Chapter 15.49 RCW.

**WAC 16-316-0012 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0013 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0014 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0017 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0018 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0023 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0024 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0028 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-003 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0031 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0032 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0033 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0034 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0036 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0039 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0041 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0042 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0046 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0047 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0048 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0049 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0051 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0052 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0054 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0056 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0057 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0061 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0063 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0064 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0066 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-007 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0071 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0075 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0091 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0092 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0401 Certification fees.**

(1) **Seedling Applications:** Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) *Seedling application fee:*

Per variety, per grower . . . . . \$10.00

(b) *Late seedling penalty fee:* . . . . . \$10.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

(2) **Renewal Applications:** Due May 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) *Renewal application fee:*

Per variety, per grower . . . . . \$10.00

(b) *Late renewal penalty fee:* . . . . . \$10.00

This additional fee shall be charged per grower for renewal applications received after May 1.

(3) **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 and final certification fees:** Inspection and final certification fees will be based on pounds sampled and billed upon completion of required tests.

(a) *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.)

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

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

(d) *Payment of fees* shall be the responsibility of the person signing the application. However the processor may assume responsibility.

(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 as established by the director

(7) Fees for 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 a tag with minimum fee of \$5.00.

[Statutory Authority: Chapter 15.49 RCW. 79-05-064 (Order 1599), § 16-316-0401, filed 4/30/79; Order 1451, § 16-316-040 (codified as WAC 16-316-0401), filed 5/13/76; Order 1419, § 16-316-040 (codified as WAC 16-316-0401), filed 8/15/75. Formerly WAC 16-316-035 (part).]

**WAC 16-316-0551 Field tolerances.** Field tolerances shall be as follows:

(1) Maximum other varieties permitted in fields producing:

Foundation:	0%
Registered:	0%
Certified:	2%

(2) A trace of redtop is permitted in certified blue tag bentgrass fields.

(3) Prohibited noxious weeds must be controlled to prevent seed formation. [Statutory Authority: Chapter 15.49 RCW. 79-05-064 (Order 1599), § 16-316-0551, filed 4/30/79; Order 1451, § 16-316-055 (codified as WAC 16-316-0551), filed 5/13/76; Order 1419, § 16-316-055 (codified as WAC 16-316-0551), filed 8/15/75.]

**WAC 16-316-0901 Standards for verification of turf seed ingredients.** (1) The general rules for seed certification are basic and together with the following specific regulations constitute the rules for certification identity of mixtures of different kinds of certified seed.

(2) A blend data sheet, including proof of certification, verifying the origin and the certifying agency along with the analysis and pounds of each lot must be submitted to the certifying agency for approval.

(3) Each lot of certified seed shall:

(a) Meet standards acceptable to the certifying agency.

(b) Be sampled under supervision of the certifying agency prior to blending. The sample shall be obtained in accordance with official sampling procedures. The sample shall be identified with:

(i) The verification of certification, origin, and certifying agency;

(ii) The kind/variety;

(iii) The analysis and size of lot.

(4) The certifying agency reserves the right to:

(a) Refuse permission to use individual lots;

(b) Approve the equipment to be used and procedure to follow in blending;

(c) Approve the containers and labeling to be used;

(d) Sample the final blend.

(5) The certifying agency will identify each container with an official certification label verifying that the individual lots used were certified seed lots.

(6) For a mixture to be labeled Sod Quality each component shall meet sod quality standards.

(7) Fees for turf seed blending shall be 30¢ per 100 pounds based on the pounds of seed packaged, and 2¢ for each label used. [Statutory Authority: Chapter 15.49 RCW. 79-09-098 (Order 1649), § 16-316-0901, filed 8/31/79; 79-05-064 (Order 1599), § 16-316-0901, filed 4/30/79; Order 1301, § 16-316-090 (codified as WAC 16-316-0901), filed 4/24/73.]

**WAC 16-316-110 Varieties eligible.** (1) Only those varieties that are accepted by the certifying agency as meriting certification, in accordance with the criteria listed below, shall be eligible for certification. For those crops for which National Variety Review Boards exist, it is recommended that varieties be submitted to appropriate board to determine their merit for certification.

(2) Acceptance of a variety for certification shall be based on the following:

(a) A statement and supporting evidence by the originator, developer, or owner requesting certification that the variety has been adequately tested to determine its value and probable area of adaptation, and that it merits certification, and that it is distinguishable from other varieties as set forth in Article 5, International Code of Nomenclature for Cultivated Plants, which reads as follows: "The term cultivar (variety) denotes an assemblage of cultivated individuals which are distinguished by any characters (morphological, physiological, cytological, chemical or others) significant for the purposes of agriculture, forestry, or horticulture, and which, when reproduced (sexually or asexually) retain their distinguishing features."

(b) A statement on origin and breeding procedure.

(c) A description of the morphological characteristics, (such as color, height, uniformity, leaf, head or flower characteristics, etc.) physiological characteristics, disease and insect reactions, and any other identifying characteristics of value to field inspectors and such other pertinent factors as the breeder or sponsor considers relevant.

(d) Evidence of performance, including data on yield, insect or disease resistance and other factors supporting the value of the variety. These performance tests may be conducted by private seed firms or Agricultural Experiment Stations, and shall include appropriate check varieties which are used extensively in the area of intended usage.

(e) A statement giving suggested region of probable adaptation and purposes for which the variety will be used. This shall include where the breeder of the variety has tested it and anticipates recommending and merchandising.

(f) Procedure for maintenance of stock seed classes shall be described. At the time a variety is accepted for certification, a sample lot of breeder seed shall be presented to the certifying agency. This is to be retained as a control varietal sample against which all future seed stock released for certified seed production may be tested to establish continued trueness of variety. [Statutory Authority: Chapter 15.49 RCW. 78-03-114 (Order 1557), § 16-316-110, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-110, filed 5/13/76; Order 1249, § 16-316-110, filed 4/13/72, effective 5/14/72; Order 1181, § 16-316-110, filed 4/16/71.]

**WAC 16-316-115 Limitation of generations.** (1) Except as provided elsewhere in this section, the number of generations through which a variety may be multiplied shall be limited to that specified by the originating breeder or owner of a variety.

(2) The following exceptions to the above limitations of generations are permitted:

(a) Unlimited recertification of the certified class may be permitted for crop varieties where foundation seed is not being maintained.

(b) The production of an additional generation of the certified class may be permitted on a one-year basis when:

(i) An emergency is declared prior to the planting season by the certifying agency stating that foundation and registered seed supplies in the United States are not adequate to plant the needed acreage of the variety.

(ii) Permission of the originating breeder and/or owner of the variety is obtained (if applicable).

(iii) The additional generation of certified seed produced to meet the emergency need is declared to be ineligible for certification. [Statutory Authority: Chapter 15.49 RCW. 78-03-114 (Order 1557), § 16-316-115, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-115, filed 5/13/76; Order 1181, § 16-316-115, filed 4/16/71.]

**WAC 16-316-151 Land history.** (See specific crop Rules) Requirements may be modified upon approval of the Seed Certification Agency when a cultural practice has proven to be successful. Cultural practice may include mechanical means such as deep plowing and/or chemical means such as fumigants or other material for seed bed preparation. Materials and methods must be a matter of record. Whichever method used, it must be approved and adequate to insure varietal purity. [Statutory Authority: Chapter 15.49 RCW. 78-03-114 (Order 1557), § 16-316-151, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-151, filed 5/13/76.]

**WAC 16-316-160 Prohibited noxious weeds.** The following weeds shall be considered prohibited noxious weeds for the purpose of seed certification:

English or Common Name	Botanical or Scientific Name
Austrian fieldcress	Rorippa austriaca (Crantz) Bess.
Field bindweed	Convolvulus arvensis L.
Hedge bindweed	Convolvulus sepium L.
Camelthorn	Alhagi camelorum Fisch.
Canada thistle	Cirsium arvanse (L.) Scop.
Dodder	Cuscuta spp.
Hairy whitetop	Cardaria pubescens (C.A. Mey.)
Hoary cress	Cardaria draba (L.) Desv.
Jointed goatgrass	aegilops cylindrica
Leafy spurge	Euphorbia esula L.
Pacific meadow-foxtail	Alopecurus myosuroides Huds. Fl. Angl.
Perennial pepperweed	Lepidium latifolium L.
Perennial sowthistle	Sonchus arvensis L.
Quackgrass	Agropyron repens (L.) Beauv.
Russian knapweed	Centaurea repens L.
Silverleaf nightshade	Solanum elaeagnifolium Cav.
Sorghum perennial such as, but not limited to, johnsongrass, sorghum alnum, and perennial sweet sudangrass	Sorghum spp.
Tansy ragwort	Senecio jacobaea L.
Yellow-flowering skeleton weed	Chondrilla juncea L.

[Statutory Authority: Chapter 15.49 RCW. 79-09-097 (Order 1648), § 16-316-160, filed 8/31/79; Order 1452, § 16-316-160, filed 5/13/76; Order 1181, § 16-316-160, filed 4/16/71.]

**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 sandbur	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
Rye (in other small grain)	Secale cereale

[Statutory Authority: Chapter 15.49 RCW. 79-05-068 (Order 1612), § 16-316-165, filed 4/30/79; 78-03-114 (Order 1557), § 16-316-165, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-165, filed 5/13/76; Order 1181, § 16-316-165, filed 4/16/71.]

**WAC 16-316-175 [All growers in certification program.]** All growers in the certification program shall: (1) Show that reasonable precaution has been taken to control contaminating crops and varieties, noxious weeds, and seedborne diseases.

(2) Exercise precaution to prevent crop and lot mixture when harvesting.

(3) Identify his crop as it is delivered to the processor with the assigned field number or numbers.

(4) Have his seed cleaned at a seed processor that has been approved by the seed branch, department of agriculture. [Statutory Authority: Chapter 15.49 RCW. 79-09-097 (Order 1648), § 16-316-175, filed 8/31/79; 79-05-068 (Order 1612), § 16-316-175, filed 4/30/79; Order 1452, § 16-316-175, filed 5/13/76; Order 1249, § 16-316-175, filed 4/13/72, effective 5/14/72; Order 1181, § 16-316-175, filed 4/16/71.]

**WAC 16-316-180 Field inspections.** Field inspections shall be made as follows:

(1) A seedling field shall be inspected at the most appropriate time after receipt of seedling application. A seedling producing inspection will be made prior to harvest if the field produces seed the same year of planting.

(2) Field inspections shall be made each year that a crop of certified seed is to be produced when factors affecting certification are most evident.

(3) A field will not be eligible for certification unless a field inspection has been made prior to defoliation or harvesting.

(4) The unit of certification will be the entire field standing at the time of inspection. A portion of a field may be certified if the area to be certified is clearly defined.

(5) A field producing foundation or registered seed that warrants a rejection because of noxious weeds may be reclassified to certified blue tag class if upon reinspection these fields meet certified blue tag standards.

(6) Excessive objectionable weeds may be cause for rejection of a field. Excessive weeds, poor stands, lack of vigor, or other conditions which make inspection inaccurate may also be cause for rejection.

(7) If a field is rejected, the [grower] [growers] may apply for reinspection after the cause for rejection has been corrected. No more than two reinspections will be granted each field. (See specific crop rules for reinspection fee). [Statutory Authority: Chapter 15.49 RCW. 79-09-097 (Order 1648), § 16-316-180, filed 8/31/79; 78-03-114 (Order 1557), § 16-316-180, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-180, filed 5/13/76; Order 1181, § 16-316-180, filed 4/16/71.]

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 16-316-190 Containers and lot numbers.** (1) When harvesting, use clean equipment and take all precautions to prevent mixture. The field number must be on all containers or bulk delivery documents to insure identity when delivered to processor.

(2) All seed for certification shall be packaged in clean, new containers of uniform weight and identified with a lot number when tagged and sealed.

(3) The required lot number shall identify the producer and year of production for each lot of seed. This

requirement may be satisfied by use of a processor's code. [Statutory Authority: Chapter 15.49 RCW. 79-05-068 (Order 1612), § 16-316-190, filed 4/30/79; Order 1452, § 16-316-190, filed 5/13/76; Order 1181, § 16-316-190, filed 4/16/71.]

**WAC 16-316-215 Regulations and procedures for organization for economic cooperation and development scheme for varietal certification.** (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, 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, 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] 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 grow-out 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 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 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) O.E.C.D. Certificate . . . . . \$10.00 each
- (c) O.E.C.D. Grow-out Test (each entry)  
(no charge for control entry) . . . . . \$40.00 each entry

(d) 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) All fees payable by person requesting O.E.C.D. certificate. Certifying agency may require fees payable in advance. [Statutory Authority: Chapter 15.49 RCW. 79-09-096 (Order 1647), § 16-316-215, filed 8/31/79; 79-05-069 (Order 1613), § 16-316-215, filed 4/30/79; 78-03-102 (Order 1558), § 16-316-215, filed 3/1/78, effective 4/1/78; Order 1250, § 16-316-215, filed 4/13/72, effective 5/14/72; Order 1181, § 16-316-215, filed 4/16/71.]

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 16-316-230 Certification fees.**

(1) **Seedling Applications:** Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) *Seedling application fee:*

Per variety, per grower . . . . . \$10.00

(b) *Late seedling penalty fee:* . . . . . \$10.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) *Seedling acreage fee:* (per acre) . . . . . \$ 1.00

(Refundable if acreage is withdrawn before inspection). 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, however, may be accepted after due date with \$10.00 late penalty fee at the discretion of the certifying agency.

(2) **Renewal Applications:** Due June 7, however, may be accepted after due date at the discretion of the certifying agency.

(a) *Renewal application fee:*

Per variety, per grower . . . . . \$10.00

(b) *Renewal acreage fee:* (per acre) . . . . . \$ 1.00

(Refundable if acreage is withdrawn before inspection).

(c) *Late renewal penalty fee:* . . . . . \$10.00

This additional fee shall be charged for each renewal application received after June 15.

(3) **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 has been corrected. Only two reinspections are permitted for each field each year.

(4) **Production fee** includes sampling and tagging per cwt.: . . . . . \$ 0.30

The sampling and production fees are billed at completion of tests.

If none of the seed is tagged, 10¢ of the 30¢ cwt. production fee charged is refundable.

(5) **Purity and germination test:** . . . . . Fees as established by the director of agriculture.

(6) Fees for retagging, or services not listed in this order shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be \$ 0.05 a tag with a minimum fee of \$5.00.

[Statutory Authority: Chapter 15.49 RCW. 79-05-077 (Order 1609), § 16-316-230, filed 4/30/79; Order 1499, § 16-316-230, filed 3/31/77; Order 1453, § 16-316-230, filed 5/13/76; Order 1305, § 16-316-230, filed 4/24/73; Order 1182, § 16-316-230, filed 4/16/71.]

**WAC 16-316-240 Isolation requirements.** (1) Alfalfa for certification shall be isolated from all other alfalfa varieties or fields of the same alfalfa variety not meeting varietal purity requirements for certification as follows:

Class Being Produced	Fields less than five acres	Fields five acres or more
Foundation	900 feet	600 feet
Registered	450 feet	300 feet
Certified	165 feet	165 feet

(2) Isolation between different classes (generations) of the same variety shall be as follows:

Class Being Produced	Distance Required from Fields Planted with:	Fields less than 5 acres	Fields 5 acres or more
Foundation	Foundation or Registered	225 feet	150 feet
Registered Certified	Registered or Certified	115 feet 75 feet	75 feet 45 feet

(3) In cases where an adjoining field is planted with a different variety of alfalfa, or alfalfa of a lower class, isolation may be obtained by measuring off the required strip in the certified field. This isolation strip may be mowed for hay or it may be harvested for uncertified seed under the following conditions:

(a) The grower must apply for certification of the entire field and clearly stake off the isolation strip. The entire field must pass all certification requirements, except for isolation at time of inspection. The field report will show rejection due to lack of isolation.

(b) The grower may harvest either the certified portion of the field, or the uncertified isolation strip first and deliver this portion to the processing plant. After this seed is weighed and lotted in, the grower will request a reinspection of the uncut portion. After reinspection, if everything is in order, the field will be passed and the remainder of the field can then be harvested.

(4) Isolation is not required when the isolation zone is less than ten percent of the entire field being certified: *Provided*, That there is a clear (3m) line of demarcation between adjacent varieties. The isolation zone is the area calculated by the length of the common border with other varieties by average width of the certified field falling within the 50m isolation distance requirement. [Statutory Authority: Chapter 15.49 RCW. 79-09-104 (Order 1655), § 16-316-240, filed 8/31/79; Order 1453, § 16-316-240, filed 5/13/76; Order 1409, § 16-316-240, filed 8/15/75; Order 1359, § 16-316-240, filed 6/12/74; Order 1182, § 16-316-240, filed 4/16/71.]

**WAC 16-316-250 Seed standards.** (1) Seed standards shall be as follows:

Purity		Founda-tion	Regis-tered	Blue Tag Certi-fied
Pure seed	(Min.)	99.00%	99.00%	99.00%
Other crops	(Max.)	.10%	.10%	.25%
Sweet clover	(Max.)	none	none	90 per lb.
Inert matter	(Max.)	1.00%	1.00%	1.00%
Weed seed	(Max.)	.10%	.20%	.25%
Objectionable weed seeds:				
Maximum total		none	none	18 per lb.
-----				
Germination (Min. total germination and hard seed)		80.00%	85.00%	85.00%
or Tetrazolium (Min. total of Tetrazolium and hard seed)		82.00%	87.00%	87.00%

(2) Alfalfa seed must be free of prohibited noxious weed seeds. Further, the foundation class must also be free of Brassica spp.

(3) Foundation or registered seed that has been rejected in the laboratory for prohibited noxious weed seeds may be reclassified to the certified blue tag class and may not be eligible for seed stock even though it is recleaned and meets certification standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-077 (Order 1609), § 16-316-250, filed 4/30/79; Order 1499, § 16-316-250, filed 3/31/77; Order 1453, § 16-316-250, filed 5/13/76; Order 1182, § 16-316-250, filed 4/16/71.]

**WAC 16-316-270 Certification fees.**

(1) **Applications:** Due July 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) **Application fee:**  
Per variety, per grower . . . . . \$10.00

(b) **Acreage fee:**  
(i) One Inspection: (per acre) . . . . . \$ 1.00

For certification of Great Northern, Red Mexican, Pinto and Pink Beans.

(ii) Two Inspections: (per acre) . . . . . \$ 1.50  
Includes windrow inspection which is required for: Certification of Snap Beans and Kidney

Beans; Phyto-Sanitary Certificates; Eligibility for shipment into Idaho.

(iii) Acreage fee is refundable if acreage is withdrawn before inspection. Fifty cents of the \$1.50 acreage fee for two inspections is refundable if the second inspection is not made.

(c) *Late application penalty fee:* . . . . . \$10.00  
This additional fee shall be charged per grower for applications received after July 1.

(2) **Reinspection:** (each field) . . . . . \$20.00  
If a field is rejected for reasons other than bacterial diseases at the first inspection, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(3) **Production fee** includes sampling and tagging per cwt.: . . . . . \$ 0.20  
The production fees are billed at completion of tests. If none of the seed is tagged, 10¢ of the 20¢ cwt. production fee charged is refundable.

(4) **Purity and Germination tests:** . . . . . Fees as established by the director of agriculture.

(5) Fees for retagging or services not listed in this order shall be the most applicable fee established by the director of agriculture.

[Statutory Authority: Chapter 15.49 RCW. 79-05-067 (Order 1611), § 16-316-270, filed 4/30/79; Order 1500, § 16-316-270, filed 4/11/77; Order 1454, § 16-316-270, filed 5/13/76; Order 1411, § 16-316-270, filed 8/15/75; Order 1304, § 16-316-270, filed 4/24/73; Order 1183, § 16-316-270, filed 4/16/71.]

**WAC 16-316-275 Land requirements.** (1) A field to be eligible for the production of certified seed must not have been planted to beans of the same variety and strain the preceding three years. This requirement is waived if the previous crop was of the same variety and of a certified class equal or superior to that of the crop seeded. The field to be planted must have been free of bacterial diseases the previous two years.

(2) A field will not be eligible for production of certified seed for more than two consecutive years. [Statutory Authority: Chapter 15.49 RCW. 79-05-067 (Order 1611), § 16-316-275, filed 4/30/79; Order 1454, § 16-316-275, filed 5/13/76; Order 1183, § 16-316-275, filed 4/16/71.]

**WAC 16-316-280 Field tolerances.** Field tolerances shall be as follows:

(1)

	Field Producing		
	Found- ation	Regis- tered	Certi- fied
Other varieties or off-type plants	none	0.1%	0.2%
Other crops	none	0.1%	0.1%
Total seed-borne diseases	none	0.5%	1.5%
Bacterial bean blights and wilt	none	none	none
Anthraxnose	none	none	none
Mosaic seed-borne	none	0.5%	0.5%

(2) Snap beans and kidney beans grown under sprinkler irrigation will not be eligible for certification. Further snap and kidney beans shall be isolated by 1320 feet from known bacterial blight.

(3) Fields must be rogued of weeds, off-type plants, volunteer plants, and plants showing symptoms of seed-borne diseases. Excessive night-shade shall be a cause for rejection.

(4) A field to be eligible for certification must have clean, cultivated boundaries at least ten feet wide.

(5) Excessive weeds, poor stands, lack of vigor, or any other condition which is apt to make inspection inaccurate may be cause for rejection of the field. [Statutory Authority: Chapter 15.49 RCW. 79-05-067 (Order 1611), § 16-316-280, filed 4/30/79; Order 1454, § 16-316-280, filed 5/13/76; Order 1411, § 16-316-280, filed 8/15/75; Order 1183, § 16-316-280, filed 4/16/71.]

**WAC 16-316-285 Inspection requirements.** Inspection requirements shall be as follows: (1) When factors affecting certification are most evident. The 2nd inspection, when required, shall be a windrow inspection.

(2) A greenhouse test may be required if the certifying agency deems it necessary.

(3) The combined results of field inspections, laboratory test, and greenhouse test, when required, will determine final certification. [Statutory Authority: Chapter 15.49 RCW. 79-05-067 (Order 1611), § 16-316-285, filed 4/30/79; Order 1454, § 16-316-285, filed 5/13/76; Order 1360, § 16-316-285, filed 6/12/74; Order 1183, § 16-316-285, filed 4/16/71.]

**WAC 16-316-290 Seed standards.** Seed standards shall be as follows:

(1)

Purity	Found- ation	Regis- tered	Blue Tag Certi- fied
Pure seed	(Min.) 98%	98%	98%
Other crops & varieties	(Max.) none	none	2/100 lbs.
Badly damaged seed	(Max.)	2%	2%
Inert matter	(Max.)	2%	2%
Splits & cracks	(Max.)	2%	2%
Weed seed	(Max.)	none	none
-----			
<i>Germination</i> (minimum)		85%	85%

(2) Total inert matter, splits and cracks, and badly damaged seed shall not exceed 2% except for foundation class.

(3) Test reports will show percent of discolored beans for information only.

(4) Rough handling of bean seed in the combine or cleaning plant reduces germination materially. Precautions must be taken against such treatment and the seed safeguarded against high drops. [Statutory Authority: Chapter 15.49 RCW. 79-05-067 (Order 1611), § 16-316-290, filed 4/30/79; Order 1454, § 16-316-290,



filed 5/13/76; Order 1183, § 16-316-290, filed 4/16/71.]

**WAC 16-316-300 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-305 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-310 Application for inspection and due dates.** (1) The applicant must submit an application for each field stating the disease or diseases for which inspection is requested.

(a) Due dates for applications for field inspections are as follows:

- (i) Western Washington: Fall plantings . . . . May 1  
Spring plantings . . . . . June 1
- (ii) Eastern Washington: Fall plantings . . . . May 1  
Peas in Columbia Basin . . . . . May 15  
Peas East Highway 395 (Palouse) . . . . . June 15  
Beans . . . . . July 1  
All other crops . . . . . June 1

(b) Applications for crops requiring a fall inspection are due 30 days prior to inspection time and not later than September 15. Applications may be accepted after September 15 at the discretion of the Seed Branch.

(2) To be eligible for *pseudomonas pisi* phyto-sanitary certificate for peas or other diseases based on area surveillance, the applicant must file a report listing acreage and general location (such as block and unit if possible) before May 1.

(3) Applications received after due date will be assessed a late fee - acceptance is at the discretion of the certifying agency.

(4) Each applicant shall submit applications and/or required reports stating diseases for which inspection is to be made and the number of inspections required and/or requested.

(5) Applications must be submitted to the Seed Branch, 2015 South 1st Street, Yakima, Washington 98903, before due date with required fees. [Statutory Authority: Chapter 15.49 RCW. 79-09-101 (Order 1652), § 16-316-310, filed 8/31/79; Order 1502, § 16-316-310, filed 3/31/77; Order 1455, § 16-316-310, filed 5/13/76; Order 1251, § 16-316-310, filed 4/13/72, effective 5/14/72.]

**WAC 16-316-315 Fees and charges.**

(1) Fee for area and field inspection:

- (a) Field Inspection (Payable with application). For each required inspection (per acre or fraction thereof) . . . . . \$ 2.00  
(with minimum fee of \$10.00 per field per inspection)

"Field inspection fee" includes only one phyto-sanitary certificate per field. Additional certificates \$10.00 each. An additional charge of 50¢ per acre shall be charged for each disease requested in excess of two.

(b) Area Inspection (per 100 lbs) . . . . . \$ 0.05  
Billed at time certificate is issued with a minimum of \$10.00 and a maximum of \$100.00 per certificate.

(2) Late Application Penalty Fee . . . . . \$10.00  
This additional fee shall be charged for each application received after due date.

(3) Sampling fee when sampling is required:

- (a) Beans, peas, lentils, cereal grains (per 100 lbs) . . . . . \$ 0.03
- (b) Other crops (per 100 lbs) . . . . . \$ 0.15
- (4) Serology test: . . . . . Fee to be established by the state of Idaho.

An official 5 pound sample is required from each 10,000 pounds or portion thereof. Officially drawn samples will be submitted to: State Plant Pathologist, Idaho Department of Agriculture, P.O. Box 410, Twin Falls, Idaho 83301.

(5) Fees for services not listed in this order shall be set on the basis of the actual cost to the department of agriculture or the most appropriate fee established will be used.

