

WAC 12-16-001 through 12-16-050 Repealed. See Disposition Table at beginning of this chapter.

## Title 16 WAC AGRICULTURE, DEPARTMENT OF

### Chapters

16-42	Biological products.
16-54	Animal importation.
16-86	Cattle, goats--Brucellosis and tuberculosis.
16-101	Milk and milk products.
16-108	Washington state egg seals.
16-125	Farm milk storage tanks--Requirements.
16-212	Grain, hay, beans and peas--Inspection fees.
16-213	Miscellaneous agricultural commodity inspection standards.
16-224	Designation of warehouse stations.
16-228	Pesticide regulations.
16-230	Use of chemicals and chemically treated materials in certain counties.
16-231	Restricted use herbicides.
16-236	SEPA procedures.
16-304	Sampling and testing of seeds.
16-316	Seed certification.
16-319	Forest tree seed certification.
16-322	Mint rootstocks--Certification.
16-324	Rules for the certification of seed potatoes.
16-332A	Rules and standards for certification of caneberry plants.
16-333	Rules and standards for certification of plants.
16-354	Hop rootstocks--Certification.
16-400	Horticultural inspection fees.
16-409	Standards for asparagus.
16-426	Grades and standards for hop rootstock.
16-470	Quarantine--Agricultural pests.
16-494	Bacterial diseases of beans.
16-514	Washington egg commission.
16-529	Washington alfalfa seed commission.
16-530	Washington barley commission.
16-540	Mint.
16-555	Washington strawberry commission.
16-560	Washington tree fruit research commission.
16-565	Washington cranberry commission.
16-620	Relating to brand inspection.
16-657	Retail pricing of motor and heating fuel.
16-750	Noxious weed control board--Proposed noxious weed list.

### Chapter 16-42 WAC BIOLOGICAL PRODUCTS

WAC	
16-42-00101	Repealed.
16-42-005	Definitions.
16-42-01001	Repealed.
16-42-015	License.

16-42-017	Permits required.
16-42-02001	Repealed.
16-42-022	Biologics.
16-42-025	Purchasing and administering biologics limited.
16-42-03001	Repealed.
16-42-035	Reports.
16-42-04001	Repealed.
16-42-045	Repealed.
16-42-05001	Repealed.
16-42-060	Penalty.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-42-00101	Promulgation. [Order 896, Promulgation, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
16-42-01001	Definition. [Order 896, Regulation 1, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
16-42-02001	Vaccine outlets restricted. [Order 896, Regulation 3, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
16-42-03001	Exempt vaccines. [Order 896, Regulation 5, filed 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
16-42-04001	Reports of disease outbreak by user. [Order 896, Regulation 7, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
16-42-045	Order is exclusive--Control of sales, etc. [Order 896, Regulation 8, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
16-42-05001	Penalty. [Order 896, Regulation 9, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.

**WAC 16-42-00101 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-42-005 Definitions.** (1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture.

(3) "Biologics," sometimes referred to as biologics or biological products, means all viruses, serums, toxins, and analogous products of natural or synthetic origin, or products prepared from any type of genetic engineering, such as diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms and the antigenic or immunizing components of microorganisms intended for use in the diagnosis, treatment, or prevention of diseases in animals. [Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-005, filed 7/10/85.]

**WAC 16-42-01001 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-42-015 License.** Only biologics which have been produced under a regular license issued by the United States Department of Agriculture may be imported into the state of Washington. The director may

allow the importation of unlicensed biologics when the director determines it necessary for the protection of humans or domestic animals. [Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-015, filed 7/10/85; Order 896, Regulation 2, effective 11/24/62.]

**WAC 16-42-017 Permits required.** (1) Any person manufacturing biologics within the state for distribution within the state shall first obtain a permit from the director. Such permit may be revoked or suspended in the manner provided for under chapter 34.04 RCW for any violation of this chapter.

(2) Prior to importation of any newly licensed biologic into the state for sale, use or distribution within the state, the written approval of the director shall be required. When deemed necessary, the director may also require a special permit for the importation or distribution of other biologics into the state. [Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-017, filed 7/10/85.]

**WAC 16-42-02001 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-42-022 Biologics.** Biologics produced under a regular license issued by the United States Department of Agriculture, or produced under a permit issued by the director may only be sold by persons or firms properly licensed under chapter 18.64 RCW or any veterinarian licensed pursuant to chapter 18.92 RCW. Persons other than licensed veterinarians or state or federal veterinarians may administer biologics other than those listed under WAC 16-42-025 to their own domestic animals. [Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-022, filed 7/10/85.]

**WAC 16-42-025 Purchasing and administering biologics limited.** (1) All biologics now in existence or newly developed to diagnose, prevent, or combat the following diseases are declared by the director to be of such a nature that their control is necessary to protect animal or human health and welfare, to ensure accurate diagnosis, to prevent the spread of infectious, contagious, communicable, and dangerous diseases affecting domestic animals within the state of Washington and/or to effectuate state-federal animal disease control and eradication programs:

- (a) Anaplasmosis
- (b) Anthrax
- (c) Bluetongue
- (d) Brucellosis
- (e) Equine infectious anemia
- (f) Equine viral arteritis
- (g) Paratuberculosis
- (h) Pseudorabies
- (i) Rabies
- (j) Tuberculosis
- (k) Swine erysipelas (Avirulent vaccine exempted)
- (l) Vesicular stomatitis

(2) All biologics used to control or diagnose any of the diseases listed in subsection (1) of this section are hereby restricted, and may only be purchased, administered, or otherwise used by or under the direct supervision of veterinarians licensed pursuant to chapter 18.92 RCW, or by state or federal veterinarians. The director may authorize, by written permit, others to purchase such biologics for research agencies or laboratories authorized by the state department of agriculture, emergency disease control programs, or other limited and controlled purposes which are not likely to create a hazard to the public health or to the health of domestic animals. The director, in establishing this permit shall consider:

- (a) The known effectiveness of the biologic;
- (b) Whether or not the disease for which the biologic is used or intended to be used is present in this state and to what extent it is present;
- (c) Degree of isolation of the animals and area, and availability of veterinary service; and
- (d) Any other factor which, having due regard for the properties of the biologic, may constitute a hazard to animal or public health in this state. [Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-025, filed 7/10/85; Order 896, Regulation 4, effective 11/24/62.]

**WAC 16-42-03001 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-42-035 Reports.** In the interest of public health and good cooperative disease control it is recommended that any person using any biologics, as defined in WAC 16-42-005, immediately report to the department any suspected or actual disease outbreak that occurs in connection with use of the biologic. [Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-035, filed 7/10/85; Order 896, Regulation 6, effective 11/24/62.]

**WAC 16-42-04001 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-42-045 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-42-05001 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-42-060 Penalty.** Any person, firm or corporation violating any of these rules shall be guilty of a gross misdemeanor as set forth in chapter 16.36 RCW, and each day the violation occurs constitutes a separate offense. [Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-060, filed 7/10/85.]

### Chapter 16-54 WAC ANIMAL IMPORTATION

WAC	
16-54-010	Definitions.
16-54-012	Repealed.

16-54-014 Repealed.  
 16-54-016 Official calfhood vaccinates.  
 16-54-082 Domestic bovine animals.

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

16-54-012 Breeding cattle defined. [Order 1540, § 16-54-012, filed 10/17/77.] Repealed by 84-16-022 (Order 1838), filed 7/24/84. Statutory Authority: RCW 16.36.040 and 16.36.050.  
 16-54-014 Official brucellosis test defined. [Order 1540, § 16-54-014, filed 10/17/77.] Repealed by 84-16-022 (Order 1838), filed 7/24/84. Statutory Authority: RCW 16.36.040 and 16.36.050.

**WAC 16-54-010 Definitions.** For purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or his duly authorized representative.

(2) "Breeding cattle" shall be those females and bulls not consigned to a federally inspected slaughter establishment or a registered quarantined feed lot.

(3) "Official brucellosis test" means blood samples are to be tested only by cooperating state-federal laboratories or by such persons as may be authorized by state of origin animal health officials to conduct the standard agglutination tests or the card test. All samples initially tested at other than cooperating state-federal laboratories shall be promptly submitted and confirmed at the cooperating state-federal laboratory.

(4) "Official calfhood vaccinate" means a female bovine animal vaccinated between the ages of four and twelve months (one hundred twenty days to three hundred sixty-five days) with an approved brucella vaccine.

(5) "Class free and Class A, B, and C states" means states as classified by the current federal brucellosis eradication uniform methods and rules. [Statutory Authority: RCW 16.36.040 and 16.36.050. 84-16-022 (Order 1838), § 16-54-010, filed 7/24/84; Order 1172, § 16-54-010, filed 12/15/70; Order 1024, Regulation 1, filed 7/22/66, effective 8/22/66; Order 957, Regulation 1, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61.]

**WAC 16-54-012 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-54-014 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-54-016 Official calfhood vaccinates.** All vaccinations must be done by a licensed accredited veterinarian or federal or state employed veterinarian. Vaccinated animals must be permanently identified as vaccinates by a tattoo in the right ear. The tattoo shall be the U.S. registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which vaccination was done. An official vaccination tag shall be used for individual animal identification unless excepted by the director. [Statutory Authority: RCW 16.36.040 and 16.36.050. 84-16-022 (Order 1838), §

16-54-016, filed 7/24/84. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-01-073 (Order 1716), § 16-54-016, filed 12/17/80, effective 4/1/81; Order 1540, § 16-54-016, filed 10/17/77.]

**WAC 16-54-082 Domestic bovine animals.** All domestic bovine animals (including bison) entering Washington shall be moved on a permit issued by the office of the state veterinarian: *Provided*, That this permit requirement will be reviewed two years after the effective date to determine that the results obtained warrant the continuation of this requirement. All domestic bovine animals (including bison) shall meet the following requirements:

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

(2) Brucellosis health certificate requirements. All domestic bovine animals (including bison), except those consigned to quarantined registered feed lots, or to federally inspected slaughter plants for immediate slaughter, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved livestock market, shall be accompanied by an official interstate health certificate and shall meet the following requirements:

(a) Brucellosis test.

(i) Cattle originating in class free or Class A states must be negative to an official brucellosis test conducted within thirty days prior to date of entry.

(ii) Cattle originating in Class B states must be negative to an official brucellosis test conducted within thirty days prior to date of entry and will be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of pre-entry test.

(iii) Cattle originating in Class C states must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. These cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the second negative pre-entry test.

(iv) The following classes of cattle are exempt from the test requirements in (a) (i), (ii), and (iii) of this subsection:

(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 plant.

(E) Cattle consigned directly to a state-federal quarantined feed lot.

(F) Cattle from certified brucellosis free herds.

(G) Beef breed cattle eligible for brucellosis testing coming from class free or Class A states may be moved

to state-federal approved livestock markets in Washington to meet entry health requirements.

(v) Should brucellosis infection occur in the state of Washington as a result of importation of infected animals, all future importations from the state of origin shall be required to meet import regulations of the next lower classification. State regulatory officials of that state shall be notified and the lower classification entry requirement will be in effect for twelve months following notification to the state of origin.

(b) Brucellosis calfhod vaccinates—female dairy cattle. All female dairy cattle must be identified as official brucellosis calfhod vaccinates before entry. Except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

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

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

(iv) Spayed heifers.

(c) Brucellosis calfhod vaccinates—female beef cattle. All female beef breed cattle must be identified as official brucellosis vaccinates before entry, except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Female beef breed cattle born before January 1, 1983.

(iii) Cattle sold or consigned to a quarantined registered feed lot.

(iv) Cattle sold or consigned to a federally inspected slaughter plant.

(v) Cattle sold or consigned to a public livestock market for immediate slaughter only.

(vi) Spayed heifers.

(vii) Cattle from a certified brucellosis free country where vaccination is prohibited by law: *Provided*, That the state veterinarian, upon being assured that to allow such cattle to enter would not create any jeopardy to the livestock industry of the state of Washington, may issue a special permit for such entry.

(3) Scabies. The office of the state veterinarian may require that any cattle from a known infected area be dipped at an official dipping facility within ten days of entry and, except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days, be accompanied by an official interstate health certificate. Ivermectin may be used as an alternative to the dipping procedure for beef and nonlactating dairy animals.

(4) Vesicular stomatitis. The office of the state veterinarian may require that:

(a) Any cattle be accompanied by an official interstate health certificate except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days;

(b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy

breed cattle from known infected areas shall not be allowed entry into the state; and

(c) Beef breed cattle from known infected areas be held separate and apart from all other cattle for a period of thirty days either prior to entry or at the point of destination or both.

(5) Temporary grazing permits. Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the office of the state veterinarian: *Provided*, That the state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis nonvaccinates in the herd prior to January 1, 1988. Grazing permits shall be for one specified season only and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes. [Statutory Authority: RCW 16.36.040 and 16.36.050. 84-16-022 (Order 1838), § 16-54-082, filed 7/24/84. Statutory Authority: Chapter 16.36 RCW. 83-09-009 (Order 1792), § 16-54-082, filed 4/8/83. Statutory Authority: Chapters 16.36 and 16.44 RCW. 83-04-030 (Order 1782), § 16-54-082, filed 1/27/83. Statutory Authority: Chapters 16.36 and 16.40 RCW. 82-03-019 (Order 1752), § 16-54-082, filed 1/14/82; 81-10-047 (Order 1730), § 16-54-082, filed 5/1/81. 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

16-86-005	Definitions.
16-86-006	Repealed.
16-86-007	Repealed.
16-86-009	Repealed.
16-86-011	Repealed.
16-86-012	Repealed.
16-86-015	Washington cattle sale requirements.
16-86-095	Official calfhod vaccination.

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

16-86-006	Department defined. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-09-076 (Order 1642), § 16-86-006, filed 8/30/79.] Repealed by 84-08-037 (Order 1814), filed 3/30/84. Statutory Authority: Chapter 16.36 RCW.
16-86-007	Definition—Accredited veterinarian. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-09-076 (Order 1642), § 16-86-007, filed 8/30/79.] Repealed by 84-08-037 (Order 1814), filed 3/30/84. Statutory Authority: Chapter 16.36 RCW.
16-86-009	Definition—Commercial dairy herd. [Order 1539, § 16-86-009, filed 10/17/77.] Repealed by 84-08-037 (Order 1814), filed 3/30/84. Statutory Authority: Chapter 16.36 RCW.

- 16-86-011 Definition—Official calfhood vaccination. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-01-072 (Order 1717), § 16-86-011, filed 12/17/80, effective 4/1/81; Order 1539, § 16-86-011, filed 10/17/77; Order 1429, § 16-86-011, filed 2/9/76.] Repealed by 84-08-037 (Order 1814), filed 3/30/84. Statutory Authority: Chapter 16.36 RCW.
- 16-86-012 Definition—Approved brucella vaccine. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-09-076 (Order 1642), § 16-86-012, filed 8/30/79.] Repealed by 84-08-037 (Order 1814), filed 3/30/84. Statutory Authority: Chapter 16.36 RCW.

**WAC 16-86-005 Definitions.** For purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or his duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Accredited veterinarian" means 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.

(4) "Official calfhood vaccinate" means a female bovine animal vaccinated between the ages of four and twelve months (one hundred twenty days to three hundred sixty-five days) with an approved brucella vaccine.

(5) "Approved brucella vaccine" means 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.

(6) "Registry tattoo" means a tattoo identifying the individual as a registered animal within the breed association.

(7) "Vaccination tattoo" means the United States registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which vaccination was done. [Statutory Authority: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-005, filed 3/30/84; Order 1539, § 16-86-005, filed 10/17/77.]

**WAC 16-86-006 Repealed.** See Disposition table at beginning of this chapter.

**WAC 16-86-007 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-86-009 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-86-011 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-86-012 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-86-015 Washington cattle sale requirements.** (1) Effective January 1, 1984, within thirty days

prior to any change of ownership and in a manner prescribed by the state veterinarian, all dairy breed cattle shall be tested negative for brucellosis. The following classes of cattle are exempt from this test requirement:

(a) Calves under four months of age.

(b) Cattle sold or consigned to a quarantined registered feed lot.

(c) Cattle sold or consigned to a federally inspected slaughter plant.

(d) Steers and spayed heifers.

(e) Official calfhood vaccinates under twenty months of age and not parturient or post parturient.

(2) No female cattle may be sold, or introduced into any herd, 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 four months of age: *Provided*, That female calves under four months acquired by any herd and natural female additions must be officially brucellosis calfhood vaccinated and identified before the age of twelve months.

(b) Female beef breed cattle born before January 1, 1983.

(c) Cattle sold or consigned to a quarantined registered feed lot.

(d) Cattle sold or consigned to a federally inspected slaughter plant.

(e) Cattle sold or consigned to a public livestock market for immediate slaughter only.

(f) Spayed heifers.

(3) Any dairy breed female cattle not exempted in subsection (2) of this section but found not to be vaccinated for brucellosis upon consignment to a public livestock market, shall be identified by the department by branding with an "S" brand on the left hip prior to sale and released from the market only when such cattle have been specifically destined by the buyer to one of the following:

(a) A quarantined registered feed lot.

(b) A federally inspected slaughter plant.

(c) Another public livestock market for immediate slaughter only.

(4) Any dairy breed female cattle consigned to a public livestock market for probable slaughter, but whose status is later changed by the buyer, shall be identified by "S" branding and released by the department only as set forth in subsection (3) of this section, if found not to be vaccinated for brucellosis. Any buyer who fails to deliver "S" branded cattle to the destination declared by the buyer or his agent shall be guilty of a violation of this chapter. Whenever necessary, the department shall make the final determination of the vaccination status of any eligible cattle.

(5) 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: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-015, filed 3/30/84. Statutory Authority: Chapters 16.36 and 16.44 RCW. 83-06-002 (Order 1785), § 16-86-015, filed 2/17/83. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-14-078 (Order 1742), § 16-86-015, filed 7/1/81; 81-10-048 (Order 1731), § 16-86-015, filed 5/1/81; 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 16-86-095 Official calfhoo d vaccination.** (1) An official vaccination report of calfhoo d vaccinations must be made to the department within thirty days of occurrence on an approved report form (AGRI 030-3003) issued by the department for the purpose of identifying and recording by official calfhoo d vaccination ear tag or registry tattoo calves officially brucellosis vaccinated.

(2) All vaccination must be done by a licensed accredited veterinarian or federal or state employed veterinarian. Vaccinated animals must be permanently identified as vaccinates by a vaccination tattoo in the right ear. An official vaccination ear tag or registry tattoo shall be used for individual animal identification.

(3) All brucellosis vaccinations shall be reported to the department before becoming official. [Statutory Authority: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-095, filed 3/30/84. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-10-049 (Order 1732), § 16-86-095, filed 5/1/81, effective 7/1/81; 79-09-076 (Order 1642), § 16-86-095, filed 8/30/79.]

**Chapter 16-101 WAC  
MILK AND MILK PRODUCTS**

WAC  
16-101-710 Repealed.

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

16-101-710 Suspension of grade A permit. [Statutory Authority: Chapter 15.36 RCW. 80-06-125 (Order 1706), § 16-101-710, filed 6/2/80.] Repealed by 84-18-055 (Order 1840), filed 9/5/84. Statutory Authority: Chapter 15.36 RCW.

**WAC 16-101-710 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 16-108 WAC  
WASHINGTON STATE EGG SEALS**

WAC  
16-108-001 Repealed.  
16-108-002 Repealed.  
16-108-003 Repealed.

16-108-010 Rate.

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

16-108-001 Promulgation. [Order 895, § 16-108-001, filed 9/26/62.] Repealed by 84-11-019 (Order 1824), filed 5/11/84. Statutory Authority: Chapter 69.25 RCW.  
16-108-002 Promulgation. [Order 1479, § 16-108-002, filed 8/18/76.] Repealed by 84-11-019 (Order 1824), filed 5/11/84. Statutory Authority: Chapter 69.25 RCW.  
16-108-003 Promulgation. [Order 1489, § 16-108-003, filed 1/31/77, effective 3/7/77.] Repealed by 84-11-019 (Order 1824), filed 5/11/84. Statutory Authority: Chapter 69.25 RCW.