(6) Nursery grow-out plots, etc: Per hour . . . \$12.50  
Applicant will also be billed mileage fee as set by statute, plus \$8.25 per hour travel time when additional travel is required. Attempts will be made to combine work assignments keeping additional travel to a minimum.

(7) Laboratory analysis of plant material: An additional fee of \$10.00 per field shall be charged when necessary to examine plant material in the laboratory to verify disease.

[Statutory Authority: Chapter 15.49 RCW. 79-05-071 (Order 1626), § 16-316-315, filed 4/30/79; 78-03-101 (Order 1559), § 16-316-315, filed 3/1/78, effective 4/1/78; Order 1455, § 16-316-315, filed 5/13/76; Order 1251, § 16-316-315, filed 4/13/72, effective 5/14/72.]

**WAC 16-316-325 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-326 Phyto-sanitary certificate for peas.** (1) Specific diseases of peas for which phyto-sanitary certificate will be issued:

- (a) *Pseudomonas pisi* (Sackett)
- (b) *Pea Seed-borne Mosaic Virus* - based on two field inspections.

(2) Pea seed to be eligible for a phyto-sanitary certificate stating freedom from *Pseudomonas pisi* (Sackett):

(a) Based on area inspection must be free of the disease in question as determined by area inspection of at least 10% of the acreage and not less than 200 acres in each specified inspection area. The department of agriculture will also conduct a survey of county extension agents, extension pathologists, and plant pathologists at experiment stations and Washington State University. Each company desiring his production eligible must make inspections of the fields throughout the growing season. If symptoms of said disease are found, it must be

reported to the Seed Branch, Department of Agriculture, 2015 South 1st Street, Yakima, Washington 98903, immediately. At the end of the growing season, and not later than September 1, each applicant must file a report with the Seed Branch, Department of Agriculture, based on company pathologist inspections and what other information he may have if the disease in question was or was not observed.

(b) Based on field inspection must be free of said disease as determined by one field inspection made during growing stage most optimum for detecting of said disease.

(3) Pea seed to be eligible for certificate stating freedom from *Pea Seed-borne Mosaic Virus* must be free of said disease as determined by one inspection at 2 to 4 weeks after seedling emergence, and second inspection 1 to 2 weeks before dry pod stage.

(a) It is recommended that breeding nurseries, isolation nurseries, and/or small seed-increase plots be entered for inspection.

(b) Phyto-sanitary certificates for carryover seed lots may be obtained by planting a representative one pound sample in isolated grow-out plots. Certificate issued will indicate the basis is on grow-out test. [Statutory Authority: Chapter 15.49 RCW. 79-05-071 (Order 1626), § 16-316-326, filed 4/30/79; 78-03-101 (Order 1559), § 16-316-326, filed 3/1/78, effective 4/1/78; Order 1455, § 16-316-326, filed 5/13/76.]

**WAC 16-316-327 Phyto-sanitary certificate for beans.** (1) Specific bacterial diseases of beans for which phyto-sanitary certificates will be issued are:

(a) *Halo Blight - Pseudomonas phaseolicola* (Burk.) Dows.

(b) *Common Bean Blight - Xanthomonas phaseoli* (E.F. Sm.) Dows.

(c) *Fuscous Blight - Xanthomonas phaseoli var. fuscans* (Burk.)

(d) *Bean Bacterial Wilt - Corynebacterium flaccumfaciens* (Hedgés) Dows.

(e) Or any varieties or new strains of these diseases.

(2) Common bean seed to be eligible for a phyto-sanitary certificate covering the bacterial diseases listed above, must be free of the diseases in question as determined by field inspection during the growing season and by a windrow inspection. (Serology test and greenhouse test may be accepted in lieu of windrow inspection at the discretion of the department of agriculture.)

(3) Snap beans and kidney beans grown under sprinkler irrigation will not be eligible for phyto-sanitary certificates covering bacterial diseases.

(4) To be eligible for phyto-sanitary certificate, field planted must be free of halo blight the previous two years.

(5) To be eligible for phyto-sanitary certificate, field must be 1320 feet from an incident of diseases listed in paragraph (1) of this section. It is recommended that equipment be disinfected between fields.

(6) Field inspection requirements:

At least two field inspections are required for beans being inspected for the bacterial diseases listed above:

(a) The first inspection is required when factors effecting diseases are most evident.

(b) The second inspection is required when the plants are in the windrow. [Statutory Authority: Chapter 15.49 RCW. 79-05-071 (Order 1626), § 16-316-327, filed 4/30/79; Order 1455, § 16-316-327, filed 5/13/76.]

**WAC 16-316-340 Grass seed certification standards.** The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations, constitute the standards for grass seed certification. (See specific regulations for bentgrass standards). In addition to these standards, each lot of seed stock subject to Annual Bluegrass Quarantine must be in compliance with said quarantine to be eligible for certification. [Statutory Authority: Chapter 15.49 RCW. 78-03-112 (Order 1560), § 16-316-340, filed 3/1/78, effective 4/1/78; Order 1485, § 16-316-340, filed 9/8/76; Order 1418, § 16-316-340, filed 8/15/75; Order 1362, § 16-316-340, filed 6/12/74; Order 1184, § 16-316-340, filed 4/16/71.]

**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) . . . . . \$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) **Service fee for out-of-state origin** . . . . . \$ 0.30  
per 100 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 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** . . . . . \$ 0.65  
per 100 pounds.

(iii) **Blend fee** (in addition to fee established by blend regulation) 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 pounds.

(B) Out-of-state origin certified seed used in blend . . . . . \$ 0.60  
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.

(5) **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.

(6) **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** fees shall be as established by the director of agriculture.

(8) **FEES FOR RETAGGING, OR SERVICES NOT LISTED IN THIS ORDER** shall be the most applicable fee established by the director of agriculture.

(9) **FEES FOR REISSUE OF TAGS** shall be \$0.05 per tag with a minimum fee of \$5.00.

[Statutory Authority: Chapter 15.49 RCW. 79-09-100 (Order 1650), § 16-316-350, filed 8/31/79; 79-05-060 (Order 1610), § 16-316-350, filed 4/30/79; 78-03-112 (Order 1560), § 16-316-350, filed 3/1/78, effective 4/1/78; Order 1485, § 16-316-350, filed 9/8/76; Order 1362, § 16-316-350, filed 6/12/74; Order 1306, § 16-316-350, filed 4/24/73; Order 1252, § 16-316-350, filed 4/13/72, effective 5/14/72; Order 1184, § 16-316-350, filed 4/16/71.]

**WAC 16-316-356 Repealed.** See Disposition Table at beginning of this chapter.

**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 & 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	92(d)	4	8
Smooth Brome	(C)	80	85	95	95	5	5
Mountain Brome	(S)	85	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
Orchardgrass	(C)	80	85	85	90	15	10
				80 for Pennlate & Latar			
Ryegrass	(C)	85(g)	90(g)	96	97	4	3
Pennfine	(C)	85(g)	85(g)	96	97	4	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, and							

Crop & type of Reproduction	Symbol (as defined in WAC 16-316-360)	Min. % Germ		Min. % Pure Fndt.		Max. % Inert Fndt.	
		Reg.	Cert.	Reg.	Cert.	Reg.	Cert.
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 & 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 gram
Kentucky	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Merion Kentucky	.05	.3	.1	.5(d)	1/10 grams	2/1 gram
Canada	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Smooth Brome	.05	.3(c)	.1	.5	1/50 grams	10/50 grams
Mountain Brome	.3	.5	.5	1.0	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
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, and 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 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	0	—	3%
NK-200	0	—	3%
Yorktown	0	0	2%
Loretta	—	—	2%

[Statutory Authority: Chapter 15.49 RCW. 79-09-100 (Order 1650), § 16-316-370, filed 8/31/79; 79-05-060 (Order 1610), § 16-316-370, filed 4/30/79; 78-03-112 (Order 1560), § 16-316-370, filed 3/1/78, effective 4/1/78; Order 1504, § 16-316-370, filed 3/31/77; Order 1485, § 16-316-370, filed 9/8/76; Order 1418, § 16-316-370, filed 8/15/75; Order 1362, § 16-316-370, filed 6/12/74; Order 1306, § 16-316-370, filed 4/24/73; Order 1252, § 16-316-370, filed 4/13/72, effective 5/14/72; Order 1184, § 16-316-370, filed 4/16/71.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 16-316-440 Certification fees.

(1) Seedling Applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:

Per variety, per grower . . . . . \$10.00

(b) Late seedling penalty fee: . . . . . \$10.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling acreage fee: (per acre) . . . . . \$ 1.00

(Refundable if acreage is withdrawn before inspection). 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, however, may be accepted after due date with

\$10.00 late penalty fee at the discretion of the certifying agency.

(2) **Renewal applications:** Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

(a) *Renewal application fee:*

Per variety, per grower . . . . . \$10.00

(b) *Renewal acreage fee:* (per acre) . . . . . \$ 1.00  
(Refundable if acreage is withdrawn before inspection).

(c) *Late renewal penalty fee:* . . . . . \$10.00

This additional fee shall be charged for each renewal application received after June 15.

(3) **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 has been corrected. Only two reinspections are permitted for each field each year.

(4) **Production fee** includes sampling and tagging per cwt.: . . . . . \$ 0.30

The production fee is billed at completion of tests. If none of the seed is tagged, 10¢ of the 30¢ cwt. production fee charged is refundable.

(5) **Purity and Germination test:** . . . . . Fees as established by the director of agriculture.

(6) Fees for retagging, or services not listed in this order shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be \$0.05 a tag with a minimum fee of \$5.00.

[Statutory Authority: Chapter 15.49 RCW. 79-05-078 (Order 1621), § 16-316-440, filed 4/30/79; Order 1495, § 16-316-440, filed 3/31/77; Order 1457, § 16-316-440, filed 5/13/76; Order 1307, § 16-316-440, filed 4/24/73; Order 1253, § 16-316-440, filed 4/13/72, effective 5/14/72.]

**WAC 16-316-450 Isolation requirements.** (1) Red clover for certification shall be isolated from all other red clover varieties or fields of the same variety not meeting varietal purity requirements for certification as follows:

Class Being Produced	Fields less than five acres	Fields five acres or more
Foundation Certified	900 feet 165 feet	600 feet 165 feet

(2) Isolation between different classes (generations) of the same variety shall be as follows:

Class Being Produced	Distance Required from Fields Planted with:	Fields less than 5 acres	Fields 5 acres or more
Foundation Certified	Foundation or Certified	225 feet	150 feet
Certified	Certified	75 feet	45 feet

(3) In cases where an adjoining field is planted with a different variety of red clover, or red clover of a lower class, isolation may be obtained by measuring off the required strip in the certified field. This isolation strip may be mowed for hay or it may be harvested for uncertified seed under the following conditions:

(a) The grower must apply for certification of the entire field and clearly stake off the isolation strip. The entire field must pass all certification requirements, except for isolation at time of inspection. The field report will show rejection due to lack of isolation.

(b) The grower may harvest either the certified portion of the field or the uncertified isolation strip first and deliver that portion to the processing plant. After this seed is weighed and lotted in, the grower will then request a reinspection of the uncut portion. After reinspection, if everything is in order, the field will be passed and the remainder of the field can then be harvested. [Statutory Authority: Chapter 15.49 RCW. 78-03-111 (Order 1561), § 16-316-450, filed 3/1/78, effective 4/1/78; Order 1495, § 16-316-450, filed 3/31/77; Order 1457, § 16-316-450, filed 5/13/76; Order 1363, § 16-316-450, filed 6/12/74; Order 1253, § 16-316-450, filed 4/13/72, effective 5/14/72.]

**WAC 16-316-460 Seed standards.** Seed standards shall be as follows:

(1)

Purity	Foundation	Blue Tag Certified
Pure seed (Min.)	99.00%	99.00%
Other crops (Max.)	18 per lb.	0.25%
Inert matter (Max.)	1.00%	1.00%
Sweet clover (Max.)	9 per lb.	90 per lb.
Weed seed (Max.)	0.15%	0.25%
Objectionable weed seeds (Max.)	none	90 per lb.
<i>Germination</i> (Minimum total germination and hard seeds)		
	85.00%	85.00%
OR <i>Tetrazolium</i> (Minimum total tetrazolium and hard seeds)		
	87.00%	87.00%

(2) Red Clover seed must be free of prohibited noxious weed seeds. FURTHER, the foundation class must also be free of Brassica spp.

(3) Foundation seed that has been rejected in the laboratory for prohibited noxious weed seeds may be reclassified to the certified blue tag class and may not be eligible for seed stock even though it is recleaned and meets certification standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-078 (Order 1621), § 16-316-460, filed 4/30/79; Order 1457, § 16-316-460, filed 5/13/76; Order 1363, § 16-316-460, filed 6/12/74; Order 1253, § 16-316-460, filed 4/13/72, effective 5/14/72.]

**WAC 16-316-470 Field pea seed certification standards.** The general seed certification standards are basic and together with the following specific standards constitute the standards for field pea seed certification.

[Statutory Authority: Chapter 15.49 RCW. 79-05-074 (Order 1600), § 16-316-470, filed 4/30/79; Order 1458, § 16-316-470, filed 5/13/76; Order 1254, § 16-316-470, filed 4/13/72, effective 5/14/72.]

**WAC 16-316-472 Eligible variety and stock seed.**

Kind	Variety
Field Pea	Garfield, Latah, Melrose Austrian Winter, Tracer

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

Field Pea	Alaska
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Certified seed is eligible to produce certified seed. [Statutory Authority: Chapter 15.49 RCW. 79-09-105 (Order 1656), § 16-316-472, filed 8/31/79; Order 1492, § 16-316-472, filed 3/31/77; Order 1458, § 16-316-472, filed 5/13/76; Order 1312, § 16-316-472, filed 4/24/73; Order 1254, § 16-316-472, filed 4/13/72, effective 5/14/72.]

**WAC 16-316-474 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 field pea seed.

(2) **Due Date:** June 1; however, acceptable for service after due date with late application fee.

(3) **Fees:**

- (a) Application fee per variety per grower . . . . . \$10.00
- (b) Field inspection fee per acre . . . . . \$ 0.70
- (c) Late application fee . . . . . \$10.00
- (d) Reinspection fee . . . . . \$20.00

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

(e) Final certification fee . . . . . \$ 0.10 per cwt. of clean seed sampled, which shall be charged to processing plant.

(f) Sampling fee . . . . . \$ 0.10 per cwt. of clean seed sampled, with minimum charge of \$10.00 per sample, which shall be charged to processing plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant 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 forfeiture of both the application and field inspection fees, and completion of certification. [Statutory Authority: Chapter 15.49 RCW. 78-03-110 (Order 1563), § 16-316-474, filed 3/1/78, effective 4/1/78; Order 1458, § 16-316-

474, filed 5/13/76; Order 1366, § 16-316-474, filed 6/12/74; Order 1312, § 16-316-474, filed 4/24/73; Order 1254, § 16-316-474, filed 4/13/72, effective 5/14/72.]

**WAC 16-316-520 Small grain seed certification standards.** The general seed certification standards are basic and together with the following specific standards constitute the standards for small grain seed certification. [Statutory Authority: Chapter 15.49 RCW. 79-05-056 (Order 1622), § 16-316-520, filed 4/30/79; Order 1459, § 16-316-520, filed 5/13/76; Order 1185, § 16-316-520, filed 4/16/71.]

**WAC 16-316-525 Eligible variety and stock seed.**

Kind, type	Variety
Barley, spring	Advance Belford, Blazer, Kimberly, Klages, Kombar (P), Larker, Lud (P), Stepford (P), Step-toe, Vanguard, Woodvale
Barley, winter	Boyer, Kamiak
Oat, spring	Appaloosa, Cayuse, Corbit, Otana Park, Toral
Rye, winter	Puma, Rymin
Wheat, spring	Borah, Fielder, Kitt, Marfed, Peak 72, Prodax (P), Profit 75 (P), Prostar (P), RF-75 (P), Twin, Urquie, Walladay, Wampum, Wandell, Wared, WS-1 (P), WS-6 (P), WS-25 (P)
Wheat, winter	Barbee, Daws, Faro, Gaines, Hyslop, Jacmar (P), Luke, McCall, McDermid, Moro, Nugaines, Paha, Sprague, Stephens, Wanser, Yamhill

Triticale, spring

(P) means Proprietary

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

[Statutory Authority: Chapter 15.49 RCW. 79-09-095 (Order 1646), § 16-316-525, filed 8/31/79; 79-05-056 (Order 1622), § 16-316-525, filed 4/30/79; 78-03-113 (Order 1562), § 16-316-525, filed 3/1/78, effective 4/1/78; Order 1493, § 16-316-525, filed 3/31/77; Order 1459, § 16-316-525, filed 5/13/76; Order 1415, § 16-316-525, filed 8/15/75; Order 1367, § 16-316-525, filed 6/12/74; Order 1313, § 16-316-525, filed 4/24/73; Order 1255, § 16-316-525, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-525, filed 4/16/71.]

**WAC 16-316-530 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 small grain seed.

(2) **Due Dates:**

(a) June 1 for winter varieties; however, acceptable for service after due date with late application fee.

(b) July 1 for spring varieties; however, acceptable for service after due date with late application fee.

(3) Fees:

- (a) Application fee per variety per grower..... \$10.00
- (b) Field inspection fee per acre..... \$ 0.70
- (c) Late application fee..... \$10.00
- (d) Reinspection fee ..... \$20.00  
minimum for each field which did not pass field inspection plus \$ 0.20 each acre over 25. The reinspection fee for isolation requirements only for a field of any size is \$20.00.

(e) Final certification fee ..... \$ 0.10 per cwt. of clean seed sampled, which shall be charged to processing plant or production fee ..... \$ 0.10 per cwt. of production from fields inspected which is utilized for seed, which shall be charged to processing plant or, if name, 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 processing plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant 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 forfeiture of both the application and field inspection fees, and completion of certification. [Statutory Authority: Chapter 15.49 RCW. 79-05-056 (Order 1622), § 16-316-530, filed 4/30/79; 78-03-113 (Order 1562), § 16-316-530, filed 3/1/78, effective 4/1/78; Order 1459, § 16-316-530, filed 5/13/76; Order 1367, § 16-316-530, filed 6/12/74; Order 1313, § 16-316-530, filed 4/24/73; Order 1255, § 16-316-530, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-530, filed 4/16/71.]

**WAC 16-316-540 Isolation requirements.** (1) Each small grain field for certification must be isolated from other small grain fields by three feet.

(2) Each rye field for certification must be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet.

(3) Each triticale field for certification must be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet. [Statutory Authority: Chapter 15.49 RCW. 79-05-056 (Order 1622), § 16-316-540, filed 4/30/79; Order 1459, § 16-316-540, filed 5/13/76; Order 1313, § 16-316-540, filed 4/24/73; Order 1185, § 16-316-540, filed 4/16/71.]

**WAC 16-316-545 Field standards.**

Factor	Foun- dation	Regis- tered	Certi- fied
Off-types	(Max.)	None	5 plants /acre
			15 plants /acre

Factor	Foun- dation	Regis- tered	Certi- fied
Other small grains	(Max.)	None	5 plants /acre
			15 plants /acre
Rye and triticale in barley, oat or wheat	None	None	None
Vetch	None	None	None

(1) The field inspection will be made when the seed-crop is fully headed and of mature color.

(2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in prohibited noxious weeds, or excess objectionable or common weeds, or mechanical field mixing, shall be cause for rejection. [Statutory Authority: Chapter 15.49 RCW. 79-05-056 (Order 1622), § 16-316-545, filed 4/30/79; Order 1459, § 16-316-545, filed 5/13/76; Order 1415, § 16-316-545, filed 8/15/75; Order 1367, § 16-316-545, filed 6/12/74; Order 1313, § 16-316-545, filed 4/24/73; Order 1255, § 16-316-545, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-545, filed 4/16/71.]

**WAC 16-316-550 Seed standards.**

Factor	Foun- dation	Regis- tered	Certi- fied
Pure seed	(Min.)	99.00%	99.00%
Off-types	(Max.)	None	1/lb.
Inert matter	(Max.)	1.00%	1.00%
Other crop seed	(Max.)	None	0.05%
Other small grains	(Max.)	None	1/lb.
Rye and triticale in barley, oat or wheat	None	None	None
Vetch	None	None	None
Weed seed	(Max.)	None	0.05%
Prohibited noxious Objectionable	(Max.)	None	None
Wild oat	(Max.)	None	None
			1/lb.
			None, except 1/lb. barley, oat
Germination when sampled	(Min.)	85.00%	85.00%
			85.00%

[Statutory Authority: Chapter 15.49 RCW. 79-09-095 (Order 1646), § 16-316-550, filed 8/31/79; 79-05-056 (Order 1622), § 16-316-550, filed 4/30/79; Order 1493, § 16-316-550, filed 3/31/77; Order 1459, § 16-316-550, filed 5/13/76; Order 1415, § 16-316-550, filed 8/15/75; Order 1367, § 16-316-550, filed 6/12/74; Order 1313, § 16-316-550, filed 4/24/73; Order 1244, § 16-316-550, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-550, filed 4/16/71.]

**WAC 16-316-600 Genetic purity certification.** (1) The general certification standards and specific crop certification standards are basic and, together with the following exceptions and specific regulations, constitute the rules for genetic purity seed certification.

(2) Only proprietary varieties and O.E.C.D. varieties not of U.S. origin to be tagged under the O.E.C.D. scheme are eligible for genetic purity certification.

(3) Only the specific crop certification standards that pertain to genetic purity such as land requirements and isolation shall apply, however, in addition fields must not contain other varieties or off-type plants in excess of established standards; and the grower is expected to control noxious weeds to prevent seed formation.

(4) Excessive prohibited and/or objectionable weeds, poor stands, lack of vigor, or other conditions which make inspection inaccurate may be cause for rejection of a field.

(5) **Field Inspection.** A field inspection shall be made each year at the time the seed crop is in bloom, or at such other times as may be most advantageous to determine genetic purity. A complete record shall be maintained on the condition of the field (weeds, crop mixtures, etc.) and all such information reported to the authorized agent and/or grower. Upon completion of all requirements for field inspection, a final field inspection report shall be issued stating that seed produced from said field passed genetic purity requirements.

(6) **Seed Standards.** Seed to be certified must not contain seeds of other varieties or off-types in excess of established standards. The quality of each lot of seed represented to be certified must be that which is normally acceptable in the marketing of high quality seed. The certifying agency shall test all lots to determine the purity and germination quality. Failure to maintain acceptable quality shall be considered cause for revoking permission to participate in seed certification by genetic purity.

(7) **Processing Requirements.** Only those cleaning plants approved by the certifying agency are permitted to process seed for certification. Complete records must be kept of all processing. Blending of seed lots of the same variety from fields passing field inspections may be permitted with prior approval and if in accordance with regulations for blending. Sampling and all other operations involving certified seed shall be under supervision of the certifying agency. The sample shall be obtained in accordance with official sampling procedures. The entire lot must be cleaned and in condition for sale at the time of sampling. This sample will be submitted to the Seed Laboratory for testing to evaluate quality. Lots of questionable quality may be rejected and not eligible for certification.

(8) Certification tags will be clearly marked, "Genetic Purity Certified".

(9) Fees for genetic purity certification are as established for each commodity under Washington certification and the authorized agent or grower is responsible for all authorized fees. [Statutory Authority: Chapter 15.49 RCW. 79-05-073 (Order 1601), § 16-316-600, filed 4/30/79; Order 1461, § 16-316-600, filed 5/13/76; Order 1257, § 16-316-600, filed 4/13/72, effective 5/14/72.]

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

Variety	Min-imum Purity	Min-imum Germin-ation	Maxi-mum* Other Crop	Maxi-mum*** Weed
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 and meadow foxtail. Maximum allowable Canada bluegrass .02%.

\*\*Other Kentucky bluegrass - Maximum 2%.

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

[Statutory Authority: Chapter 15.49 RCW. 79-05-057 (Order 1619), § 16-316-620, filed 4/30/79; 78-03-107 (Order 1565), § 16-316-620, filed 3/1/78, effective 4/1/78; Order 1503, § 16-316-620, filed 3/31/77; Order 1462, § 16-316-620, filed 5/13/76; Order 1302, § 16-316-620, filed 4/24/73; Order 1186, § 16-316-620, filed 4/16/71.]

**WAC 16-316-622 Ryegrass standards.** Seed standards for sod quality Ryegrass grass seed are as follows:

Variety	Min-imum Purity	Min-imum Germin-ation	Maxi-mum* Other Crop*	Maxi-mum*** Weed
Ryegrass**	98%	90%	0.10%	.02%

\*Must be free of orchardgrass, timothy, bentgrass, big bluegrass, Poa trivialis, smooth brome, reed canarygrass, tall fescue, clover and meadow foxtail. Maximum allowable Canada bluegrass 0.02%.

\*\*Maximum fluorescence levels as determined by breeder or variety owner.

\*\*\*Must be free of dock, chickweed, crabgrass, plantain, black medic, annual bluegrass, velvetgrass, short-awn foxtail, and prohibited noxious weed seeds. An additional 0.07% of bromus spp. will be allowed.

[Statutory Authority: Chapter 15.49 RCW. 79-05-057 (Order 1619), § 16-316-622, filed 4/30/79; 78-03-107 (Order 1565), § 16-316-622, filed 3/1/78, effective 4/1/78; Order 1503, § 16-316-622, filed 3/31/77.]

**WAC 16-316-625 Sod seed analysis certificate.** A sod seed analysis certificate will be the basis of determining if a lot meets sod quality standards. This certificate consists of a purity analysis, a 25 gram noxious all



weed all crop exam, a 10 gram Poa annual check and a germination test on an official sample. (Except a 50 gram noxious all weed all crop exam will be required for Fescues and Ryegrass). [Statutory Authority: Chapter 15.49 RCW. 78-03-107 (Order 1565), § 16-316-625, filed 3/1/78, effective 4/1/78; Order 1462, § 16-316-625, filed 5/13/76; Order 1302, § 16-316-625, filed 4/24/73; Order 1186, § 16-316-625, filed 4/16/71.]

**WAC 16-316-660 Certification fees.**

(1) **Seedling Applications:** Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) **Seedling application fee:**  
Per variety, per grower . . . . . \$10.00

(b) **Late seedling penalty fee:** . . . . . \$10.00  
This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) **Seedling acreage fee:** (per acre) . . . . . \$ 1.00  
(Refundable if acreage is withdrawn before inspection). 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, however, may be accepted after due date with \$10.00 late penalty fee at the discretion of the certifying agency.

(2) **Renewal applications:** Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

(a) **Renewal application fee:**  
Per variety, per grower . . . . . \$10.00

(b) **Renewal acreage fee:** (per acre) . . . . . \$ 1.00  
(Refundable if acreage is withdrawn before inspection).

(c) **Late renewal penalty fee:** . . . . . \$10.00  
This additional fee shall be charged for each renewal application received after June 15.

(3) **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 has been corrected. Only two reinspections are permitted for each field each year.

(4) **Production fee** includes sampling and tagging per cwt. . . . . \$ 0.30

**Production fee** includes sampling and tagging per cwt. . . . . \$ 0.30

The production fee is billed at completion of tests. If none of the seed is tagged, 10¢ of the 30¢ cwt. production fee charged is refundable.

(5) **Purity and Germination test:** . . . . . Fees as established by the director agriculture.

(6) Fees for retagging or services not listed in this order shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be \$0.05 a tag with a minimum fee of \$5.00.

[Statutory Authority: Chapter 15.49 RCW. 79-05-076 (Order 1602), § 16-316-660, filed 4/30/79; Order 1497, § 16-316-660, filed 3/31/77; Order 1463, § 16-316-660, filed 5/13/76; Order 1303, § 16-316-660, filed 4/24/73; Order 1187, § 16-316-660, filed 4/16/71.]

**WAC 16-316-680 Seed standards.** (1) Seed standards 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 columns, "WHITE CLOVER" AND "TREFOIL", which read across the page in the originally filed order, will be covered in two separate tables listed vertically down the page.]

**PART I OF TABLE**

WHITE CLOVER				
		Found.	Reg.	Cert.
Pure Seed	(Min)	98.0%	99.00%	99.0%
Other Crop	(Max)	0.1%	.25%	0.3%
Inert	(Max)	2.0%	1.00%	1.0%
Weed Seed	(Max)	0.1%	0.25%	0.3%
Sweet Clover	(Max)	—	90/lb	90/lb
Objectionable Weed Seeds				
	(Max)	10/lb	90/lb	90/lb
Germination	(Min)	85.0%	85.0%	85.0%
(Germination + Hard Seed)				
or Tetrazolium (Minimum total tetrazolium and hard seeds)				87.0%

**PART II OF TABLE**

TREFOIL				
		Found.	Reg.	Cert.
Pure Seed	(Min)	98.0%	98.00%	99.0%
Other Crop	(Max)	0.1%	0.2%	0.5%
Inert	(Max)	2.0%	2.0%	1.0%
Weed Seed	(Max)	0.2%	0.25%	0.3%
Sweet Clover	(Max)	None	9/lb	90/lb
Objectionable Weed Seeds				
	(Max)	None	45/lb	90/lb
Germination	(Min)	85.0%	85.0%	85.0%
(Germination + Hard Seed)				
or Tetrazolium (Minimum total tetrazolium and hard seeds)				87.0%

(2) White Clover and Trefoil seed must be free of prohibited noxious weed seeds. Further, the foundation class must also be free of Brassica spp.

(3) Foundation seed that has been rejected in the laboratory for prohibited noxious weed seeds may be reclassified to the certified blue tag class and may not be eligible for seed stock even though it is recleaned and meets certification standards. [Statutory Authority:

Chapter 15.49 RCW. 79-05-076 (Order 1602), § 16-316-680, filed 4/30/79; 78-03-106 (Order 1566), § 16-316-680, filed 3/1/78, effective 4/1/78; Order 1497, § 16-316-680, filed 3/31/77; Order 1463, § 16-316-680, filed 5/13/76; Order 1303, § 16-316-680, filed 4/24/73; Order 1187, § 16-316-680, filed 4/16/71.]

**WAC 16-316-690 Lentil seed certification standards.** The general seed certification standards are basic and together with the following specific standards constitute the standards for lentil seed certification. [Statutory Authority: Chapter 15.49 RCW. 79-05-058 (Order 1618), § 16-316-690, filed 4/30/79; Order 1464, § 16-316-690, filed 5/13/76; Order 1188, § 16-316-690, filed 4/16/71.]

**WAC 16-316-700 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 lentil seed.

(2) **Due Date:** June 1; however, acceptable for service after due date with late application fee.

(3) **Fees:**

- (a) Application fee per variety per grower \$10.00
  - (b) Field inspection fee per acre . . . . . \$ 0.70
  - (c) Late application fee . . . . . \$10.00
  - (d) Reinspection fee . . . . . \$20.00
- minimum for each field which did not pass field inspection plus \$ .20 each acre over 25. The reinspection fee for isolation requirements only for a field of any size is \$20.00.
- (e) Final certification fee . . . . . \$ 0.10
- per cwt. of clean seed sampled, which shall be charged to processing plant.
- (f) Sampling fee . . . . . \$ 0.10
- per cwt. of clean seed sampled, with minimum charge of \$10.00 per sample, which shall be charged to processing plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant 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 forfeiture of both the application and field inspection fees, and completion of certification. [Statutory Authority: Chapter 15.49 RCW. 78-03-109 (Order 1564), § 16-316-700, filed 3/1/78, effective 4/1/78; Order 1464, § 16-316-700, filed 5/13/76; Order 1368, § 16-316-700, filed 6/12/74; Order 1311, § 16-316-700, filed 4/24/73; Order 1258, § 16-316-700, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-700, filed 4/16/71.]

**WAC 16-316-72001 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-740 Procedure for all other kinds.** (1) Seed produced in Washington, being shipped out-of-state for processing, must comply with the following procedures:

(a) Obtain approval of all certifying agencies involved prior to shipment.

(i) Complete section (A) of "Interagency Certified Seed" report (forms available from Seed Branch, 2015 S. 1st Street, Yakima, Washington 98903) showing name, address of shipper, destination, shipping weight, lot number, grower, field number, date of shipment and other information concerning shipment that may be deemed necessary; and prior to shipment submit one copy to the Seed Branch, Yakima and one copy to the certifying agency where seed is being processed.

(ii) Each container must be clearly marked with lot number and Washington field number.

(2) Upon completion of processing, complete sections (B) and (C) of "Interagency Certified Seed" report showing date shipment was received, receiving weight and lot number, clean weight, bag count, new lot number (if different than receiving lot number) and screenings weight and submit completed report to Seed Branch, Yakima.

(a) If Washington is to finalize certification, have official sample drawn by a representative of the certifying agency in that state and submit sample to Seed Branch, 2015 S. 1st Street, Yakima, Washington 98903.

(i) If Washington certification tags are to be used, the lot must be tagged and sealed under supervision of the certifying agency. The applicant must pay established mileage fee and hourly rate for all additional mileage and travel time required.

(ii) If Washington interagency tags are used, interagency tags will be mailed to the nearest representative of the certifying agency having jurisdiction for tagging.

(b) If receiving state is to finalize certification, Washington certifying agency must advise receiving state's certifying agency of certification eligibility. Sampling, testing, and tagging will be in accordance with that agency's instructions.

(c) Applicant is responsible for all fees authorized under Washington's certification program and any additional fees that may be assessed by both agencies involved. [Statutory Authority: Chapter 15.49 RCW. 78-03-108 (Order 1567), § 16-316-740, filed 3/1/78, effective 4/1/78; Order 1465, § 16-316-740, filed 5/13/76; Order 1259, § 16-316-740, filed 4/13/72, effective 5/14/72.]

**WAC 16-316-790 Varieties eligible for seed certification.** (1) Following are the lists of varieties eligible and certification scheme:

- \* These varieties are certified on a limited generation basis where:
  - Foundation seed is eligible to produce certified seed;
  - Certified seed is not eligible for recertification.

- \*\* These varieties are certified on the generation basis where:
  - Foundation seed is eligible to produce registered seed;

Registered seed is eligible to produce certified seed;

Certified seed is not eligible for recertification.

\*\*\* These varieties are not certified on a generation basis:

Certified seed is eligible to produce certified seed.

p = Proprietary  
pat = Patent  
pvp = Plant Variety Protected  
pvpV = Plant Variety Protected plus to be sold by variety name only as a class of certified seed.

(2) As the list of varieties is subject to change, other varieties may be eligible upon approval of the certifying agency. [Statutory Authority: Chapter 15.49 RCW. 79-05-065 (Order 1603), § 16-316-790, filed 4/30/79; 78-03-099 (Order 1568), § 16-316-790, filed 3/1/78, effective 4/1/78.]

**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)	Astoria Colonial*** Highland Colonial** Seaside Creeping*** Emerald Creeping**
Big Bluegrass:	Sherman**
Canada Bluegrass: (subject to poa annua quarantine)	Reubens**pat
Canby Bluegrass:	Canbar**
Kentucky Bluegrass: (subject to poa annua quarantine)	A20-6*p A-34 (Bensun)**p Adelphi**pat Baron**pat Birka*p Bonnieblue (Pac)**pat Bono (Birdie)*p Cheri(Golf)*p Cougar* Delta* Fylking**pat Georgetown**p Geronimo*p Glade**pat Holiday*p Kenblue* I-13**p Majestic**pat Merion** Newport** Nugget* Parade*p Park** Plush*p

Meadow Brome

Mountain Brome:

Smooth Brome:

Deertongue:

(subject to poa annua quarantine)

Fescue:

(subject to poa annua quarantine - except tall fescue)

Orchardgrass:

Indian Ricegrass

Perennial Ryegrass:

(subject to poa annua quarantine)

Timothy:

Wheatgrass:

Ram I\*p  
S-21\*\*p  
Touchdown\*pvp  
Troy\*\*p  
Victa\*p

Regar\*\*

Bromar\*\*

Baylor\*p  
Blair\*p  
Manchar\*\*  
Sac\*\*  
Saratoga\*

Tioga\*

Cascade Chewings\*\*

Jamestown  
Chewings\*p  
Durar Hard\*\*  
Scaldis Hard\*pvp  
Dawson Red\*p  
Novorubra Red\*p  
Pennlawn Red\*  
Ruby Red\*p  
Wintergreen Red\*

Covar Sheep\*\*  
Alta Tall\*\*  
Fawn Tall\*

Latar\*\*  
Pennlate\*  
Potomac\*

Nezpar\*\*

Cropper\*p  
Diplomat\*pvpV  
NK-100\*p  
Yorktown\*pvpV  
Norlea\*p  
Pennfine\*pvpV  
Pelo\*\*p  
Yorktown II\*pvpV  
Manhattan\*p

Champlain\*  
Climax\*  
Clair\*  
Pronto\*p

Whitmar Beardless\*\*  
Fairway Crested\*  
Nordan Crested\*\*  
Amur Intermediate\*\*\*  
Greenar  
Intermediate\*\*  
Oahe Intermediate\*  
Tegmar Intermediate\*  
Siberian\*\*  
Greenleaf Pubescent\*  
Luna Pubescent\*\*

Topar Pubescent\*\*  
 Primar Slender\*\*  
 Sodar Streambank\*\*  
 Critana Thickspike\*\*  
 Alkar Tall\*\*

Baker\*pvvV Vista\*p  
 Blazer\*p Voris A77\*p  
 Citation\*pvv WL-220\*p  
 Conquest\*p Warrior\*p  
 Dawson\* Washoe\*  
 Delta\*\* Weevlchek\*p

(2) VARIETY RESTRICTIONS. (a) Pennlate Orchardgrass: Life of stand limited to six years. Maximum of three seed crops on foundation.

(b) Pennfine Perennial Ryegrass: Maximum of two seed crops on foundation, four seed crops on certified.

(c) Deertongue: Life of stand limited to six years. [Statutory Authority: Chapter 15.49 RCW. 79-05-065 (Order 1603), § 16-316-800, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-800, filed 5/10/78; 78-03-099 (Order 1568), § 16-316-800, filed 3/1/78, effective 4/1/78; Order 1505, § 16-316-800, filed 3/31/77; Order 1456, § 16-316-800, filed 5/13/76; Order 1420, § 16-316-800, filed 8/15/75; Order 1365, § 16-316-800, filed 6/12/74.]

Dupuits\*p WL-215\*p  
 G-777\*p WL-219\*p  
 Glacier\*p WL-307\*p  
 Gladiator\*p WL-318\*p  
 120\*p

Honeoye\*pvvV 123\*p  
 Iroquois\*  
 Ladak\*\* 521\*p  
 Ladak 65\*p 520\*p  
 Liberty\*\*  
 Marathon\*p 530\*p  
 Mesilla\*\*

**WAC 16-316-810 Red clover varieties eligible.** (1) Following are the red clover varieties eligible and the certification scheme for each:

Arlington*	Lakeland*
Chesapeake*	
E-688*p	Pennscott*
Florex*pvv	Prosper I*p
Floric*p	Redland*pvv
Hamidori*p	Redman*p
Kenland*	Ruby**p
Kenstar*pvvV	Tristan*p

Narragansett\*\*  
 Nomad\*\*  
 Nugget\*pvv  
 Olympic\*pvv  
 Peak\*p  
 Phytor\*p  
 Polar I\*p  
 Primal\*p  
 Ramsey\*p  
 Ranger\*\*

(2) VARIETY RESTRICTIONS. Kenstar: No seed production permitted year of seeding. [Statutory Authority: Chapter 15.49 RCW. 79-05-065 (Order 1603), § 16-316-810, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-810, filed 5/10/78; 78-03-099 (Order 1568), § 16-316-810, filed 3/1/78, effective 4/1/78; Order 1505, § 16-316-810, filed 3/31/77; Order 1456, § 16-316-810, filed 5/13/76; Order 1420, § 16-316-810, filed 8/15/75; Order 1365, § 16-316-810, filed 6/12/74.]

(2) VARIETY RESTRICTION.

(a) Baker: The length of stand, including the year of establishment, shall not exceed the following:

- (i) breeder seed, 2 years;
- (ii) foundation seed, 3 years with a fourth year option dependent on breeder approval;
- (iii) certified seed, 6 years both inside and outside the area of adaptation.

(b) Ranger: Length of stand shall not exceed 6 years. [Statutory Authority: Chapter 15.49 RCW. 79-05-065 (Order 1603), § 16-316-820, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-820, filed 5/10/78; 78-03-099 (Order 1568), § 16-316-820, filed 3/1/78, effective 4/1/78; Order 1505, § 16-316-820, filed 3/31/77; Order 1456, § 16-316-820, filed 5/13/76; Order 1420, § 16-316-820, filed 8/15/75; Order 1365, § 16-316-820, filed 6/12/74.]

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

A-24**p	Saranac*
A-59**p	Saranac AR*pvvV
Agate*	SX10*p
	SX-418*p
Anchor*pvv	Team*
Answer*p	
Apalachee*	Tempo*p
Aquarius*p	
Apollo*pvv	Thor*p
Arc*	Titan*p
Arnim*p	
Atlas*pvv	
Atra-55*p	Vernal*
	Vangard*pvv

**WAC 16-316-830 Bean varieties eligible.** Following are the bean varieties eligible and the certification scheme for each:

Red Mexican:	Bigbend** Rufus**
Pinto:	U of I 114***
Pink:	Gloria** Roza** Viva**
Small White:	Chief** Aurora** Bonus**
Kidney:	Royal Red**
Snap Bean:	Yakima** Apollo**

[Statutory Authority: Chapter 15.49 RCW. 79-05-065 (Order 1603), § 16-316-830, filed 4/30/79; 78-06-013

(Order 1575), § 16-316-830, filed 5/10/78; Order 1505, § 16-316-830, filed 3/31/77; Order 1456, § 16-316-830, filed 5/13/76; Order 1420, § 16-316-830, filed 8/15/75; Order 1365, § 16-316-830, filed 6/12/74.]

**WAC 16-316-840 White clover and trefoil varieties eligible.** Following are the varieties eligible and the certification scheme for each:

- Merit Ladino Clover\*
- Pilgrim Ladino Clover\*
- Tillman White Clover\*\*

- Cascade Birdsfoot Trefoil\*\*
- Viking Birdsfoot Trefoil\*\*

[Statutory Authority: Chapter 15.49 RCW. 79-05-065 (Order 1603), § 16-316-840, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-840, filed 5/10/78; Order 1505, § 16-316-840, filed 3/31/77; Order 1456, § 16-316-840, filed 5/13/76; Order 1420, § 16-316-840, filed 8/15/75. Formerly WAC 16-316-085.]

**WAC 16-316-900 Soybean seed certification standards.** The general seed certification standards are basic and together with the following specific standards, constitute the standards for soybean certification. [Statutory Authority: Chapter 15.49 RCW. 79-05-061 (Order 1617), § 16-316-900, filed 4/30/79; Order 1466, § 16-316-900, filed 5/13/76; Order 1375, § 16-316-900, filed 7/31/74.]

**WAC 16-316-910 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 soybean seed.

(2) **Due Date:** July 1; however, acceptable for service after due date with late application fee.

(3) **Fees:**

- (a) Application fee per variety per grower \$10.00
- (b) Field inspection fee per acre . . . . . \$ 0.70
- (c) Late application fee . . . . . \$10.00
- (d) Reinspection fee . . . . . \$20.00  
 minimum for each field which did not pass field inspection plus \$ .20 each acre over 25. The reinspection fee for isolation requirements only for a field of any size is \$20.00.
- (e) Final certification fee . . . . . \$ 0.10  
 per cwt. of clean seed sampled, which shall be charged to processing plant.
- (f) Sampling fee . . . . . \$ 0.10  
 per cwt. of clean seed sampled, with minimum charge of \$10.00 per sample, which shall be charged to processing plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant 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 forfeiture of both the application and field inspection fees, and completion of certification. [Statutory Authority: Chapter 15.49 RCW. 78-03-100 (Order 1569), § 16-316-910, filed 3/1/78, effective 4/1/78; Order 1466, § 16-316-910, filed 5/13/76; Order 1375, § 16-316-910, filed 7/31/74.]

**WAC 16-316-925 Field standards.**

Factor	Foun- dation	Regis- tered	Certi- fied
Off-types	(Max.) 0.10%	0.20%	0.20%

(1) The field inspection will be made when the seed-crop is in full bloom and/or of mature color.

(2) Any condition or practice which permits or causes contamination of the seedcrop, such as failure to prevent seed formation in prohibited noxious weeds, or excess objectionable or common weeds, or mechanical field mixing, shall be cause for rejection. [Statutory Authority: Chapter 15.49 RCW. 79-05-061 (Order 1617), § 16-316-925, filed 4/30/79; Order 1466, § 16-316-925, filed 5/13/76; Order 1375, § 16-316-925, filed 7/31/74.]

**Chapter 16-317 WAC**

**REGULATIONS FOR LABELING SMALL GRAIN SEEDS**

**WAC**

- 16-317-002 Repealed.
- 16-317-040 Labeling requirements for small grain seeds.
- 16-317-050 Alternate labeling requirements and exemptions.
- 16-317-060 Seed held in storage.
- 16-317-080 Noxious weeds.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 16-317-002 Promulgation. [Order 1123, § 16-317-002, filed 8/19/69, effective 9/22/69.] Repealed by 79-05-080 (Order 1606), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

**WAC 16-317-002 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-317-040 Labeling requirements for small grain seeds.** In addition to the labeling requirements specified in RCW 15.49.320 of the Washington State Seed Act, labels for small grain seed shall contain the following information:

(1) Each variety (e.g., Nugaines), type (winter or spring), and kind (e.g., wheat), or each type and kind when in excess of 5 percent by weight of the whole; or type may not be shown: *Provided*, That the label shall conspicuously show the words "type not stated".

(2) A tetrazolium test may be used in lieu of germination: *Provided*, That the label shall state "Tetrazolium -----%", and that a germination test of the lot is in

process and shall be made available to the purchaser when completed. The label shall also show the calendar month and year the tetrazolium test was completed. [Statutory Authority: Chapter 15.49 RCW. 79-05-080 (Order 1606), § 16-317-040, filed 4/30/79; Order 1123, § 16-317-040, filed 8/19/69, effective 9/22/69.]

**WAC 16-317-050 Alternate labeling requirements and exemptions.** (1) Seed distributed in packaged form to a wholesaler or a commercial grower for his own use and accompanied by an invoice or other document containing the labeling information required in RCW 15.49.320(1)(b), (d), (g) and (2)(a), (c), (d), and (e) of the Washington State Seed Act need only contain the information required in WAC 16-317-040(a) and RCW 15.49.320(1)(b), (c), and (e) on the attached labels: *Provided*, That the purchaser has knowledge of and consents to said invoice labeling.

(2) When seed is needed for immediate planting, a purchaser may waive the seed analysis information requirement for his purchase by completion of the following waiver:

**CUSTOMER WAIVER AFFIDAVIT**

Date -----

-----  
-----  
-----  
-----  
(Seed Dealer's Name and Address)

I, -----, because of an emergency need for ----- seed, am waiving my rights as provided in RCW 15.49.320(4) to receive the germination and purity information required in RCW 15.49.320(1)(g) and (2), on lot/s ----- purchased on -----: *Provided*, That within thirty days, the supplier provides the above information to me in writing.

-----  
(Customer's Signature)

(3) When seed is distributed in bulk, the information required in WAC 16-317-040 and RCW 15.49.320 of the Washington State Seed Act shall be provided on the invoice or other document accompanying the distribution of said seed.

(4) The seed labeling registrant may provide the information required in WAC 16-317-040(a) and (b) and RCW 15.49.320 of the Washington State Seed Act as a guaranteed analysis at the time of distribution: *Provided*, That the label, invoice, or other document accompanying the seed states "guaranteed analysis", and that the results of a purity and germination test of a representative sample is made available to the purchaser no later than thirty days following the initial distribution of the lot.

(5) Origin is not required for small grain seed labeling. [Statutory Authority: Chapter 15.49 RCW. 79-05-080 (Order 1606), § 16-317-050, filed 4/30/79; Order 1123, § 16-317-050, filed 8/19/69, effective 9/22/69.]

**WAC 16-317-060 Seed held in storage.** Seed held for bulk distribution or invoice labeling, shall be plainly identified with information required under WAC 16-317-040(a) and RCW 15.49.320(1)(b) and (e) of the Washington State Seed Act. [Statutory Authority: Chapter 15.49 RCW. 79-05-080 (Order 1606), § 16-317-060, filed 4/30/79; Order 1123, § 16-317-060, filed 8/19/69, effective 9/22/69.]

**WAC 16-317-080 Noxious weeds.** It shall be unlawful to distribute small grain seed containing restricted noxious weed seeds singly or collectively in excess of 100 per pound. [Statutory Authority: Chapter 15.49 RCW. 79-09-102 (Order 1653), § 16-317-080, filed 8/31/79.]

**Chapter 16-319 WAC**

**FOREST TREE SEED CERTIFICATION**

**WAC**

- 16-319-020 Forest reproductive material certification standards.
- 16-319-041 Application for certification of forest reproductive material.

**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 processing 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 seed zone(s) and from within stated 500-foot elevation increment(s) and collected or processed at one time. Batches may be combined subsequently with other batches into a lot. Batches shall be identified distinctively as they are processed by number and/or code or as specified on the Certificate of Genetic Identity.

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

(e) Certificate of Genetic Identity means a document describing the ancestry and breeding behavior of a lot of reproductive material.

(f) Certificate of Origin means a document issued by certifying agency which verifies source and origin of reproductive material by field inspection and audit.

(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 paragraph (1).

(h) Certifying Agency means the duly designated state agent: In Oregon State, the Oregon Seed Certification Service, Cooperative Extension Service, 102 Farm Crops Building, Oregon State University, Corvallis, Oregon 97331. In Washington State, Washington State Crop Improvement Association, Inc., 513 North Front Street, Yakima, Washington 98901.

(i) 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.

(j) Code means a unique identification of a group of pertinent records about a lot of forest reproductive material.

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

(l) Elevation means altitude above sea level and is coded in 500-foot increments as follows:

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.

(m) 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.

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

(o) Genetic identity means the ancestry and breeding background of the forest reproductive material.

(p) 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.

(q) Location means description by seed zone or portion thereof and elevation.

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

(i) For Tested and Selected classes, it is of a single species or cultivar collected during one crop season from the distinctively described population of trees as specified on the Certificate of Genetic Identity.

(ii) For Source Identified class, it is a single species collected during one crop season from within state seed zone(s) and from within 500-foot elevation increment(s).

(iii) For Audit class, it is a single species collected during one crop season from within stated seed zone(s) and from within 500-foot elevation increment(s).

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

(s) 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) 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 processing standards.

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

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

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

(x) 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.

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

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

(aa) Unit of measure means a consistent volume of measure, i.e., bushels, pounds, grams, number, cubic centimeters, etc. [Statutory Authority: Chapter 15.49 RCW. 79-05-070 (Order 1625), § 16-319-020, filed 4/30/79; Order 1506 § 16-319-020, filed 4/11/77; Order 1369, § 16-319-020, filed 6/12/74; Order 1151, § 16-319-020, filed 4/16/70; Order 1089, § 16-319-020, filed 6/4/68; Order 1044, Regulation 1-5, filed 4/14/67, effective 5/5/67; Order 1030, filed 8/19/66, effective 9/19/66.]

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

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

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

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

(e) Application for audit certificate 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) The application, with a copy of the Certificate of Genetic Identity form for Tested and Selected classes, for 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 reproductive material. Payment for requested services is prescribed below:

(3) Schedule of fees. Fees 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 of the following schedules:

(a) Service for certification of Tested and Selected classes, including review of test plans, audit of pertinent records and field inspection, shall be charged for at the rate of \$15.00 per man-hour job time payable as services are performed. This fee shall apply whether or not approved for such.

(b) The fee for Source Identified classes of tree seed is sixty cents (\$0.60) per bushel of cones collected for each lot containing 60 bushels or more collected in one crop year of a single species from a single zone or portion thereof and from a single elevation increment.

(i) The fee for each lot as defined above containing less than 60 bushels of cones shall be a maximum of \$36.00: *Provided*, That the certifying agency, due to specific circumstances, may waive this maximum fee or a part thereof.

(ii) Sixty percent of the fee for the estimated collection of cones shall be paid with the application, the remainder to be paid when billed by the certifying agency after processing is completed. The full \$0.60 per bushel fee shall apply to all bushels presented for source identified certification whether or not approved for such.