**WAC 16-108-001 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-108-002 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-108-003 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-108-010 Rate.** A fee of two mills per dozen eggs is hereby established for Washington state egg seals and facsimile type Washington state egg seals imprinted on egg containers. [Statutory Authority: Chapter 69.25 RCW. 84-11-019 (Order 1824), § 16-108-010, filed 5/11/84; Order 1489, § 16-108-010, filed 1/31/77, effective 3/7/77; Order 1479, § 16-108-010, filed 8/18/76; Order 895, Regulation 1, filed 9/26/62; Order 784, Regulation 1, effective 4/1/59.]

**Chapter 16-125 WAC  
FARM MILK STORAGE TANKS--REQUIREMENTS**

WAC  
16-125-001 Repealed.  
16-125-010 Definitions.  
16-125-110 Repealed.  
16-125-120 Bulk milk tanker requirements.

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

16-125-001 Promulgation. [Order 1283, § 16-125-001, filed 1/29/73.] Repealed by 84-18-055 (Order 1840), filed 9/5/84. Statutory Authority: Chapter 15.36 RCW.  
16-125-110 Effective date. [Order 1283, § 16-125-110, filed 1/29/73.] Repealed by 84-18-055 (Order 1840), filed 9/5/84. Statutory Authority: Chapter 15.36 RCW.

**WAC 16-125-001 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-125-010 Definitions.** (1) "Director" means the director of the department of agriculture of the state of Washington, or his duly authorized representative.

(2) "Bulk milk hauler" means the person who has primary responsibility for the measuring, weighing, or

grading of milk and the collection of samples at the farm and is properly licensed by the director.

(3) "Bulk milk hauling" means the transportation of milk from the place where it is produced to a processing plant or between processing plants, performed by vehicles belonging to an individual or corporation operating under permit from the director.

(4) "3A standards" means current sanitary standards for dairy equipment and accepted practices as published in the *Journal of Food Protection*. [Statutory Authority: Chapter 15.36 RCW. 84-18-055 (Order 1840), § 16-125-010, filed 9/5/84; Order 1283, § 16-125-010, filed 1/29/73.]

**WAC 16-125-110 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-125-120 Bulk milk tanker requirements.** All bulk milk tankers operating in the state of Washington shall comply with the provisions of 3A standard 05-13. Additional requirements are:

(1) Trucks and trailers with remote pumps, mounted on tractor or front trailer, and a system of external hoses and/or piping may be used: *Provided*, That

(a) External flexible hoses meet the following requirements:

(i) Hoses are the thick walled rubber type and meet 3A standard 18.00, except for pump box hoses.

(ii) Hoses are capped with a sanitary cap when not in use.

(b) Piping along the length of the trailer is of the fixed type and meets the following requirements:

(i) The pipe is stainless steel and meets the requirements of 3A standards 09-07 and 33-00. Other materials may be used after approval has been received from the Milk Safety Branch of the Food and Drug Administration.

(ii) The sanitary piping is enclosed in an insulated holder and both the sanitary piping and the holder are capped with a dust tight cap when disconnected.

(c) Sanitary air which meets the requirements of 3A standard 604-03 may be used to remove residual milk from the external piping system.

(d) Any milk in the external piping system that exceeds forty-five degrees Fahrenheit is discarded.

(e) Adequate facilities shall be provided at all receiving stations for the proper cleaning and sanitization of tankers including the external lines and valves.

(2) All external valves on a tanker shall be provided with a means of protection against dust, dirt, and road debris.

(a) Outlet valves shall be protected by dust tight covers which will comply with 3A standard 05-13.

(b) Inlet valves and valves with attached hoses shall be protected by a relatively dust tight cover. This cover may be:

(i) Stainless steel with an opening for the connection of hoses which is sealed with a flexible material that will prevent the entrance of dust, dirt, or road debris.

(ii) A flexible mounting made of rubber or other approved material which is close fitting, smooth, impervious, and easily removable for cleaning.

(iii) Any other type cover for which plans have been submitted to and approved by the director.

(c) All valves not connected to hoses shall have a sanitary cap and an approved dust cover on them.

(3) Markings on each truck or trailer shall be sufficient to allow inspection personnel to identify the owner of the truck or trailer.

(4) Cleaning and bactericidal treatment of all product contact surfaces including valves, hoses, covers, connections, appurtenances, pumps, and pump compartment of each tanker, when used, shall be accomplished at least once every twenty-four hours by the receiving plant. After sanitization each tanker shall be tagged to show the date washed, place washed, and initials or signature of the person who washed the tanker. This wash tag shall not be removed until the tanker is rewashed. It shall be the responsibility of the bulk milk hauler to ensure that the wash tag is present and that the tank is in fact clean prior to commencing his route.

(5) For violations of WAC 16-125-120 a condemnation tag shall be affixed to the tanker outlet valve by the director. Any tanker so tagged may not be used to transport grade A milk until the violation(s) have been corrected and the condemnation tag removed by the director.

(6) In the event of serious or repeated violations of WAC 16-125-120 the contents of the tanker shall be lowered to grade C.

(7) Any grade A plant or receiving station unloading milk from a tanker bearing a condemnation tag or from a tanker that has not been properly cleaned may have that load lowered to grade C. If the load has commingled with other milk the entire amount may be lowered to grade C.

(8) All grade A milk shall be picked up at least every forty-eight hours.

(9) All farm tanks shall be emptied and washed at least every forty-eight hours.

(10) Plans and drawings relating to tankers submitted to the director shall be treated with confidentiality. [Statutory Authority: Chapter 15.36 RCW. 84-18-055 (Order 1840), § 16-125-120, filed 9/5/84.]

### Chapter 16-212 WAC

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

#### WAC

16-212-010	Definitions.
16-212-030	General provisions for hourly charges.
16-212-050	Repealed.
16-212-060	Official inspection and/or weighing fees under the United States Grain Standards Act.
16-212-065	Repealed.
16-212-070	Official services under the Agricultural Marketing Act of 1946.
16-212-080	Miscellaneous fees.
16-212-082	Fees for services performed under state regulation.
16-212-086	Fees for warehouse audit and related services.

- 16-212-090 Repealed.
- 16-212-120 Grades and standards.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-212-050 Certificates. [Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-050, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-050, filed 12/2/81. Statutory Authority: Chapter 22.09 RCW. 80-06-100 (Order 1705), § 16-212-050, filed 5/30/80; Order 1404, § 16-212-050, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-050, filed 5/31/72; Order 1118, § 16-212-050, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 6, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.] Repealed by 84-14-065 (Order 1836), filed 7/2/84. Statutory Authority: Chapter 22.09 RCW.
- 16-212-065 Miscellaneous sampling, testing, inspection and certification of grains and commodities. [Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-065, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-065, filed 12/2/81; Order 1490, § 16-212-065, filed 3/1/77; Order 1404, § 16-212-065, filed 6/30/75, effective 8/1/75; Order 1380, § 16-212-065, filed 1/28/75; Order 1267, § 16-212-065, filed 5/31/72; Order 1118, § 16-212-065, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 7, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 891, filed 7/2/65.] Repealed by 84-14-065 (Order 1836), filed 7/2/84. Statutory Authority: Chapter 22.09 RCW.
- 16-212-090 Services rendered away from inspection points. [Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-090, filed 3/2/83; Order 1118, § 16-212-090, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 10, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.] Repealed by 84-14-065 (Order 1836), filed 7/2/84. Statutory Authority: Chapter 22.09 RCW.

WAC 16-212-010 Definitions. (1) "Department" means the Washington state department of agriculture.

(2) "Ton" means two thousand pounds avoirdupois.

(3) "Overtime" means any time worked on Saturdays, Sundays, or holidays and all time worked before 8:00 a.m. or after 5:00 p.m. on Monday through Friday unless alternate work schedules have been established at inspection sites.

(4) "Fees" means any charge made by the department for inspection and handling of any commodity or for services related to weighing or storage of grains or commodities.

(5) "Occasional work stoppage" means the union stop work meetings usually held once per month. [Statutory Authority: Chapter 22.09 RCW. 84-14-065 (Order 1836), § 16-212-010, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-010, filed 3/2/83; Order 1118, § 16-212-010, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 1, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

WAC 16-212-030 General provisions for hourly charges.

(1) Straight time, rate per hour . . . . . \$ 23.00

This hourly rate shall be applied on any job where the fee is not sufficient to provide revenue of \$23.00 per hour, per employee, and where no other hourly rate or fee is specified in the schedule of fees and charges. Whenever the lot size or workload is not of sufficient size to generate \$23.00 per hour, per employee, an additional fee shall be assessed so that total revenue generated is equal to the \$23.00 rate.

(2) Overtime, and night shift rate per hour . . . . . \$ 6.00

Whenever a service is requested before or after regularly scheduled working hours, Monday through Friday, or anytime on Saturdays, Sundays or holidays, a fee of \$6.00 per hour, per employee, shall be charged in addition to the regular inspection and weighing fees.

(a) Requests for service on Saturdays, Sundays, or holidays, or for work shifts other than 8:00 a.m. to 5:00 p.m., Monday through Friday, must be received by the inspection office no later than 2:00 p.m. of the last regularly scheduled working day prior to the requested service. When the request is not received by 2:00 p.m., service will be provided where personnel are available, but an additional fee of \$4.00 per hour, per employee, will be assessed for that shift.

(b) Requests for service which is beyond the scope or volume normally provided at an inspection site must be received by the inspection office no later than 2:00 p.m. of the last regularly scheduled working day prior to the date of the requested service in order for the department to guarantee to have adequate staff available to perform the service.

(c) Whenever an employee is called from home after regular working hours, or on a Saturday, Sunday or holiday, a minimum of two additional hours shall be charged at the rate of \$10.00 per hour and added to other fees charged.

(d) Scheduled night shifts.

At all designated inspection points, for night shifts, Monday through Friday (usually from 6:00 p.m. to 3:00 a.m.) that are, or will be, continuous for a period of one month or longer, with only an occasional work stoppage, additional overtime fees per hour will not apply: *Provided*, That the workload is sufficient in size so that inspection and weighing fees generated that shift will defray the department's cost of \$23.00 per hour, per employee. If not, an additional charge shall be assessed to equal \$23.00 per hour, per employee.

(i) The department shall be given at least seven calendar days notice, in writing, to establish a scheduled night shift. If notice is not given, a fee of \$6.00 per hour, per employee, shall be assessed until the seven day notice period has elapsed.

(ii) The department shall be given at least twenty-one calendar days' notice, in writing, of cancellation of any scheduled night shift operation. If such notice is not given, a fee of \$6.00 per hour, per employee, shall be assessed for each hour under the regular night shift schedule that would have been worked until the twenty-one day notice period has elapsed.

(3) Standby rate per hour . . . . . \$ 25.00



Whenever a service is requested before or after working hours, Monday through Friday or anytime on Saturdays, Sundays or holidays, and service cannot be performed through no fault of the department, a minimum of four hours at the standby rate of \$25.00 per hour, per employee, shall be charged. Whenever a service is requested before or after working hours or anytime on a Saturday, Sunday or holiday, and a cancellation of such request is not received by 2:00 p.m. of the last regularly scheduled working day prior to the requested service, the four hour standby charge shall be applied.

(4) **Guarantee of expense.** When a service is requested that requires assignment of personnel at a facility where the volume of work at the established fees may not be adequate to pay the cost of providing the service, a guarantee of the expense of providing the service may be required. These facilities may enter into agreement with the department at guaranteed staffing levels and negotiated minimum hours and unit fees. [Statutory Authority: Chapter 22.09 RCW. 84-14-065 (Order 1836), § 16-212-030, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-030, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-030, filed 12/2/81. Statutory Authority: Chapter 22.09 RCW. 80-06-100 (Order 1705), § 16-212-030, filed 5/30/80; Order 1490, § 16-212-030, filed 3/1/77; Order 1404, § 16-212-030, filed 6/30/75; Order 1267, § 16-212-030, filed 5/31/72; Order 1118, § 16-212-030, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 3, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

**WAC 16-212-050 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-212-060 Official inspection and/or weighing fees under the United States Grain Standards Act.**

(1) **Combination inspection and weighing fees.** Ships, barges and transfers of bulk grain.

- (a) From vessel to elevator, per ton . . . . . \$ 0.12
- (b) Bin transfers, per ton . . . . . \$ 0.12
- (c) From elevator to vessel, per ton . . . . . \$ 0.12

(2) **Inspection only of railroad boxcars, open hopper-type cars or covered hopper-type cars, original inspection.**

(a) When sampled by United States department of agriculture approved mechanical belt, spout or leg type samplers at plants, per car . . . . . \$ 14.50

(b) When sampled by United States department of agriculture approved grain trier, original and subsequent original inspections, per car . . . . . \$ 23.00

(3) **Inspection only of trucks, per truck . . . . . \$ 14.00**

(4) **Reinspections of railroad boxcars, open hopper-type cars, covered hopper-type cars, ship subplot samples, barge lots, truck lots, and submitted samples.**

(a) When based on an official file sample, per reinspection . . . . . \$ 8.50

(b) When based on a new sample, for railcars only, per reinspection . . . . . \$ 23.00

(c) When based on a new sample, for trucks only, per reinspection . . . . . \$ 14.00

(5) Submitted samples, per inspection . . . . . \$ 6.25

(6) **Factor analysis and/or certification.**

(a) Factors added to existing certificates, or requested on ship subplot analyses, that do not affect the grade, per factor . . . . . \$ 2.50

(b) Factor certification only (maximum of two factors), per certificate . . . . . \$ 3.00

(i) Additional factors added to a factor certificate, per factor . . . . . \$ 2.50  
(A maximum of \$6.25 will be charged for grading factors only.)

(ii) When submitted samples are not of sufficient size to provide official grade analysis, obtainable factors will be provided, upon request of the applicant, at the factor only rate.

(7) **Official (NIR) protein analysis.**

(a) Protein in conjunction with official inspection for grade . . . . . \$ 6.25

(b) Protein only, submitted sample or reinspection . . . . . \$ 8.50

(c) Protein based on official sample, add applicable sampling charges.

(8) **Inspection of sacked grain at inspection points, per cwt . . . . . \$ 0.06**

(9) **Checkloading sacked grain, per manhour . . . . . \$ 23.00**

(10) **Waxy corn determination, on request, per determination . . . . . \$ 12.00**

(11) **Stowage examinations – ships, barges or vessels.**

(a) Per stowage space and/or tank, per examination . . . . . \$ 22.50

(b) Initial inspection, minimum charge . . . . . \$112.00

(c) Subsequent inspections, minimum charge . . . . . \$ 67.50

(d) Stowage examinations will be made on ships or vessels at anchor in midstream when requested.

(i) It is the responsibility of the applicant to provide safe transportation by licensed tug or water taxi to and from the vessel.

(ii) A minimum of two hours of regular time at \$23.00 per hour (one inspector) for general cargo vessels and a minimum of four hours of regular time at \$23.00 per hour (two inspectors) shall be charged for tankers in addition to the established inspection fee.

(iii) Inspections can only be made at the convenience of the grain inspection office, during daylight hours, under safe working conditions, when weather conditions permit.

(iv) Inspections can only be made within the area of the designated tidewater grain inspection office.

(v) A ship's or vessel's officer or company agent shall accompany the licensed shiphold inspector(s).

(e) A minimum of four hours per inspector at the applicable overtime rate shall also be assessed on Saturdays, Sundays, or holidays.

(12) **Other stowage examinations.**

(a) Sea van-type containers (when check-loading is not required) . . . . . \$ 7.60

- (b) Railroad cars, trucks and other containers, not in conjunction with loading, per container . . . . . \$ 7.60
- (13) Checktesting of diverter and mechanical samplers, per manhour . . . . . \$ 23.00
- (14) Ship samples.
  - (a) Ship composite samples.
    - (i) Initial set of samples to applicant (maximum of three samples) . . . . . no charge
    - (ii) Additional samples or samples at the request of other interested parties, per sample (two sample minimum when not requested with initial set) . . . . . \$ 5.00
  - (b) Ship samples on a subplot basis, per sample . . . . . \$ 5.00
- (15) Weighing services.
  - (a) Class X weighing services.
    - (i) From railroad boxcars, open or covered hopper-type cars (without inspection required) or vessels to elevator (grain only), per ton . . . . . \$ 0.10
    - (ii) From elevator to boxcars, open or covered hopper-type cars, barges (without inspection required) or vessels (without inspection, grain only), per ton . . . . . \$ 0.10
    - (iii) Bin transfers (grain only), per ton . . . . . \$ 0.10
    - (iv) Trucks, per truck or weight lot . . . . . \$ 7.00
  - (b) Class Y weighing services, per manhour . . . . . \$ 23.00
  - (c) Checkweighing of sacked grain, per manhour . . . . . \$ 23.00
  - (d) Scale certification/checktesting of official weighing scales.
    - (i) Weights and measures scale specialist, per manhour . . . . . \$ 31.50
    - (ii) Grain inspection personnel, per manhour . . . . . \$ 23.00

[Statutory Authority: Chapter 22.09 RCW. 84-14-065 (Order 1836), § 16-212-060, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-060, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-060, filed 12/2/81. Statutory Authority: Chapter 22.09 RCW. 80-06-100 (Order 1705), § 16-212-060, filed 5/30/80; Order 1490, § 16-212-060, filed 3/1/77; Order 1404, § 16-212-060, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-060, filed 5/31/72; Order 1118, § 16-212-060, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 4, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

**WAC 16-212-065 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-212-070 Official services under the Agricultural Marketing Act of 1946.**

- (1) Hay inspection.
  - (a) Complete inspection (minimum charge \$30.00), per ton . . . . . \$ 1.00

- (b) Factor inspection (minimum charge \$20.00), per ton . . . . . \$ 1.00
- (c) Submitted sample inspection, per sample . . . . . \$ 5.00
- (2) Inspection of beans, dry peas, lentils, and similar commodities.
  - (a) Inspection of bagged commodities at inspection points, per cwt . . . . . \$ 0.06
  - (b) Bulk commodity inspection at inspection points, per ton . . . . . \$ 0.28
  - (c) Minimum charge for bulk or bagged commodities (one hour) . . . . . \$ 23.00
  - (d) Submitted sample inspection, per sample . . . . . \$ 13.00
- (3) Weighing and combination inspection/weighing services for bulk commodities.
  - (a) Weighing only, other than grain, per ton . . . . . \$ 0.11
  - (b) Combination inspection/weighing of bulk commodities under federal grade standards, state standards, or for factor determinations, per ton . . . . . \$ 0.12
  - (c) Weigh grain by-products into portable containers including fitness examination of the container, weigh and sample the by-product (thirty ton maximum) . . . . . \$ 14.00
  - (4) Factor analysis.
    - (a) Moisture only . . . . . \$ 5.00
    - (b) Additional factors, the determination of which are not required to establish grade, or otherwise not required by regulation, added to an existing certificate, per factor . . . \$ 2.50
    - (c) Certification, factor only (maximum two factors), per certificate . . . . . \$ 3.00
    - (d) Additional factors added to a factor certificate, per factor . . . . . \$ 2.50 (A maximum of \$13.00 will be charged for grading factors only.)
    - (5) Sampling only, bulk commodities.
      - (a) Trucks or containers, per carrier . . . . . \$ 14.00
      - (b) Boxcars, open or covered hopper-type cars, per car . . . . . \$ 23.00
    - (6) Processed commodity and defense personnel support center (DPSC) inspection fees.
      - (a) Per manhour, two hour minimum, rate per hour . . . . . \$ 23.00
      - (b) In addition to the charges, if any, for sampling and other requested service, a fee will be assessed for each laboratory analysis or test identical with the amount charged by the federal grain inspection service for laboratory tests performed under authority of the Agricultural Marketing Act and for any postage or other costs of mailing not included in these fees.
    - (7) Sanitation inspections.
      - (a) Initial inspection . . . . . no charge
      - (b) Reinspections, four hour minimum, per manhour . . . . . \$ 23.00
  - (8) Stowage examinations under the Agricultural Marketing Act.
    - (a) Ships and vessels.
      - (i) Initial inspection, basic fee . . . . . \$150.00

- (ii) Subsequent inspections, basic fee . . . . . \$100.00
- (iii) In addition to the basic fee, there shall be levied a fee of \$23.00 per hour, per inspector.