(iii) Source identified certification services for other types of reproductive material shall be at the rate of \$15.00 per man-hour job time payable as services are performed. These fees shall apply for source identified certification whether or not approved for such.

(c) The fee for Audit Class reproductive material is: \$15.00 per man-hour job time for audit payable as services are performed. This fee shall apply for audit class whether or not offered material qualifies.

(d) The fee for audit of reproductive material not entered for certification service is payable as services are performed at the rate of \$15.00 per man-hour job time required by and satisfactory to certifying agency to exercise said audit simultaneously with audit of reproductive material for which applicant has requested certification service.

(e) Other services requested by applicant, i.e., education to comply with these standards, advising on the development of record keeping system directly connected with certification needs, etc., may be provided at the rate of \$15.00 per man-hour job time payable as services are performed. [Statutory Authority: Chapter 15.49 RCW. 79-05-070 (Order 1625), § 16-319-041, filed 4/30/79; Order 1506, § 16-319-041, filed 4/11/77; Order 1369, § 16-319-041, filed 6/12/74; Order 1189, § 16-319-041, filed 4/16/71; Order 1151, § 16-319-041, filed 4/16/70.]

### Chapter 16-320 WAC

#### INTERSTATE CERTIFICATION OF SEEDS

WAC

16-320-010 through 16-320-120 Repealed.

[1979 WAC Supp—page 46]

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-320-010	Varieties eligible. [Order 590, Regulation 1, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-320-020	Agencies eligible. [Order 590, Regulation 2, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-320-030	Application of standards. [Order 590, Regulation 3, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-320-040	Evidence of seed eligibility. [Order 590, Regulation 4, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-320-050	Prior approval of cooperating certification agencies. [Order 590, Regulation 5, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-320-060	Blending. [Order 590, Regulation 6, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-320-070	Approval of processors. [Order 590, Regulation 7, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-320-080	Inspection of processing operations. [Order 590, Regulation 8, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-320-090	Samples. [Order 590, Regulation 9, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-320-100	Tags and tagging. [Order 590, Regulation 10, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-320-110	Educational responsibilities. [Order 590, Regulation 11, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
16-320-120	Fees. [Order 590, Regulation 12, effective 11/2/50.] Repealed by 79-05-075 (Order 1608), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

**WAC 16-320-010 through 16-320-120 Repealed.**  
See Disposition Table at beginning of this chapter.

### Chapter 16-324 WAC

#### RULES FOR THE CERTIFICATION OF SEED POTATOES

WAC

16-324-370	General guidance.
16-324-375	Application and withdrawal.
16-324-380	Fees.
16-324-390	Requirements for production of foundation and/or certified stock.
16-324-400	Field inspection standards.
16-324-410	Winter test.
16-324-420	Winter test tolerances.
16-324-430	Digging, storage and premarketing.
16-324-435	Storage restrictions.
16-324-440	Repealed.
16-324-445	Grading inspection—Diseases and grades.
16-324-450	Specific requirements.



- 16-324-460 Washington No. 1 certified seed potatoes (blue tag stock).
- 16-324-470 Washington No. 2 certified seed potatoes (red tag stock).
- 16-324-480 Washington single drop certified seed potatoes (white tag stock).
- 16-324-490 Washington buff certified seed potatoes (buff tag stock).
- 16-324-500 Marking requirements.
- 16-324-510 Tolerances.
- 16-324-520 Definition of terms.
- 16-324-530 Definition—Damage.
- 16-324-540 Definition—Serious damage.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 16-324-440 Effective date. [Order 1199, § 16-324-440, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW.

**WAC 16-324-370 General guidance.** (1) Participation in this program shall be voluntary and may be withdrawn at the option of the applicant. Farming and sanitation practices are the responsibility of the grower. Certification, approvals, determinations, and supervision mentioned herein shall be conducted by the department.

(2) All applications and department records will be maintained as public records for a period of seven years.

(3) Failure to comply with the requirements of these rules shall be cause for refusal or cancellation of approval of any planting or the certification of any seed as certified seed potatoes.

(4) Certification means that the lot of seed potatoes was inspected and meets the requirements of this order.

(5) The state of Washington department of agriculture makes no warranty, expressed or implied, or representation as to the freedom from disease or quality of certified seed. Certification is based solely on visual inspections of sample plants and tubers of each lot which were found to meet tolerances prescribed in this order. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-370, filed 11/21/78; Order 1199, § 16-324-370, filed 5/5/71, effective 6/7/71.]

**WAC 16-324-375 Application and withdrawal.** (1) Application shall be made on a form provided by the department. Applications for certification must reach the state department of agriculture, Olympia, Washington, on or before June 15 of each year in order to assure eligibility. Applications must be accompanied by the appropriate fee, as well as tags, certificates or other evidence of eligibility. An application must be made for each variety.

(2) Withdrawal of a seed lot from the certification program shall be made on a form provided by the department which will become part of the permanent public record. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-375, filed 11/21/78.]

**WAC 16-324-380 Fees.** (1) Potato certification fees shall be thirteen dollars and fifty cents per acre.

Applications shall be accompanied by fifty percent of the total charge due and payable on or before June 15 of

each year. Applications may be adjusted ten percent on or before July 15.

(2) Final payment of above fee is due and payable November 1 of each year, *Provided*:

(a) Fees for five acres or less must be paid in full at the time of application.

(b) Fee for two acres or less is forty dollars minimum to be paid in full at time of application.

(c) No fees will be charged, up to five acres, for regularly enrolled high school 4-H or FFA projects.

(3) Refunds of the application fee will be made only if the withdrawal form is received by the department prior to the first field inspection.

(4) Lots rejected on or before October 1 will not be subject to final fees.

(5) Failure to pay fees when due shall result in removing the applicant from this program.

(6) No application for any grower owing the Washington state department of agriculture for previous fees will be considered. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-380, filed 11/21/78; Order 1199, § 16-324-380, filed 5/5/71, effective 6/7/71.]

**WAC 16-324-390 Requirements for production of foundation and/or certified stock.** (1) Land requirements.

(a) Potatoes will not be eligible for certification if planted on land on which potatoes were grown in either of the previous two years unless the prior crops were entered for and passed certification.

(b) Any land known to be infested with parasitic potato nematode will not be accepted.

(c) Any land planted with potatoes found to have ring rot will not be eligible for planting for certified seed potato production for at least two years.

(2) Isolation requirements.

(a) Potatoes intended for certification must be isolated by at least one hundred feet from other potatoes except potatoes entered for certification.

(b) A distinct separation of at least six feet must be left unplanted or planted to some other crop between different lots of seed potatoes.

(3) Planting stock. Eligible planting stock must consist of foundation seed potatoes or seed stock approved by the department.

(a) Foundation seed is tubers that have met field standards and winter test standards for foundation seed.

(b) Desirable planting stock of known history and varietal purity may be accepted. This stock must have been produced the preceding year under the special observation of the department. Stock under observation by the department shall pay the usual certification fees.

(c) Planting stock from other states or countries is eligible for certification if the planting stock has met the requirements for foundation standards of their program.

(4) Field inspections. Each lot will be visually inspected on a sample basis. Lots will be subjected to at least two inspections – the first about forty-five days after planting, or before the rows have filled in or the vines touch in the row; the second inspection about ninety-five

days after planting. Additional inspections will be made when deemed necessary. The lots will be traversed sufficiently to accurately evaluate the factors to be considered with a minimum sample of one hundred plants per acre. Lots will be considered ready for inspection at all times. Notification will be given to grower or grower representative when inspection is to be performed.

(5) Russet Burbank/Netted Gem potatoes to be eligible for certification must be within the field tolerances and the winter test tolerances set for certified seed potatoes. Shipments for export prior to January 15 may be certified based on field readings only.

(6) Miscellaneous requirements. Prospective growers entering the certification program for the first time must be interviewed by the department before applications will be processed. This is in order that the applicant knows what is expected of him and what he may expect from the certifying agency. [Statutory Authority: Chapter 15.14 RCW, 78-12-034 (Order 1587), § 16-324-390, filed 11/21/78; Order 1526, § 16-324-390, filed 4/27/77; Order 1199, § 16-324-390, filed 5/5/71, effective 6/7/71.]

**WAC 16-324-400 Field inspection standards.** (1) The field certification of each lot will be based on the sample inspected.

(2) Specific requirements. (a) The diseases tolerated will be within the percentages listed in the table below based on visual symptoms showing in the sample inspected.

Field tolerances for: Inspection	Foundation		Certified	
	1	2-3	1	2-3
Leaf Roll	0.2%	0.1%	0.4%	0.2%
Well defined Mosaic, and other virus and virus-like diseases	1.0%	0.5%	2.0%	1.0%
Black Leg and Wilts	2.0%	1.0%	4.0%	2.0%
Ring Rot	0.0%	0.0%	0.0%	0.0%
Variety Mixture	0.2%	0.0%	0.2%	0.1%

(b) Diseases which cannot be observed visually at time of inspection may be present.

(c) The 0.0% tolerance for ring rot is chosen for reasons of convenience and practicality and is not to be construed to mean that the lot inspected is free from the disease. It does mean no ring rot was found during the inspection process.

(d) When ring rot is found in a lot of seed that lot will be rejected. All seed potatoes grown that year by that farming operation from that same seed source, even if grown in different fields shall not be eligible for foundation classification. The tubers from these lots must be inspected at time of digging.

(e) Lots not meeting field inspection standards at the time of inspection will be rejected.

(f) Any field condition, i.e., weeds, frost, insect, disease, premature dying from any cause, or any condition making inspection evaluation impossible will be cause for the following actions:

(i) Inability to read at time of first field reading for virus, etc.—lots may be held for winter virus test.

(ii) Inability to read at ninety-day or final reading, except damage caused by frost or freezing, will be cause for rejection. The tubers from these lots must be inspected at time of digging. [Statutory Authority: Chapter 15.14 RCW, 78-12-034 (Order 1587), § 16-324-400, filed 11/21/78; Order 1199, § 16-324-400, filed 5/5/71, effective 6/7/71.]

**WAC 16-324-410 Winter test.** (1) Purpose. The purpose of the winter test is to visually detect virus and viruslike plant symptoms in samples of the lot submitted by the grower.

(2) Details for submitting samples for winter testing will be available from division of plant industry personnel.

(3) "Foundation" may be stamped on the department's official certified tags when a lot has passed the required field standards and winter test tolerances for foundation seed.

(4) Lots represented in winter tests which do not meet the certification requirements of the winter test will not be eligible for current year certification.

(5) In the event of serious malfunction of the winter test facility, foundation and certified eligibility may be based on field readings. [Statutory Authority: Chapter 15.14 RCW, 78-12-034 (Order 1587), § 16-324-410, filed 11/21/78; Order 1526, § 16-324-410, filed 4/27/77; Order 1199, § 16-324-410, filed 5/5/71, effective 6/7/71.]

**WAC 16-324-420 Winter test tolerances.** (1) The unit of certification will be each lot.

(2) Specific requirements. The diseases tolerated will be within the percentages listed in the table below, based on visual symptoms showing in the sample inspected:

Disease or defect	Foundation	Certified
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Well defined Mosaic and other virus or virus-like diseases	5%	2.0%
Leaf Roll	0.5%	2.0%

(3) Diseases which cannot be observed visually at time of inspection may be present. [Statutory Authority: Chapter 15.14 RCW, 78-12-034 (Order 1587), § 16-324-420, filed 11/21/78; Order 1199, § 16-324-420, filed 5/5/71, effective 6/7/71.]

**WAC 16-324-430 Digging, storage and premarketing.** Specific requirements.

(1) Stored so as to maintain each lot's identity. Storage bin or room (an area with a controlled access and

enclosed by solid barriers) to be so marked that any inspector not previously having been in the room or storage bin could identify the lot.

(2) Graded according to state of Washington standards for seed potatoes.

(3) Placed in new sacks when tagging is requested, identified with the official Washington seed potato tags which must show the grower's name, address and lot number unless such information is printed on the sacks together with the usual net weight.

(4) Tags may be issued to the grower who will:

(a) Tag the bags as the potatoes are sorted.

(b) Allow inspection of graded potatoes at any time.

(c) If the potatoes are out-of-grade, remove the tags under the supervision of the inspector.

(d) Return all unused tags to the inspector.

Failure to observe any of the above provisions is sufficient cause for the inspector to withhold the privilege of permitting the grower to tag at his convenience. The deliberate disregard for (b) and (c) is just cause to eject a grower from the certification program.

(5) Bulk lots, properly identified, may be moved under certification.

[Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-430, filed 11/21/78; Order 1199, § 16-324-430, filed 5/5/71, effective 6/7/71.]

**WAC 16-324-435 Storage restrictions.** (1) Each storage bin or room containing more than one lot will have a solid barrier between each lot.

(2) Lots known to be infected with ring rot at time of storage or noncertified potatoes cannot be stored within the same storage with certified seed potatoes.

(3) This section, WAC 16-324-435, will become effective May 1, 1979. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-435, filed 11/21/78, effective 5/1/79.]

**WAC 16-324-440 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-324-445 Grading inspection--Diseases and grades.** Grading inspections shall be made on a sample basis. United States Standards for Potatoes shall be the official guide for applying and interpreting all definitions and terms used in the Washington certified seed grades below. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-445, filed 11/21/78. Formerly WAC 16-446-100.]

**WAC 16-324-450 Specific requirements.** The diseases tolerated will be within the percentages listed in the table below based on visual symptoms showing in the sample inspected.

Disease or Defects	Foundation	Certified
Bacterial Ring Rot, Powdery Scab, Black Wart, Tuber Moth, Nematodes	0.00 %	0.00 %
Net Necrosis associated with Leaf Roll	0.25 %	1.00 %
Scab (deep pitted)	1.00 %	3.00 %
Variety Mixture	0.00 %	0.25 %

[Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-450, filed 11/21/78. Formerly WAC 16-446-110.]

**WAC 16-324-460 Washington No. 1 certified seed potatoes (blue tag stock).** Shall consist of potatoes of one variety which are fairly well shaped, free from recognizable spindle tuber, deep scab, late blight, freezing injury and from soft rot or wet breakdown; and from damage caused by disease, insect, mechanical or other means; dirt or other foreign matter; second growth; growth cracks; sprouting; shriveling; surface scab; rhizoctonia; dry rot.

The size of Washington No. 1 certified seed potatoes shall be not less than one and one-half ounces or one and one-half inches minimum diameter, or more than fourteen ounces in weight. Definitions and tolerances for the above grade will be found under WAC 16-324-500, 16-324-510, 16-324-520, and 16-324-530. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-460, filed 11/21/78. Formerly WAC 16-446-120.]

**WAC 16-324-470 Washington No. 2 certified seed potatoes (red tag stock).** Shall consist of potatoes of one variety which are free from recognizable spindle tuber, freezing injury, late blight and from soft rot or wet breakdown; and from serious damage caused by disease, insect, mechanical or other means; dirt or other foreign matter; second growth; growth cracks; shriveling; surface scab; dry rot.

The size of Washington No. 2 certified seed potatoes shall be not less than one ounce or more than eighteen ounces in weight. Definitions and tolerances for the above grade will be found under WAC 16-324-500, 16-324-510 and 16-324-540. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-470, filed 11/21/78. Formerly WAC 16-446-130.]

**WAC 16-324-480 Washington single drop certified seed potatoes (white tag stock).** Shall consist of potatoes which meet all requirements of Washington No. 2 certified seed potato grade: *Provided*, The size shall be not less than one or more than three ounces in weight. Definitions and tolerances for the above grade will be found under WAC 16-324-500, 16-324-510 and 16-324-540. [Statutory Authority: Chapter 15.14 RCW. 78-12-034

(Order 1587), § 16-324-480, filed 11/21/78. Formerly WAC 16-446-140.]

**WAC 16-324-490 Washington buff certified seed potatoes (buff tag stock).** Shall consist of potatoes of one variety which are free from recognizable spindle tuber, late blight, freezing injury and from soft rot or wet breakdown; and from serious damage caused by disease, insect, mechanical, or other means; dirt or other foreign matter or dry rot.

No size requirement. The size of Washington Buff certified seed potatoes is not regulated except as to agreement between buyer and seller. Definitions and tolerances for the above grade will be found under WAC 16-324-500, 16-324-510 and 16-324-540. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-490, filed 11/21/78. Formerly WAC 16-446-150.]

**WAC 16-324-500 Marking requirements.** Applies to all grades. Lot number, variety, grower's name and address, net weight, and tagged with appropriate tag for grade. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-500, filed 11/21/78. Formerly WAC 16-446-160.]

**WAC 16-324-510 Tolerances.** Applies to all grades and is based on a sample inspection.

(1) In order to allow for variations other than size, and internal discoloration, incident to proper grading and handling, not more than a total of six percent of the potatoes in any lot may fail to meet the requirements of the grade but not more than one-sixth of this amount, or one percent, shall be allowed for potatoes affected by late blight, potatoes which are frozen, or affected by soft rot or wet breakdown. In addition, in blue, red and white tag stock, not more than five percent of the potatoes may be damaged by internal discoloration. No more than three percent may be below the minimum sizes or more than six percent above maximum sizes specified in the grades.

(2) The tolerances specified shall be placed on a container basis. However, any lot of seed potatoes shall be considered as meeting the requirements of the grade, if upon inspection, no sample from a single container, in any lot, is found to exceed the tolerances specified by more than double the amount allowed: *Provided*, That the entire lot shall average within the tolerances specified.

(3) All percentages shall be calculated on the basis of weight. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-510, filed 11/21/78. Formerly WAC 16-446-170.]

**WAC 16-324-520 Definition of terms.** Applies to Washington No. 1 (WAC 16-324-460). "Fairly well shaped" means potatoes are not materially pointed, dumb-bell shaped, or otherwise ill formed. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-520, filed 11/21/78. Formerly WAC 16-446-180.]

**WAC 16-324-530 Definition--Damage.** Applies to Washington No. 1 (WAC 16-324-460). "Damage" means any injury, disease, insect, or defect which materially affects the appearance or which materially injures the potato for seed purposes. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(1) Dirt or foreign matter which materially affects the general appearance of the lot, a potato having an appreciable amount of caked dirt shall also be considered as damaged.

(2) Second growth which has developed to such an extent as to materially affect the appearance of the potato.

(3) Growth cracks which are not shallow or not well healed.

(4) Sprouting, when the sprouts are over three-fourths inch long on ten percent of the tubers.

(5) Shriveling, when the tuber is more than slightly shriveled.

(6) Surface scab which covers more than ten percent of the surface of the potato in the aggregate, on ten percent of the tubers.

(7) Rhizoctonia which covers more than five percent of the surface of the potato in the aggregate, on twenty-five percent of the tubers.

(8) Dry rot which cannot be removed without a loss of more than five percent of the total weight of the potato, including the peel. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-530, filed 11/21/78. Formerly WAC 16-446-190.]

**WAC 16-324-540 Definition--Serious damage.** Applies to all grades. "Serious damage" means any injury, disease, insect, or defect which seriously injures the appearance of the individual potato or the general appearance of the potatoes in the container, or which causes a loss of more than ten percent of the total weight of the potato for seed purposes. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage.

(1) Dirt of foreign matter when the general appearance of the potatoes is seriously affected by tubers badly caked with dirt or other foreign matter.

(2) Second growth when more than one well attached knob is over ten percent of the total weight of the tuber, or when the knob is broken.

(3) Growth cracks, cuts, and deep bruises which seriously affect the potato for seed purposes.

(4) Shriveling when the potato is excessively shriveled, spongy or flabby.

(5) Surface scab which covers an area of more than twenty percent of the surface of the potato in the aggregate, on more than twenty-five percent of the tubers.

(6) Dry rot which cannot be removed without a loss of more than ten percent of the total weight of potato, including the peel. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-540, filed 11/21/78. Formerly WAC 16-446-200.]

Chapter 16-354 WAC

HOP ROOTSTOCKS--CERTIFICATION

WAC	
16-354-020	Field standards for production of registered and certified hop rootstock.
16-354-040	Application and fees.

WAC 16-354-020 Field standards for production of registered and certified hop rootstock. (1) Land requirements. (a) A field to be eligible for production of registered or certified hop rootstocks must never have grown hops, provided that a field is eligible to be replanted with the identical hop strain of equal standards.

(b) Land proposed for producing registered and certified hop rootstocks must be approved by the department in respect to location, drainage and adaptability.

(2) Isolation requirements. (a) A field to be eligible for production of registered or certified hop rootstock must be separated by an uncultivated strip of ground and at least twenty-one feet from any other hop plants unless these plants also meet the requirements of this program.

(b) A grower of registered or certified hop rootstocks may grow one or more hop varieties or strains provided each such variety or strain is separated by not less than twenty-one feet.

(3) Plant requirements. (a) Only propagations from hop roots of approved strains which have been grown as foundation or registered stock may be planted for the production of registered rootstock.

(b) Only propagations from hop roots of approved strains which have been grown as registered stock may be planted for the production of certified rootstock.

(c) Registered and certified stock shall remain in the nursery no more than four growing seasons: Provided, That if seeded plants are found, the field will be disqualified in the year following discovery of such plants.

(d) In roguing, growers must dig and immediately destroy all low yielding, unhealthy appearing, off-type, diseased or otherwise abnormal plants.

(e) Plant pests and weeds are to be effectively controlled. [Statutory Authority: Chapter 15.14 RCW. 79-06-038 (Order 1631), § 16-354-020, filed 5/17/79; Order 1264, § 16-354-020, filed 5/10/72; Order 1023, Regulation II, filed 6/16/66; Order 996, Regulation II, filed 11/30/65; Order 947, Regulation II, filed 4/13/64.]

WAC 16-354-040 Application and fees. (1) The applicant grower shall furnish to the department all information pertinent to the operation of this program and shall give his consent to the department to take material for examination and testing.

(2) Application for inspection and testing of registered and certified stock must be filed with the department by April 1 of each year accompanied by a \$40 application fee.

(3) Inspection fees are \$12.50 for each acre or fraction thereof per inspection.

(4) Payment for inspection of registered blocks and nursery stock for registration and certification must be

made upon completion of the inspection. Billing to the nurseryman to be made by the plant industry division. [Statutory Authority: Chapter 15.14 RCW. 79-06-038 (Order 1631), § 16-354-040, filed 5/17/79; Order 1264, § 16-354-040, filed 5/10/72; Order 1023, Regulation IV, filed 6/16/66; Order 996, Regulation IV, filed 11/30/65; Order 947, Regulation IV filed 4/13/64.]

Chapter 16-400 WAC

HORTICULTURAL INSPECTION FEES

WAC	
16-400-010	Grade and condition certificates.
16-400-020	Loose apples and/or pears.
16-400-025	Loose stone fruit and grapes.
16-400-040	Vegetables.
16-400-050	Defense subsistence supply center or other federal agencies.
16-400-070	Hay and straw.
16-400-110	Condition certificates.
16-400-140	Sanitary certificates—Fruits and vegetables.
16-400-150	Shipping permits.
16-400-210	Platform inspection.
16-400-230	Fumigation charges.
16-400-235	Field or orchard inspections.
16-400-250	Extra charges (on all above services).
16-400-270	Extra copies.

WAC 16-400-010 Grade and condition certificates. ALL DISTRICTS.

(1) The minimum charge for a certificate shall be \$6.00 on all fruits and vegetables.

(2) All fresh fruits. (Apples, pears and soft fruits). Fruit in containers. (Wrapped, place pack, face and fill, or loose in bulk, bins, boxes, cartons, crates, or bags). For bulk or bins, divide the net weight by 40 pounds to determine the number of standard containers for charges.

Under 19 lbs net	.....	1 3/4¢ each container
20 to 29 lbs net	.....	3¢ each container
30 to 65 lbs net	.....	3 1/2¢ each container
		(Incl. 1/2 bu. container for prunes)

[Statutory Authority: Chapter 15.17 RCW. 79-01-035 (Order 1589), § 16-400-010, filed 12/20/78; Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-010, filed 5/17/78; Order 1482, § 16-400-010, filed 8/16/76; Order 1377, § 16-400-010, filed 9/12/74; Order 1355, § 16-400-010, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-010, filed 5/30/73; Order 1121, § 16-400-010, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-010, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, filed 5/12/67; Order 989, Regulation 1, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-020 Loose apples and/or pears. (In bulk for processing.)

(1) \$1.50 per ton net weight or fraction thereof.

(2) The charge for a mixture of packed and loose apples and pears, shall be based on the total of packed and loose apples and pears under WAC 16-400-010 and 16-400-020. [Statutory Authority: Chapter 15.17 RCW. 79-01-035 (Order 1589), § 16-400-020, filed 12/20/78; Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-020, filed 5/17/78; Order 1402, § 16-400-020, filed 6/16/75; Order 1377, § 16-400-020, filed 9/12/74; Order 1355, § 16-400-020, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-020, filed 5/30/73; Order 1121, § 16-400-020, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-020, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, § 2, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 2, filed 5/12/67; Order 989, Regulation 1, § 2, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

**WAC 16-400-025 Loose stone fruit and grapes.** (In bulk for processing.)  
\$2.00 per net ton weight or fraction thereof. [Statutory Authority: Chapter 15.17 RCW. 79-01-035 (Order 1589), § 16-400-025, filed 12/20/78.]

**WAC 16-400-040 Vegetables.**

- Asparagus in 12 lb containers . . . . . 2¢ each
- Asparagus in 26 - 35 lb containers . 3 1/2¢ each
- Corn - crates . . . . . 6¢ each
- Cantaloupe (60 lb container unit) . . . . . 6¢ each
- Tomatoes - L.A. Lugs or loose in containers . . . . . 3¢ each
- Tomatoes - In flats . . . . . 2 1/4¢ each
- Onions . . . . . 5¢ cwt.
- Potatoes and seed potatoes . . . . . 4¢ cwt.
- Potatoes where percentage grade needed or major fraction thereof (diversion program or similar program) . . . . . 50¢ per ton
- Processing potatoes . . . . . 4¢ cwt.
- Complete inspection (Rate reduced for service required)

Inspection fees for cabbage, celery, lettuce, cauliflower, grapes, rhubarb, rutabagas, watermelons, squash, carrots, etc., shall be at the regular hourly rate of \$12.00 per hour, or \$24.00 for a carload, with a maximum of 2 hours time, for domestic use only. [Statutory Authority: Chapter 15.17 RCW. 79-01-035 (Order 1589), § 16-400-040, filed 12/20/78; Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-040, filed 5/17/78; Order 1402, § 16-400-040, filed 6/16/75; Order 1377, § 16-400-040, filed 9/12/74; Order 1355, § 16-400-040, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-040, filed 5/30/73; Order 1121, § 16-400-040, filed 12/29/69; Order 1121, § 16-400-040, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-040, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, § 4, filed 9/15/67; Order 1066, effective 10/16/67; Order

1052, Regulation 1, § 4, filed 5/12/67; Order 989, Regulation 1, § 4, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

**WAC 16-400-050 Defense subsistence supply center or other federal agencies.** Fees as established by USDA.

(1) For Canadian export inspections only where specific charges are not established by this regulation.