(iv) These inspections shall be subject to the same restrictions and conditions as ship stowage examinations under the United States Grain Standards Act, as per WAC 16-212-060 (11)(d)(i) through (iv).

(b) Other stowage examinations shall be at the rate prescribed for containers listed in WAC 16-212-060(12).

(9) Aflatoxin testing fees.

(a) Black light and/or minicolumn determinations, per hour, per inspector . . . . . \$ 23.00

(b) Minicolumn determination, per test . . . . . \$ 15.60

(c) Thin layer chromatography fees and/or minicolumn fees, if applicable, will be assessed for laboratory analyses identical with the amount charged by the federal grain inspection service for that test.

(10) Falling numbers determinations, per determination . . . . . \$ 12.00

[Statutory Authority: Chapter 22.09 RCW. 84-14-065 (Order 1836), § 16-212-070, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-070, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-070, filed 12/2/81; Order 1490, § 16-212-070, filed 3/1/77; Order 1404, § 16-212-070, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-070, filed 5/31/72; Order 1118, § 16-212-070, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 8, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 891, filed 7/2/62; Order 790, effective 9/1/59.]

**WAC 16-212-080 Miscellaneous fees.**

(1) Mailing of samples shall be charged at actual mailing costs, minimum charge . . . . . \$2.00

(2) Fee for pickup of samples on routes established by the department, per sample . . . . . \$0.60

(3) Fees for services performed at places other than established grain and commodity inspection points.

(a) Travel time, per employee, will be charged at the applicable straight time or overtime rate from office to inspection point and return.

(b) Car mileage will be charged at the current published department of general administration rates (WAC 82-28-080), except where suitable transportation is provided by the applicant.

(c) If the travel is of sufficient duration to require payment of subsistence or per diem to the employee, an amount equal to the established subsistence and/or per diem rate (WAC 82-28-040 and 82-28-050) shall be assessed, except where applicable subsistence and lodging are furnished, or paid, by the applicant.

(d) Incidental costs of telephone, mailing, etc. shall be at actual cost.

(4) Certificate charges for certificates under the United States Grain Standards Act or the Agricultural Marketing Act of 1946.

(a) Divided original certificates, per certificate . . . . . \$1.50

(b) Extra copies of inspection, protein, weight, falling number, commodity or aflatoxin certificates, per copy . . . . . \$3.00

(5) Timely payment. Payment of fees and charges is due within thirty days after the date of the statement.

(a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or

(b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and

(c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance. [Statutory Authority: Chapter 22.09 RCW. 84-14-065 (Order 1836), § 16-212-080, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-080, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-080, filed 12/2/81; Order 1490, § 16-212-080, filed 3/1/77; Order 1404, § 16-212-080, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-080, filed 5/31/72; Order 1118, § 16-212-080, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 9, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

**WAC 16-212-082 Fees for services performed under state regulation.**

(1) Inspection of cultivated buckwheat and safflower under Washington state standards shall be at the rate applicable for the same type of sample under the fees for services under the United States Grain Standards Act.

(2) Cracked corn, corn screenings, and mixed grain screenings shall be inspected and/or weighed under the tonnage rate applicable for standardized grains as per WAC 16-212-060.

(3) Unofficial (NIR) protein analysis (barley, mixed grain, etc.), per determination . . . . . \$ 6.25

(4) Set of ten protein reference samples (one class) standardized with the state monitoring machine, per set . . . . . \$ 25.00

(5) Unofficial (NIR) oil determination for sunflower seed, per determination . . . . . \$ 12.00

[Statutory Authority: Chapter 22.09 RCW. 84-14-065 (Order 1836), § 16-212-082, filed 7/2/84.]

**WAC 16-212-086 Fees for warehouse audit and related services.** These fees shall be applied to the following services:

(1) Measurement of new construction and/or outside grain storage facilities (with less than two weeks notice), per manhour . . . . . \$ 23.00

(2) Special year end audits that require remeasurement due to consolidation, per manhour . . . . . \$ 23.00

(3) Commodity Credit Corporation samples will be drawn by grain division personnel at the established sampling rate.

(4) Appropriate hourly straight time and overtime charges, mileage, and travel charges shall be assessed.

[Statutory Authority: Chapter 22.09 RCW. 84-14-065 (Order 1836), § 16-212-086, filed 7/2/84.]

**WAC 16-212-090 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-212-120 Grades and standards.** The grades and standards established by the United States Department of Agriculture as of August 1, 1984, for all grains and commodities included within the provisions of this chapter are hereby adopted. In addition, the procedures to sample, grade, test and weigh grains and commodities, established by the regulations and instructions under the United States Grain Standards Act and the Agricultural Marketing Act of 1946, are hereby adopted for this state. [Statutory Authority: Chapter 22.09 RCW. 84-14-065 (Order 1836), § 16-212-120, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-120, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-120, filed 12/2/81; Order 1490, § 16-212-120, filed 3/1/77; Order 1423, § 16-212-120, filed 9/24/75; Order 1267, § 16-212-120, filed 5/31/72; Order 1118, § 16-212-120, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 12, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65.]

### Chapter 16-213 WAC

#### MISCELLANEOUS AGRICULTURAL COMMODITY INSPECTION STANDARDS

WAC	
16-213-200	Definitions.
16-213-210	Procedures.
16-213-220	Inspection and certification of shiplots and combined lots of Washington buckwheat.
16-213-230	Washington stowage examinations.

**WAC 16-213-200 Definitions.** (1) "Buckwheat" means grain which before the removal of dockage consists of fifty percent or more of whole kernels of buckwheat (domestic varieties). The term "buckwheat" in these standards shall not include wild buckwheat.

(2) "Dockage" means all matter other than buckwheat which can be readily removed from a test portion of the original sample by use of the approved device in accordance with the procedures as set down in these standards.

(3) "Foreign material" means all matter other than buckwheat which remains in the sample after the removal of dockage.

(4) "Moisture" means a percentage ascertained by the air oven or by any device and method which gives equivalent results.

(5) "Percentages" means percentages ascertained by weight except in the case of moisture.

(6) "Sample grade buckwheat" means buckwheat which has a commercially objectionable foreign odor; or is musty, sour, heating, or hot; or contains eight or more stones per one thousand grams; or fails to meet the

grade requirements of Washington numerical grades, or is otherwise distinctly low quality.

(7) "Stones" means concreted, earthy, or mineral matter or other substances of similar hardness that do not disintegrate readily in water.

(8) "Test weight per bushel" means the weight as determined per Winchester bushel (35.24 liters) or as determined by any device and method which gives equivalent results.

(9) "Type" of buckwheat (large or small) means the result determined by sizing a portion using an 8/64 x 3/4 slotted sieve, and shall be added to and made a part of the grade designation.

(a) The designation shall be "large" when twenty percent or less of the buckwheat passes through an 8/64 x 3/4 slotted sieve.

(b) The designation shall be "small" when more than twenty percent of the buckwheat passes through an 8/64 x 3/4 slotted sieve.

(10) "Weevily" buckwheat shall be buckwheat that is infested with live weevils or other insects injurious to stored buckwheat. [Statutory Authority: Chapter 22.09 RCW. 84-06-036 (Order 1812), § 16-213-200, filed 3/2/84.]

**WAC 16-213-210 Procedures.** (1) The determination of dockage shall be on approximately nine hundred seventy-five to one thousand twenty-five grams cut from the representative sample.

(a) The Carter dockage tester shall be set up as follows:

- (i) Set the air control at number six;
- (ii) Set the feed control at number six;
- (iii) Use the number two riddle in the riddle carriage;
- (iv) Use no sieve in the top sieve carriage;
- (v) Use the number eight sieve in the middle sieve carriage;

(vi) Use the number eight sieve in the bottom sieve carriage.

(b) Dockage will then consist of:

- (i) The material removed from the air collecting pan;
- (ii) Material over the number two riddle. If any buckwheat is in this pan, remove and return to dockage free buckwheat;

(iii) Material through the number eight sieve. If by weight, it is fifty percent or more of material other than buckwheat, return all of it to the dockage. If by weight, it is more than fifty percent buckwheat, return all of it to the dockage free buckwheat;

(iv) Material through the number six bottom sieve.

(c) Record the percentage of dockage on the pan ticket. When applicable, the percentage of dockage shall be shown on the inspection certificate. The percentage of dockage when equal to 0.5 percent or more shall be stated in terms of half percent, whole percent, or whole and half percent, whichever is applicable, with other fractions disregarded as shown in the following examples:

- 0.50 to 0.99 percent is expressed as 0.5 percent;
- 1.00 to 1.49 percent is expressed as 1.0 percent;
- 1.50 to 1.99 percent is expressed as 1.5 percent, etc.

(2) The determination of foreign material shall be made on a representative portion of approximately sixty grams cut from the work sample after the removal of dockage. The percentage of foreign material shall be shown on the pan ticket and the inspection certificate to the nearest tenth of a percent.

(3) The determination for moisture shall be made on a representative portion of exactly two hundred fifty grams obtained from the representative sample before the removal of dockage. The percentage of moisture shall be shown on the pan ticket and the inspection certificate in whole and tenths of a percent to the nearest tenth percent.

(4) The determination for distinctly low quality and Washington sample grade factors shall be made on the basis of the lot as a whole and/or a representative portion of approximately one thousand grams cut from the representative sample before the removal of dockage. Distinctly low quality factors shall include:

(a) Animal filth. Buckwheat containing two or more rodent pellets, bird droppings, or an equivalent quantity of other animal filth shall be graded Washington sample grade.

(b) Broken glass. Buckwheat containing two or more pieces of broken glass shall be graded Washington sample grade.

(c) Castor beans. These multi-colored bean-like seeds of the castor-oil plant have been found to be highly toxic to animal life. Buckwheat containing three or more castor beans shall be graded Washington sample grade.

(d) Crotalaria. The seeds of crotalaria (*CROTALARIA* spp.) are highly toxic to animal life. These seeds can be various colors and are generally "kidney" or "boxing glove" shaped. Buckwheat containing three or more crotalaria seeds shall be graded Washington sample grade.

(e) Unknown foreign substance. Buckwheat containing four or more pieces of an unknown foreign substance shall be graded Washington sample grade. Pelletized material other than feed pellets shall be considered an unknown foreign substance. Feed pellets in buckwheat are considered dockage or foreign material, depending on where they are found during grading.

When buckwheat is found to be Washington sample grade on one or more of these factors, this fact and the reasons therefore shall be shown on the pan ticket and the inspection certificate even though the buckwheat may be Washington sample grade on another factor.

(5) The determination of stones shall be made on a representative portion of approximately one thousand grams of buckwheat after the removal of dockage.

(6) The determination for test weight per bushel shall be made on a representative portion of buckwheat ranging in size from one and one-eighth to one and one-quarter quarts after the removal of dockage. The test weight per bushel of buckwheat, whether or not this factor determines the grade, shall be shown on the pan ticket and the inspection certificate in whole and half pounds. A fraction of a half pound shall be disregarded.

(7) The determination of type shall be made on a representative portion of approximately two hundred

fifty grams cut from the work sample after the removal of dockage. One of the following methods may be used:

(a) The mechanical sieving method.

(i) Mount an 8/64 x 3/4 slotted sieve and the bottom pan on the mechanical sieve shaker with the sieve perforations parallel to the direction of the movement. The sample is placed on the sieve and shaken lengthwise of the slots for twenty strokes.

(ii) All the material passing through the sieve shall be weighed and the percentage determined to the nearest tenth of a percent. This percentage shall be shown on the pan ticket and the inspection certificate.

(b) Hand sieving method.

(i) Mount an 8/64 x 3/4 slotted sieve on a bottom pan.

(ii) Place the two hundred fifty gram portion in the center of the pan.

(iii) Hold the sieve level in both hands with elbows close to the body and the sieve perforations parallel to the direction of the movement.

(iv) In a steady motion move the sieve left to right approximately ten inches and then return from right to left.

(v) Repeat the operation twenty times.

(vi) All the material passing through the sieve shall be weighed and the percentage determined to the nearest tenth of a percent. This percentage shall be shown on the pan ticket and the inspection certificate.

(8) The determination for the special grade "weevily" shall be made on the basis of the lot as a whole and/or the representative sample before the removal of dockage. Buckwheat is considered infested and shall be graded weevily when:

(a) The work sample contains one live weevil and any other live insect injurious to stored grain.

(b) The work sample contains one live weevil and the balance of the representative sample contains one live weevil or any other live insect injurious to stored grain.

(c) The work sample, or the work sample and the balance of the representative sample combined, contains no live weevils but does contain five or more other live insects injurious to stored grain.

(d) Two or more live weevils are found in, on or about the lot. When buckwheat is found to be weevily, this fact shall be shown on the pan ticket and on the inspection certificate in accordance with grade designation procedures.

(9) To provide uniform certification the following procedure shall be observed when writing grade designations on pan tickets and inspection certificates:

(a) The word "Washington" preceded by the abbreviation "no." and the numerical grade, or preceded by the words "sample grade," as the case may be, shall be shown first;

(b) The word "large" or "small" shall be shown next;

(c) The word "buckwheat" shall be shown next;

(d) When applicable, the special grade "weevily" shall be shown next;

(e) When applicable, the word "dockage" together with the percentage thereof.

(10) The following certification requirements are applicable to buckwheat under these standards:

GRADE	MINIMUM TEST WEIGHT PER BUSHEL (POUNDS)		MAXIMUM LIMIT OF FOREIGN MATERIAL
	LARGE	SMALL	
	Pounds	Pounds	Percent
No. 1 Washington	45	48	1.0
No. 2 Washington	43	46	2.0
No. 3 Washington	40	42	4.0

Sample grade – Buckwheat which has a commercially objectionable foreign odor, or is musty, sour, heating, hot, contains eight or more stones per one thousand grams, or is otherwise distinctly low quality shall be graded Washington sample grade buckwheat with the inspector's notation as to quality and condition. [Statutory Authority: Chapter 22.09 RCW. 84-06-036 (Order 1812), § 16-213-210, filed 3/2/84.]

**WAC 16-213-220 Inspection and certification of shiplots and combined lots of Washington buckwheat.** (1) For the loading of shiplots and combined lots, procedures from Chapter 2 – "Inspection of Shiplots and Combined Lots" and Chapter 3 – "Certification of Shiplots and Combined Lots" shall be utilized from the *Federal Grain Inspection Manual*.

(2) The following table shall be used for uniform inspection and determination of breakpoints.

(3) For purposes of the table below, GL means grade limit and BP means breakpoint.

GRADE	MINIMUM TEST WEIGHT PER BUSHEL (POUNDS)				MAXIMUM LIMIT OF FOREIGN MATERIAL	
	LARGE		SMALL		FOREIGN MATERIAL	
	GL	BP	GL	BP	GL	BP
No. 1 Washington	45.0	0.5	48.0	0.5	1.0	0.5
No. 2 Washington	43.0	0.5	46.0	0.5	2.0	0.5
No. 3 Washington	40.0	0.5	42.0	0.5	4.0	0.8

OTHER FACTORS	GRADE LIMIT	BREAKPOINT
Moisture	As specified by contract or load order	
Dockage	0.49%	0.27%
	0.99%	0.27%
	1.49% and above	0.39%
Large	20% or Less	5.0%
Small	More than 20%	-5.0%
Weevily	See WAC 16-213-210(8)	0 count

[Statutory Authority: Chapter 22.09 RCW. 84-06-036 (Order 1812), § 16-213-220, filed 3/2/84.]

**WAC 16-213-230 Washington stowage examinations.** (1) Upon request, original inspection or reinspection stowage examinations to determine suitability for loading of carriers transporting cultivated buckwheat, beet pulp pellets and other commodities not specifically covered by the United States Grain Standards Act, as amended (7 U.S.C. 71 et seq.) or the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.)

will be performed by inspectors of the Washington state department of agriculture who are licensed under one of the above acts to perform official export stowage examinations.

(2) Procedures and guidelines for cleanliness shall be those of the United States Grain Standards Act, as amended. If the stowage area is acceptable, results shall be certificated on a Washington state certificate as:

"Hold no(s) ----- was (were) examined on the above date by an inspector of the Washington state department of agriculture and was (were) found to be substantially clean, dry, free of insect infestation and suitable to maintain the quality of the (type of commodity) ."

If the stowage area is unacceptable, results will be certificated on a Washington state certificate as:

Hold no(s) ----- was (were) examined on the above date by an inspector of the Washington state department of agriculture and was (were) found to be not suitable to maintain the quality of the (type of commodity) because of (condition) ."

The terms "official" or "official stowage examination" shall not be used. [Statutory Authority: Chapter 22.09 RCW. 84-06-036 (Order 1812), § 16-213-230, filed 3/2/84.]

**Chapter 16-224 WAC**

**DESIGNATION OF WAREHOUSE STATIONS**

<b>WAC</b>	
16-224-010	Combining certain warehouses into stations.
16-224-030	Contemporary grain storage.

**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 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) Almota Elevator Company is combining Port Almota, Union Center, and Mockonema into one station – Port Almota 187.

(4) Auvil-Warner Company, Inc., is combining Belmont, Sokulk, and Warner Siding into one station – Belmont 245.

(5) BNP Lentil Company is combining Farmington, Oakesdale, Pigeon Hollow Farm, and Garfield into one station – Farmington 43.

(6) Berger & Plate, Inc., is combining Tekoa, Tilma, and Garfield into one station – Tekoa 471.

(7) CENEX is combining Othello, Eltopia, and Venner into one station – Othello 820.

(8) Central Washington Grain Growers, Inc., is combining Almira, Hanson, Hartline, Coulee City, Grand Coulee, Withrow, Supplee, Waterville, Douglas,

Alstown, Mansfield, Brewster, and Wenatchee into one station – Waterville 852.

(9) Cheney Grain Growers, Inc., is combining Cheney and Rodna into one station – Cheney 330.

(10) Columbia Bean & Produce Company, Inc., is combining Wheeler, Block 89, Royal Slope, Homestead, Quincy, Bruce, Toppenish, Basin City, and Mattawa into one station – Wheeler 282.

(11) Columbia Producers, Inc., is combining Warden, Royal City, Whiting Farm, and Howard Kisler Farm into one station – Warden 19.

(12) Davenport Union Warehouse Company is combining Davenport, Mondovi, Omans, Hunters, and Ritzville into one station – Davenport 289.

(13) Edwall Grain Growers, Inc., is combining Edwall, Canby, Waukon, Sprague, and Edens into one station – Edwall 4.

(14) Empire Seed Company is combining Othello, Royal Camp, and Royal City into one station – Othello 256.

(15) Eppich Grain Inc., is combining Royal Slope and Basin City into one station – Royal Slope 28.

(16) Fairfield Grain Growers, Inc., is combining Fairfield, and Waverly into one station – Fairfield 525.

(17) Fuhrman's Feed & Farm Supply Company is combining Kettle Falls, Colville, Chewelah, and Nelson Barn into one station – Kettle Falls 46.

(18) Full Circle, Inc., is combining Wheeler, Warden, Quincy, Bruce, Royal City, and Trinidad into one station – Wheeler 887.

(19) The Garfield Union Warehouse Company is combining Garfield, Grinnell, Walters, Crabtree, Elberton, and Eden into one station – Garfield 24.

(20) Inland Empire Milling Company is combining Pine City, St. John, and Pleasant Valley into one station – St. John 706.

(21) Inland Empire Pea Growers Association, Inc., is combining Oakesdale, Garfield, Latah, Spangle, Waverly, West Fairfield, Fairfield, and Spokane into one station – Spokane 220.

(22) Johnson Union Warehouse Company, Inc., is combining Johnston, Colton, and Chambers into one station – Johnston 645.

(23) Kittitas Farm Storage Company is combining Kittitas, Ellensburg, and Thrall into one station – Kittitas 250.

(24) Lacrosse Grain Growers, Inc., is combining Lacrosse, Pampa, Gordon, Hooper, Schreck, Hay, and Dusty into one station – Lacrosse 131.

(25) Lamont Grain Growers, Inc., is combining Lamont and Revere into one station – Lamont 476.

(26) Lentils, Inc., is combining Warner Siding and Oakesdale into one station – Warner Siding 32.