1 - 25 packages . . . . .	\$6.00
26 - 50 packages . . . . .	10.00
51 - 150 packages . . . . .	15.00
151 - 400 packages . . . . .	20.00
401 - customary car lot . . . . .	30.00

except where specific commodity charges are established.

(2) Terminal wholesale market inspections (domestic) in Tacoma, Seattle and Spokane. Minimum chg., 1 hour \$12.00.

(3) State institution inspections . . . . . \$12.00 per hour

Minimum fee shall be \$6.00.

[Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-050, filed 5/17/78; Order 1377, § 16-400-050, filed 9/12/74; Order 1355, § 16-400-050, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-050, filed 5/30/73; Order 1121, § 16-400-050, filed 12/29/69; Order 1121, § 16-400-050, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-050, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, § 5, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 5, filed 5/12/67; Order 989, Regulation 1, § 5, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

**WAC 16-400-070 Hay and straw.**

(1) Complete inspection . . . . . \$1.00 per ton or fraction thereof, but not less than \$6.00: *Provided*, That in the case of submitted samples the fee shall be \$2.00 per sample.

(2) Partial inspection . . . . . \$1.00 per ton or fraction thereof, calculated on the amount to which the inspection is restricted, but shall not be less than \$6.00.

[Statutory Authority: RCW 15.17.150. 76-06-025 (Order 1578), § 16-400-070, filed 5/17/78; Order 1377, § 16-400-070, filed 9/12/74; Order 1355, § 16-400-070, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-070, filed 5/30/73; Order 1121, § 16-400-070, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-070, filed 6/30/69; Emergency Order 1065 and 1066, Regulation 1, § 7, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 7, filed

5/12/67; Order 989, Regulation 1, § 7, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783; effective 3/1/59.]

**WAC 16-400-110 Condition certificates.** (1) When the lot has been previously certified, the charge shall be 2/3 of the charge schedule of grade and condition certificates, except that the minimum charge shall be \$6.00.

(2) When the lot has no prior inspection for quality or grade, and it is not requested that the certificate carry identification of car, truck, or state lot number, same schedule as above.

(3) On certified lots unloaded for "storage in transit" or for commercial storage, same as above.

(4) When the lot has had no prior inspection for quality or grade and it is requested that certificate carry identifying out-bound car, truck, or state lot number, use same schedule as grade and condition certificates.

(5) Condition certificates on out-of-state products reported on state certificates shall be charged on the applicable grade and condition certificate schedule, except that a minimum charge shall be \$6.00 or \$12.00 per hour. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-110, filed 5/17/78; Order 1377, § 16-400-110, filed 9/12/74; Order 1355, § 16-400-110, § 16-400-110, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-110, filed 5/30/73; Order 1121, § 16-400-110, filed 6/30/69; effective 8/1/69; Order 1120, § 16-400-110, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 4, §§ 1-5, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 4, §§ 1-5, filed 5/12/67; Order 989, Regulation 4, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

**WAC 16-400-140 Sanitary certificates--Fruits and vegetables.**

(1) When shipment is not covered by federal-state certificates:

(a) \$3.50 for the first 200 containers or fraction thereof, plus \$12.00 per hour for necessary inspection.

(2) When shipment is covered by federal-state certificate all sanitary certificates will be at the rate of \$3.50 per set. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-140, filed 5/17/78; Order 1377, § 16-400-140, filed 9/12/74; Order 1355, § 16-400-140, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-140, filed 5/30/73; Order 1121, § 16-400-140, filed 6/30/69, effective 8/1/69; Emergency Order 1120, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 6, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 6, §§ 1-2, filed 5/12/67; Order 989, Regulation 6, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

**WAC 16-400-150 Shipping permits.** By law, each shipment of apples, apricots, Italian prunes, peaches, pears, and certified seed potatoes must be covered by a

shipping permit for grade; and cherries for freedom from cherry fruit fly larvae, whether certified or not. Shipments to processors of apricots, cherries, peaches, and prunes do not require a shipping permit. If the lot has been certified for each shipment by car or truck, a permit will be issued without additional charge. If the lot has not been certified, the basis of charges shall be as follows:

(1) **Apples, pears, and soft fruits** (carlots and trucklots)

(a) 80 or less containers of 28 lbs to 65 lbs, 5¢ per container. 81 and over, the shipping permit shall be 2/3 the fee for grade and condition certificate with a minimum fee of \$4.00.

(i) 17 to 27 lbs - two containers - 5¢ up to the \$4.00 minimum. 16 lbs and under - three containers - 5¢ up to the \$4.00 minimum.

(b) Permit to ship apples and/or pears to a by-product plant outside the district - \$2.00.

(Permits to by-product plants are for transportation only in accordance with state law.)

(2) **Vegetables.**

(a) Potatoes - minimum charge per permit 2/3 of certificate charge or \$4.00 minimum.

(b) Processing plant or live-stock feed shipments - for transportation only, in accordance with state law . . . . . \$2.00 per load  
OR where point of origin or out-of-district inspection required . . . . . \$ .50 per ton

(c) Certified seed potatoes . . . . . 4¢  
*Provided*, That no charge shall be made for shipping permits when seed potatoes are grown, graded and shipped in full compliance with the provisions of the rules for the certification of seed potatoes, and the grades and standards for certified seed potatoes. Shipments not in compliance with the above shall be charged in accordance with WAC 16-400-150(2)(c).

Container weight, or checkloading certificates shall be 1 cent per container, except that the minimum charge shall be \$12.00. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-150, filed 5/17/78; Order 1524, § 16-400-150, filed 4/20/77; Order 1377, § 16-400-150, filed 9/12/74; Order 1355, § 16-400-150, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-150, filed 5/30/73; Order 1223, § 16-400-150, filed 12/10/71, effective 1/10/72; Order 1121, § 16-400-150, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-150, filed 6/30/69; Emergency

Order 1065 and Order 1066, Regulation 7, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 7, filed 5/12/67; Order 989, Regulation 7, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

**WAC 16-400-210 Platform inspection.** (1) Platform inspections, time taking samples, extra time, FV-294 inspections, and all other services, will be charged at the rate of \$12.00/hr.

(2) Time allowance - Where platform inspector working full time at one house also does certification inspection, he will allow credit for the time according to limits outlined in the schedule for such certification at the rate of \$12.00 per hour and should the certificate charges divided by \$12.00 equal or exceed the number of hours worked, no platform charge will be made, or if it is less than the number of hours worked, the platform charge will be made to bring the total for the day to the proper charge. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-210, filed 5/17/78; Order 1377, § 16-400-210, filed 9/12/74; Order 1355, § 16-400-210, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-210, filed 5/30/73; Order 1121, § 16-400-210, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-210, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 9, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 9, filed 5/12/67; Order 989, Regulation 9, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

**WAC 16-400-230 Fumigation charges.** The rate for supervision of fumigation shall be \$18.00 per fumigation allowing 1 1/2 hours; additional time or unnecessary stand-by time will be charged for at the rate of \$12.00 per hour. No fumigations will be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from June 1 to September 30. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-230, filed 5/17/78; Order 1377, § 16-400-230, filed 9/12/74; Order 1355, § 16-400-230, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-230, filed 5/30/73; Order 1121, § 16-400-230, filed 6/30/69; effective 8/1/69; Emergency Order 1120, § 16-400-230, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 10, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 10, filed 5/12/67; Order 989, Regulation 10, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

**WAC 16-400-235 Field or orchard inspections.** Inspections made at applicants' request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of \$2.00 per acre or fraction thereof. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-235, filed 5/17/78; Order 1377, § 16-400-235, filed 9/12/74; Order 1355, § 16-400-235, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-235, filed 5/30/73; Order 1121, § 16-

400-235, filed 6/30/69, effective 8/1/69; Emergency Order 1120, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 11, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 11, filed 5/12/67.]

**WAC 16-400-250 Extra charges (on all above services).** (1) The minimum inspection charge for each commodity and requested form shall be at the rate of \$12.00 per hour.

(2) If, through no fault of the inspection service, time over the maximum allowance for each commodity and requested form is required, such excess time shall be at the rate of \$12.00 per hour.

(3) For all inspection services performed after 5:00 PM or on Saturdays, or Sundays, or state legal holidays, an hourly charge equivalent of \$18.00 per hour for actual hours spent in performance of duties must be made. This shall include unit charges, plus, if necessary, overtime charges to equal \$18.00 per hour.

(4) When the per unit charge for inspection in any one day equals or exceeds the basic hourly and/or overtime charge, no additional hourly or overtime charges will be made.

(5) The following state legal holidays will be observed: New Year's Day, Veteran's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the day following Thanksgiving Day, Christmas Day, Lincoln's Birthday and Washington's Birthday. NO SERVICE will be performed on Thanksgiving Day, Christmas Day or New Year's Day, beginning at 5:00 PM on the previous day.

(6) Mileage. Whenever necessary, mileage will be charged at the rate established by the state OFM. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-250, filed 5/17/78; Order 1482, § 16-400-250, filed 8/16/76; Order 1377, § 16-400-250, filed 9/12/74; Order 1355, § 16-400-250, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-250, filed 5/30/73; Order 1121, § 16-400-250, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-250, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 13, §§ 1-6, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 13, §§ 1-6, filed 5/12/67; Order 989, Regulation 12, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

**WAC 16-400-270 Extra copies.** After original typing of a certificate a charge of \$2.00 per set will be made for extra copies when requested by the original applicant of the certificate or other financially interested party. Copy machine copy of inspectors notes when requested by applicant will be \$1.00 per copy. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-270, filed 5/17/78; Order 1377, § 16-400-270, filed 9/12/74; Order 1355, § 16-400-270, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-270, filed 5/30/73; Order 1121, § 16-400-270, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-270, filed 6/30/69; Emergency Order 1065 and



Order 1066, Regulation 14, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 14, filed 5/12/67; Order 989, Regulation 13, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

When requested inspections are in combination, the charge will be \$12.00 per hour and minimum charges will be waived. EXCEPTION: When combination inspections include fumigation, a minimum charge will be \$18.00.

**Chapter 16-401 WAC  
NURSERY INSPECTION FEES**

WAC	
16-401-003	Repealed.
16-401-025	Requested inspections.
16-401-030	Extra charges.
16-401-035	Repealed.

[Statutory Authority: Chapter 15.13 RCW. 79-04-025 (Order 1628), § 16-401-025, filed 3/21/79; Order 1315, § 16-401-025, filed 5/30/73; Order 1152, § 16-401-025, filed 5/28/70, effective 7/1/70.]

**WAC 16-401-030 Extra charges.** Extra charges on all requested inspections under WAC 16-401-025 shall be at the rate of \$12.00 per hour above the minimum charges listed.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

16-401-003	Promulgation. [Order 1315, § 16-401-003, filed 5/30/73; Order 1204, § 16-401-003, filed 5/28/71, effective 7/1/71.] Repealed by 79-04-025 (Order 1628), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
16-401-035	Effective date. [Order 1315, § 16-401-035, filed 5/30/73; Order 1204, § 16-401-035, filed 5/28/71, effective 7/1/71; Order 1152, § 16-401-035, filed 5/28/70, effective 7/1/71.] Repealed by 79-04-025 (Order 1628), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

(1) For all inspection services performed after 5:00 p.m. or on Saturdays, Sundays or state legal holidays, an hourly charge equivalent of \$18.00 per hour for actual hours spent in performance of duties shall be made. This shall include unit charges, plus, if necessary, overtime charges to equal \$18.00 per hour.

(2) The following state legal holidays will be observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Veteran's Day, Christmas Day, Lincoln's Birthday, Washington's Birthday, Columbus Day and General Election Day. NO SERVICE will be performed on Thanksgiving, Christmas or New Year's Day, beginning at 5:00 p.m. on the previous day.

**WAC 16-401-003 Repealed.** See Disposition Table at beginning of this chapter.

(3) All fees due under provisions of WAC 16-401-020, 16-401-025 and 16-401-030 shall be payable at the time the service is completed. [Statutory Authority: Chapter 15.13 RCW. 79-04-025 (Order 1628), § 16-401-030, filed 3/21/79; Order 1315, § 16-401-030, filed 5/30/73; Order 1152, § 16-401-030, filed 5/28/70, effective 7/1/70.]

**WAC 16-401-025 Requested inspections.** Requested inspections shall be at the rate of \$12.00 per hour, except as listed below, and shall include, but not be limited to:

**WAC 16-401-035 Repealed.** See Disposition Table at beginning of this chapter.

Third Party inspections, travel time	
Minimum charge	\$ 12.00/hr.
Phytosanitary Certificate	
Minimum charge each inspection	
First Phytosanitary	\$6.00
Each additional Phytosanitary	2.00
Nursery Stock Inspection Certificate	
Minimum charge	\$6.00
Fumigation Certificate	
Minimum charge	18.00 ea.
Field Inspections	
Field inspections of flowering bulbs, corms, rhizomes, or other field crops, each year	
Per acre or fraction thereof	\$2.00
Certificate of Inspection of Nursery	
Stock Minimum charge:	
Licensed Nurseryman	No Fee
Unlicensed Nurseryman	1.00 ea.
Nursery Sticker	
In lots of 250	.01 ea.
Less than 250 (Minimum 10)	.10 ea.
Nursery Stock Inspection Certificate Tag	
In lots of 250	.01 ea.
Less than 250 (Minimum 10)	.10 ea.

**Chapter 16-403 WAC**

**STANDARDS FOR APPLES MARKETED WITHIN WASHINGTON**

WAC	
16-403-135	Repealed.
16-403-13501	Repealed.
16-403-170	Green or yellow varieties—Washington C grade.
16-403-300	Repealed.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

16-403-135	Promulgation. [Order 1374, § 16-403-135, filed 7/26/74, effective 9/1/74.] Repealed by 79-07-068 (Order 1635), filed 6/27/79. Statutory Authority: Chapter 15.17 RCW.
16-403-13501	Promulgation. [Order 1475, § 16-403-13501, filed 7/2/76.] Repealed by 79-07-068 (Order 1635), filed 6/27/79. Statutory Authority: Chapter 15.17 RCW.
16-403-300	Effective date. [Order 1374, § 16-403-300, filed 7/26/74, effective 9/1/74.] Repealed by 79-07-068 (Order 1635), filed 6/27/79. Statutory Authority: Chapter 15.17 RCW.

**WAC 16-403-135 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-403-13501 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-403-170 Green or yellow varieties--Washington C grade.** The requirements of this grade are the same as for Washington Fancy except for color, russeting and invisible watercore. Apples of this grade are free from excessive damage caused by russeting which means that apples meet the russeting requirements for Washington Fancy as defined under the definitions of "damage by russeting", except the aggregate area of an apple which may be covered by smooth net-like russeting shall not exceed 25 percent; and the aggregate area of an apple which may be covered by smooth solid russeting shall not exceed 10 percent: *Provided*, That in the case of the Yellow Newtown Granny Smith or similar varieties the aggregate area of an apple which may be covered with smooth solid russeting shall not exceed 20 percent; and the aggregate area of an apple which may be covered with excessively rough or barklike russeting or limb rubs shall not exceed the area of a circle three-fourths of an inch in diameter. Each apple of this grade has the amount of color specified in WAC 16-403-175 for the variety. There is no requirement in this grade pertaining to invisible watercore. [Statutory Authority: Chapter 15.17 RCW. 79-07-068 (Order 1635), § 16-403-170, filed 6/27/79; Order 1374, § 16-403-170, filed 7/26/74, effective 9/1/74.]

**WAC 16-403-300 Repealed.** See Disposition Table at beginning of this chapter.

#### Chapter 16-414 WAC SWEET CHERRIES

##### WAC

16-414-010	Washington No. 1 grade and tolerances defined.
16-414-020	Application of tolerances.
16-414-030	Definitions.
16-414-040	Damage.
16-414-050	Diameter.
16-414-060	Serious damage.
16-414-070	Permanent defects.
16-414-080	Condition defects.
16-414-090	Marking containers.

**WAC 16-414-010 Washington No. 1 grade and tolerances defined.** (1) Washington No. 1 shall consist of sweet cherries which meet the following requirements: Similar varietal characteristics; mature; fairly well colored; well formed and clean; free from decay insect larvae or holes caused by them, soft overripe or shriveled, underdeveloped doubles and sunscald; and free from damage by any other cause.

(2) Size. Unless otherwise specified, the minimum diameter of each cherry shall be not less than three-fourths inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(3) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:

(a) For defects at shipping point. Washington No. 1. Eight percent for cherries which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than four percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of one percent for cherries which are affected by decay.

**NOTE:** Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

(b) For defects en route or at destination.

Washington No. 1. Twenty-four percent for cherries in any lot which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Eight percent for cherries which fail to meet the requirements for this grade because of permanent defects; or

(ii) Six percent for cherries which are seriously damaged, including therein not more than four percent for cherries which are seriously damaged by permanent defects and not more than two percent for cherries which are affected by decay.

(c) For off-size. Five percent for cherries which fail to meet the specified minimum diameter and ten percent for cherries that fail to meet any specified maximum diameter. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-010, filed 3/31/78.]

**WAC 16-414-020 Application of tolerances.** Individual samples shall have not more than double the tolerances specified, except that at least two defective and two off-size specimens may be permitted in any sample: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-020, filed 3/31/78.]

**WAC 16-414-030 Definitions.** (1) Similar varietal characteristics. "Similar varietal characteristics" means that the cherries in any container are similar in color and shape.

(2) Mature. "Mature" means that the cherries have reached the stage of growth which will insure the proper completion of the ripening process.

(3) Fairly well colored. "Fairly well colored" means that at least ninety-five percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

(4) Well formed. "Well formed" means that the cherry has the normal shape characteristic of the variety, except that mature well developed doubles shall be

considered well formed when each of the halves is approximately evenly formed.

(5) Clean. "Clean" means that the cherries are practically free from dirt, dust, spray residue, or other foreign material. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-030, filed 3/31/78.]

**WAC 16-414-040 Damage.** "Damage" means any specific defect described in this section; or any equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects shall be considered as damage:

(1) Cracks within the stem cavity when deep or not well healed, or when the appearance is affected to a greater extent than that of a cherry which has a superficial well healed crack one-sixteenth inch in width extending one-half the greatest circumference of the stem cavity;

(2) Cracks outside of the stem cavity when deep or not well healed, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing and handling, or when materially affecting the appearance;

(3) Hail injury when deep or not well healed, or when the aggregate area exceeds the area of a circle three-sixteenths inch in diameter;

(4) Insects when scale or more than one scale mark is present, or when the appearance is materially affected by any insect;

(5) Limbrubs when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(6) Pulled stems when the skin or flesh is torn, or when the cherry is leaking;

(7) Russetting when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(8) Scars when excessively deep or rough or dark colored and the aggregate area exceeds the area of a circle three-sixteenths inch in diameter, or when smooth or fairly smooth, light colored and superficial and the aggregate area exceeds the area of a circle one-fourth inch in diameter;

(9) Skin breaks when not well healed or when the appearance of the cherry is materially affected; and,

(10) Sutures when excessively deep or when affecting the shape of the cherry to the extent that it is not well formed. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-040, filed 3/31/78.]

**WAC 16-414-050 Diameter.** "Diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-050, filed 3/31/78.]

**WAC 16-414-060 Serious damage.** "Serious damage" means any specific defect described in this section;

or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance or the edible or marketing quality of the fruit. The following specific defects shall be considered as serious damage:

(1) Decay;

(2) Insect larvae or holes caused by them;

(3) Skin breaks which are not well healed;

(4) Cracks which are not well healed; and,

(5) Pulled stems with skin or flesh of cherry torn or which causes the cherry to leak. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-060, filed 3/31/78.]

**WAC 16-414-070 Permanent defects.** "Permanent defects" means defects which are not subject to change during shipping or storage; including, but not limited to, factors of shape, scarring, skin breaks, injury caused by hail or insects, and mechanical injury which is so located as to indicate that it occurred prior to shipment. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-070, filed 3/31/78.]

**WAC 16-414-080 Condition defects.** "Condition defects" means defects which may develop or change during shipment or storage; including but not limited to decayed or soft cherries and such factors as pitting, shriveling, sunken areas, brown discoloration and bruising which is so located as to indicate that it occurred after packing. [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-080, filed 3/31/78.]

**WAC 16-414-090 Marking containers.** Containers shall be conspicuously and legibly stamped with the name and the address of the grower, packer or shipper, the net weight, and may be marked with the true variety name of "Sweet Cherries." [Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-090, filed 3/31/78.]

### Chapter 16-427 WAC

#### ORNAMENTAL DECIDUOUS PLANTS, NURSERY STOCK STANDARDS

##### WAC

16-427-001 through 16-427-070 Repealed.

##### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-427-001 Promulgation. [Order 1229, § 16-427-001, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 15-432 WAC.

16-427-010 Grades and standards. [Order 1229, § 16-427-010, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-010, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

16-427-015 Tolerance. [Order 1229, § 16-427-015, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

- 16-427-020 Size terms. [Order 1229, § 16-427-020, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-020, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-025 Balled and burlapped and container grown. [Order 1229, § 16-427-025, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-030 Marking requirements. [Order 1229, § 16-427-030, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-030, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-040 Definition of terms. [Order 1229, § 16-427-040, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-040, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-050 Compliance with federal and state law. [Order 1229, § 16-427-050, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-050, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-060 Collected Plants. [Order 1229, § 16-427-060, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-060, filed 4/17/68, effective 5/17/68.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-070 Effective date. [Order 1229, § 16-427-070, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-428-050 Container grown. [Order 1321, § 16-428-050, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-428-060 Size terms. [Order 1321, § 16-428-060, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-428-070 Effective date. [Order 1321, § 16-428-070, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

**WAC 16-428-001 through 16-428-070 Repealed.**  
See Disposition Table at beginning of this chapter.

### Chapter 16-429 WAC

#### NURSERY STOCK STANDARDS FOR GROUND COVERS, YOUNG PLANTS, VINES AND SEEDLINGS

##### WAC

16-429-001 through 16-429-100 Repealed.

##### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-429-001 Promulgation. [Order 1322, § 16-429-001, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 16-432 WAC.
- 16-429-010 Grades and standards. [Order 1322, § 16-429-010, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-020 Tolerance. [Order 1322, § 16-429-020, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-030 Marking requirements. [Order 1322, § 16-429-030, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-040 Compliance with federal and state law. [Order 1322, § 16-429-040, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-050 Collected plants. [Order 1322, § 16-429-050, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-060 Size terms. [Order 1322, § 16-429-060, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-070 Condition of root system. [Order 1322, § 16-429-070, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-080 Definition of terms. [Order 1322, § 16-429-080, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-090 Measurement of types. [Order 1322, § 16-429-090, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-100 Effective date. [Order 1322, § 16-429-100, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

**WAC 16-427-001 through 16-427-070 Repealed.**  
See Disposition Table at beginning of this chapter.

### Chapter 16-428 WAC

#### NURSERY STOCK STANDARDS FOR FRUIT TREES

##### WAC

16-428-001 through 16-428-070 Repealed.

##### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-428-001 Promulgation. [Order 1321, § 16-428-001, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 15-432 WAC.
- 16-428-010 Grades and standards. [Order 1321, § 16-428-010, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-428-020 Measurement. [Order 1321, § 16-428-020, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-428-030 Marking. [Order 1321, § 16-428-030, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-428-040 Compliance with federal and state law. [Order 1321, § 16-428-040, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

WAC 16-429-001 through 16-429-100 Repealed.  
See Disposition Table at beginning of this chapter.

### Chapter 16-430 WAC

#### ORNAMENTAL EVERGREEN PLANTS, NURSERY STOCK STANDARDS

##### WAC

16-430-001 through 16-430-110 Repealed.

##### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-430-001 Promulgation. [Order 1230, § 16-430-001, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 16-432 WAC.
- 16-430-010 Grades and standards. [Order 1230, § 16-430-010, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-010, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-015 Tolerance. [Order 1230, § 16-430-015, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-020 Size Terms. [Order 1230, § 16-430-020, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-020, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-025 Balled and burlapped and container grown. [Order 1230, § 16-430-025, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-040 Marking requirements. [Order 1230, § 16-430-040, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-040, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-050 Definition of terms. [Order 1230, § 16-430-050, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-050, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-060 Measurement of types. [Order 1230, § 16-430-060, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-060, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-070 Compliance with federal and state law. [Order 1230, § 16-430-070, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-070, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-100 Collected plants. [Order 1230, § 16-430-100, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-100, filed 4/17/68, effective 5/17/68.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-110 Effective date. [Order 1230, § 16-430-110, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

WAC 16-430-001 through 16-430-110 Repealed.  
See Disposition Table at beginning of this chapter.

### Chapter 16-432 WAC

#### WASHINGTON STATE STANDARDS FOR NURSERY STOCK

##### WAC

- 16-432-010 General.
- 16-432-020 Marking requirements.
- 16-432-030 Tolerance.
- 16-432-040 Container specifications.
- 16-432-050 Terminology.
- 16-432-060 Plant specifications.
- 16-432-070 Young plants specifications.
- 16-432-080 Deciduous flowering shrubs and shade trees.
- 16-432-090 Coniferous evergreens.
- 16-432-100 Broadleaf evergreen shrubs.
- 16-432-110 Fruit trees.
- 16-432-120 Understock for grafting and budding.
- 16-432-130 Nursery stock standard for roses.

**WAC 16-432-010 General.** (1) Grades and standards. Use of Washington grades is optional. If these grades are used, however, the plants must meet the grade specification.

(2) Nursery stock. Shall be true to name, and of the size or grade stated.