(27) Logan Feed, Inc., is combining Wapato, Harrah, and Toppenish into one station – Toppenish 104.

(28) Oakesdale Grain Growers, Inc., is combining Oakesdale, Seabury, Fairbanks, Warner, Farmington, and Seltice into one station – Oakesdale 71.

(29) Odessa Trading Company is combining Odessa, Ruff, Batum, Moody, Schmierer, and Warden into one station – Odessa 342.

(30) Odessa Union Warehouse Co-op is combining Odessa, Irby, Lamona, Lauer, Reiman, Jantz, Schoonover, Packard, Harrington, Mohler, Downs, Davenport, Egypt, Rocklyn, and Ephrata into one station – Odessa 305.

(31) Pendleton Grain Growers, Inc., is combining Prosser, Whitstran, and Wycoff Farms into one station – Prosser 648.

(32) The Pillsbury Company is combining Basin City, Merrills Corner, and Toppenish into one station – Basin City 23.

(33) Pomeroy Grain Growers, Inc., is combining Pomeroy, Zumwalt, Dodge, and Central Ferry into one station – Pomeroy 400.

(34) Pomeroy Warehouse & Feed Company, is combining Pomeroy, Gould City, and Central Ferry into one station – Pomeroy 853.

(35) Prairie Grain Company is combining Vista and Pasco into one station – Vista 688.

(36) Quincy Farm Chemicals, Inc., is combining Quincy, and Royal Slope into one station – Quincy 29.

(37) Reardan Grain Growers, Inc., is combining Reardan, Gravelle, Eleanor, Hite, Espanola, and Spokane into one station – Reardan 455.

(38) Ritzville Warehouse Company, Inc., is combining Ritzville, Tokio, Ralston, Marcellus, Benge, Maier, and Keystone into one station – Ritzville 295.

(39) Rockford Grain Growers, Inc., is combining Mead, Rockford, Freeman, Mt. Hope, Worley, and Setters into one station – Rockford 196.

(40) Rosalia Producers, Inc., is combining Rosalia, Plaza, Spring Valley, McCoy, Balder, Spangle, Squaw Canyon, Pine City, and Central Ferry into one station – Rosalia 415.

(41) St. John Grain Growers, Inc., is combining St. John, Ewan, Willada, Juno, Sunset, and Pleasant Valley into one station – St. John 534.

(42) Spokane Seed Company is combining Spokane, Colfax, Plaza, and Setters into one station – Spokane 452.

(43) Sunnyside Grain Inc., is combining Sunnyside, Mabton, and Ashue Siding into one station – Sunnyside 2.

(44) Union Elevator & Warehouse Company, Inc., is combining Lind, Pizarro, Schrag, Paha, Pence, Bauer, R. H. Phillips, and Beatrice into one station – Lind 474.

(45) Uniontown Co-operative Association is combining Uniontown, Leon, and Wilbur Gulch into one station – Uniontown 430.

(46) United Grain Growers, Inc., is combining Harrington, Mohler, Downs, Bluestem, Wilbur, Sherman, Wheatridge, Govan, Creston, Richardson Farm, and Phillips Ranch into one station – Harrington 807.

(47) Walla Walla Grain Growers, Inc., is combining Walla Walla, Baker-Langdon, Dixie, Port Kelly, Sapolil, Tracy, Valley Grove, Spring Valley, Reser, Miller, Gardena, Clyde, Eureka, Pleasant View, Sheffler, Smith Springs, Rulo, Dry Creek, Ennis, Paddock, and Wallula into one station – Walla Walla 462.

(48) Washtucna Grain Growers, Inc., is combining Washtucna, Sperry, Fletcher, and Sand Hills into one station - Washtucna 653.

(49) Wheat Growers of Endicott, Inc., is combining Endicott, Thera, and Winona into one station - Endicott 524.

(50) Whitman County Growers, Inc., is combining Cashup, Glenwood, Manning, Mockonema, Steptoe, Thornton, Colfax, Albion, Ewartsville, Fallon, Parvin, Whelan, Pullman, Kitzmiller, and Gravel Pit into one station - Colfax 74.

(51) Wilson Creek Union Grain & Trading Company is combining Stratford and Wilson Creek into one station - Wilson Creek 354. [Statutory Authority: Chapter 22.09 RCW. 84-10-021 (Order 1820), § 16-224-010, filed 4/26/84; 80-06-102 (Order 1687), § 16-224-010, filed 5/30/80; 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.]

**WAC 16-224-030 Contemporary grain storage.** (1) Grain may be stored outside the warehouseman's permanent enclosed storage space only under the following conditions:

(a) The warehouseman has insufficient permanent enclosed storage space available.

(b) Outside storage shall be on ground properly landscaped to provide adequate drainage. Prior to its use, the storage space shall be approved by the department.

(c) Outside storage not filled through the warehouseman's permanent enclosed storage facility shall have a separate letter designation and license fee.

(d) The warehouseman shall maintain a net worth of twenty-five cents per bushel in addition to the net worth requirements of WAC 16-212-130 for outside storage which will be picked up and/or covered and aerated prior to November 1 of the crop year.

(e) A warehouseman may request the department of agriculture to license and approve outside storage that may not be picked up and/or covered and aerated by November 1: *Provided*, That this amount of outside storage may not exceed fifty percent of the warehouseman's licensed permanent enclosed storage space. The department shall grant the request if it determines, after a review of the premises, that it is properly landscaped and that the warehouseman maintains a net worth of seventy-five cents per bushel for uncovered outside storage, in addition to the net worth requirements of WAC 16-212-130. A warehouseman may file a written request with the department for up to a thirty day extension from the November 1 date, if filed by October 15. This request shall indicate the amount and condition of the grain for which the extension is requested, the amount of rainfall received in the area since harvest

along with other information that may be necessary to assist the department in evaluating the request. Given the circumstances presented, the department shall grant the request if it determines the extension does not pose an unreasonable risk of deterioration to the grain.

(f) All outside storage shall be properly crowned and groomed and free from contact with the side of any building or elevator after October 15 of the crop year.

(2) Violation of this rule constitutes a violation of chapter 22.09 RCW and may result in fines and a suspension of the warehouseman's license. [Statutory Authority: Chapter 22.09 RCW. 84-10-021 (Order 1820), § 16-224-030, filed 4/26/84; 83-15-036 (Order 1802), § 16-224-030, filed 7/19/83; 81-15-057 (Order 1745), § 16-224-030, filed 7/17/81.]

## Chapter 16-228 WAC PESTICIDE REGULATIONS

WAC	
16-228-010	Definitions.
16-228-115	Pesticide labeling requirements.
16-228-125	Experimental use permits.
16-228-130	Pesticide-fertilizer registration and labeling.
16-228-155	Pesticides—Not for distribution to home and garden users.
16-228-160	Restriction on distribution, transportation, storage and disposal.
16-228-161	Distribution records.
16-228-162	High volatile ester and dust formulations prohibited.
16-228-165	State restricted use pesticides for use by certified applicators only.
16-228-168	Change of exemptions.
16-228-170	Pesticide dealer and dealer manager licenses.
16-228-172	Permits.
16-228-174	Repealed.
16-228-176	Repealed.
16-228-178	Repealed.
16-228-180	License denied, revoked or suspended.
16-228-185	Restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers.
16-228-190	Applicator requirements.
16-228-210	Financial responsibility insurance certificate (FRIC).
16-228-220	Examination requirements.
16-228-225	Regulation of application of vertebrate control pesticides.
16-228-230	Special restrictions on the use of Compounds 1080, 1081 and phosphorus paste.
16-228-235	Purpose of rules—Endrin use.
16-228-240	Repealed.
16-228-245	Endrin application—Criteria for determining crisis use on orchards.
16-228-250	Endrin—Written recommendation—Licensed consultant—Game representative.
16-228-255	Endrin—Distribution—Dealer records.
16-228-260	Endrin—Application restrictions.
16-228-265	Endrin—Posting requirements.
16-228-270	Repealed.
16-228-275	Endrin—Applicator records.
16-228-280	Repealed.
16-228-285	Repealed.
16-228-340	Establishing tolerances for the chemical ethylene dibromide (EDB).

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-228-174	Private commercial applicator license. [Order 1538, § 16-228-174, filed 7/29/77, effective 9/1/77.] Repealed by 84-09-011 (Order 1817), filed 4/10/84.
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- Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-228-176 Private applicator certification. [Order 1538, § 16-228-176, filed 7/29/77, effective 9/1/77.] Repealed by 84-09-011 (Order 1817), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-228-178 Demonstration and research applicator certification. [Order 1538, § 16-228-178, filed 7/29/77, effective 9/1/77.] Repealed by 84-09-011 (Order 1817), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-228-240 Endrin use in orchards—1983 to 1984. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-240, filed 8/1/83.] Repealed by 85-17-044 (Order 1869), filed 8/16/85. Statutory Authority: Chapter 17.21 RCW.
- 16-228-270 Permit. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-270, filed 8/1/83.] Repealed by 85-17-044 (Order 1869), filed 8/16/85. Statutory Authority: Chapter 17.21 RCW.
- 16-228-280 Endrin advisory committee. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-280, filed 8/1/83.] Repealed by 85-17-044 (Order 1869), filed 8/16/85. Statutory Authority: Chapter 17.21 RCW.
- 16-228-285 Endrin use in orchards after December 31, 1984—Crisis permits—Permit requirements. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-285, filed 8/1/83.] Repealed by 85-17-044 (Order 1869), filed 8/16/85. Statutory Authority: Chapter 17.21 RCW.

**WAC 16-228-010 Definitions.** (1) "**Department**" means the department of agriculture of the state of Washington.

(2) "**Director**" means the director of the department of agriculture of the state of Washington, or a duly authorized representative.

(3) "**Agricultural commodity**" means any plant, or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by humans or animals.

(4) "**Authorized agent**" is any person who is authorized to act on behalf of a certified applicator for the purpose of purchasing pesticides.

(5) "**Bait box**" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated synthetic material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized persons and domestic animals from gaining access to the bait. The cover shall be provided with a lock that can be unlocked only by a combination, key, special tool, or forced entry. Fragile materials are unacceptable.

(6) "**Bait station**" may be any location where baits are placed to allow target pests to gain access to the bait.

(7) "**Bulk fertilizer**" is a commercial fertilizer, agricultural mineral, or lime, distributed in nonpackaged form.

(8) "**Certified applicator**" means any individual who is certified by the director to use or supervise the use of any pesticide which is classified by the Environmental Protection Agency (EPA) as a restricted use pesticide or by the state as restricted to use by certified applicators

including, but not limited to licensed commercial applicators, licensed commercial operators, licensed public operators, licensed private-commercial applicators, licensed demonstration and research applicators, and certified private applicators.

(9) "**Controlled disposal site**" means any place where solid or liquid waste is disposed: *Provided*, That the area has been designated as a disposal site for waste materials by the appropriate jurisdictional agency: *Provided further*, That the site is fenced, barricaded or otherwise enclosed or attended by some person in charge to facilitate control-access of domestic animals, pets, and unauthorized persons.

(10) "**Dry pesticide**" is any granular, pelleted, dust or wettable powder pesticide.

(11) "**EPA**" means the United States Environmental Protection Agency.

(12) "**EPA restricted use pesticide**" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(13) "**Fertilizer**" as included in this order means any liquid or dry mixed fertilizer, fertilizer material, specialty fertilizer, agricultural mineral, or lime.

(14) "**FIFRA**" means the Federal Insecticide, Fungicide and Rodenticide Act as amended.

(15) "**Floor level**" is considered to be the floor upon which people normally walk—not shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.

(16) "**Food service establishment**" means any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial-feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public, or nonprofit organization routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(17) "**Fumigant**" means any substance or combination of substances that produce gas, fumes, vapors, or smoke, and is used to kill pests in some kind of enclosure.

(18) "**Highly toxic**" for the purpose of this chapter, are those pesticides determined to be in the Toxicity Category I and are labeled on the front panel with the signal word "danger." In addition if the product was assigned to Toxicity Category I on the basis of its oral, inhalation or dermal toxicity (as distinct from skin and eye local effects) the word "poison" shall appear in red on a background of distinctly contrasting color and the skull and crossbones shall appear in immediate proximity to the word "poison."

(19) "**Private applicator**" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators by the director for the purposes of producing any agricultural

commodity on land owned or rented by the private applicator or the private applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

(20) "**Private-commercial applicator**" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

(21) "**State restricted use pesticide**" means any pesticide determined to be a restricted use pesticide by the director under the authority of chapters 17.21 and 15.58 RCW that are restricted to use only by certified applicators.

(22) "**Unreasonable adverse effects on the environment**" means any unreasonable risk to humans or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-010, filed 8/16/85. Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-010, filed 4/10/84; Order 1538, § 16-228-010, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-010, filed 5/14/76. Formerly WAC 16-220-200 (part).]

#### **WAC 16-228-115 Pesticide labeling requirements.**

(1) Pesticide labeling must meet the standards or criteria of the Federal Insecticide, Fungicide and Rodenticide Act.

(2) Conditions set forth as part of an exemption from registration under provisions of Section 18 of FIFRA shall be considered labeling for purposes of enforcement. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-115, filed 4/10/84; Order 1470, § 16-228-115, filed 5/14/76. Formerly WAC 16-222-030.]

#### **WAC 16-228-125 Experimental use permits.**

(1) Pesticides shall not be distributed or used for experimental purposes unless a written permit has been obtained from the director. All distribution and use of pesticides for experimental purposes shall be subject to restrictions and conditions described in the experimental use permit. Applications for experimental use permits shall include the following (when applicable):

(a) Name of the active ingredient and/or product name and/or EPA registration number of the product to be used;

(b) Person responsible for carrying out provisions of the experimental permit and means of locating this person in case of emergency;

(c) Target pest(s);

(d) Crop or site and location(s) to which the pesticide is to be applied;

(e) Disposition of any treated food or feed and of subsequent crops from treated sites;

(f) Rate of application of formulation or active ingredient and number of applications;

(g) Timing and duration of the proposed program;

(h) Area to which the pesticide is to be applied;

(i) Total amount of pesticide to be applied;

(j) Federal experimental use permit number and text;

(k) Labeling to accompany the pesticide in the field;

(l) Any other information required by the director.

(2) An experimental use permit shall not be issued for use of a pesticide on a food or feed unless a tolerance greater than residues anticipated from the treatment or exemption from the requirement of a tolerance has been obtained from the Environmental Protection Agency, provisions for destruction of the treated food or feed and any crop residue have been made, or adequate demonstration has been made to the department that no detectable pesticide residue from the experimental program will be present in food or feed. The director may require evidence to substantiate any of the above.

(3) Collective experimental use permits may be issued by the director for experimental programs conducted by recognized research institutions on land owned or controlled by the institution.

(4) The director may monitor the implementation of any experimental use permit. This may include collection of samples, inspection of premises, records and equipment, and any other related activities specified by the director. The conditions of any experimental use permit may require notification of a designated department office prior to application and/or presence of a departmental representative at the application. Experimental use permits shall be considered labeling for purposes of enforcement. Violations of these permits shall be considered use inconsistent with the label.

(5) Summaries of experimental results and environmental effects shall be retained by the holder of the permit for three years and shall be submitted to the department upon request of the director.

(6) Pesticides intended for experimental use must be contained in secure containers, the labeling of which must present such precautions as are known to be necessary to protect the health of persons who may come in contact with the pesticide and to prevent unreasonable adverse effects on the environment.

(7) The director may limit the amount of pesticide, acres or areas to be treated, licensing, or qualifications of persons exercising the permit, or any other condition of an experimental use permit. The director may deny, amend, suspend or revoke any experimental use permit if it is found to be in violation of applicable federal regulations, in violation of chapters 15.58 and 17.21 RCW or rules adopted thereunder, or if the director deems such action necessary to protect public health and the environment. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-125, filed 4/10/84; Order 1470, § 16-228-125, filed 5/14/76. Formerly WAC 16-220-070.]

**WAC 16-228-130 Pesticide-fertilizer registration and labeling.** (1) Each pesticide-fertilizer mix containing different pesticide active ingredients and/or percentages

must be registered with the director: *Provided*, That the fertilizer portion shall be considered an inert ingredient for the purpose of this order: *And provided further*, That such registrations may be to the nearest one-tenth of one percent by weight of all active ingredient/s, except for nitrification inhibitor-pesticide mixes as stated in (4) below.

(2) A specimen pesticide-fertilizer label shall be registered with the director before distribution or sale. These labels shall bear the following items:

(a) A pesticide ingredient statement identifying the active ingredient(s) and showing the percent by weight of each active ingredient;

(b) EPA registration number of each pesticide used to formulate the pesticide-fertilizer mix;

(c) Crop(s) on which the pesticide-fertilizer mix may be used and the amount of pesticide-fertilizer mix to be applied per acre;

(d) Timing of application (for instance, preplant) and the preharvest interval;

(e) Net weight of the shipment;

(f) Name and address of the registrant or manufacturer;

(g) Any other information required by the director.

(3) Labeling bearing all of the information specified in (2) above and a complete specimen label for each pesticide product used to formulate the pesticide-fertilizer mix shall accompany each pesticide-fertilizer mix shipment. All or portions of the information required in (2) above may occur on the invoice of a custom mix: *Provided*, That an appropriate specimen invoice has been registered by the director as pesticide labeling.

(4) Pesticide-fertilizer mixes containing nitrification inhibitors or agents intended for nitrogen stabilization only, and no other pesticide active ingredients, may be registered without specifying the percentage of active ingredient. The amount of active ingredient in the mix must be stated on the label that accompanies each shipment. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-130, filed 4/10/84; Order 1470, § 16-228-130, filed 5/14/76. Formerly WAC 16-222-090.]

**WAC 16-228-155 Pesticides--Not for distribution to home and garden users.** (1) The following pesticides are hereby declared to be restricted use pesticides in the state of Washington because of their toxicity to humans and animals and shall not be distributed to home and garden users. The following pesticides will be registered only when manufactured, labeled, delivered, distributed, sold, or held for sale for use by commercial producers and/or commercial applicators or governmental agencies experienced in the application of pesticides:

(a) DiNitro-O-Sec Butyl Phenol (DNOSBP)

(b) Endothall (20% and above)

(c) Ethion (26% and above)

(d) Guthion (16% and above)

(e) Hydrogen Cyanide (Hydrocyanic acid) (HCN)

(f) Methyl Bromide

(g) Strychnine and its salts (Strychnine Alkaloid 1.1% and above)

(2) Pesticide dealers shall keep records on the sale of any of the above listed pesticides. These records shall contain the date of sale, the name and amount of the pesticide sold and the name and address of the purchaser. These records shall be kept on file for a period of one year and the director shall have access to these records upon request. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-155, filed 4/10/84; Order 1538, § 16-228-155, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-155, filed 5/14/76. Formerly WAC 16-222-145.]

**WAC 16-228-160 Restriction on distribution, transportation, storage and disposal.** (1) No person shall handle, transport, store, display, apply, dispose of or distribute pesticides in such a manner as to endanger humans and their environment or to endanger food, feed, or any other product that may be transported, stored, displayed, or distributed with such pesticides. Toxicities of pesticides shall be considered in distribution, storage, handling, and merchandising practices.

(2) Highly toxic pesticides shall not be transported in the same compartment of the vehicle or other equipment together with clothes, food, feed, or any other material intended for consumption by humans or animals. Any vehicle or other equipment shall be inspected by the owner or authorized agent for contamination before re-use. In instances where leakage or spillage has occurred, the shipper of the pesticides shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Vehicles or other equipment which have been contaminated must not be returned to service until the contamination has been removed.

(3) Pesticide containers shall be secured during transit by use of side or end racks, bracing, chocks, tiedowns, or other means to prevent their sliding, falling, tipping, rolling, or falling off the vehicle with normal vehicle acceleration, deceleration, or change in direction.

(4) Valves shall be tightly closed and manhole covers shall be secured on cargo or portable tanks used for transporting pesticides, whether tanks are full or empty.

(5) Portable tanks shall be secured to prevent their sliding, falling, tipping, or rolling with normal vehicle acceleration, deceleration, or change in direction. Ends, sidewalls, or doors of van bodies shall not be relied upon for securement.

(6) Pesticides shall not be delivered to a pesticide consignee unless the consignee or authorized agent is present to accept delivery of the pesticides and signs a delivery slip and/or the pesticides are secured in a proper storage.

(7) Pesticides shall not be stored and/or displayed over or adjacent to meat or vegetable cases, other human foods, animal feeds, or drugs, or in any manner that may result in contamination of food, feed, or clothing. Pesticides intended for sale or distribution shall only be stored and displayed within an enclosed area of a building or fence and shall not be displayed on sidewalks.

(8) Pesticide dealers shall not sell, offer for sale, or hold for sale highly toxic pesticides in the same department where food for human consumption is displayed or sold. The use of the same "checkstand" or food packaging area is prohibited for the distribution of highly toxic pesticides.

(9) All pesticide accidents must be reported to the Washington state department of social and health services.

(10) Pesticides in leaking, broken, corroded, or otherwise damaged containers shall not be displayed, offered for sale, or transported and shall be handled or disposed of in a manner that would not contaminate the environment or cause injury to humans and/or animals. Pesticides with obscured or damaged labels shall not be displayed or offered for sale.

(11) No person shall distribute or sell any pesticide unless it is [in] the registrant's or the manufacturer's unbroken, immediate container and there is affixed to the container its registered pesticide label.

(12) The distribution and use of DDT and DDD shall be prohibited in this state except for uses allowed by the Environmental Protection Agency or the Center for Disease Control of the United States Department of Health and Human Services. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-160, filed 4/10/84; Order 1538, § 16-228-160, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-160, filed 5/14/76. Formerly WAC 16-222-150.]

**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 16-228-161 Distribution records.** Pesticide dealers shall furnish records on the distribution of any pesticide except those labeled only for home and garden use to the director upon request. These requests shall be limited to records necessary for investigations of suspected violations, damage complaints, monitoring distribution and use under provisions of special local needs registrations, emergency exemptions from federal registration and experimental use permits, and monitoring of any pesticide suspected of unreasonable adverse effects on the environment. Information furnished may be limited to:

- (1) Name and address of purchaser;
- (2) Date of purchase;
- (3) Amount sold;
- (4) Brand name of the product and/or the EPA registration number;
- (5) Crop and/or site to which pesticide will be applied, if known. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-161, filed 4/10/84.]

**WAC 16-228-162 High volatile ester and dust formulations prohibited.** The distribution, use and application of all high volatile ester and dust formulations of phenoxy herbicides shall be prohibited throughout the state: *Provided*, That this section shall not apply to dust

or granular formulations packaged in shaker cans intended for home and garden use: *Provided further*, That high volatile ester formulations of 2, 4-D may not be registered for home and garden use. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-162, filed 4/10/84; 80-03-040 (Order 1679), § 16-228-162, filed 2/20/80.]

**WAC 16-228-165 State restricted use pesticides for use by certified applicators only.** (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) Monocrotophos (Azodrin)
- (b) Dicrotophos (Bidrin)
- (c) DDD DDT
- (d) Disulfoton (DiSystem) - Liquid
- (e) Endrin
- (f) Parathion and Methyl Parathion
- (g) Mevinphos (Phosdrin)
- (h) Sodium Arsenite
- (i) Demeton (Systox)
- (j) Aldicarb (Temik)
- (k) TEPP
- (l) Phorate (Thimet) - Liquid
- (m) 2,4-D - all liquid formulations distributed in packages of one gallon and larger to be used in counties located east of the crest of the Cascade Mountains and all dry formulations except those labeled and intended for home and garden use only. Pesticide dealers shall be required to make available to the purchaser a copy of the regulations covering the use of 2,4-D in the area in which the material will be applied.
- (n) Zinophos
- (o) 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; and
  - (viii) 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 noncertified 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) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides listed in WAC 16-228-165(1) by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization to the dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license or certification number.

(3) 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 (if applicable)
- (d) Date of purchase
- (e) Brand and specific pesticide name and/or EPA registration number
- (f) Amount sold
- (g) Crop or site to which pesticide will be applied

(4) 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. 84-09-011 (Order 1817), § 16-228-165, filed 4/10/84; 80-03-040 (Order 1679), § 16-228-165, filed 2/20/80; 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 16-228-168 Change of exemptions.** The licensing exemption for landscape gardeners provided in RCW 17.21.205; jurisdictional health officers as provided for in RCW 17.21.220; and research personnel provided for in RCW 17.21.203 shall not apply when applying EPA restricted use pesticides or state restricted use pesticides which are restricted to use by certified applicators only: *Provided*, That research personnel shall be required to obtain a demonstration and research applicator certification. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-168, filed 4/10/84; Order 1538, § 16-228-168, filed 7/29/77, effective 9/1/77.]

**WAC 16-228-170 Pesticide dealer and dealer manager licenses.** (1) When more than one pesticide dealer is engaged in the business from the same outlet or location, each pesticide dealer shall obtain a license for said outlet or location.

(2) A licensed pesticide dealer manager must be available to the staff, customers, and department representatives at all times that an outlet or location distributes pesticides. A dealer manager may be the designated dealer manager of more than one outlet or location only

if the dealer manager can be physically present at both outlets or locations during all times of pesticide distribution and handling. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-170, filed 4/10/84; Order 1470, § 16-228-170, filed 5/14/76. Formerly WAC 16-222-170.]

**WAC 16-228-172 Permits.** (1) Private applicator certification, demonstration and research applicator certification, user permits and private-commercial applicator licenses shall be considered as certified applicator permits as provided for in RCW 17.21.030 and 15.58-.040 (2)(h).

(2) User permits may be issued by the director as temporary applicator certification in emergency situations. User permits will be issued in a form prescribed by the director, which shall include the following:

- (a) Permit number
- (b) Date of issuance
- (c) Expiration date, which shall be not longer than one year from the date of issuance
- (d) Name and address of certified applicator
- (e) Crop or site and area to which the pesticide will be applied
- (f) Amount of pesticide obtained
- (g) Any other information prescribed by the director.

(3) Pesticide dealers shall keep user permits 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. 84-09-011 (Order 1817), § 16-228-172, filed 4/10/84; Order 1538, § 16-228-172, filed 7/29/77, effective 9/1/77.]

**WAC 16-228-174 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-228-176 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-228-178 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-228-180 License denied, revoked or suspended.** (1) The director may deny, suspend, or revoke any provision of a license, registration, permit or certification issued under chapters 17.21 and 15.58 RCW if he finds that the applicant or the holder of the license, permit, or certification has committed any of the following acts each of which is declared to be a violation:

(a) Made false or fraudulent claims through any public media such as newspaper, newsletter, TV or radio, misrepresenting the effect of pesticide or application methods to be utilized;

(b) Made a pesticide recommendation or gave advice or used a pesticide inconsistent with the labeling, the EPA or Washington state registration for that pesticide, an EPA or Washington state experimental use permit for that pesticide, an exemption from registration under provisions of Section 18 of FIFRA, or in violation of the

EPA or Washington state restrictions on the use of that pesticide;

(c) Applied known ineffective or improper pesticides or materials;

(d) Operated a faulty or unsafe apparatus;

(e) Operated in a faulty, careless or negligent manner;

(f) Refused or neglected to comply with the provisions of the applicable sections of chapters 15.58 and 17.21 RCW, the rules adopted thereunder, or of any lawful order of the director;

(g) Refused or neglected to keep and maintain records required by chapters 15.58, 17.21 RCW, and regulations adopted thereunder, or to make reports when and as required;

(h) Made false or fraudulent records, invoices, or reports;

(i) Caused the application of a pesticide without having a licensed or certified applicator or operator in direct supervision;

(j) Operated an unlicensed apparatus or an apparatus without a license plate issued for that particular apparatus as provided for in chapter 17.21 RCW;

(k) Used, or supervised the use of a pesticide which is restricted to use by certified applicators without having qualified as a certified applicator;

(l) Used fraud or misrepresentation in making an application for a license, permit, or certification or renewal of a license, permit or certification;

(m) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license, permit or certification;

(n) Aided or abetted a certified applicator, or licensed person or an uncertified or unlicensed person to evade the provisions of chapters 17.21 and 15.58 RCW, conspired with such a certified applicator or licensed person or an uncertified or unlicensed person to evade the provisions of chapters 17.21 and 15.58 RCW or allowed one's license, permit, or certification to be used by another person;

(o) Made false, misleading statements or reports during or after an inspection concerning any infestation or infection of pests found on land;

(p) Made false or fraudulent reports and/or recommendations;

(q) Impersonated any state, county, or city inspector or official;

(r) Is not qualified to perform as a pest control consultant or pesticide dealer manager or certified applicator in the classifications in which he/she is licensed to operate or has operated, regardless of whether or not he/she has previously passed an examination provided for in chapter 15.58 RCW; or

(s) To have in his/her possession a department pesticide applicator, operator, dealer manager or pest control consultant examination or to remove or cause to remove any said examination from the department without expressed consent from the department.

(2) No pesticide dealer or dealer manager license shall be denied, suspended, or revoked, simply because a pesticide purchased from that dealer was applied in violation of chapters 15.58, 17.21 RCW or rules adopted

thereunder, unless the department finds the dealer or dealer manager in violation of chapters 15.58, 17.21 RCW or rules adopted thereunder. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-180, filed 4/10/84; Order 1538, § 16-228-180, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-180, filed 5/14/76.]

**WAC 16-228-185 Restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers.** (1) Any person handling, applying, or disposing of pesticides or pesticide containers shall do so in such a manner to minimize hazard to commercially important pollinating insect species. Due care must be taken to regulate the timing and technique of pesticide applications to or around blossoming plants.

(2) No person shall transport, handle, store, load, apply, or dispose of any pesticide, pesticide container or apparatus in such a manner as to pollute water supplies or waterways, or cause damage or injury to land, including humans, desirable plants and animals, or wildlife: *Provided*, That a pesticide labeled for aquatic use and used as directed shall not be considered a violation of this subsection: *Provided further*, That disposing of pesticides at disposal sites approved by the appropriate agency complies with the requirements of this subsection. Toxicity, volatility, and mobility of pesticides shall be considered in complying with this subsection.

(3) No person shall pollute streams, lakes, and other public water supplies in their pesticide loading and mixing operation. This includes using devices or procedures to prevent "back-syphoning."

(4) None of the following pesticides shall be applied by aircraft or airblast sprayers immediately adjacent to occupied schools in session, hospitals, nursing homes or other similar establishments under conditions that may result in contamination of these establishments or their premises:

- (a) Monocrotophos (Azodrin)
- (b) Demeton (Systox)
- (c) Disulfoton (DiSyston)-Liquid
- (d) Aldicarb (Temik)
- (e) Endrin
- (f) Tepp
- (g) Parathion
- (h) Phorate (Thimet)-Liquid
- (i) Mevinphos (Phosdrin)
- (j) Zinophos

(5) No person shall apply pesticides if weather conditions are such that physical drift or volatilization may cause damage to adjacent land, including humans, desirable plants or animals.

(6) Requirements for unattended pesticides and their containers:

(a) Good generally accepted housekeeping practices must be maintained for all pesticides and their containers which are covered under chapter 15.58 RCW.

(b) The provisions of subsections(d) and (e) shall not apply to empty pesticide containers when adequately decontaminated (e.g., three successive rinsings); shall not

apply to categories 3 and 4 pesticide formulations labeled for home and garden use only; and shall not apply to drums of petroleum oils, lime sulfur, and ferrous sulfate.

(c) For the purposes of subsections(d) and (e), pesticides and their containers at the loading area shall not be considered unattended during the spraying operation if the operator maintains either visual control or repeatedly returns at closely spaced intervals.

(d) Category 1 — highly toxic pesticides labeled with the signal word "danger" and their containers shall be stored in one of the following enclosures which, when unattended, shall be so constructed and locked (except (v) below) to prevent children, unauthorized persons, livestock, or other animals from gaining entry. Appropriate warning signs shall be posted on these enclosures or containers. The warning signs shall carry the skull and crossbones symbol and the wording "Danger: — Poison (or pesticide or chemical) storage area — Keep out" in letters large enough to be legible at a distance of thirty feet. The signs shall be posted to be visible from any direction.

(i) Closed vehicle.

(ii) Closed trailer.

(iii) Building or room or fenced area with a fence at least six feet high.

(iv) Foot locker or other container which can be locked.

(v) Unattended trucks or trailers must have solid sideracks and secured tailgate at least six feet above ground, ramp or platform level.

(vi) Bulk storage containers fifty gallons and larger with tight screw-type bungs and/or secured or locked valves.

(e) Category 2 — pesticides labeled with the signal word "warning" and Categories 3 and 4 — pesticides labeled with the signal word "caution" and their containers shall be stored in secured storage out of the reach of children in one of the enclosures listed in subsection (d): *Provided*, That metal containers, twenty-eight gallons and larger, with tight screw-type bungs, secured or locked valves and sealed five gallon containers (requiring tool to unseal) shall be considered secured storage for pesticides covered in subsection (e).

(7) No person shall disperse a pesticide from any aircraft while in flight except over the target field and at the customary application height for that crop: *Provided*, That emergency dumping shall not be considered a violation of this section. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-185, filed 4/10/84; Order 1538, § 16-228-185, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-185, filed 5/14/76. Formerly WAC 16-222-180.]

**WAC 16-228-190 Applicator requirements.** (1) Commercial applicators and public operators when applying any pesticide, and private commercial applicators and demonstration and research applicators when applying pesticides restricted to use by certified applicators only, shall keep records which shall include the following:

(a) The name of the person for whom the pesticide was applied.

(b) The address or location of the land where the pesticide was applied.

(c) The year, month, day and time the pesticide was applied.

(d) The trade name and/or common name of the pesticide which was applied and/or EPA registration number for that product.

(e) The direction and estimated velocity of the wind and the temperature at the time the pesticide was applied: *Provided*, That this subsection does not apply to applications of baits in bait stations and pesticide applications within structures.

(f) The amount, or amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per 100 gallons) of the pesticide used.

(a) For PCO classification, the amount and concentration of the pesticide(s) applied which may be recorded to the nearest ounce of active ingredient or to the nearest gallon of liquid spray; fumigation records shall include the pounds of gas released per one thousand cubic feet of space, the temperature, and the duration of the exposure period.

(g) The pests to be controlled (for PCO classification only).

(h) Specific crop or site to which pesticide was applied.

(i) Apparatus license plate number.

(j) Applicator's name and address and the name of the individual making the application.

(2) Application records shall be completed and available to the department the same day the pesticides were applied.

(3) Application records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

(4) Upon written request, the applicator shall provide the customer with a record of each application of pesticides to his/her land, for the current season, which shall contain the information listed in WAC 16-228-190(1).

(5) All apparatus shall be kept in good repair and only that apparatus capable of performing all functions necessary to ensure proper and thorough application of pesticides shall be used. Apparatus shall be cleaned so that no residue remains which may cause injury to land, including humans, desirable plants and animals, from subsequent applications.

(6) On demand of the director, the applicator shall make immediately available for inspection the pesticides being applied and the apparatus used for the application: *Provided*, That this inspection is made at the site of application of where the apparatus is located.

(7) The applicator shall make available necessary safety equipment in proper working order and advise the employee[s] on its use to meet the safety requirements of the pesticide label.

(8) Maintain a uniform mixture at all times in operating apparatus when applying pesticides.

(9) All containers used for prepared mixtures, other than those in an apparatus, shall have a label identifying the contents as a pesticide, the active ingredient, and appropriate cautions. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-190, filed 4/10/84; Order 1538, § 16-228-190, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-190, filed 5/14/76. Formerly chapter 16-222 WAC.]

**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 16-228-210 Financial responsibility insurance certificate (FRIC).** (1) A commercial pesticide applicator's license shall not be issued until a properly executed financial responsibility insurance certificate is filed with the department which shall certify: (Forms to be supplied by the department).

(a) Name of insured (identical to name on application form)

(b) Address of insured

(c) Policy number

(d) Plane number(s) (if applicable)

(e) Effective period

(f) Amount of insurance. Minimum requirements are:

(i) Public liability (personal injury) fifty thousand dollars; and property damage fifty thousand dollars; or

(ii) Alternately providing both public liability (personal injury), and property damage liability coverage within the same limit, providing such policy is issued in an amount of not less than one hundred thousand dollars.

(iii) Amount of deductible (if applicable): Maximum deductible, five thousand for all applicators.

(g) List of any pesticides or group of pesticides not covered by the policy.

(h) Acknowledgement of provision[s] for ten days' prior written notice of cancellation or reduction of the insurance coverage. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-210, filed 4/10/84; Order 1470, § 16-228-210, filed 5/14/76.]

**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 16-228-220 Examination requirements.** Any individual who fails any pesticide licensing examination twice shall be required to wait at least fourteen days before retaking that examination a third time. Subsequent testing shall be at the director's discretion. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-220, filed 4/10/84; Order 1470, § 16-228-220, filed 5/14/76.]

**WAC 16-228-225 Regulation of application of vertebrate control pesticides.** Vertebrate control pesticides shall be used only under the following conditions:

(1) Vertebrate control pesticides shall be placed only in locations that are not readily accessible to nonpest animals, children, and unauthorized persons, and in a manner that shall preclude contamination of food, feed, drugs, and other consumer commodities. Exposure of rodenticides baits within buildings shall not be above floor levels.

(2) Baits must be colored or otherwise formulated so that they will be identifiable from foods common to the establishment in which the bait is placed. All Compound 1080 solutions shall be dyed black. All 1080 baits shall be discolored.

(3) When the use of bait boxes is necessary to ensure that baits are not readily accessible to nonpest animals, children, and unauthorized persons, the bait boxes shall be of sturdy construction and designed to accomplish that purpose, and shall be labeled clearly with letters on contrasting background showing the following information:

(a) Any information required by the EPA or Washington state registered label for the bait or the concentrate from which it was formulated.

(b) The name of the active ingredient(s).

(c) For the baits containing Sodium Fluoroacetate (1080), Fluoroacetamide (1081), and phosphorus paste the words "DANGER" — "RODENT BAIT" — "FATAL POISON" in red letters not less than one-half inch in height and the skull and crossbones insignia in red, not smaller than the letters and on contrasting background; and in letters not less than one-eighth inch in height, the name of the rodenticide.

(d) The name of the firm and/or applicator, address, and the telephone number.

(4) Containers used for exposing vertebrate control baits to pests shall be composed of tough, nonabsorbent, corrosion resistant materials and designed so they cannot be readily overturned or carried off by pest animals. Those containers that are used for exposing vertebrate control pesticides outside of bait boxes shall bear a legible warning label with wording not less restrictive than requirements on bait boxes being used as per WAC 16-228-225(3), (except for the size of lettering). Food containers, such as "meat boats" and "souffle cups" are unacceptable. Containers used for liquid bait exposure shall be water and/or liquid impervious.

(5) For residential areas, bait portions will be limited at each bait station to quantities containing no more than one-fourth of a LD50 dose of the pesticide for a seventy kilogram (approximately one hundred fifty-four pound) human.

(6) All vertebrate control pesticide stocks, when not in use or when unattended, shall be kept in locked storage or locked service vehicles. In addition, Compounds 1080 and 1081 shall be kept in a locked container within locked storage or locked service vehicle.

(7) All containers used for storing or transporting vertebrate control pesticides shall bear an EPA or department registered label.



(8) Servicemen's kits which contain vertebrate control pesticides shall be handled with extra caution and shall not be left where children or other unauthorized persons or nontarget animals might remove contents.

(9) Upon completion of a baiting operation, all bait boxes, containers, and/or throw bags, if they may become readily accessible to the public, shall be recovered for disposal in an approved manner.

(10) Wherever poisoned carcasses jeopardize public sanitation, or create a health hazard to wildlife, domestic animals, or the public, they must be recovered and disposed of by burning, burying not less than three feet below the soil surface, or placed in proper waste containers and delivered to an approved disposal site.

(11) Thallium-containing compounds shall not be used for vertebrate control. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-225, filed 4/10/84; Order 1538, § 16-228-225, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-225, filed 5/14/76. Formerly WAC 16-220-210.]