(3) Names. Usage shall conform to the rules of the "International Code of Nomenclature for Cultivated Plants".

(4) Quality. Shall be normal for the species when grown under proper cultural practices. Fertile soil, ample spacing, regular cultivation, weed control, spraying, adequate moisture, pruning and shearing, transplanting or root pruning not less than once in four years, depending on species, are all necessary requirements for normal quality nursery stock. All nursery stock shall be viable, substantially free from pests and disease, and undamaged. Roots shall not be subject to long exposure to drying winds, sun, or frost between digging and delivery. Root balls shall be free from pernicious perennial weeds.

(5) Packing or wrapping. Shall be adequate for the protection of the stock and sufficient to prevent heating or drying out during storage and/or transport.

(6) Grading.

(a) A uniform grading system for height and/or spread or caliper is recommended for, and is described, under each specific classification of nursery stock.

(b) In all cases, for purposes of simplicity, only one size per "grade" will be listed. That size will be the minimum size allowable for that "grade" and shall include plants from that size up to, but not including, the larger size. (Example: *Taxus C. Brownii* 30"; *Betula papyrifera* 8")

(7) Compliance with federal and state law. Plants regardless of certification as to grade, must comply with requirements and regulations of the United States department of agriculture, agricultural research service, plant quarantine division, and state laws. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-010, filed 3/21/79. Formerly chapters 16-

427, 16-428, 16-429, 16-430, and 16-454 WAC (part).]

**WAC 16-432-020 Marking requirements.** All plants shall be plainly and legibly marked with stamped, mechanically printed, typewritten letters not less than one-fourth inch in height.

(1) Labeling.

(a) All collected plants shall be labeled "collected".

(b) When plants are on display for retail sales, one plant per block shall be labeled with correct name.

(c) On mixed blocks, each plant shall be properly labeled.

(d) Wholesale lots sold or shipped with two or more plants must have each variety and size segregated and tagged when requested by purchaser.

(e) Any substitution as to variety or grade shall be clearly indicated on the packing slip and on the pertinent labels.

(2) Advertising. All advertising of nursery stock shall include size of material advertised when the ad includes prices. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-020, filed 3/21/79.]

**WAC 16-432-030 Tolerance.** In order to allow for variations incident to proper grading and handling, not more than two percent, by count, of any lot may be below the requirements of this grade: *Provided*, That a lower tolerance may be established by written contract between the parties concerned. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-030, filed 3/21/79.]

**WAC 16-432-040 Container specifications.** (1) A container is a rigid self-supporting unit used to grow plant material.

(2) All standards and specifications of nursery stock shall be applicable to container grown stock.

(3) Container grown nursery stock shall be established in the container with branched root system to the extremity of the container (side walls) EXCEPT in the case of plants that are repotted in sterile media to meet export requirements.

(4) Plants in pots or other containers shall be in a container of adequate size for the size of the plant and shall have been acclimated to outside conditions, should be equal to and acceptable for field grown stock.

(5) Size of container shall be specified in addition to size of plant.

(6) A container is not a size grade. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-040, filed 3/21/79.]

**WAC 16-432-050 Terminology.** CANE – Shall be considered a primary stem which starts from the ground at a point not higher than one-fourth the height of the plant.

STEM – Is a major structural portion of a plant originating in the lower one-third of the plant; the main axis of a plant: Leaf bearing and flower bearing as distinguished from the root bearing axis.

LEADER – The main stem or trunk that forms the apex of a tree.

CLUMP – Plant with two or more main stems at the ground line with the number of stems to be specified.

MULTI-STEM – Plant with two or more main stems starting near the ground from a primary stem.

ABBREVIATIONS:

"C" means cutting;

"Div" means division;

"G" means grafted;

"L" means layered;

"R.P." means root pruned;

"S." means seedling;

"T." means transplanted. Use one T. for each time transplanted;

"2-0" means seedling two years old and not transplanted;

"2-1" means seedling three years old and once transplanted.

Definitions not specified above used in this order will be found in "A Technical Glossary of Horticultural and Landscape Terminology," Library of Congress Card Catalog Number 78-165521. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-050, filed 3/21/79.]

**WAC 16-432-060 Plant specifications.** (1) BALLED PLANTS.

(a) Definitions.

(i) Balled and burlapped. Plants prepared for transplanting by digging them so that the soil immediately around the roots remains undisturbed. The ball of earth is then bound up in burlap or similar mesh fabrics. Abbreviated: B & B.

(ii) Balled and potted plants. Field grown plants dug with the ball of earth still intact in which they are growing and in lieu of burlapping are placed in a container to retain the ball unbroken. Abbreviated: B & P.

(iii) Balled wire container. A wire container may be used in lieu of burlap on large plants. None of above three are container grown.

(b) Ball sizes.

(i) Ball sizes shall always be of a diameter and depth to encompass the fibrous and feeding root system necessary for the full recovery of the plant named.

(ii) Minimum ball size specifications for balled and potted plants shall be the same as for balled and burlapped plants.

(2) BARE ROOT PLANTS. All normal quality nursery stock shall have adequate fibrous root system that has been developed by proper cultivating practices, particularly transplanting or root pruning. Pertinent facts as to when larger nursery stock was transplanted or root pruned should be available to the buyer.

(3) COLLECTED PLANTS.

(a) Collected plants shall be graded in the same manner as nursery grown ornamental evergreen plants.

(b) Native collected plant material shall be considered as nursery stock if it is grown in a nursery for a minimum of six months including at least three-month initiation of top growth. [Statutory Authority: Chapter

15.13 RCW. 79-04-026 (Order 1627), § 16-432-060, filed 3/21/79.]

**WAC 16-432-070 Young plants specifications. (1) GENERAL SPECIFICATIONS.**

(a) Definition. This section is to cover small plants not covered in other sections of the standard. (Example: Seedling, ground covers, vines and lining out stock.)

(b) Quality. The quality of all young plants offered is assumed to be normal for the species or variety unless otherwise designated.

(c) Height measurement. Height measurement is from the ground level except on grafted stock.

(d) Trimming. Tops or roots will not be trimmed unless specified by grower or requested by purchaser. (See understock for grafting for general grading by caliper.)

**(2) MEASUREMENT DESIGNATION.**

(a) Dwarf and semi-dwarf.

Use two-inch intervals up to twelve inches (4" - 6" - 8" - 10" - 12")

Use three-inch intervals from twelve inches up (12" - 15" - 18")

(Examples: Berberis atropurpureum 'Crimson Pigmy'  
Picea abies 'Nidiformis'  
Sedums)

(b) Medium grower. Use three-inch intervals up.

(Examples: Azalea mollis  
Prunus laurocerasus 'Zabeliana'  
Hedera helix)

(c) Fast grower. Use six-inch intervals up.

(Examples: Acer rubrum  
Betula alba  
Cytisus 'Burkwoodi'  
Forsythia  
Pinus, except dwarf type)

**(3) TYPES OF PLANTS.**

(a) Type 1 - No stems. Measurement designates spread or age.

(Examples: Ajuga reptans  
Festuca ovina glauca  
Sagina subulata  
Sedums)

(b) Type 2 - Single stem.

(i) Spreading. Measurement designates spread, height not considered.

(Examples: Ceanothus gloriosus  
Cotoneaster dammeri  
Erica carnea  
Juniperus horizontalis 'Wiltonii'  
Mahonia nervosa)

(ii) Semi-spreading. Measurement by spread at least twice height.

(Examples: Ilex crenata 'Helleri'  
Juniperus chinensis pfitzeriana)

(iii) Globe. Measurement spread equal to height.

(Examples: Berberis thunbergi 'Crimson Pygmy'  
Deutzia gracilis  
Thuja oc. 'Little Gem')

(iv) Medium upright. Measurement designates height. Height spread ratio of two to one.

(Examples: Ilex crenata 'Rotundifolia'  
Pieris Japonica  
Rhododendron obtusum 'Hinodegiri')

(v) Upright. Measurement designates height or age.

(Examples: Acer palmatum  
Betula papyrifera  
Mahonia aquifolium  
Myrica californica  
Pseudotsuga menzeisii)

(c) Type 3 - Stoliferous. Measurement - fullness or number of stolons.

(Examples: Gaultheria procumbens  
Pachysandra terminalis  
Vinca minor)

(d) Type 4 - Vining. Measurement designates lengths and/or numbers, runners and/or age.

(Examples: Hedera helix  
Clematis  
Wisteria)

[Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-070, filed 3/21/79.]

**WAC 16-432-080 Deciduous flowering shrubs and shade trees. TYPES.** Deciduous flowering shrubs and shade trees are considered under nine groups, according to their habit, number of stems and root spread.

(1) Deciduous shrubs.

(a) Type 1 - Dwarf shrubs.

Measurement designation

2" intervals to 12"

3" intervals to 18"

6" intervals to 36"

6" shrubs shall have no less than 2 stems,

9" shrubs shall have no less than 3 stems,

12" shrubs shall have no less than 4 stems,

15" shrubs shall have no less than 4 stems,

18" shrubs shall have no less than 5 stems,

21" shrubs shall have no less than 5 stems,

2' shrubs shall have no less than 6 stems,

2-1/2' shrubs shall have no less than 7 stems,

(Examples: Berberis thunbergi 'Crimson Pygmy'  
Deutzia (dwarf forms)  
Potentilla fruticosa  
Spirea 'Anthony Waterer')

(b) Type 2 - Semi-dwarf.

Measurement designation

3" intervals to 18"

6" intervals to 36"

6" shrubs shall have no less than 2 stems,

9" shrubs shall have no less than 3 stems,

12" shrubs shall have no less than 3 stems,

15" shrubs shall have no less than 3 stems,

18" shrubs shall have no less than 3 stems,

21" shrubs shall have no less than 3 stems,

2' shrubs shall have no less than 4 stems,

2-1/2' shrubs shall have no less than 4 stems,

(Examples: Azalea (deciduous)  
Berberis thunbergi  
Cornus alba 'Sibirica')

Rosa multiflora setigera  
Ligustrum  
Potentilla

Caliper

Minimum Height

(c) Type 3 – Strong growing.

Measurement designation

6" intervals to 36"

1' intervals to 5'

6" shrubs shall have no less than 2 stems,  
12" shrubs shall have no less than 3 stems,  
18" shrubs shall have no less than 3 stems,  
2' shrubs shall have no less than 3 stems,  
3' shrubs shall have no less than 4 stems,  
4' shrubs shall have no less than 5 stems,

Examples: Chaenomeles  
Forsythia (all varieties)  
Hydrangea  
Philadelphus virginialis  
Prunus (bush forms)  
Symphoricarpos albus  
Syringa chinensis  
Viburnum tomentosum

1"	4'
1 1/4"	6'
1 1/2"	8'
1 3/4"	10'
2"	12'
2 1/2"	12'
3"	14'
3 1/2"	14'
4"	16'
5"	18'

Examples: Acer platanoides  
Betula  
Fraxinus  
Populus  
Salix  
Zelkova

(d) Type 4 – Strong growing, light structure.

Measurement designation

Same as Type 3

6" shrubs shall have no less than 1 stem,  
12" shrubs shall have no less than 2 stems,  
18" shrubs shall have no less than 2 stems,  
2' shrubs shall have no less than 2 stems,  
3' shrubs shall have no less than 3 stems,  
4' shrubs shall have no less than 4 stems,

Examples: Cotinus coggygria  
Syringa vulgaris  
Tamarix

(ii) Type B – Slower growing shade trees. Trees of slower growth which will not usually attain the height measurement in relation to caliper as in Type A. The height should, however, be not less than two-thirds the height in relation to caliper given for Type A.

Examples: Liquidamber styraciflua  
Laburnum  
Quercus rubra  
Malus 'Hopa'

(c) Type C – Small upright and small flowering trees. This is a broad group including small trees as well as usual forms of plants which may be grown as a clump or shrub. For single stem plants, the minimum relationship of caliper and height will be as follows:

(2) Shade and flowering trees.

(a) Caliper and height measurements.

- (i) In size grading container or B & B trees, caliper shall take precedence over height.
- (ii) In size grading bare root trees, height shall take precedence to 6 feet, thereafter caliper takes precedence. Two grades above specified height will be allowable to attain specified caliper.
- (iii) Trunk caliper shall be taken 6 inches above the ground level at which the plant has been growing up to and including 4 inch caliper size and 12 inches for larger sizes.
- (iv) For budded or grafted stock, caliper shall be measured 2 inches above bud collar or graft.
- (v) Height measurements less than the minimum height listed may be in 6 inch increments.

(b) Types of trees.

- (i) Type A – Shade trees.

Minimum Height	Caliper	Branches
2'	–	2 or more
2 1/2'	–	2 or more
3'	–	2 or more
4'	–	3 or more
5'	–	4 or more
6'	3/4"	5 or more
7'	1"	6 or more
8'	1"	7 or more

Examples: Acer circinatum  
Malus (most crabapples)  
Magnolias  
Prunus 'Thundercloud'  
Styrax

(d) Type D – Small spreading trees. This is a group including small spreading trees of dwarf habit of growth and certain large shrubs grown in tree or multi-stemmed form. Height shall be the governing measurement. For single stem plants, the minimum branching should be as follows:

- 2 feet – 4 or more branches
- 2 1/2 feet – 4 or more branches
- 3 feet – 5 or more branches



- 3 1/2 feet – 6 or more branches
- 4 feet – 7 or more branches
- 5 feet – 8 or more branches
- 6 feet – 8 or more branches

Examples: Acer palmatum  
Cornus  
Magnolia stellata

(e) Type E – Clump types. Tall growing trees with 2 or more main stems. No stems shall be included in total count which vary more than one grade from the size specified, and in no case can one stem be in excess of one grade lower than the size specified. Also in each instance all countable stems shall average, in aggregate, the size specified. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-080, filed 3/21/79.]

**WAC 16-432-090 Coniferous evergreens.** (1) Definition. Needle-bearing plants. A plant which bears seeds in a cone; with the exception of the larches and the bald cypress, practically all conifers are evergreen. (See WAC 16-432-080, Deciduous Flowering Shrubs and Shade Trees)

(2) Grade terms. (Growth patterns)

(a) Dwarf or slow grower – Use 2-inch intervals up to 12 inches.

(b) Medium grower – Use 3-inch intervals up to 24 inches.

(c) Fast grower – Use 6-inch intervals up to 5 feet.

(3) Measurement of types.

(a) Type 1 – Spreading or semi-spreading. Measurement designates spread (height not considered).

Example: Juniperus horizontalis (and varieties)  
Pinus mugo  
Taxus baccata 'Repandens'

(b) Type 2 – Globe or dwarf. Measurement designates height. Spread should not be less than two-thirds of the height.

Example: Chamaecyparis obtusa 'Nana'  
Picea abies 'Nidiformis'  
Thuja occidentalis 'Little Gem'

(c) Type 3 – Cone (Pyramidal). Measurement designates height. Spread should not be less than one-half the height.

Example: Chamaecyparis obtusa Gracilis  
Cedrus deodara  
Taxus cuspidata capitata  
Thuja occidentalis

(d) Type 4 – Broad upright. Measurement designates height. Spread should not be less than one-third the height.

Example: Cham. L. 'Allumii'  
Juniperus chinensis 'Keteleeri'  
Picea abies  
Pinus nigra

(e) Type 5 – Columnar. Measurement designates height. Spread should not be less than one-fifth the height.

Example: Cupressus sempervirens (Italian Cypress)  
Thuja occidentalis, orientalis  
(columnar type varieties)

Taxus media 'Hicksii'  
Taxus baccata 'Fastigiata'

[Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-090, filed 3/21/79.]

**WAC 16-432-100 Broadleaf evergreen shrubs.** (1) GENERAL SPECIFICATIONS. (See WAC 16-432-080, Deciduous Flowering Shrubs and Shade Trees)

(a) Definition. Plants which maintain live foliage throughout the year.

(b) Measurement of height should begin at the ground line and should continue up to where the main part of the plant ends and not to the tip of a thin shoot.

(c) Measurement at spread should be average fill of plant and not the greatest diameter.

(d) All unbranched plants shall be so designated when spread is involved in the measurement.

(e) For tree forms, see shade and flowering trees.

(2) GRADE TERMS (Growth patterns).

(a) Dwarf or slow grower – Use 2-inch intervals up to 12 inches.

(b) Medium grower – Use 3-inch intervals up to 24 inches.

(c) Fast grower – Use 6-inch intervals up to 5 feet.

(3) MEASUREMENT OF TYPES.

(a) Type 1 – Spreading or semi-spreading. Measurement designates spread (height not considered).

Example: Cotoneaster dammeri  
Mahonia nervosa  
Azalea 'Gumpo'  
Rhododendron 'Elisabeth'  
Erica in variety

(b) Type 2 – Globe or dwarf. Measurement designates height. Spread should not be less than two-thirds of the height.

Example: Buxus sempervirens 'Truedwarf'  
Ilex crenata 'Convexa'  
Berberis Verruculosa  
Rhododendron 'Unique'  
Pieris japonica

(c) Type 3 – Cone pyramidal. Measurement designates height. Spread should not be less than one-half the width.

Example: Chamaecyparis obtusa Gracilis  
Cedrus deodara  
Taxus cuspidata capitata  
Thuja occidentalis

(d) Type 4 – Broad upright. Measurement designates height. The spread should not be less than one-third of the height.

Example: Camellia japonica  
Mahonia aquifolium  
Pyracantha (tall type)  
Viburnum tinus  
Rhododendron 'Arthur Bedford'  
Ilex aquifolium  
Ilex opaca

(e) Type 5 – Columnar cone. Measurement designates height. Spread should not be less than one-fifth of the height.

Example: Rhododendron 'Yellow Hammer'  
 Ilex crenata 'Mariesii'  
 Cotoneaster 'Hybridus Pendulus'

[Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-100, filed 3/21/79.]

**WAC 16-432-110 Fruit trees. (1) GENERAL.**

Caliper should be taken two inches above bud.  
 Height should be taken from the ground level or collar.

Caliper shall govern.  
 All trees should have reasonably straight trunks.

**(2) MEASUREMENT DESIGNATIONS.**

- (a) Branched trees.
  - 5/16" and larger should be branched except one year Sweet Cherry.
  - 5/8" and larger should have three or more side branches.

Caliper (in inches)	Recommended Metric Equivalent	Minimum Heights unless otherwise specified Feet	Metric
Standard Apple, Cherry-Sweet, Peach, Almond, Nectarine, Pear, Apricot, Prune and Plum (1 and 2 years)			
1"	25 mm	6'	1.75m
7/8"	22 mm	5'	1.5 m
3/4"	20 mm	5'	1.5 m
5/8"	16 mm	4'	1.25 m
1/2"	13 mm	3-1/2'	1.0 m
3/8"	10 mm	3'	90 cm
5/16"	8 mm	2-1/2'	80 cm
1/4"	6 mm	2'	60 cm
Standard Cherry-Sour and Dwarf Peach, Pear, Nectarine, Apricot, Prune and Plum (on clonal rootstock only)			
1"	25 mm	5'	1.5 m
7/8"	22 mm	4-1/2'	1.4 m
3/4"	20 mm	4-1/2'	1.4 m
5/8"	16 mm	4'	1.25 m
1/2"	13 mm	3-1/2'	1.0 m
3/8"	10 mm	3'	90 cm
5/16"	8 mm	2-1/2'	80 cm
1/4"	6 mm	2'	60 cm
Dwarf apple (including clonal rootstocks and interstem trees)			
1"	25 mm	5-1/2'	1.6 m
7/8"	22 mm	5'	1.5 m
3/4"	20 mm	5'	1.5 m
5/8"	16 mm	4-1/2'	1.4 m
1/2"	13 mm	4'	1.25 m
3/8"	10 mm	3-1/2'	1.0 m
5/16"	8 mm	3'	90 cm
1/4"	6 mm	2'	60 cm

(b) Partially branched or one-year whips. Measured by caliper only.

1" — 7/8" — 3/4" — 5/8" — 1/2" — 3/8" — 1/4"

(c) For small tree seedlings and dwarf understock see "Understock for grafting and budding." [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-110, filed 3/21/79.]

**WAC 16-432-120 Understock for grafting and budding. Measurement designations.**

**(1) FRUIT AND TREE SEEDLINGS.**

(a) Caliper measurement. Caliper shall be taken at the collar or ground line. Grades should be designated as follows:

Caliper (in inches)	Recommended Metric Equivalent	Minimum Height (in inches)
1/2"	12 mm	12"
3/8"	9 mm	9"
1/4"	7 mm	7"
3/16"	5 mm	5"
2/16"	4 mm	4"
1/16"	3 mm	4"

Exception: Grade No. 1 "straight" of apple seedlings should be graded from 3/16-inch caliper (optional metric range should be from 5 mm to 8 mm).

(b) Seedlings with limbs. In case of seedlings with limbs, there should be at least two inches (5 cm) above the collar free of limbs for a minimum of one-half of the circumference of the seedling.

(c) Root descriptions. In case of apple and pear seedlings, where the root description is given as branched or straight, the following shall apply:

(i) Branched root: Not less than three root branches must be present within five inches (12.5 cm) from the collar.

(ii) Straight root: The root shall carry the minimum caliper of the grade for not less than six inches (15 cm) from the collar.

**(2) Vegetatively propagated fruit stock.**

(a) In the case of fruit understock grown from "cuttings" or from layerage, the caliper shall be taken on the original cutting or layer at a point ten inches (25 cm) above the collar.

(b) All forms of vegetatively propagated fruit tree rootstock should have a minimum of four rootlets on each cutting or layer.

(i) Examples: Merton Malling Nos. 111, 106, M-7A, M-9, M-26, M-27 apple, Prunus marriana and Prunus myrobolan.

(ii) Exception: Any rootstocks not meeting the above specifications for root systems should be labeled as "unclassified" grade and the minimum numbers of rootlets specified.

**(3) Conifers - Evergreens.**

Height	Minimum Caliper
6"	1/4" 7 mm
5"	3/16" 5 mm
4"	1/8" 4 mm
4"	1/16" 3 mm

[Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-120, filed 3/21/79.]

**WAC 16-432-130 Nursery stock standard for roses.**

(1) GENERAL SPECIFICATIONS. (a) Washington grades No. 1, No. 1-1/2 and No. 2 should meet the specified size requirements in the table under size terms.

(b) Classification of roses will be based on the latest publication of Modern Roses.

(2) MEASUREMENT DESIGNATIONS.

(a) Maximum branching height shall be three inches above bud union.

(b) The specifications outlined for length of canes is applicable before pruning in preparation for sale.

Tea, Hybrid Tea, Grandiflora, Rugosa Hybrids, Perpetuals, and Moss Roses and miscellaneous Bush Roses.

	Strong Growing Number of Canes Ht.	Light Growing Number of Canes Ht.
No. 1	3 (2 of which are 16")	3 (2 of which are 16")
No. 1-1/2	2 15"	2 13"
No. 2	2 12"	2 10"
<b>Floribunda</b>		
No. 1	3 (2 of which are 15")	
No. 1-1/2	2 14"	
No. 2	2 12"	
<b>Polyantha and Low Growing Floribunda</b>		
No. 1	4 10"	
No. 1-1/2	3 8"	
No. 2	2 8"	
<b>Climbing</b>		
No. 1	3 16"	
No. 1-1/2	2 13"	
No. 2	2 12"	
<b>Wichuriana and Wachuriana Types</b>		
No. 1	4 16"	
No. 1-1/2	3 13"	
No. 2	3 10"	

[Statutory Authority: Chapter 15.13 RCW, 79-04-026 (Order 1627), § 16-432-130, filed 3/21/79.]

**Chapter 16-445 WAC  
STANDARDS FOR ITALIAN PRUNES**

WAC 16-445-040 Washington No. 1 grade and tolerances.

**WAC 16-445-040 Washington No. 1 grade and tolerances.** (1) Defined. Washington No. 1 grade shall consist of prunes of one variety which are well formed (1), mature (2) but not overripe, soft or shriveled, and which are free from decay and sunscald (3), and from damage (4) caused by broken skins (4a), heat injury (4b), growth cracks (4c), sunburn (4d), split pits (4e), hail marks (4f), drought spots (4g), russetting (4h), scars (4i), dirt or other foreign material, disease, insects or mechanical or other means. Italian type prunes shall have two-thirds of the surface with purplish color characteristic of the particular area where grown, and unless otherwise specified, the minimum size of such prunes shall be not less than 1-1/4 inches in diameter (7).

(2) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances are specified:

(a) At shipping point: Not more than a total of ten percent, by count, of the prunes in any container may not meet the requirements of this grade for defects other than color and size, but not more than five percent by

count, may be allowed for defects causing serious damage and not more than one percent may be allowed for decay. In addition, not more than ten percent, by count, in any container may not meet the color requirements and not more than ten percent, by count, may not meet the size specifications, but the combined tolerance for all defects shall not exceed fifteen percent.

(b) At destination or en route: Not more than a total of eighteen percent of the prunes in any container may not meet the requirements of this grade and not more than the following percentages shall be allowed for the defects listed:

Ten percent which fail to meet the color requirement;  
Ten percent which fail to meet the minimum size requirement;

Ten percent which fail to meet the requirements of the grade because of other permanent defects;

Seven percent for defects causing serious damage, including therein not more than five percent for serious damage by permanent defects and not more than two percent decay. [Statutory Authority: Chapter 15.17 RCW, 78-04-061 (Order 1549), § 16-445-040, filed 3/31/78; Order 1262, § 16-445-040, filed 5/5/72; Order 698, (1), effective 6/15/54; Order 662, effective 7/8/53.]

**Chapter 16-446 WAC  
GRADES AND STANDARDS FOR CERTIFIED  
SEED POTATOES**

WAC 16-446-001 through 16-446-210 Repealed.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 16-446-001 Promulgation. [Order 1200, § 16-446-001, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW.
- 16-446-100 Tuber inspection—Diseases and grades. [Order 1200, § 16-446-100, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-445.
- 16-446-110 Specific requirements (Percentage tolerances). [Order 1200, § 16-446-110, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-450.
- 16-446-120 Washington No. 1 certified seed potatoes (blue tag stock). [Order 1200, § 16-446-120, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-120.
- 16-446-130 Washington No. 2 certified seed potatoes (red tag stock). [Order 1200, § 16-446-130, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-470.
- 16-446-140 Washington single drop certified seed potatoes (white tag stock). [Order 1200, § 16-446-140, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-480.