**WAC 16-228-230 Special restrictions on the use of Compounds 1080, 1081 and phosphorus paste.** Compounds 1080 and 1081, and phosphorus paste shall be restricted for use as follows:

(1) No person shall possess or use these pesticides except federal, state, county, or municipal officers or their employees for use in their official duties in pest control; research or chemical laboratories in their respective fields; pest control applicators and operators licensed by the state; and wholesalers or jobbers who distribute, sell, or export these pesticides to the aforementioned persons.

(2) No person shall use these pesticides in occupied structures such as private homes, apartment houses, other human dwellings or food service establishments. Those persons authorized in subsection (1) above shall use these pesticides only in buildings such as grain elevators, seed houses, or warehouses. The portions of these buildings being baited must be under control of the licensee. A controlled building is one that is locked or attended and that is under at least once-a-day surveillance by the licensee, unless authorized as per WAC 16-228-230(7).

(3) Compounds 1080 and 1081 shall be used only by authorized persons who have read and will comply with the "Instructions For Using Sodium Fluoroacetate (Compound 1080)," by the National Research Council and all other labeling of the registrant, and are familiar with hazards of the above compounds.

(4) Compounds 1080 and 1081 may be used in warehouses and industrial buildings only when warning signs are used which are not less than eight by ten inches with the words "DANGER" — "FATAL POISON" — "RODENT BAIT" in red letters not less than one inch in height on a contrasting background and the skull and crossbones, in red, not smaller than the letters. These signs must be conspicuously posted at all entrances to the building and portions of the building under control of the licensee. Below is the suggested format:

DANGER

FATAL POISON — RODENT BAIT

IN THIS AREA



DO NOT TOUCH BAITS



OR DEAD ANIMALS

Name, address, and phone number  
of applicator

All authorized personnel in the building must be notified of the baiting; a diagram showing the number of bait stations and the location of each on the premises must be readily available on the property; and a copy of such diagram must be in the possession of the licensee who is performing the baiting operation.

(5) No person shall use Compounds 1080 and 1081, or phosphorus paste unless all unused baits are recovered and disposed of appropriately at the end of the baiting operation, and carcasses shall be recovered daily and disposed of as per WAC 16-228-225(10), unless a permit issued pursuant to WAC 16-228-230(7) provides alternative requirements.

(6) When placed in burrows, baits should be put far enough into the burrow so that domestic animals cannot reach them readily. Baits applied to dumps should be placed beneath objects, in containers, or into holes so that it is inaccessible. Appropriate warning cards, as per WAC 16-228-230(4) shall be conspicuously displayed in adequate numbers whenever Compounds 1080 and 1081 or phosphorus baits are used on public property or on private property accessible to the public.

(7) Any authorized person desiring to use these pesticides in any areas other than licensee-controlled buildings, controlled dumps, sanitary sewers or in emergency situations where application sites are controlled and attended, such as waterfronts, shall apply for and obtain a permit from the director prior to applying the pesticide. These permits may be issued by the department if, after an on-site inspection, the department determines that:

(a) Good housekeeping and sanitary procedures are being followed to help control the rodent population;

(b) Rodent populations and conditions are such that an emergency situation exists and less toxic rodenticides and other control measures will not be adequate for the needed rodent control;

(c) The applicant designates a competent trained person to be named on the permit, who will accept responsibility for properly collecting and disposing of dead rodents; and

(d) A date is given for completion of the baiting operation (not more than thirty days duration) when the licensee will service the bait boxes (if any) and determine if a renewal of the permit is necessary. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-230, filed 4/10/84; Order 1470, § 16-228-230, filed 5/14/76. Formerly WAC 16-220-215.]

**WAC 16-228-235 Purpose of rules—Endrin use.** The purpose of the following rules is to prohibit the use

of endrin except for crisis use, and to establish criteria for the crisis use of endrin. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-235, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-235, filed 8/1/83.]

**WAC 16-228-240 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-228-245 Endrin application--Criteria for determining crisis use on orchards.** (1) All references to endrin in WAC 16-228-010 through 16-228-230 shall apply: *Provided*, That when there is a conflict WAC 16-228-235 through 16-228-275 shall prevail.

(2) A crisis permit process for the use of endrin is hereby established which includes but is not limited to the following procedures. The department shall not grant a crisis permit unless an applicant establishes the following:

(a) A licensed pest control consultant shall have inspected the orchard and prepared a written recommendation containing information required by WAC 16-228-250 and certifying that the criteria in subsection (3) of this section have been met;

(b) The Washington state department of game has been requested and provided an opportunity to have a game department representative inspect the orchard and submit a written report to the department stating whether the criteria in subsection (3) of this section have been met. The orchardist shall contact the department of game and request such an inspection at or about the time the request for inspection is made to the licensed pest control consultant;

(c) Two copies of any reports made by the game representative and the consultant's recommendations shall be given to the grower and one copy shall be sent to the department; and

(d) To apply for a crisis permit, the grower shall submit to the department copies of any reports and recommendations of the game representative and consultant, together with additional information which the department may require, and a request for a crisis permit. If after reviewing the request and supporting documentation, the department concludes that endrin is the only feasible method of controlling meadow voles in the applicants' orchards, that meadow voles pose a substantial threat to the orchard, and that there is a crisis that precludes the option of trying additional alternatives to endrin, the department may issue a crisis permit for the use of endrin to the applicant. The permit shall specify the amount of endrin which may be used and the time and place where it may be applied, and no applicator shall apply a greater amount of endrin than specified in the permit, or apply endrin in a different place or time than is specified in the permit or without meeting the minimum application restrictions of WAC 16-228-260. The department may specify additional restrictions on the permit if it is deemed necessary. The department shall either deny or grant a permit within ten working days of receipt of the permit application.

(3) The inspection by the consultant and game representative shall be for the purpose of determining whether there is a need for meadow vole control after the following criteria have been met:

(a) There is proof of meadow vole activity. This shall be measured by a population level monitoring technique specified by the department of agriculture;

(b) Alternative rodenticides have been used and have not been effective under proper application and weather conditions;

(c) Proper cultural and integrated pest management practices such as mowing of cover crop, weed control around trees and removal of picking bins, pruning and debris have been followed during the past year and have not been effective.

(d) The application shall not become a source of contamination of streams, rivers, ponds or lakes because of close proximity or direct surface drainage to these bodies of water.

(4) No sale, distribution or application of endrin for orchard use in Washington state shall be allowed without a crisis permit from the department of agriculture. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-245, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-245, filed 8/1/83.]

**WAC 16-228-250 Endrin--Written recommendation--Licensed consultant--Game representative.** The game representative may prepare a written recommendation which shall contain documentation of the criteria set forth in WAC 16-228-245(3). The licensed pest control consultant shall prepare a written recommendation which shall contain documentation of the criteria set forth in WAC 16-228-245(3) and, in addition, shall include the following:

- (1) Name and address of the grower;
- (2) Address or location of orchard;
- (3) Number of acres to be treated;
- (4) Number of trees per acre;
- (5) Amount of endrin needed to treat the orchard;
- (6) Rate of application;

(7) Any special precautions of which the orchardist should be made aware. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-250, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-250, filed 8/1/83.]

**WAC 16-228-255 Endrin--Distribution--Dealer records.** (1) Endrin shall be distributed for meadow vole control only by a licensed pesticide dealer to certified applicators or their duly authorized representative. A copy of the crisis permit issued by the department, shall be presented to the dealer before the endrin is delivered and no sale of endrin shall exceed the amount specified in the crisis permit.

(2) Licensed dealers shall keep records on each sale of endrin 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 name and Environmental Protection Agency registration number;

(f) Amount sold;

(3) Pesticide dealers shall keep the crisis permits and dealer records for a period of two years from the date of distribution. Pesticide dealers shall submit copies of the sales records to the director within thirty days of the date of each sale. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-255, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-255, filed 8/1/83.]

**WAC 16-228-260 Endrin--Application restrictions.**

(1) The application of endrin shall be restricted to a swath of four feet on each side of the apple tree row. Application shall be made only with ground equipment that is designed to restrict the spray to the four-foot swath with a minimum of drift.

(2) Spray pressure shall not exceed fifty psi: *Provided*, That when a drift control agent has been added to the spray mixture, the spray pressure shall not exceed four hundred psi. Handgun applications using a spray pressure exceeding seventy-five psi shall be made with the operator walking next to the four-foot application swath and spraying from the tractor seat shall be prohibited.

(3) Applications shall not be made if the wind velocity is more than five miles per hour from any direction.

(4) Endrin shall not be applied to a snow cover.

(5) Recommendations prepared by licensed pest control consultants shall be on a form prepared by the department and shall set forth these restrictions in the recommendation, together with a certification that the applicators and orchardists who are to use the endrin have been informed of and understand the restrictions set forth in WAC 16-228-260 and 16-228-265. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-260, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-260, filed 8/1/83.]

**WAC 16-228-265 Endrin--Posting requirements.**

(1) Orchards sprayed with endrin shall be posted with signs for a period of not less than thirty days from the date of application with the words "POISON - KEEP OUT" printed in both English and Spanish in letters large enough to be legible at a distance of thirty feet and accompanied by a skull and crossbones symbol. The sign also shall contain the statement "area sprayed with endrin."

(2) The signs shall be posted so as to be readily visible from any point of entry into the orchard.

(3) Workers shall be notified that there shall not be reentry into the orchard for thirty days after the application unless rubber boots are worn. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-265, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-265, filed 8/1/83.]

**WAC 16-228-270 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-228-275 Endrin--Applicator records.** (1) The applicator shall keep records on the use of endrin which shall include the following:

(a) Name and address of grower;

(b) Location or address of orchard treated;

(c) Date of application;

(d) Number of acres treated;

(e) Amount of endrin used;

(f) Type of equipment used;

(g) Meadow vole population threshold criteria used;

(h) Name of licensed consultant making recommendation;

(i) Cultural practices and other rodenticides used prior to the use of endrin;

(j) Name of person or firm who supplied the endrin which was applied;

(k) Disposal method for empty containers and spray tank residues;

(l) A certification that all restrictions on application were observed.

(2) Applicators shall submit a copy of these records to the department within thirty days after the date of application. The applicator shall be required to keep these records for a period of two years. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-275, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-275, filed 8/1/83.]

**WAC 16-228-280 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-228-285 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-228-340 Establishing tolerances for the chemical ethylene dibromide (EDB).** As recommended by the Environmental Protection Agency the following tolerances have been established for the chemical ethylene dibromide and shall not exceed these levels in the state of Washington:

(1) Unprocessed grain and grain-related products for human consumption - not to exceed nine hundred parts per billion;

(2) Products requiring cooking, i.e., cereals, flour, cake mixes, etc. - not to exceed one hundred fifty parts per billion;

(3) Ready to eat products, i.e., snack food, bread, etc. - not to exceed thirty parts per billion;

(4) Citrus fruit and papayas:

(a) Whole fruit - not to exceed two hundred fifty parts per billion;

(b) Edible pulp of whole fruit - not to exceed thirty parts per billion. [Statutory Authority: Chapters 17.21 and 69.04 RCW. 84-12-034 (Order 1827), § 16-228-340, filed 5/30/84.]

## Chapter 16-230 WAC

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

## WAC

16-230-001	Repealed.
16-230-010	Restricted use pesticides on blossoming alfalfa, clover and mint—Area under order.
16-230-015	Definition.
16-230-020	Repealed.
16-230-030	Alfalfa and clover—Chemical restrictions.
16-230-040	Repealed.
16-230-050	Repealed.
16-230-060	Repealed.
16-230-075	Blossoming mint—Chemical restrictions.
16-230-076	Area 1.
16-230-078	Area 2.
16-230-080	Repealed.
16-230-082	Pollen shedding corn—Restricted use pesticides—Area under order.
16-230-084	Areas 1 and 2.
16-230-085	Repealed.
16-230-086	Area 3.
16-230-088	Permit.
16-230-090	Repealed.
16-230-100	Repealed.
16-230-101	Repealed.
16-230-190	Restrictions on the use of desiccants and defoliant in Walla Walla County.

## DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-230-001	Promulgation. [Order 1041, Promulgation, filed 2/15/67, effective 3/20/67; Order 980, Promulgation, filed 4/6/65; Order 945, filed 3/30/64; Order 916, filed 4/22/63; Order 887, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-020	Nonuse on blossoming alfalfa and clover crops. [Order 1041, Regulation 4, filed 2/15/67, effective 3/20/67; Order 980, Regulation 4, filed 4/6/65; Order 945, Regulation 4, filed 3/30/64; Order 916, Regulation 2, filed 4/22/63; Order 887, Regulation 2, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-040	Spray chemicals—Time when. [Order 1041, Regulation 6, filed 2/15/67, effective 3/20/67; Order 980, Regulation 6, filed 4/6/65; Order 945, Regulation 6, filed 3/30/64; Order 916, Regulation 4, filed 4/22/63; Order 887, Regulation 4, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-050	Endrin spray or dust—Time when. [Order 1041, Regulation 7, filed 2/15/67, effective 3/20/67; Order 980, Regulation 7, filed 4/6/65; Order 945, Regulation 7, filed 3/30/64; Order 916, Regulation 5, filed 4/22/63; Order 887, Regulation 5, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-060	Dieldrin Sevin—Spray or dust—Time when. [Order 1041, Regulation 8, filed 2/15/67, effective 3/20/67; Order 980, Regulation 8, filed 4/6/65; Order 945, Regulation 8, filed 3/30/64; Order 916, Regulation 6, filed 4/22/63; Order 887, Regulation 6, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-080	Time of sunrise and sunset. [Order 1041, Regulation 10, filed 2/15/67, effective 3/20/67; Order 980 (part), filed 4/6/65; Order 945 (part), filed 3/30/64;

16-230-085	Order 916 (part), filed 4/22/63; Order 887, Regulation 7, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-085	Aircraft carrying restricted use pesticides—Permission required. [Order 1041, Regulation 11, filed 2/15/67, effective 3/20/67.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-090	Restrictions in certain areas. [Order 1041, Regulation 12, filed 2/15/67, effective 3/20/67.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-100	Regulations pertaining to the collection of special program fees on sales of 2,4-D—Promulgation. [Order 1424, § 16-230-100, filed 10/2/75.] Repealed by 84-09-013, (Order 1819), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-101	Promulgation. [Order 1469, § 16-230-101, filed 5/14/76.] Repealed by 84-09-013, (Order 1819), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.

**WAC 16-230-001 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-230-010 Restricted use pesticides on blossoming alfalfa, clover and mint—Area under order.** (1) The following agricultural pesticides are declared to be restricted use pesticides in all counties of the state of Washington:

<u>COMMON CHEMICAL NAME</u>	<u>ALSO KNOWN AS*</u>
acephate	Orthene
azinphos-methyl	Guthion
carbaryl	Sevin
carbofuran	Furadan
carbophenothion	Trithion
chlorpyrifos	Lorsban
demeton	Systox
diazinon	
dimethoate	Cygon, Rebelate
disulfoton	Di-Syston
endosulfan	Thiodan
fenthion	Baytex
formetanate hydrochloride	Carzol
malathion	Cythion
methidathion	Supracide
methomyl	Lannate, Nudrin
methoxychlor	Marlate
methyl parathion	
mevinphos	Phosdrin
naled	Dibrom
oxamyl	Vydate
oxydemeton-methyl	Metasystox-R
parathion	
phorate	Thimet
phosmet	Imidan
trichlorfon	Dylox

\*This column is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

(2) Area under order. All counties of the state of Washington. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-012 (Order 1818), § 16-230-010,

filed 4/10/84; Order 1041, Regulations 2 and 3, filed 2/15/67, effective 3/20/67; Order 980, Regulations 2 and 3, filed 2/30/64; Order 916, Regulation 1, filed 4/22/63; Order 887, Regulation 1, filed 4/17/62.]

**WAC 16-230-015 Definition.** (1) The term "blossoming alfalfa, mint or clover" as used in WAC 16-230-010 through 16-230-083 shall be when there are five or more blooms per square yard on the average in a given field: *Provided*, That following the first cutting the bloom count shall be taken only on the current crop. For the purpose of this rule, a "bloom" on clover or alfalfa is defined as any alfalfa raceme or clover head containing one or more open flowers. A "bloom" on mint is defined as any head or spike with one or more open (florets) flowers.

(2) The time of sunrise and sunset shall be that of the official tables, U.S. Weather Bureau, Yakima, Washington. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-012 (Order 1818), § 16-230-015, filed 4/10/84; Order 1041, Regulation 1, filed 2/15/67, effective 3/20/67; Order 980, Regulation 1, filed 4/6/65; Order 945, Regulation 1, filed 3/30/64.]

**WAC 16-230-020 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-230-030 Alfalfa and clover—Chemical restrictions.** (1) The use or application of any formulation (except where the formulation is specified) of the following listed pesticides shall be prohibited on blossoming alfalfa and clover crops within seven days to blossoming. See WAC 16-230-076 and 16-230-078 for additional restrictions in certain areas of Walla Walla County.

- (a) Azinphos-methyl (Guthion)
- (b) Carbaryl (Sevin)
- (c) Carbofuran (Furadan)
- (d) Dimethoate (Cygon or Rebelate)
- (e) Methidathion (Supracide)

(2) The use or application of liquid formulations of chlorpyrifos (Lorsban), mevinphos (Phosdrin), wettable powder formulations of naled (Dibrom), and liquid or wettable powder formulations of malathion and phorate (Thimet) applied as sprays on blossoming alfalfa or clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight of the same day.

(3) The use or application of any formulation (except where the formulation is specified) of the following pesticides shall be prohibited on blossoming alfalfa and clover crops:

- (a) Carbaryl (Sevin) see number (1) above
- (b) Diazinon
- (c) Fenthion (Baytex)
- (d) Malathion dust and ULV
- (e) Methyl parathion
- (f) Mevinphos (Phosdrin) dust
- (g) Naled (Dibrom) dust
- (h) Parathion
- (i) Phosmet (Imidan)

(4) The use or application of the following listed pesticides or any formulation thereof (except where the formulation is specified) on blossoming alfalfa and clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise the following morning: *Provided*, That methomyl (Lannate or Nudrin) shall only be applied to blossoming clover crops pursuant to this rule, and its application to blossoming alfalfa is further restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight the same day: *Provided further*, That the application of the following restricted use pesticides on blossoming alfalfa in Walla Walla County is further restricted to applications only within the period beginning at sunset and ending at two hours after midnight the following morning:

- (a) Carbophenothion (Thrithion)
- (b) Formetanate hydrochloride (Carzol)
- (c) Demethon (Systox)
- (d) Naled (Dibrom) emulsifiable concentrate
- (e) Disulfoton (Di-Syston)
- (f) Endosulfan (Thiodan)
- (g) Oxydemeton-methyl (Metasystox-R)
- (h) Methomyl (Lannate or Nudrin)
- (i) Methoxychlor (Marlate)
- (j) Phorate (Thimet) granular
- (k) Trichlorfon (Dylox)

(l) Oxamyl (Vydate). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-012 (Order 1818), § 16-230-030, filed 4/10/84; Order 1041, Regulation 5, filed 2/15/67, effective 3/20/67; Order 980, Regulation 5, filed 4/6/65; Order 945, Regulation 5, filed 3/30/64; Order 916, Regulation 3, filed 4/22/63; Order 887, Regulation 3, filed 4/17/62.]

**WAC 16-230-040 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-230-050 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-230-060 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-230-075 Blossoming mint—Chemical restrictions.** The use or application of Malthion dust, on blossoming mint is prohibited. The use or application of malathion liquid, oxydemeton-methyl (Metasystox-R), and methomyl (Lannate or Nudrin) liquid on blossoming mint is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise the following morning. The use or application of any formulation of acephate (Orthene) on blossoming mint is restricted to applications only within the period beginning at two and one-half hours prior to sunset and ending at midnight of the same day. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-012 (Order 1818), § 16-230-075, filed 4/10/84; Order 1041, Regulation 9, filed 2/15/67,

effective 3/20/67; Order 980, Regulation 9, filed 4/6/65; Order 945, Regulation 9, filed 3/30/64.]

**WAC 16-230-076 Area 1.** (1) Area 1 description. South central Walla Walla County – all lands lying within a line starting at the junction of the Washington–Oregon border and the Rainville Road; thence north along the Rainville Road to the Frog Hollow Road; thence west along the Frog Hollow Road to the McDonald Road; thence north along the McDonald and Bridge Road to State Highway 12; thence west along Highway 12 to the Woodward Canyon Road; thence north and west along the Woodward Canyon Road to the northeast corner of Section 24, T7N, R33E; thence west along the section lines to the northwest corner of Section 23, T7N, R32E; thence south along the section lines to the Walla Walla River; thence southerly along the Walla Walla River to its intersection with the west section line of Section 7, T6N, R33E; thence south along the section lines to the Washington–Oregon border; thence east along the border to the point of beginning.

(2) Area 1 restrictions. In addition to the restrictions in WAC 16-230-030, the use or application of azinphos-methyl (Guthion), carbofuran (Furadan), and methidathion (Supracide) on alfalfa and clover crops, shall be prohibited after May 23 of each year, and the use or application of dimethoate (Cygon or Rebelate) on alfalfa and clover crops shall be prohibited after May 30 of each year. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-012 (Order 1818), § 16-230-076, filed 4/10/84.]

**WAC 16-230-078 Area 2.** (1) Area 2 description. South central Walla Walla County – All lands lying within a line starting at the junction of the Rainville Road and the Washington–Oregon border; thence north to the Frog Hollow Road; thence east along the Frog Hollow Road to the Valley Chapel Road; thence south along the Valley Chapel Road to the Washington–Oregon border; thence west along the border to the point of beginning.

(2) Area 2 restrictions. In addition to the restrictions in WAC 16-230-030, the use or application of azinphos-methyl (Guthion), carbofuran (Furadan), and methidathion (Supracide) on alfalfa and clover crops, shall be prohibited after May 30 of each year, and the use or application of dimethoate (Cygon or Rebelate) on alfalfa and clover crops shall be prohibited after June 6 of each year. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-012 (Order 1818), § 16-230-078, filed 4/10/84.]

**WAC 16-230-080 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-230-082 Pollen shedding corn--Restricted use pesticides--Area under order.** (1) The term "pollen shedding corn" as used in WAC 16-230-082 through 16-230-088 shall be that stage of growth when ten percent or more of the corn plants in any one quarter portion of a field are showing spike anthers.

(2) The insecticides carbaryl (Sevin), diazinon, endosulfan (Thiodan), fenvalerate (Pydrin), malathion, methomyl (Lannate or Nudrin), methyl parathion, parathion, and permethrin (Ambush or Pounce) are by this order declared to be restricted use insecticides. Such insecticides are restricted in their use in Areas 1, 2 and 3 in eastern Washington.\*

(3) Area under order. Area 1 – Yakima County; Area 2 – Franklin, Adams and Grant counties; Area 3 – Area within Area 2 in Grant County.

\* Listed trade names are to be used as a guide and may not include all the trade or brand names under which the chemicals are distributed.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-013 (Order 1819), § 16-230-082, filed 4/10/84.]

**WAC 16-230-084 Areas 1 and 2.** (1) Area 1 description – Yakima County. This area includes all of the irrigable lands encompassed by a line beginning at the southwest corner of Section 18, T8N, R21E; thence north nine miles more or less to the southeast corner of Section 36, T10N, R20E; thence fifteen miles west more or less to the southwest corner of Section 34, T10N, R18E; thence north fifteen miles more or less to the northwest corner of Section 22, T12N, R18E; thence east four miles more or less to the Northern Pacific Railroad tracks; thence following the tracks southeast to the Oldenway Road; thence north along the Oldenway Road and section lines to the Yakima River; thence southeast along the Yakima River to Highway 22 north of Toppenish; thence north along Highway 22 to Highway 12 at Buena; thence southeasterly along Highway 12 to the southern section line of Section 31, T11N, R21E; thence south one-quarter mile more or less to the Yakima River; thence southeast along the Yakima River to the Sunnyside–Mabton Road; thence south one mile to the Boundary Road; thence southwest along the Boundary Road and the Yakima Indian reservation boundary to the northern section line of Section 22, T8N, R22E; thence west nine miles more or less to the point of beginning.

(2) Area 2 description – Franklin, Adams and Grant counties. This area includes all of the irrigable lands encompassed by a line beginning at Highway 12 and the Columbia River; thence north and west following the river the length of Franklin County and into Grant County to the junction of Grant–Douglas County line; thence north on Grant–Douglas County line to the fifth standard parallel north; thence east twenty-five miles more or less to Highway 17; thence southeast seventeen miles more or less on Highway 17 to Highway 90; thence east twelve miles more or less to Grant–Adams County line; thence south on county line twelve miles more or less to the southeast corner of Section 36, T17N, R30E (southeast corner of Grant County); thence south twelve miles more or less (in Adams County) along east boundary of Section 1, 12, 13, 24, 25, 36, T16N, R30E; thence south along east boundary of Sections 1, 12, 13, 24, 25, 36, T15N, R30E continuing south into Franklin County along east boundary of

Section 1 and 12, T14N, R30E to southeast corner of said Section 12; thence west one mile to Highway 17 (Franklin County); thence south on Highway 17 seventeen miles more or less to junction with Highway 395; thence south on Highway 395 fifteen miles more or less to Highway 12; thence west and south four miles more or less to Columbia River to the point of beginning.

(3) Area 1 and 2 restrictions.

(a) On and after August 1 to October 1 of any given year, application of carbaryl (Sevin) (except Sevin XLR), parathion, methyl parathion and malathion dust in any combination on pollen shedding corn is prohibited.

(b) On and after August 1 to August 15 of any given year, application of diazinon, fenvalerate (Pydrin), endosulfan (Thiodan), Sevin XLR, methomyl (Lannate or Nudrin), malathion liquid, and permethrin (Ambush or Pounce) on pollen shedding corn is prohibited between the hours of 7:00 a.m. and 2:00 p.m.

(c) On and after August 15 to September 1 of any given year, application of diazinon, fenvalerate (Pydrin), endosulfan (Thiodan), Sevin XLR, methomyl (Lannate or Nudrin), malathion liquid, and permethrin (Ambush or Pounce) on pollen shedding corn is prohibited between the hours of 8:30 a.m. and 3:30 p.m.

(d) On and after September 1 to October 1 of any given year, application of diazinon, fenvalerate (Pydrin), endosulfan (Thiodan), Sevin XLR, methomyl (Lannate or Nudrin), malathion liquid, and permethrin (Ambush or Pounce) on pollen shedding corn is prohibited between the hours of 10:00 a.m. and 4:00 p.m.

(e) The application of microencapsulated methyl parathion shall be prohibited on all pollen shedding corn when properly marked honey bee apiaries occur within a six-mile radius of the pollen shedding corn to be treated. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-013 (Order 1819), § 16-230-084, filed 4/10/84.]

**WAC 16-230-085 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-230-086 Area 3.** (1) Area 3 description – area within Area 2 in Grant County. This area includes all of the irrigable lands encompassed by a line beginning at the junction of West 645 wasteway and White Trail Road and proceeding east four miles more or less on White Trail Road to Winchester wasteway; thence southeast four miles more or less along Winchester wasteway to I-90; thence east on I-90 nine miles more or less to Potholes Reservoir; thence following the west shoreline southeast to the Frenchmen Hills wasteway; thence west along Frenchmen Hills wasteway fourteen miles more or less to its junction with West 645 wasteway; thence northwest and north fourteen miles more or less along West 645 wasteway to junction with White Trail Road, the point of beginning.

(2) Area 3 restriction. This area is unrestricted as to the use of carbaryl (Sevin), diazinon, endosulfan (Thiodan), fenvalerate (Pydrin), malathion, methomyl (Lannate or Nudrin), methyl parathion, parathion, and permethrin (Ambush or Pounce) on pollen shedding

corn: *Provided*, That the application of microencapsulated methyl parathion shall be prohibited on all pollen shedding corn when properly marked honey bee apiaries occur within a six-mile radius of the pollen shedding corn to be treated. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-013 (Order 1819), § 16-230-086, filed 4/10/84.]

**WAC 16-230-088 Permit.** Upon receipt of a written request and justification for a variance, the director of the Washington state department of agriculture may issue a permit granting a variance from restrictions pertaining to pollen shedding corn. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-013 (Order 1819), § 16-230-088, filed 4/10/84.]

**WAC 16-230-090 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-230-100 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-230-101 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-230-190 Restrictions on the use of desiccants and defoliants 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 four miles more or less to the northwest corner of Section 10, T7N, R34E; thence east twenty miles to the northeast corner of Section 11, T7N, R37E; thence south seven miles more or less to the Washington-Oregon state line; thence west to point of beginning.

(2) Area 1 restrictions:

(a) Any 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 Creek in Area 1.

(b) The loading and/or mixing of dinitro, 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 dinitro, Paraquat or Diquat applications shall 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: *Provided further*, That the department may issue a permit for loading and mixing of dinitro at a specified location and between specified dates upon receipt of a written request.

(c) Aerial applications of dinitro are prohibited during the period of August 25 through October 31 of any year.

(d) During the period of August 25 through October 31 of any year, diesel and other fuel oils shall be prohibited in dinitro tank mixes.

(e) During the period of August 25 through October 31 of any year, the ground application of dinitro or any mixture containing dinitro shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(f) During the period of August 1 through August 24 of any year, aerial applications of dinitro are prohibited within one-half mile of commercially grown alfalfa hay: *Provided*, That the department may issue permits for aerial application within these areas.

(g) During the period of August 1 through October 31 of any year, any person applying dinitro shall keep records on forms prescribed by the director which shall include the following:

(i) The name and address of the person for whom the pesticide was applied;

(ii) The location of the land and number of acres where dinitro was applied;

(iii) The year, month, day, and time that dinitro was applied;

(iv) The product name of the dinitro applied;

(v) The direction and estimated velocity of the wind and temperature at the time the dinitro was applied;

(vi) The amount of dinitro applied per acre;

(vii) The type of carrier(s) and number of gallons per acre applied.

(h) The records required by (g) of this subsection shall be completed and available to the department the same day dinitro was applied. These records shall be kept for a period of one year from the date of application of dinitro. The director upon written request shall forthwith be furnished a copy of the records.

(i) Applications of dinitro by licensed commercial applicators shall be exempt from (g) and (h) of this subsection: *Provided*, That the licensed applicator's records shall comply with RCW 17.21.100 and WAC 16-228-190(1) through 16-228-190(4): *Provided further*, That such records shall include the number of acres of application.

(3) Area 2 description – southern portion of Walla Walla County: This area includes all lands lying within an area encompassed by a line beginning at the Washington–Oregon border and the west section line of Section 14, T6N, R33E; thence north along the section lines five miles more or less to the Touchet River North Road; thence north on the Touchet River North Road five miles more or less to the Dodd Road; thence east along the Dodd Road to the Touchet River; thence northerly along the Touchet River to north section line of Section 6, T8N, R34E; thence east along section lines twenty-two miles more or less to the northeast corner of Section 2, T8N, R37E; thence south along section lines seven miles more or less to the southeast corner of Section 2, T7N, R37E; thence west along section lines twenty miles more or less to the southwest corner of

Section 3, T7N, R34E; thence south along section lines seven miles more or less to the Washington–Oregon border; thence west along the border five miles more or less to the point of beginning.

(4) Area 2 restrictions:

(a) Paraquat restrictions:

(i) During the period of February 15 through November 1 of any year, any application of Paraquat or any mixture containing Paraquat shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(ii) Any application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature the following morning has risen at least 10 degrees above the night low temperature.

(b) Diquat restrictions:

(i) During the period of February 15 through November 1 of any year, any application of Diquat or any mixture containing Diquat is hereby restricted to ground apparatus only upon obtaining a permit from the Washington state department of agriculture.

(ii) Visco elastic additives shall be added to any Diquat application and applicable label directions for that product shall be followed.

(c) Dinitro restrictions:

(i) During the period of August 1 through August 24 of any year, aerial applications of dinitro are prohibited within one-half mile of commercially grown alfalfa hay: *Provided*, That the department may issue permits for aerial application within these areas. The permits, if issued, may in addition to other application restrictions prohibit certain carriers or diluents for the dinitro.

(ii) During the period of August 25 through October 31 of any year, aerial applications of dinitro or any mixes containing dinitro are prohibited: *Provided*, That the department may issue a written permit for such aerial applications.

(d) Records required by subsection (2)(g) through (i) of this section shall also apply to applications of dinitro in Area 2.

(5) Area 3 description – an area lying west of Area 2 in the southern part of Walla Walla County: This area includes all lands lying within an area encompassed by a line beginning at the Washington–Oregon border and the east section line of Section 15, T6N, R33E; thence north along the section lines five miles more or less to the Touchet River North Road; thence north on the Touchet River North Road five miles more or less to the Dodd Road; thence southwest along the Dodd Road and Maxwell Road four miles more or less to its intersection with the western section line of Section 6, T7N, R33E; thence south along the section lines eight miles more or less to the Washington–Oregon border; thence east along the Washington–Oregon border four miles more or less to the point of beginning.

(6) Area 3 restrictions:

(a) Paraquat restrictions:

(i) During the period of February 15 through November 1 of any year, any application of Paraquat or



any mixture containing Paraquat shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(ii) Any application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature the following morning has risen at least 10 degrees above the night low temperature.

(b) Diquat restrictions:

(i) During the period of February 15 through November 1 of any year, any application of Diquat or any mixture containing Diquat is hereby restricted to ground apparatus only upon obtaining a written permit from the Washington state department of agriculture.

(ii) Visco elastic additives shall be added to any Diquat application and applicable label directions for that product shall be followed.

(c) Dinitro restrictions:

During the period of August 1 through October 31 of any year, aerial applications of dinitro are prohibited within one-half mile from the center of the town of Touchet, and within one-half mile of commercially grown alfalfa hay: *Provided*, That the Washington state department of agriculture may issue permits for aerial applications within these areas.

(d) Records required by subsection (2)(g) through (i) of this section shall also apply to applications of dinitro in Area 3. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 85-17-066 (Order 1871), § 16-230-190, filed 8/21/85; 85-12-012 (Order 1858), § 16-230-190, filed 5/24/85; 80-05-005 (Order 1682), § 16-230-190, filed 4/4/80; 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.]

**Chapter 16-231 WAC  
RESTRICTED USE HERBICIDES**

WAC

- 16-231-413 Area 1.
- 16-231-613 Area 2.
- 16-231-615 Area 3.

**WAC 16-231-413 Area 1.** (1) Area 1 description. That area within a distance of one-half mile of the city limits of Dayton.

(2) Area 1 restrictions. Aircraft applications of restricted use herbicides are prohibited on and after April 5 through October 31: *Provided*, That upon written request to the Washington state department of agriculture, aircraft applications by permit shall be considered for purposes of critical weed control. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 85-07-029 (Order 1849), § 16-231-413, filed 3/15/85.]

**WAC 16-231-613 Area 2.** (1) Area 2 description. (Southeast corner of Klickitat County). Sections 13, 14, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, Township 5 North, Range 23 east; Sections 21, 22, south half of

Section 23, Sections 26, 27, 28, 33, 34, west half of Section 35, Township 5 North, Range 22 east; Sections 1, 2, 11, 12, Township 4 North, Range 23 east.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 15 through October 31: *Provided*, That upon written request to the Washington state department of agriculture, a permit may be issued for purposes of critical weed control.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using danger area restrictions (see WAC 16-230-675): *Provided*, That aircraft applications shall be prohibited within one mile of commercial vineyards and within one-half mile of other susceptible crops: *Provided further*, That upon written request to the Washington state department of agriculture, aircraft applications from one-half mile to one mile of commercial vineyards and within one-half mile of other susceptible crops by permit shall be considered for purposes of critical weed control. On and after November 1 through April 14 of the following year, aircraft applications shall be made using caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 85-07-029 (Order 1849), § 16-231-613, filed 3/15/85.]

**WAC 16-231-615 Area 3.** (1) Area 3 description. All remaining lands within the boundaries of Klickitat County.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 1 through September 30 of each year: *Provided*, That on and after May 1 through May 14 of each year, low volatile formulations shall be considered through written request to the department of agriculture.

(b) On and after May 1 through September 30, ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through September 30, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). [Statutory Authority: Chapters 15.58 and 17.21 RCW. 85-07-029 (Order 1849), § 16-231-615, filed 3/15/85; 80-03-029 (Order 1668), § 16-231-615, filed 2/20/80.]

**Chapter 16-236 WAC  
SEPA PROCEDURES**

WAC

- 16-236-010 Authority.
- 16-236-020 Adoption by reference.
- 16-236-030 Purpose.

16-236-040	Additional definition.
16-236-050	Designation of responsible official.
16-236-060	EIS preparation.
16-236-070	Environmentally sensitive areas.
16-236-080	Threshold levels adopted by local governments.
16-236-090	Coordination of combined state-federal action.
16-236-100	Public notice requirements.
16-236-110	Notice/statute of limitations.
16-236-120	Policies and procedures for conditioning or denying permits or other approvals.
16-236-130	Severability.

**WAC 16-236-010 Authority.** These rules are promulgated under RCW 43.21C.120 (the State Environmental Policy Act) and chapter 197-11 WAC (SEPA rules). [Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-010, filed 11/30/84.]

**WAC 16-236-020 Adoption by reference.** The department of agriculture adopts the following sections of chapter 197-11 WAC by reference:

#### WAC

197-11-020	Purpose.
197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.
197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping. (Optional)
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.
197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.
197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statement—Procedures.
197-11-625	Addenda—Procedures.
197-11-630	Adoption—Procedures.
197-11-635	Incorporation by reference—Procedures.
197-11-640	Combining documents.
197-11-650	Purpose of this part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.
197-11-680	Appeals.
197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.
197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/city.
197-11-730	Decision maker.
197-11-734	Determination of nonsignificance (DNS).
197-11-736	Determination of significance (DS).
197-11-738	EIS.
197-11-740	Environment.
197-11-742	Environmental checklist.
197-11-744	Environmental document.
197-11-746	Environmental review.
197-11-748	Environmentally sensitive area.
197-11-750	Expanded scoping.
197-11-752	Impacts.
197-11-754	Incorporation by reference.
197-11-756	Lands covered by water.
197-11-758	Lead agency.
197-11-760	License.
197-11-762	Local agency.
197-11-764	Major action.
197-11-766	Mitigated DNS.
197-11-768	Mitigation.
197-11-770	Natural environment.
197-11-772	NEPA.
197-11-774	Nonproject.
197-11-776	Phased review.

- 197-11-778 Preparation.
- 197-11-780 Private project.
- 197-11-782 Probable.
- 197-11-784 Proposal.
- 197-11-786 Reasonable alternative.
- 197-11-788 Responsible official.
- 197-11-790 SEPA.
- 197-11-792 Scope.
- 197-11-793 Scoping.
- 197-11-794 Significant.
- 197-11-796 State agency.
- 197-11-797 Threshold determination.
- 197-11-799 Underlying governmental action.
- 197-11-800 Categorical exemptions.
- 197-11-810 Exemptions and nonexemptions applicable to specific state agencies.
- 197-11-850 Department of agriculture.
- 197-11-880 Emergencies.
- 197-11-890 Petitioning DOE to change exemptions.
- 197-11-900 Purpose of this part.
- 197-11-908 Environmentally sensitive areas.
- 197-11-912 Procedures on consulted agencies.
- 197-11-916 Application to ongoing actions.
- 197-11-917 Relationship to chapter 197-10 WAC.
- 197-11-920 Agencies with environmental expertise.
- 197-11-922 Lead agency rules.
- 197-11-924 Determining the lead agency.
- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.
- 197-11-960 Environmental checklist.
- 197-11-965 Adoption notice.
- 197-11-970 Determination of nonsignificance (DNS).
- 197-11-980 Determination of significance and scoping notice (DS).
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-020, filed 11/30/84.]

[1985 WAC Supp—page 40]

**WAC 16-236-030 Purpose.** (1) This chapter implements the state-wide rules in chapter 197-11 WAC as they apply to the department of agriculture.

(2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the department to use all practical means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(b) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(d) Preserve important historic, cultural, and natural aspects of our national heritage;

(e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(3) The department recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment. [Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-030, filed 11/30/84.]