- 16-446-150 Washington buff certified seed potatoes (buff tag stock). [Order 1200, § 16-446-150, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-490.
- 16-446-160 Marking requirements. [Order 1200, § 16-446-160, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-500.
- 16-446-170 Tolerances. [Order 1200, § 16-446-170, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-510.
- 16-446-180 Definition of terms. [Order 1200, § 16-446-180, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-520.
- 16-446-190 Definition—Damage. [Order 1200, § 16-446-190, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-530.
- 16-446-200 Definition—Serious damage. [Order 1200, § 16-446-200, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-540.
- 16-446-210 Effective date. [Order 1200, § 16-446-210, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW.
- 16-454-080 Measurement. [Order 1320, § 16-454-080, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-454-085 Size terms. [Order 1320, § 16-454-085, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-454-090 Container grown roses. [Order 1320, § 16-454-090, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-454-095 Effective date. [Order 1320, § 16-454-095, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

**WAC 16-454-050 through 16-454-095 Repealed.**  
See Disposition Table at beginning of this chapter.

### Chapter 16-462 WAC GRAPEVINES—REGISTRATION AND CERTIFICATION

- WAC
- 16-462-015 Definitions.
- 16-462-020 Requirements.
- 16-462-030 Application and fees.

**WAC 16-462-015 Definitions.** (1) "Virus infected (affected)" means presence of a virus(es) in a plant or plant part.

(2) "Virus-like" means a disorder of genetic or non-transmissible origin.

(3) "Off-type" means not true-to-name.

(4) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

(5) "Index or indexing" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant; or by any other method.

(6) "Registered vine" means that in a mother block and/or foundation block a number has been assigned by the department to a grape vine that has been inspected and tested virus free in accordance with the provisions of this program.

(7) "Foundation block" means a planting of grape vines established, operated and maintained by Washington State University, that are indexed to be free from viruses and that are true-to-name. Cuttings to establish mother blocks will be furnished to the applicants by the Washington State Department of Agriculture. Written requests for foundation material must be received by the Department of Agriculture before December 1 of each year.

(8) "Mother block" means a planting of grape vines for which propagating material originated directly from the Washington State University foundation block or first generation plants originating from such stock. The mother blocks will be maintained by the nurserymen and provide propagating wood to produce Washington certified grape nursery stock.

(9) "Washington certified grape nursery stock" means vines, rooted cuttings and cuttings taken or propagated directly from foundation or mother blocks and certified

**WAC 16-446-001 through 16-446-210 Repealed.**  
See Disposition Table at beginning of this chapter.

### Chapter 16-454 WAC NURSERY STOCK STANDARDS FOR ROSES

#### WAC

16-454-050 through 16-454-095 Repealed.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-454-050 Promulgation. [Order 1320, § 16-454-050, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 16-432 WAC.
- 16-454-055 Grades and standards. [Order 1320, § 16-454-055, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-454-060 Tolerance. [Order 1320, § 16-454-060, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-454-065 Marking requirements. [Order 1320, § 16-454-065, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-454-070 Compliance with federal and state law. [Order 1320, § 16-454-070, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-454-075 Collected plants. [Order 1320, § 16-454-075, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

in accordance with the provisions of this program. Certified plants grown in a greenhouse may be used for one growing season to propagate additional certified plants. [Statutory Authority: Chapter 15.14 RCW. 78-10-072 (Order 1583), § 16-462-015, filed 9/27/78; Order 1397, § 16-462-015, filed 4/7/75; Order 1193, § 16-462-015, filed 4/19/71; Order 1084, § 16-462-015, filed 4/2/68.]

**WAC 16-462-020 Requirements.** (1) Applicant. (a) The applicant nurseryman shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of mother blocks and nursery stock. He shall be responsible for maintaining the identity of all nursery stocks and mother block vines, and for keeping all plants in a thrifty growing condition and free of plant pests.

(b) He shall take suitable precautions in cultivation, irrigation, movement and use of equipment, and in other farming practices, to guard against spread of soil-borne pests to plantings entered under this program. He shall keep all areas clean cultivated except for cover crops.

(c) He shall remove and destroy immediately, following notification by the department, any registered vine or nursery plant found to be affected by a virus or virus-like disease or is off-type.

(d) The applicant agrees to make available to commercial grape growers, following the establishment of a mother block, at least seventy-five percent of certified cuttings or plants of each variety available each year.

(2) Location. The foundation block, all mother blocks and nursery stock shall be located at least 100 feet from any land on which noncertified grape vines have been grown within the past ten years.

(3) General. (a) Plants in the mother blocks shall be spaced at a minimum of 6 to 10 feet in the row, and rows 10 feet apart, with 16 to 20 feet between varieties in the row. These spacing requirements will not apply to mother blocks established in a greenhouse.

(b) Cuttings from each mother block variety and selection number must be identified and kept separate during the growing season.

(c) Treatment to eliminate soil-borne pests may be required.

(d) All nursery stock other than greenhouse grown plants shall comply with the grades and standards for Washington certified grape nursery stock as listed in the order for grades and standards.

(e) Certified stock shall remain in the nursery no more than two growing seasons.

(f) The state of Washington Department of Agriculture makes no warranty, expressed or implied, or representation as to the freedom from disease or quality of grape planting stock. An inspection tag will be attached by the plant grower. Certification is based solely on visual inspections of sample plants of this lot which were found to meet tolerances prescribed in chapter 16-462 WAC. Certification of this lot does not represent the freedom from disease or quality of any other lot of grape planting stock. Inspection reports of all lots of grape planting stock entered for certification can be inspected

at the Department of Agriculture, Olympia, Washington. For a more detailed description of the certification requirements, read chapter 16-462 WAC. [Statutory Authority: Chapter 15.14 RCW. 78-10-072 (Order 1583), § 16-462-020, filed 9/27/78; Order 1193, § 16-462-020, filed 4/19/71; Order 1084, § 16-462-020, filed 4/2/68.]

**WAC 16-462-030 Application and fees.** (1) Application. (a) The applicant nurseryman shall furnish information requested and shall give his consent to the department to take plants or plant parts from any planting for inspection or testing purposes.

(b) Application for inspection must be filed with the department by January 1 of each year accompanied by a one hundred dollar application fee.

(c) Inspection fees established are payable upon completion of the work to be done and are for the sole purpose of defraying expenses incurred in the inspection, approval, registration, and certification procedures provided.

(d) Payment for inspection of mother blocks and nursery stock for registration and certification must be made upon completion of the inspection. Billing to the nurseryman to be made by the plant industry division.

(2) Inspection fees. (a) The inspection tags shall be furnished by the department of agriculture.

(b) The mother block and nursery stock inspection fee shall be in accordance with chapter 16-400 WAC as adopted or hereafter amended, entitled Horticultural Inspection Fees, WAC 16-400-210, hourly charge, and WAC 16-400-250, entitled mileage. [Statutory Authority: Chapter 15.14 RCW. 78-10-072 (Order 1583), § 16-462-030, filed 9/27/78; Order 1397, § 16-462-030, filed 4/7/75; Order 1193, § 16-462-030, filed 4/19/71; Order 1084, § 16-462-030, filed 4/2/68.]

## Chapter 16-494 WAC

### BACTERIAL DISEASES OF BEANS

#### WAC

16-494-001	Establishing quarantine.
16-494-040	Conditions.
16-494-060	Repealed.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-494-060	Effective date. [Order 1309, § 16-494-060, filed 4/24/73; Order 1196, § 16-494-060, filed 4/16/71; Order 1077, § 16-494-060, filed 2/7/68; Order 1013 (part), filed 4/1/66; Order 1004 (part), filed 2/11/66.] Repealed by 79-09-099 (Order 1651), filed 8/31/79. Statutory Authority: chapter 15.49 RCW.
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**WAC 16-494-001 Establishing quarantine.** Halo Blight *Pseudomonas phaseolicola* (Burk.) Dows., Common Bean Blight *Xanthomonas phaseoli* (E.F.Sm.) Dows., Fuscous Blight *Xanthomonas phaseoli* var. *fuscans* (Burk.), Bean Bacterial Wilt *Corynebacterium flaccumfaciens* (Hedges) Dows., and any new strains or variations of the above disease are hereinafter referred

to as bacterial diseases. A quarantine will be effective in preventing the introduction of said bacterial diseases of beans, and control of the said bacterial diseases of beans will provide the common bean growers of the state of Washington with a source of common beans for planting purposes which are disease free. [Statutory Authority: Chapter 15.49 RCW. 79-09-099 (Order 1651), § 16-494-001, filed 8/31/79. Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-104 (Order 1555), § 16-494-001, filed 3/1/78, effective 4/1/78; Order 1309, § 16-494-001, filed 4/24/73; Order 1196, § 16-494-001, filed 4/16/71; Order 1077, § 16-494-001, filed 2/7/68; Order 1013 (part), filed 4/1/66; Order 1004 (part), filed 2/11/66.]

**WAC 16-494-040 Conditions.** (1) No beans shall be planted in the regulated area which are found to be or are known to be contaminated with the aforementioned diseases.

(2) No common beans or Azuki beans (*Phaseolus angularis*) shall be shipped, transported, or moved into the regulated area for planting on or after the effective date of this quarantine unless such beans are accompanied by an origin Phyto-Sanitary Certificate showing that such common beans are free from the aforementioned diseases on the basis of at least one field inspection and one windrow inspection: *Provided*, That the [requirement] [requirements] for the windrow inspection portion of the Phyto-Sanitary Certificate requirement may be waived when the bean seed is accompanied by an official certificate, issued by an approved testing agency stating such bean seed is free from the aforementioned diseases, based on an approved laboratory and/or greenhouse test of a 5 pound sample from each 10,000 pounds or fraction thereof and/or any other methods approved by the director: *Provided*, That said bean seed planted for seed increase or with intentions of seed increase shall be planted only in fields entered into either the Washington State Seed Certification Inspection Program or the Washington State Bean Seed Phyto-Sanitary Certificate Inspection Program.

(3) However, bean seed that is in compliance with this quarantine planted for harvest as green beans for canneries or freezing are not required to be entered into an inspection program. However, the department reserves the right to request complete listing and location of all such plantings and other information the department may deem necessary. Further, if for any reason it is decided that said plantings are not to be harvested as green beans the Department of Agriculture, 2015 S. 1st Street, Yakima, Washington 98903, must be notified immediately and said plantings placed under an inspection program.

(4) The requirement for a Phyto-Sanitary Certificate will be waived for Pinto, Red Mexican, Great Northern, Pink, Black Turtle, Small White, and Flat Small White beans grown west of the Continental Divide, when the seed is accompanied by an official certificate, issued by an approved testing agency stating such bean seed is free from the aforementioned diseases, based on an approved laboratory and/or greenhouse test, and/or any other

methods approved by the director. Each planting made from said bean seed shall be reported to the director who shall have authority to enter and inspect said field.

(5) This quarantine shall not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the said regulated area if, as far as known, said beans are free of bacterial diseases.

(6) This quarantine shall not apply to experiments or trial grounds of the United States Department of Agriculture or Washington State University Experiment Station, or to any person, firm, or corporation: *Provided*, That said plantings are approved by the director, and under supervision of technically trained personnel familiar with bacterial diseases.

(7) Any person prior to shipping, moving, or transporting any common beans for planting purposes into the regulated area shall forthwith notify the department of agriculture in writing of such person's intent to ship, move, or transport any common beans into said regulated area. Such notice of intent shall be accompanied by a copy of the Phyto-Sanitary Certificate issued for such common beans. [Statutory Authority: Chapter 15.49 RCW. 79-09-099 (Order 1651), § 16-494-040, filed 8/31/79; 79-05-063 (Order 1614), § 16-494-040, filed 4/30/79; Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-104 (Order 1555), § 16-494-040, filed 3/1/78, effective 4/1/78; Order 1309, § 16-494-040, filed 4/24/73; Order 1196, § 16-494-040, filed 4/16/71; Order 1077, § 16-494-040, filed 2/7/68; Order 1013 (part), filed 4/1/66; Order 1004 (part), filed 2/11/66.]

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 16-494-060 Repealed.** See Disposition Table at beginning of this chapter.

### Chapter 16-495 WAC

#### ANNUAL BLUEGRASS QUARANTINE

##### WAC

16-495-001	Repealed.
16-495-002	Repealed.
16-495-003	Repealed.
16-495-004	Establishing quarantine.
16-495-005	Repealed.
16-495-050	Conditions governing movement of regulated articles.
16-495-070	Repealed.
16-495-080	Annual bluegrass quarantine procedures.
16-495-085	Definitions.
16-495-090	Procedure for clearing.
16-495-095	Seed stock containing annual bluegrass.
16-495-105	Fees.
16-495-110	Violation procedures.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-495-001	Promulgation—Establishing quarantine. [Order 1310, § 16-495-001, filed 4/24/73; Order 1197, § 16-495-001, filed 4/16/71.] Repealed by 79-05-086 (Order
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- 16-495-002 Promulgation. [Order 1308, § 16-495-002, filed 4/24/73; Order 1248, § 16-495-002, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-086 (Order 1607), filed 5/1/79. Statutory Authority: Chapter 15.49 RCW.
- 16-495-003 Promulgation. [Order 1364, § 16-495-003, filed 6/12/74.] Repealed by 79-05-086 (Order 1607), filed 5/1/79. Statutory Authority: Chapter 15.49 RCW.
- 16-495-005 Promulgation. [Order 1468, § 16-495-005, filed 5/13/76.] Repealed by 79-05-086 (Order 1607), filed 5/1/79. Statutory Authority: Chapter 15.49 RCW.
- 16-495-070 Effective date. [Order 1467, § 16-495-070, filed 5/13/76; Order 1310, § 16-495-070, filed 4/24/73; Order 1197, § 16-495-070, filed 4/16/71.] Repealed by 79-09-103 (Order 1654), filed 8/31/79. Statutory Authority: Chapter 15.49 RCW.

**WAC 16-495-001 Repealed.** See Disposition Table at Beginning of this chapter.

**WAC 16-495-002 Repealed.** See Disposition Table at Beginning of this chapter.

**WAC 16-495-003 Repealed.** See Disposition Table at Beginning of this chapter.

**WAC 16-495-004 Establishing quarantine.** The seeds of the weed known as annual bluegrass, *Poa annua* and its known strains, hereinafter referred to as annual bluegrass, are objectionable in grass seed; therefore, an annual blue grass quarantine is established to prevent the introduction of annual bluegrass into grass seed production areas, to control seed stocks to be planted for further seed increase, and to assure grass seed growers of a source of seed stock for planting purposes which is annual bluegrass free. [Statutory Authority: Chapter 15.49 RCW. 79-09-103 (Order 1654), § 16-495-004, filed 8/31/79; Order 1467, § 16-495-004, filed 5/13/76.]

**WAC 16-495-005 Repealed.** See Disposition Table at Beginning of this chapter.

**WAC 16-495-050 Conditions governing movement of regulated articles.** (1) No seed stock shall be shipped, transported, or moved in, or into the regulated area on or after the effective date of this quarantine unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of annual bluegrass on the basis of a minimum 25 gram analysis for bluegrasses and bentgrasses and a minimum of 50 gram analysis for other grasses: *Provided*, That seed stock found to contain annual bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the state department of agriculture.

(2) This quarantine shall not apply to seed sown for forage or turf.

(3) This quarantine shall not apply: To experiments or trial grounds of the United States Department of Agriculture; to experiments or trial grounds of Washington State University Experiment Station; or to trial grounds

of any person, firm, or corporation; provided said trial ground plantings are approved by the director and under supervision of technically trained personnel familiar with annual bluegrass control.

(4) Any person shipping, moving or transporting any seed stock for planting purposes in or into the regulated area that is not tagged with official "Annual Bluegrass Quarantine" tags shall:

(a) State where and when seed stock can be sampled for the required annual bluegrass test; or

(b) Have attached a copy of the official laboratory analysis showing freedom from annual bluegrass; or

(c) Have representative sample submitted for testing. [Statutory Authority: Chapter 15.49 RCW. 79-05-085 (Order 1620), § 16-495-050, filed 5/1/79; Order 1467, § 16-495-050, filed 5/13/76; Order 1310, § 16-495-050, filed 4/24/73; Order 1197, § 16-495-050, filed 4/16/71.]

**WAC 16-495-070 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-495-080 Annual bluegrass quarantine procedures.** The following procedures will be followed in implementing the annual bluegrass (*Poa annua*) quarantine which specifies: Each lot of grass seed stock shipped, transported or moved in or into that area of the state of Washington lying east of the Cascade Divide shall be sampled under supervision of the Washington State Department of Agriculture and tested by an official seed laboratory for annual bluegrass (*Poa annua*). [Statutory Authority: Chapter 15.49 RCW. 79-05-086 (Order 1607), § 16-495-080, filed 5/1/79; Order 1468, § 16-495-080, filed 5/13/76; Order 1308, § 16-495-080, filed 4/24/73; Order 1248, § 16-495-080, filed 4/13/72, effective 5/14/72.]

**WAC 16-495-085 Definitions.** (1) Annual bluegrass - *Poa annua* and all related subspecies.

(2) Seed stock - those seeds of grasses which are to be planted for seed increase or with intent of seed increase; except this definition does not include: Big Bluegrass, Upland Bluegrass, Brome, Tall Fescue, Meadow Fescue, Oatgrass, Orchardgrass, Timothy, or Wheatgrass.

(3) Official Seed Laboratory - seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Lab, 2015 South 1st Street, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

(4) Representative Sample - sample drawn in accordance with sampling procedures adopted by the director.

(5) Annual Bluegrass Analysis Certificate - a test report from an official laboratory showing freedom from annual bluegrass of a 25 gram sample for bluegrass; 50 gram sample for other grasses.

(6) Quarantine Tag - a tag issued by Washington State Department of Agriculture to be sealed to each bag showing said seed has met quarantine requirements. [Statutory Authority: Chapter 15.49 RCW. 79-05-086 (Order 1607), § 16-495-085, filed 5/1/79; Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-105

(Order 1556), § 16-495-085, filed 3/1/78, effective 4/1/78; Order 1468, § 16-495-085, filed 5/13/76; Order 1364, § 16-495-085, filed 6/12/74; Order 1248, § 16-495-085, filed 4/13/72, effective 5/14/72.]

**WAC 16-495-090 Procedure for clearing.** (1) Each person moving, shipping or transporting seed stock in or into the regulated area must:

(a) Submit an official laboratory analysis of a representative sample showing freedom from annual bluegrass; or

(b) Have a representative sample submitted for testing.

(2) Upon receipt of an official laboratory analysis showing freedom from annual bluegrass, the department of agriculture will tag each bag of those lots found free of annual bluegrass by the required test with "Annual Bluegrass Quarantine" tag, stating said seed is eligible for planting in eastern Washington. [Statutory Authority: Chapter 15.49 RCW. 79-05-086 (Order 1607), § 16-495-090, filed 5/1/79; Order 1468, § 16-495-090, filed 5/13/76; Order 1364, § 16-495-090, filed 6/12/74; Order 1308, § 16-495-090, filed 4/24/73; Order 1248, § 16-495-090, filed 4/13/72, effective 5/14/72.]

**WAC 16-495-095 Seed stock containing annual bluegrass.** Each lot of seed stock found to contain annual bluegrass shall be placed under "Stop Sale" to be released only for shipment out of the quarantine area or for planting in nurseries of two acres or less under the supervision of, and approved by, an agent of the Department of Agriculture. The nursery shall be seeded in rows. It shall be the duty of the person receiving such seed to rogue this increase area or chemically treat to eradicate the annual bluegrass thus assuring production of seed that is free of annual bluegrass. Seed increase areas shall be inspected by the department at least three times during the seedling year. Any areas not passing inspection shall not be harvested, but instead shall be destroyed by the person who planted the increase area upon order of the director of the Washington State Department of Agriculture or his agent. If not destroyed as directed, the Department of Agriculture shall have the plot destroyed and the grower shall be liable for all expenses. [Statutory Authority: Chapter 15.49 RCW. 79-05-086 (Order 1607), § 16-495-095, filed 5/1/79; Order 1468, § 16-495-095, filed 5/13/76; Order 1248, § 16-495-095, filed 4/13/72, effective 5/14/72.]

**WAC 16-495-105 Fees.** (1) Fees for sampling and analysis shall be that fee established by the director.

(2) Inspection fee for nursery plantings shall be \$50.00 per acre or portion thereof.

(3) The tagging fee shall be 50¢ cwt with a minimum fee of \$10.00. [Statutory Authority: Chapter 15.49 RCW. 79-05-086 (Order 1607), § 16-495-105, filed 5/1/79; Order 1468, § 16-495-105, filed 5/13/76; Order 1364, § 16-495-105, filed 6/12/74; Order 1248, § 16-495-105, filed 4/13/72, effective 5/14/72.]

**WAC 16-495-110 Violation procedures.** (1) A person who violates quarantine shall meet with a representative of the Seed Branch to determine:

(a) If a violation actually occurred;

(b) How it did occur, and what corrective measures can be taken to avoid recurrence;

(c) How much acreage is involved and location of all plantings.

(2) Corrective procedures shall be agreed upon, such as roguing, chemical treatment, etc., and the time frame for such work, or agreement for voluntary destruction of all acreage involved.

(3) Treated and rogued acreage shall be inspected by Department of Agriculture three times during the seedling stages to assure freedom from annual bluegrass. Violator will be assessed hourly inspection fee and mileage fee where additional mileage is involved.

(4) Failure to mutually agree, or failure to comply with these procedures, or if it is determined the violation was willful, will be referred to the Attorney General for action. [Statutory Authority: Chapters 15.49 & 17.24 RCW. 78-03-105 (Order 1556), § 16-495-110, filed 3/1/78, effective 4/1/78.]

#### Chapter 16-497 WAC

#### HOP DISEASE QUARANTINE (EFFECTIVE 6/1/80)

##### WAC

16-497-001	Establishing quarantine.
16-497-010	Quarantine area.
16-497-020	Commodities covered.
16-497-030	Regulations.
16-497-040	Disposition of material shipped in violation of this quarantine.
16-497-050	Exemption.
16-497-060	Violation and penalty.

**WAC 16-497-001 Establishing quarantine.** The introduction of dangerous diseases of hops into the state of Washington would entail great losses to the horticultural interests of the state, and the most rigid examinations cannot determine the presence of disease on dormant hop plants or parts of plants; therefore this quarantine is established setting forth the rules for the importation of hop plants. [Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-001, filed 12/31/79, effective 6/1/80.]

**WAC 16-497-010 Quarantine area.** All areas outside of the territorial borders of the state of Washington. [Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-010, filed 12/31/79, effective 6/1/80.]

**WAC 16-497-020 Commodities covered.** Plants and all parts thereof (except the kiln dried cone) of hops (*Humulus Lupulus L.*) [Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-020, filed 12/31/79, effective 6/1/80.]



**WAC 16-497-030 Regulations.** Hop plants and all parts thereof will be admitted into the state of Washington: *Provided*, That the following provisions are complied with.

(1) The hop plant or parts thereof have been certified in accordance with the regulations of an official state agency, which certification program requires at least two field inspections during the growing season, and requires that certification tolerances shall not exceed: Verticillium wilt, (albo atrum (dm), dahliae (ms)) zero percent; and Virus, or virus-like symptoms one tenth of one percent: *AND Provided Further*, That all shipments of such hop planting stock shall be apparently free of insect pests and shall be accompanied by a certificate issued by said official state agency of the state of origin certifying that said hop planting stock was produced under official certification regulations and meets official standards.

(2) All shipments of hop planting stock shall be plainly marked with the contents on the outside of the package or container.

(3) All products admissible under the foregoing provisions must be held by common carrier agent and not delivered to consignee or agent until inspected and passed by the director of agriculture of the state of Washington or his designee. [Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-030, filed 12/31/79, effective 6/1/80.]

**WAC 16-497-040 Disposition of material shipped in violation of this quarantine.** All hop plants or parts thereof arriving in the state of Washington in violation of this quarantine shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners, or his or their responsible agents. [Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-040, filed 12/31/79, effective 6/1/80.]

**WAC 16-497-050 Exemption.** The foregoing does not apply to the experiments of the United States department of agriculture and the state experiment stations in the state of Washington. [Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-050, filed 12/31/79, effective 6/1/80.]

**WAC 16-497-060 Violation and penalty.** All violations of this order shall be dealt with as provided for in RCW 17.24.100, as follows:

"PENALTIES—SECOND AND SUBSEQUENT OFFENSES. Every person who shall violate or fail to comply with any rule or regulation adopted and promulgated by the director of agriculture in accordance with and under the provision of RCW 17.24.020 through 17.24.100 shall be guilty of a misdemeanor, and for a second and each subsequent violation or failure to comply with the same rule or regulation, shall be punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than one hundred dollars, or more than one thousand dollars

or both such fine and imprisonment." [Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-060, filed 12/31/79, effective 6/1/80.]

### Chapter 16-529 WAC

#### WASHINGTON ALFALFA SEED COMMISSION

WAC

16-529-140 Assessments.

**WAC 16-529-140 Assessments.** (1) The fixed annual assessment on all varieties of alfalfa seed subject to this marketing order shall be fifty cents per hundred-weight of cleaned seed, which shall be paid by the producer thereof upon each and every unit sold, marketed, or delivered for sale by him.

(2) First handlers or purchasers shall collect assessments at time of payment for seed from producers whose production they handle and remit the same to the board in accordance with procedures adopted by the board.

Producers and producer-handlers who ship their alfalfa seed direct to handlers outside of the state of Washington shall remit assessments to the board at time of shipment. [Statutory Authority: Chapter 15.65 RCW. 79-07-061 (Order 1639), § 16-529-140, filed 6/27/79, effective 8/1/79; Order 1, Article IV, § A, filed 3/13/75, effective 7/1/75.]

### Chapter 16-532 WAC

#### HOPS

WAC

16-532-040 Assessments and collections.

**WAC 16-532-040 Assessments and collections.** (1) **Assessments.** (a) The annual assessment on all varieties of hops shall be sixty cents per affected unit for crop years 1978 and 1979 and thereafter shall be forty-five cents per affected unit.

(b) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such

marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable. [Statutory Authority: Chapter 15.65 RCW. 79-01-045 (Order 1593), § 16-532-040, filed 12/21/78; Order 1332, § 16-532-040, filed 1/17/74; Marketing Order Article IV, §§ A through C, filed 7/1/64.]

#### Chapter 16-550 WAC BLUEBERRY

WAC  
16-550-040 Assessments and collections.

#### WAC 16-550-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of blueberries shall be one-half cent per affected unit (pound).

(b) For the purpose of collecting assessments, the board may:

(i) require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or

at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized, to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable. [Statutory Authority: Chapter 15.65 RCW. 79-01-046 (Order 1594), § 16-550-040, filed 12/21/78; Order 1116, § 16-550-040, filed 5/14/69, effective 6/15/69.]

#### Chapter 16-602 WAC APIARIES

WAC  
16-602-010 Apiary board, area boundaries.  
16-602-020 Apiary inspection fees.  
16-602-030 Colony strength.

#### WAC 16-602-010 Apiary board, area boundaries.

Area 1. Area 1 shall include the counties of Whatcom, San Juan, Island, Skagit, Snohomish and King.

Area 2. Area 2 shall include the counties of Pierce, Kitsap, Clallam, Jefferson, Grays Harbor, Mason, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark and Skamania.

Area 3. Area 3 shall include the counties of Kittitas, Yakima, Klickitat and Benton.

Area 4. Area 4 shall include the counties of Okanogan, Chelan and Douglas.

Area 5. Area 5 shall include the counties of Grant, Adams, Franklin, Walla Walla, Columbia, Garfield, Asotin and Whitman.

Area 6. Area 6 shall include the counties of Spokane, Lincoln, Ferry, Stevens and Pend Oreille. [Statutory Authority: Chapter 15.60 RCW. 78-04-062 (Order 1551), § 16-602-010, filed 3/31/78.]

**WAC 16-602-020 Apiary inspection fees.** (1) Certification of Honey Bees for out-of-state movement - \$12.00 per hour.

Colony Strength Inspection - \$12.00 per hour  
All Other Inspection - \$12.00 per hour

(2) For all inspection services performed after 5:00 p.m. or on Saturdays, or Sundays, or state legal holidays, an hourly charge equivalent of \$18.00 per hour for actual hours spent in performance of duties must be made.

(3) The following state legal holidays will be observed: New Year's Day, Veterans Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the day following Thanksgiving Day, Christmas Day, Lincoln's Birthday and Washington's Birthday. NO SERVICE will be performed on Thanksgiving Day, Christmas Day or New Years Day, beginning at 5:00 p.m. on the previous day.

(4) Mileage. Whenever necessary, mileage will be charged at the rate established by the state office of financial management. [Statutory Authority: Chapter 15.60 RCW. 78-10-071 (Order 1582), § 16-602-020, filed 9/27/78.]

**WAC 16-602-030 Colony strength.** The official minimum standard required for colony strength certification in the state of Washington shall be six frames, two-thirds covered with bees at a temperature of 65° Fahrenheit. It shall remain at this strength continuously from year to year unless, in a given year, the director by his own motion or upon the advice of Apiary Advisory Board determines that a new standard may need to be established, in which case he will hold a hearing on this issue in accordance with chapter 34.04 RCW. [Statutory Authority: Chapter 15.60 RCW. 78-10-071 (Order 1582), § 16-602-030, filed 9/27/78.]

**Chapter 16-620 WAC  
RELATING TO BRAND INSPECTION**

WAC	
16-620-007	Repealed.
16-620-100	Prescribed bill of sale form.
16-620-240	Slaughter tag.
16-620-260	Fee.
16-620-265	Actual costs for enforcement and surveillance established.
16-620-270	Actual costs established.
16-620-370	Actual costs established.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

16-620-007	Promulgation. [Order 1379, § 16-620-007, filed 11/6/74; Order 1373, § 16-620-007, filed 7/15/74; Order 1328, § 16-620-007, filed 11/2/73.] Repealed by 79-07-098 (Order 1590), filed 6/29/79. Statutory Authority: Chapter 16.57 RCW.
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**WAC 16-620-007 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-620-100 Prescribed bill of sale form.** The certificate of permit and bill of sale form incorporated

herein shall constitute the official form for branded cattle prescribed by the director under the provisions of RCW 16.57.240: *Provided*, That such certificate of permit and bill of sale has been presented to a brand inspector for validation and has been validated within seven days of the sale of the cattle subject to brand inspection under the provisions of WAC 16-620-020.

**WASHINGTON DEPARTMENT OF AGRICULTURE  
CERTIFICATE [OF] PERMIT  
OR  
BILL OF SALE**

Note: A copy of this certificate must accompany all cattle transported within this state.

If no Brand Inspection is made, the Original shall accompany a 10¢ Assessment per Head to be paid to the Washington State Beef Commission, P.O. Box 799, Ellensburg, Washington, as required by chapter 133, Laws of 1969.\*

OWNER ..... DATE .....  
(Print Name Plainly)

ANIMALS BEING  
MOVED FROM ..... COUNTY .....  
(Nearest Post Office)

SOLD TO ..... CITY .....  
OR  
CONSIGNEE TO ..... CITY .....

HAULED BY .....  
(Signature)

VEHICLE  
LICENSE NO. .... STATE .....

\*THIS PAYMENT NOT REQUIRED FOR DAIRY COWS SOLD FOR MILK PRODUCTION

\*\*THIS CERTIFICATE NOT VALID AS A BILL OF SALE FOR BRANDED CATTLE UNLESS VALIDATED BY A STATE BRAND INSPECTOR WITHIN SEVEN DAYS OF SALE.

.....  
BRAND INSPECTOR  
(Signature)  
BRAND RECORDED IN .....  
(STATE)

	NO. HEAD	BREED	KIND	BRAND	LOCATION	√NO BRAND
CATTLE						
CATTLE						
CATTLE						
VEAL						
HIDES OR CARCASSES						

ARE THE ABOVE CATTLE SUBJECT TO A LIEN OR MORTGAGE? YES  NO

I hereby certify under the penalty of perjury that I am the owner or the duly authorized agent of the owner of the above described animals.

.....  
(Signature)

ADDRESS OF  
OWNER .....

Note: FAILURE TO NOTIFY A LIVESTOCK MARKET THAT CATTLE ARE SUBJECT TO AN UNSATISFIED LIEN

**OR MORTGAGE CONSTITUTES A GROSS MISDEMEANOR.** (RCW 16.65.150)

[Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-100, filed 6/29/79; Order 1167, § 16-620-100, filed 11/16/70, effective 12/17/70.]

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 16-620-240 Slaughter tag.** Any person licensed as a custom farm slaughterer shall, in lieu of mandatory brand inspection, complete and attach an official department of agriculture paper slaughter tag to each of the four quarters of all slaughtered cattle handled by that slaughterer. These tags must remain on the quarters until the quarters are cut and wrapped. The department will maintain a surveillance and enforcement program to assure compliance with these [regulations]. [Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-240, filed 6/29/79; Order 1373, § 16-620-240, filed 7/15/74; Order 1328, § 16-620-240, filed 11/2/73.]

**Reviser's Note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 16-620-260 Fee.** Only the department of agriculture will provide the identifying paper tags, referred to in WAC 16-620-240 and 16-620-250, to licensed custom farm slaughterers or custom cutting and wrapping facilities. The fee for each set of four paper tags will not exceed the actual cost to the department of producing and supplying the tags and enforcing these regulations. For the purposes of these regulations, the actual cost of producing and supplying the tags is twenty cents per set. The department will provide identifying paper tags, to licensed custom farm slaughterers or custom cutting and wrapping facilities, to identify slaughtered hogs at the actual cost of producing and supplying the tags, which is established at twenty cents per set. [Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-260, filed 6/29/79; Order 1373, § 16-620-260, filed 7/15/74; Order 1328, § 16-620-260, filed 11/2/73.]

**WAC 16-620-265 Actual costs for enforcement and surveillance established.** The actual cost of enforcement and surveillance for the purpose of assuring compliance with the slaughter tag program, in lieu of mandatory brand inspection, is sixty four thousand, seven hundred and fifty dollars to the department per year. Prorated per animal, the cost to the custom farm slaughterer or custom cutting and wrapping facility is eighty cents. This amount is due and owing at the time the slaughter tags are purchased. [Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-265, filed 6/29/79.]

**WAC 16-620-270 Actual costs established.** For the purpose of these regulations actual costs to the department shall be twelve dollars and fifty cents an hour, plus thirteen cents per mile traveled by the inspector from his official station and return thereto. [Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-270, filed 6/29/79; Order 1379, § 16-620-270, filed 11/6/74.]

**WAC 16-620-370 Actual costs established.** For the purpose of performing brand inspections of cattle at points other than those designated by the director or not in accord with schedules established by the director, actual costs to the department shall be twelve dollars and fifty cents an hour, plus thirteen cents per mile traveled by the inspector from his official station and return thereto. [Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-370, filed 6/29/79.]

### Chapter 16-657 WAC

#### RETAIL PRICING OF MOTOR AND HEATING FUEL

##### WAC

16-657-001	Retail sales of motor fuels and home heating products.
16-657-010	Compliance schedule for retail motor fuel and home heating products dispensers.
16-657-020	Interim retail sales of motor fuels.
16-657-030	Interim retail sales of home heating products.

**WAC 16-657-001 Retail sales of motor fuels and home heating products.** (1) All retail fuel metering and computing devices shall display the price per gallon or price per litre.

(2) All retail fuel metering and computing devices shall indicate the amount of fuel delivered during a single retail transaction.

(3) All retail fuel metering and computing devices shall register the selling price per unit.

(4) All retail fuel metering and computing devices shall register the total selling price for a single retail transaction. [Statutory Authority: Chapter 19.94 RCW. 79-12-030 (Order 1661), § 16-657-001, filed 11/19/79.]

**WAC 16-657-010 Compliance schedule for retail motor fuel and home heating products dispensers.** Devices which do not meet the requirements of WAC 16-657-001 subsections (3) and (4) shall be brought into compliance on or before July 1, 1981. [Statutory Authority: Chapter 19.94 RCW. 79-12-030 (Order 1661), § 16-657-010, filed 11/19/79.]

**WAC 16-657-020 Interim retail sales of motor fuels.** Devices which do not meet the requirements of WAC 16-657-001 subsections (3) and (4) shall be altered to provide for an interim half price sale program and the following requirements shall be followed: (1) Such procedures shall be required when the price of one grade of fuel goes above the capabilities of one device at any location. Once it becomes necessary for one device

to be set at one-half price, or by the litre, all devices at that location shall be set at one-half price, or by the litre, so all devices dispense on the same method of sale.

(2) The pump face shall be altered by using pressure sensitive labels made of weather resistant material. Lettering shall be of black letters of commercial quality and shall be the same size as existing lettering, or larger.

(3) The pump face shall be altered as follows:

(a) The "Price Per Gallon" indication on the face of the pump shall be replaced with the statement "Price per 1/2 gallon".

(b) The "Total Sale" indication on the face of the pump shall be replaced with the statement "One-Half Total Sale", or the statement "1/2 Total Sale".

#### Half Price System

- |  |   |
|--|---|
| <input type="checkbox"/> Total Sale                | <input type="checkbox"/> 1/2 Total Sale       |
| <input type="checkbox"/> Gallons                   | <input type="checkbox"/> Gallons              |
| or   |   |
| <input type="checkbox"/> Price Per One-Half Gallon | <input type="checkbox"/> Price Per 1/2 Gallon |
| <input type="checkbox"/> Price Per Gallon          | <input type="checkbox"/> Price Per Gallon     |

(4) The "Price Per Gallon" shall be displayed as illustrated in WAC 16-657-020(3)(b) above with the use of weather resistant markers for handwritten prices or the operator of one location may post a sign or placard at the top of each pump in conjunction with information required in subsections (5) and (6).

(5) On the top of each pump or each unit of a twin pump, a sign shall be posted: "Notice. The money values on this device are computed on a half price basis". The letters in the word "Notice" shall be at least two inch bold face type. The letters in the balance of the legend are to be at least one inch bold face type.

(6) Devices modified to dispense in the metric system in units of the litre shall have the individual pump or each unit of a twin pump marked with a placard bearing the following legend: "Notice. This device is computing in the metric system on the basis of the litre". The same size lettering as set forth in subsection (5) will be required.

(7) The exception to subsections (5) and (6) would be similar information displayed on a reader board at the end of islands facing the incoming traffic setting forth the required information in letter size at least four inches in height.

(8) Any advertised price of the half price gallon or the litre must be accompanied with the correct associated price per gallon in equal letter size for the whole cents and in compliance with RCW 19.94.390 with respect to fractions of a cent. Any posted or advertised price must be accurate and complete.

Any failure to comply with this order or any unlawful practice at any location shall be subject to RCW 19.94.240 relating to a Stop-Use Order for these devices. [Statutory Authority: Chapter 19.94 RCW. 79-12-030 (Order 1661), § 16-657-020, filed 11/19/79.]

**WAC 16-657-030 Interim retail sales of home heating products.** Computing dispensing devices used in

the delivery of home heating products which do not meet the requirements of WAC 16-657-001 subsections (3) and (4) shall be altered to provide for an interim half price sale program and the following requirements shall be followed: (1) Such procedures shall be required when the price of one grade of fuel goes above the capabilities of one device at or operated from a given location. Once it is necessary for one device to be set at half price or modified to the litre, all devices at or operated from that location must be set at the same method of sale.

(2) The consumer's copy of the invoice covering deliveries of home heating products made on a basis of either half pricing or by the litre shall bear a clear and legible legend stating the computations have been made on the respective method of sale. [Statutory Authority: Chapter 19.94 RCW. 79-12-030 (Order 1661), § 16-657-030, filed 11/19/79.]

#### Chapter 16-700 WAC

#### STATE FAIR FUND--PRORATION

#### WAC

16-700-001	Repealed. (Effective 1/1/81.)
16-700-002	Definition. (Effective 1/1/81.)
16-700-020	Repealed. (Effective 1/1/81.)
16-700-021	Qualifications. (Effective 1/1/81.)
16-700-022	Requirements. (Effective 1/1/81.)
16-700-024	Director's review. (Effective 1/1/81.)
16-700-027	Board of directors. (Effective 1/1/81.)
16-700-090	Effective date. (Effective 1/1/81.)

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-700-001	Promulgation. (Repealed effective 1/1/81.) [Order 1279, § 16-700-001, filed 11/28/72, effective 1/1/73; Order 847, Promulgation, effective 6/8/61.] Repealed by 80-01-019 (Order 1662), filed 12/14/79, effective 1/1/81.
16-700-020	Allocations. (Repealed effective 1/1/81.) [Order 1279, § 16-700-020, filed 11/28/72, effective 1/1/73; Order 847, Regulation 2, effective 6/8/61.] Repealed by 80-01-019 (Order 1662), filed 12/14/79, effective 1/1/81.

**WAC 16-700-001 Repealed. (Effective 1/1/81.)**  
See Disposition Table at beginning of this chapter.

**WAC 16-700-002 Definition. (Effective 1/1/81.)**  
Agricultural Fair: a fair or exhibition which is intended to promote agriculture by including a balanced variety of exhibits of livestock and agricultural products, as well as related arts and manufactures; including products of the farm home, and educational contests, displays, and demonstrations designed to train youth and to promote the welfare of farm people and rural living. [Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-002, filed 12/14/79, effective 1/1/81.]

**WAC 16-700-020 Repealed. (Effective 1/1/81.)**  
See Disposition Table at beginning of this chapter.

**WAC 16-700-021 Qualifications. (Effective 1/1/81.)** Any area or community fair applying for an

allocation from the State Fair Fund shall have on display or exhibit at one place, open to the public, for at least a seven-hour period:

(1) Three or more of the following animal categories: beef, sheep, swine, horses, dairy, goats, dogs, and poultry and rabbits (poultry and rabbits being in one category) with at least five exhibits in each category, except poultry and rabbits which shall have ten; and

(2) At least three of the following categories: foods, clothing, horticulture, crops, floriculture, arts and crafts, with at least five exhibits in each category.

(3) Each category, to qualify as per above, shall have at least three exhibitors.

(4) Each fair shall have at least twenty-five exhibitors in total.

Such area or community fair, whose application is accepted by the director, shall be entitled to a basic annual allocation of fifty percent of the premiums and prizes paid to the participants. An allocation of up to one hundred percent reimbursement of premiums and prizes paid may be made on a merit basis to such fairs as reporting one thousand dollars or more of the value of such premiums and prizes: *Provided*, That any community fair that has for its purpose the education and training of youth in the matters of rural living and production agriculture and serving the 4-H and FFA members and all interested youth in its community, may qualify for an allocation with:

(1) Three or more of the following categories: beef, sheep, swine, dairy, horses, or goats; or

(2) At least two of the following categories: beef, sheep, swine, dairy and/or goats, and at least two of the following categories: foods, clothing, horticulture, crops, floriculture, arts and crafts, dogs, poultry and/or rabbits (poultry and/or rabbits being one category).

(3) Each category, to qualify as per above, shall have at least three exhibitors.

(4) Each fair shall have at least twenty-five exhibitors in total.

All such exhibits are to be exhibited by youth exhibitors, at one place, open to the public, for at least a seven-hour period. Such fair shall be entitled to an annual allocation of only fifty percent reimbursement of premiums and prizes. [Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-021, filed 12/14/79, effective 1/1/81.]

**WAC 16-700-022 Requirements.** (Effective 1/1/81.) All agricultural fairs shall:

(1) Have a written statement of aims and purposes made public.

(2) Provide special activities for youth development, such as judging contests, educational demonstrations, and displays designed to train youth.

(3) Hold all activities to be considered as part of the fair on consecutive days: *Provided*, That a portion of these activities may be held up to seven days before the first day of the fair. [Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-022, filed 12/14/79, effective 1/1/81.]

**WAC 16-700-024 Director's review.** (Effective 1/1/81.) Any fair not qualifying under WAC 16-700-021 or WAC 16-700-022(3) may apply to the director for a review of its circumstances and the director is authorized to determine eligibility on the basis of those circumstances on a case-by-case basis. [Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-024, filed 12/14/79, effective 1/1/81.]

**WAC 16-700-027 Board of directors.** (Effective 1/1/81.) Area and community fairs and youth shows shall have an organized governing board of directors, be nonprofit, and show evidence of community support. [Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-027, filed 12/14/79, effective 1/1/81.]

**WAC 16-700-090 Effective date.** (Effective 1/1/81.) The effective date of these amended rules shall be January 1, 1981 [WAC 16-700-001, 16-700-020, 16-700-021, 16-700-022, 16-700-024, 16-700-027, and 16-700-090.]. [Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-090, filed 12/14/79, effective 1/1/81.]

## Chapter 16-750 WAC

### NOXIOUS WEED CONTROL BOARD--PROPOSED NOXIOUS WEED LIST

WAC

16-750-010 Proposed noxious weed list.

**WAC 16-750-010 Proposed noxious weed list.** In accordance with RCW 17.10.080, a proposed noxious weed list comprising the names of those plants which the Noxious Weed Control Board finds to be injurious to crops, livestock, or other property is hereby adopted as follows:

English or Common Name	Botanical or Scientific Name
<b>Perennial weeds</b>	
Baby's Breath	Gypsophila paniculata
Barberry, European	Berberis vulgaris
Bermudagrass	Cynodon dactylon
Bindweed, field	Convolvulus arvensis
Bindweed, hedge	Convolvulus sepium
Blackberry, evergreen	Rubus laciniatus
Blue Lettuce	Lactuca pulchella
Blueweed, Texas	Helianthus ciliaris
Bracken, western	Pteridium aquilinum
Bulrush, spotted	Scirpus validus
Buttercup, creeping	Ranunculus repens
Camelthorn	Alhagi camelorum
Canada Thistle	Cirsium arvense
Chicory	Cichorium intybus
Dalmation Toadflax	Linaria dalmatica
Docks	Rumex spp.
Dogbane, hemp	Apocynum cannabinum
Fieldcress, Austrian	Rorippa austriaca
Foxtail Barley	Hordeum jubatum
Gorse	Ulex europaeus
Groundcherry, longleaf	Physalis longifolia
Henbane, black	Hyoscyamus niger
Hoary Cress or White Top	Cardaria draba
Horsetail, field	Equisetum arvense

English or Common Name	Botanical or Scientific Name
Johnsongrass	<i>Sorghum halepense</i>
Knapweed, diffuse	<i>Centaurea diffusa</i>
Knapweed, Russian	<i>Centaurea repens</i>
Larkspur	<i>Delphinium</i> spp.
Leafy Spurge	<i>Euphorbia esula</i>
Lupine	<i>Lupinus</i> spp.
Milkweed, showy	<i>Asclepias speciosa</i>
Nightshade, bitter	<i>Solanum dulcamara</i>
Nutsedge, purple	<i>Cyperus rotundus</i>
Nutsedge, yellow	<i>Cyperus esculentus</i>
Oxeye Daisy	<i>Chrysanthemum leucanthemum</i>
Pepperweed, perennial	<i>Lepidium latifolium</i>
Plantain	<i>Plantago</i> spp.
Povertyweed	<i>Iva axillaris</i>
Quackgrass	<i>Agropyron repens</i>
Ragweed, western	<i>Ambrosia psilostachya</i>
Reed canarygrass	<i>Phalaris arundinacea</i>
Scotch Broom	<i>Cytisus scoparius</i>
Sorrel, red	<i>Rumex acetosella</i>
Sowthistle, perennial	<i>Sonchus arvensis</i>
Spurge, spotted	<i>Euphorbia maculata</i>
Tansy, common	<i>Tanacetum vulgare</i>
Waterhemlock, western	<i>Cicuta douglasii</i>
Watermilfoil, Eurasian	<i>Myriophyllum spicatum</i>
Whiteweed, hairy	<i>Cardaria pubescens</i>
Wormwood, absinth	<i>Artemisia absinthium</i>
Yellow Toadflax	<i>Linaria vulgaris</i>

**Biennial Weeds**

Bull Thistle	<i>Cirsium vulgare</i>
Carrot, wild	<i>Daucus carota</i>
Houndstongue	<i>Cynoglossum officinale</i>
Knapweed, spotted	<i>Centaurea maculosa</i>
Poison Hemlock	<i>Conium maculatum</i>
Rush skeletonweed	<i>Chondrilla juncea</i>
Sage, Mediterranean	<i>Salvia aethiops</i>
Scotch Thistle	<i>Onopordum acanthium</i>
Tansy Ragwort	<i>Senecio jacobaea</i>

**Annual Weeds**

Barnyard Grass	<i>Echinochloa crusgalli</i>
Bluegrass, annual	<i>Poa annua</i>
Cocklebur	<i>Xanthium</i> spp.
Dodder	<i>Cuscuta</i> spp.
Field Pennycress	<i>Thlaspi arvense</i>
Goatgrass, jointed	<i>Aegilops cylindrica</i>
Halogeton	<i>Halogeton glomeratus</i>
Hemp (Marijuana)	<i>Canabis sativa</i>
Horsenettle	<i>Solanum carolinense</i>
Horseweed (maretail)	<i>Conyza canadensis</i>
Kochia	<i>Kochia scoparia</i>
Meadowfoxtail, Pacific	<i>Alopecurus myosuroides</i>
Medusahead	<i>Taeniatherum asperum</i>
Mustard, wild	<i>Brassica kaber</i>
Nightshade, silverleaf	<i>Solanum elaeagnifolium</i>
Puncturevine	<i>Tribulus terrestris</i>
Purslane, common	<i>Portulaca oleracea</i>
Rattlebox	<i>Crotalaria sagittalis</i>
St. Johnswort	<i>Hypericum perforatum</i>
Sandbur, longspine	<i>Cenchrus longispinus</i>
Smartweed, swamp	<i>Polygonum coccineum</i>
Sorghum	<i>Sorghum</i> spp.
Wild oat	<i>Avena fatua</i>
Yellow Starthistle	<i>Centaurea solstitialis</i>

[Statutory Authority: Chapter 17.10 RCW. 78-06-014 (Order 10, Resolution 10), § 16-750-010, filed 5/10/78; Order 8, § 16-750-010, filed 3/1/77; Order 7, § 16-750-010, filed 4/15/76; Order 5, § 16-750-010, filed 3/7/75; Order 4, § 16-750-010, filed 3/27/74;

Order 3, § 16-750-010, filed 4/3/73; Order 2, § 16-750-010, filed 3/16/72; Order 1, § 16-750-010, filed 4/9/71.]

**Title 24 WAC  
APPLE ADVERTISING COMMISSION**

**Chapter  
24-12 Assessments.**

**Chapter 24-12 WAC  
ASSESSMENTS**

WAC  
24-12-010 Amount of assessments.

**WAC 24-12-010 Amount of assessments.** There is hereby levied upon all fresh apples grown annually in this state, and all apples packed as Washington apples, an assessment of 14 cents of each one hundred pounds (100 lbs.) gross billing weight applicable to the 1978 and prior crops of apples, and an assessment of 16 cents on each one hundred pounds (100 lbs.) gross billing weight applicable to the 1979 and subsequent crops of apples. Assessments shall be payable when shipped, whether in bulk or loose in boxes or any other container, or packed in any style package. The gross billing weights for the following containers shall apply for the purpose of computing said assessment:

Description of Container	Gross Billing Weights
1/3 Bushel Box (packed or loose)	15 lbs.
1/2 Bushel Box (loose)	23 lbs.
Bulk Bushel Container (loose)	Net weight plus 3 lbs. tare
9/4 and 12/3 Bag Containers	41 lbs.
13/3 Bag Container	44 lbs.
10/4 and 8/5 Bag Containers	45 lbs.
12/4 Bag Container	53 lbs.
Standard Tray Pack Container	46 lbs.
Pocket Cell Tray Pack Container	46 lbs.
Cell Pack Containers, all counts	46 lbs.
2-Layer Tray Pack Container	23 lbs.
Single-Layer Tray Pack Container	12 lbs.

[Statutory Authority: RCW 15.24.070(1). 79-04-045 (Order 8), § 24-12-011 (codified as WAC 24-12-010), filed 3/27/79, effective with the 1979 and subsequent crops of apples; 78-07-030 (Order 7), § 24-12-010, filed 6/16/78, effective 9/1/78; Order 6, § 24-12-010, filed 11/14/77; Order 1, § 24-12-010, filed 9/19/69; Regulation 2, filed 1/26/67; Regulation 2, effective 9/29/61.]