**WAC 16-236-040 Additional definition.** "Department" means department of agriculture unless otherwise indicated. [Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-040, filed 11/30/84.]

**WAC 16-236-050 Designation of responsible official.** Within the department of agriculture the ultimate responsible official is the director. The responsible official for a specific proposal shall be the assistant to the director in charge of environmental affairs or his/her designee. [Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-050, filed 11/30/84.]

**WAC 16-236-060 EIS preparation.** (1) Preparation of draft and final EISs and SEISs is the responsibility of the assistant to the director in charge of environmental affairs or his/her designee. The responsible official shall be satisfied that all EISs and SEISs issued by the department are in compliance with these rules and chapter 197-11 WAC.

(2) Any draft or final EIS or SEIS shall be prepared by the department, the applicant, or by a consultant mutually agreed upon by the department and applicant.

(3) Whenever someone other than the department prepares a draft or final EIS or SEIS, the responsible official shall:

(a) Coordinate scoping to ensure that the individual preparing the document receives all substantive information submitted by any agency or person.

(b) Direct the areas of research and study to be undertaken and the content and organization of the document.

(c) Assist in obtaining information on file with another agency that is needed by the person preparing the document.

(d) Allow the person preparing the document access to department records relating to the document, as prescribed in chapter 16-06 WAC, Public records.

(4) Nothing herein shall be construed to prohibit the department from charging any fee of an applicant that the department is otherwise authorized to charge (see WAC 197-11-914). A performance bond in amount specified by the department may be required of the applicant to ensure payment of department expenses in preparing, in whole or in part, a draft or final EIS or SEIS. [Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-060, filed 11/30/84.]

**WAC 16-236-070 Environmentally sensitive areas.** During threshold determination and in determining whether a proposal is exempt from SEPA, the department shall give all due consideration to "environmentally sensitive area" designations made by local governments under WAC 197-11-908. [Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-070, filed 11/30/84.]

**WAC 16-236-080 Threshold levels adopted by local governments.** During threshold determination and in determining whether a proposal is exempt from SEPA, the department shall respect threshold levels adopted by local governments under WAC 197-11-800. [Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-080, filed 11/30/84.]

**WAC 16-236-090 Coordination of combined state-federal action.** When the department considers actions which also involve federal actions, it shall coordinate the two governmental processes so that only one EIS, or other environmental document, need be prepared for that proposal. [Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-090, filed 11/30/84.]

**WAC 16-236-100 Public notice requirements.** (1) When these rules require notice of environmental document preparation or availability, as a lead agency and taking into consideration the geographic area affected by the proposal, the size and complexity of the proposal, the public notice requirements for the permit or approval required from the department, public interest expressed in the proposal, and whether the proposal is a project or regulation, the department shall give public notice by using at least one of the following methods:

(a) Posting the property, for site-specific proposals;

(b) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;

(c) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;

(d) Notifying the news media; and/or

(e) Publishing notice in a department newsletter.

(2) Whenever possible, the department shall integrate these public notice requirements with existing notice procedures for any department permits or approvals required for the proposal.

(3) The department may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense. [Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-100, filed 11/30/84.]

**WAC 16-236-110 Notice/statute of limitations.** (1) The department, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the department, applicant, or proponent pursuant to RCW 43.21C.080. [Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-110, filed 11/30/84.]

**WAC 16-236-120 Policies and procedures for conditioning or denying permits or other approvals.** (1) The policies and goals in this section are supplementary to existing authorities of the department.

(2) It is the policy of the department to avoid or mitigate adverse environmental impacts which may result from the department's decisions.

(3) The department shall ensure that presently unquantified environmental amenities and values will be given appropriate consideration in decision-making along with economic and technical considerations.

(4) When the environmental document for a proposal shows it will cause significant adverse impacts, the responsible official shall consider whether:

(a) The environmental document identified mitigation measures that are reasonable and capable of being accomplished;

(b) Other local, state, or federal requirements and enforcement would mitigate the significant adverse environmental impacts; and

(c) Reasonable mitigation measures are sufficient to mitigate the significant adverse impacts.

(5) When the environmental document for a proposal shows it will cause significant adverse impacts, the responsible official may:

(a) Condition the approval for a proposal if mitigation measures are reasonable and capable of being accomplished and the proposal is consistent with the policies in this section; or

(b) Deny the permit or approval for a proposal if reasonable mitigation measures are insufficient to mitigate

significant adverse environmental impacts and the proposal is inconsistent with the policies in this section.

(6) The procedures in WAC 197-11-660 shall also be followed when conditioning or denying permits or other approvals. [Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-120, filed 11/30/84.]

**WAC 16-236-130 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected. [Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-130, filed 11/30/84.]

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

WAC	
16-304-040	Schedule of charges.
16-304-110	Annual seed inspection charge.
16-304-130	Effective dates.

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

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY AND GERM (c)	TETRA- ZOLIUM 200 Seeds (d)
Bentgrass	2 oz.	\$30.00	\$15.00	\$16.00	\$46.00	\$21.00
Bluegrass	4 oz.	21.00	13.00	14.00	35.00	21.00
Bromegrass	6 oz.	22.00	13.00	11.50	33.50	21.00
Fescue	4 oz.	21.00	13.00	11.50	32.50	21.00
Orchardgrass	4 oz.	24.00	15.00	13.00	37.00	21.00
Ryegrass	4 oz.	21.00	13.00	10.50	31.50	21.00
Crested Wheatgrass	4 oz.	24.50	15.00	13.00	37.50	21.00
Other Wheatgrasses	6 oz.	36.00	22.00	13.00	49.00	21.00
Other grasses	4 oz.	17.00	10.50	10.50	27.50	21.00
Beans and peas	1 1/4 lb.	13.00	7.50	11.50	24.50	21.00
Cereals	1 1/4 lb.	13.50	9.00	11.50	25.00	21.00
Other crops	4 oz.	13.50	9.00	11.50	25.00	21.00
Mixture (for each additional kind)		10.50		13.00		21.00
Beets		18.00	8.50	17.00	35.00	

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

(b) Germination – test prescribed by Federal Seed Act to determine percent germination of seed sample based on four hundred seeds.

(c) Purity and germination – includes both (a) and (b). This combination of tests provides

information needed to label seed under state and federal acts.

(d) Tetrazolium test – a chemical test that measures viability and germination potential. (A germination test should also be obtained.)

(2) Special tests: (Standard noxious exam size unless otherwise specified).

(a) Crop and/or weed exam . . . . . Noxious only  
fee plus \$ 3.50  
(or hourly rate when applicable).

All crop seeds and/or all weed seeds are listed as number per pound.

(b) Poa annua check for bentgrass and bluegrass – each five grams . . . . . \$16.00

- Poa annua check for other grasses – each 10 grams ..... \$16.00
- (c) Sod seed analysis –
- Bluegrass ..... \$56.00
- Fescue ..... \$40.00
- Ryegrass ..... \$32.00
- (A special test of turf grasses – for those who need a detailed examination of seed before purchase and/or use.)
- Bluegrass test includes purity, twenty-five gram all weed/all crop, except ten gram Poa annua exam. Ryegrass and Fescue test includes purity, one hundred gram all weed/all crop. (Fluorescent required on ryegrass; germ and fluorescent test additional fee.)
- (d) Fluorescent test – (four hundred seed test) ..... \$13.00
- (e) Pest and disease, soil exam or similar .... \$16.00
- (Reported on seed analysis certificate.) A visual examination of a representative sample.
- (f) Sod analysis check – fifty gram exam to evaluate if a lot appears to be sod quality (phone report only) ..... \$15.00
- (g) Variety separation of Kentucky bluegrass . \$18.00
- If separated at time of purity analysis ..... \$ 9.00
- (3) Inventory testing for germination: A service to provide opportunity to have carry-over seed stocks except mixtures tested at lowest possible charge. Not an official germination test.
- (a) Reports may not be mailed until all tests are completed.
- (b) Samples shall be plainly labeled "inventory samples."
- (c) Samples shall be reported according to the sender's designation. The laboratory shall assume no responsibility for correct identification. These samples and tests shall not become a part of our permanent record.
- (d) The fee for this service shall be one-half the regular germination fee.
- (e) Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.
- (4) Miscellaneous laboratory fees:
- (a) Rush samples (including phone report if requested at time sample is submitted) ..... \$ 9.00
- (b) Phone reports on test result, per call ..... \$ 8.00
- (c) Preliminary report on germination (phone report only) ..... \$ 8.00
- (d) Morphological test..... \$ 8.00
- (alfalfa or clover examined under magnification for combine damage.)
- (e) Additional mailing of report (each destination) ..... \$ 1.50
- (f) Recopies of reports (minimum fee) ..... \$ 2.50
- (or hourly fee when applicable)
- (g) ISTA test – purity and germination fee plus fifty percent
- (h) Seed count ..... \$16.00

- (i) Extra charge for samples requiring special preparation for germination, i.e., New Zealand spinach, pelleted seeds, spinach, chard, etc. .... \$16.00
- (j) Hourly fee for miscellaneous services ..... \$16.00
- (k) Service charge for submitted federal phytosanitary certificates, per certificate ..... \$ 5.00
- (l) All states noxious weed examination ..... \$12.00

[Statutory Authority: Chapter 15.49 RCW. 85-11-003 (Order 1853), § 16-304-040, filed 5/2/85; 84-13-042 (Order 1832), § 16-304-040, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-030 (Order 1797), § 16-304-040, filed 5/16/83. Statutory Authority: RCW 15.49.370. 82-08-032 (Order 1756), § 16-304-040, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-103 (Order 1688), § 16-304-040, filed 5/30/80; 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 16-304-110 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 ten cents per one hundred dollars gross annual dollar sales in excess of ten thousand dollars 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 four ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the United States Department of Agriculture 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-conditioner agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, 1983 through June 30, 1984 shall be due August 1, 1984 and payable by February 1, 1985. The assessment fees for the period beginning July 1, 1984 through June 30, 1985 shall be due August 1, 1985 and payable by February 1, 1986.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of ten dollars, 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. 84-13-042 (Order 1832), § 16-304-110, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 82-10-067 (Order 1764), § 16-304-110, filed 5/5/82, effective 7/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-101 (Order 1683), § 16-304-110, filed 5/30/80; 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 16-304-130 Effective dates.** This rule is effective through June 30, 1986. Between January 1, 1986 and March 1, 1986, 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 the authority of chapter 42.30 RCW, the Open Public Meetings Act, and chapter 34.04 RCW, the Administrative Procedure Act. 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. 84-13-042 (Order 1832), § 16-304-130, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 82-10-067 (Order 1764), § 16-304-130, filed 5/5/82, effective 7/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-101 (Order 1683), § 16-304-130, filed 5/30/80; 78-04-070 (Order 1571), § 16-304-130, filed 3/31/78, effective 7/1/78.]

**Chapter 16-316 WAC  
SEED CERTIFICATION**

WAC	
16-316-0401	Certification fees.
16-316-0601	Bent grass and redtop seed standards.
16-316-215	Rules and procedures for organization for economic cooperation and development scheme for varietal certification (O.E.C.D.).
16-316-230	Alfalfa seed certification fees.
16-316-270	Bean seed certification fees.
16-316-327	Phyto-sanitary certificate for beans.
16-316-350	Grass seed certification fees.
16-316-440	Red clover seed certification fees.
16-316-474	Field pea—Lentil—Soybean—Sorghum—Small grain—Application and fees.
16-316-635	Service fee.
16-316-660	White clover and trefoil seed certification fees.
16-316-715	Miscellaneous field and seed inspection standards.
16-316-724	Small grains standards.
16-316-800	Grass varieties eligible.
16-316-815	Other clover varieties.
16-316-820	Alfalfa varieties eligible.
16-316-830	Bean varieties eligible.
16-316-833	Miscellaneous crop varieties eligible.
16-316-901	Corn seed certification standards.
16-316-906	Corn seed certification fees.
16-316-911	Corn seed eligibility.
16-316-916	Field inspection.
16-316-921	Field standards.
16-316-945	Field standards—Hybrid corn seed.
16-316-950	Seed inspection—Foundation corn single crosses and inbred lines.

16-316-955	Seed inspection and standards—Hybrid corn seed.
16-316-960	Ear inspection and winter growouts—Foundation corn single crosses and inbred lines.

**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 . . . . . \$15.00
- (b) Late seedling penalty fee: . . . . . \$15.00

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 . . . . . \$15.00
- (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 one hundred pounds.

(If no seed is tagged, twenty cents of the final certification fee is refundable upon request.)

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

(c) Blend fee shall be as established by blend rule, 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 conditioner 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 rule shall be the most applicable fee established by the director of agriculture.

(8) Fees for reissue of tags shall be five cents a tag with minimum fee of five dollars. [Statutory Authority: Chapter 15.49 RCW. 84-13-041 (Order 1831), § 16-316-0401, filed 6/15/84; 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 16-316-0601 Bent grass and redtop seed standards.** Seed standards shall be as follows:

Bentgrass				
Specific Seed Standards		Found- ation	Regis- tered	Certi- fied
Pure Seed**	(Minimum)	98.00%	98.00%	98.00%
Other Crop Seed	(Maximum)	.20%	.20%	.60%
Inert Matter	(Maximum)	2.00%	2.00%	2.00%
Weed Seed	(Maximum)	.30%	.30%	.40%*
-----				
Germination	(Minimum)	85.00%	85.00%	85.00%

Redtop				
Specific Seed Standards		Found- ation	Regis- tered	Certi- fied
Pure Seed**	(Minimum)	96.00%	96.00%	95.00%
Other Crop Seed	(Maximum)			2.00%
Inert Matter	(Maximum)	4.00%	4.00%	5.00%
Weed Seed	(Maximum)	.30%	.30%	.50%
-----				
Germination	(Minimum)	80.00%	80.00%	80.00%

(a) Blue tag seed shall not contain over nine hundred seeds per pound, singly or collectively, of the following weeds: Plantain spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.

(b) Seed shall not contain more than ninety per pound for blue tag, singly or collectively of objectionable weeds (see general rules). Seed shall be free of the seed of weeds listed as prohibited noxious.

\* A maximum of .50% weed seed may be allowed in bentgrass containing silver hairgrass providing the total of all other weed seed does not exceed .40%.

\*\* 1.50% other fine bentgrasses and .50% redtop may be allowed in certified bentgrass containing a minimum of 98.00% total bentgrass.

[Statutory Authority: Chapter 15.49 RCW. 85-11-004 (Order 1851), § 16-316-0601, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-0601, filed 6/15/84; 80-06-117 (Order 1689), § 16-316-0601, filed 5/30/80; Order 1451, § 16-316-060 (codified as WAC 16-316-0601), filed 5/13/76; Order 1419, § 16-316-060 (codified as WAC 16-316-0601), filed 8/15/75. Formerly WAC 16-316-035 (part).]

**WAC 16-316-215 Rules and procedures for organization for economic cooperation and development scheme for varietal certification (O.E.C.D.).** (1) O.E.C.D. certification is an international certification scheme limited to federal government membership. The agricultural research service of the United States Department of Agriculture is responsible for implementing the O.E.C.D. seed certification schemes in the United States. The state department of agriculture, by virtue of a memorandum of agreement with the agricultural research service, United States Department of Agriculture, is authorized to implement O.E.C.D. certification in the state of Washington.

(2) The general and specific crop certification standards established by Washington state department of agriculture and the O.E.C.D. Scheme for varietal

certification are basic and, together with the following specific rules, constitute the rules for O.E.C.D. seed certification.

**(3) Varieties eligible.**

(a) Crop varieties of U.S. origin shall be eligible for O.E.C.D. certification only if accepted into Washingtons state's certification program.

(b) Crop varieties, of origin other than U.S., shall 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 shall be planted to be eligible to produce basic white label.

(b) Foundation white label, registered purple label, or basic white label shall be planted to be eligible to produce 1st generation blue label.

(c) Certified or 1st generation blue label shall be planted to be eligible to produce 2nd generation red label.

(5) **Seed stock sample.** Each lot of O.E.C.D. seed stock shall be sampled under supervision of the certifying agency before seals are broken. Samples shall be used as control for growout test and a portion may be submitted to seed laboratory for analysis if deemed necessary. Seed stock lots without official tags may not be granted O.E.C.D. approval.

(6) The department of agriculture shall 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 shall 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 shall submit applications and fees as required for certification of that crop under Washingtons state's certification standards. Certification requirements and procedures for each kind shall be the genetic standards in Washingtons 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 may not be required to meet Washington's minimum purity or germination certified seed standards; however, all seed shall 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 shall be O.E.C.D. tagged by the state of origin.

(8) **Tagging and sealing.** O.E.C.D. tags shall be printed and issued according to O.E.C.D. rules. Seed branch shall issue an O.E.C.D. reference number; e.g. (USA-W-78-000), which shall 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 shall be drawn under supervision of the certifying agency. One hundred to two hundred fifty grams of the sample shall be held for the originating country, the balance shall be used for required post control grow-out tests.

(10) **O.E.C.D. certificate.** The seed branch shall 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 one of four domestic lots tagged and all lots of foreign varieties O.E.C.D. tagged shall 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 shall apply to all seed tagged O.E.C.D.:

(a) O.E.C.D. certificate ..... \$10.00 each

(b) O.E.C.D. grow-out test (each entry) (no charge for control entry) ..... \$46.00 each entry

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

(d) 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. 85-11-004 (Order 1851), § 16-316-215, filed 5/2/85. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-215, filed 5/16/83. 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.]

**WAC 16-316-230 Alfalfa seed 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 ..... \$15.00

(b) Late seedling penalty fee: ..... \$15.00

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

(c) Seedling acreage fee: (per acre) ..... \$ 1.75

(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 ten dollars 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 ..... \$15.00

(b) Renewal acreage fee: (per acre) ..... \$ 1.75  
(Refundable if acreage is withdrawn before inspection.)

(c) Late renewal penalty fee: ..... \$15.00

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.: ..... \$ 0.50

The sampling and production fees are billed at completion of tests. If none of the seed is tagged, ten cents of the fifty cents 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 rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ten cents a tag with a minimum fee of ten dollars. [Statutory Authority: Chapter 15.49 RCW. 85-11-004 (Order 1851), § 16-316-230, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-230, filed 6/15/84; 81-11-023 (Order 1735), § 16-316-230, filed 5/15/81; 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 16-316-270 Bean seed 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 ..... \$15.00
  - (b) Acreage fee:
    - (i) One inspection: (per acre) ..... \$ 1.75  
One inspection is required for certification of Great Northern, Red Mexican, pinto, pink, and small white beans.
    - (ii) Two inspections: (per acre) ..... \$ 3.50  
Includes windrow inspection which is required for: Certification of snap beans, kidney beans, and eligibility for shipment into Idaho. For phytosanitary certification see WAC 16-316-327.
    - (iii) Acreage fee is refundable if acreage is withdrawn before inspection.
  - (c) Late application penalty fee: ..... \$15.00  
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.: ..... \$ 0.40  
The production fees shall be billed at final certification and tagging.
  - (4) Purity and germination tests: ..... Fees as established by the director of agriculture.
  - (5) Fees for retagging or services not listed in this rule shall be the most applicable fee established by the director of agriculture.
  - (6) Bean seed entered into the certification program shall comply with bean seed quarantine rules. See WAC 16-494-001 through 16-494-062. [Statutory Authority: Chapter 15.49 RCW. 85-11-004 (Order 1851), § 16-316-270, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-270, filed 6/15/84. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-270, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-111 (Order 1691), § 16-316-270, filed 5/30/80; 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 16-316-327 Phyto-sanitary certificate for beans.** (1) Specific bacterial diseases of beans for which phyto-sanitary certificates may be issued are:

- (a) *Halo Blight - Pseudomonas phaseolicola* (Burk.) Dows.
- (b) *Common Bean Blight - Xanthomonas phaseoli* (E.F. Sm.) Dows.

- (c) *Fuscos Blight - Xanthomonas phaseoli* var. *fuscans* (Burk.)
- (d) *Bean Bacterial Wilt - Corynebacterium flaccumfaciens* (Hedges) Dows.
- (e) Or any varieties or new strains of these diseases.
- (f) *Brown Spot Disease - Pseudomonas syringae*
- (g) *Bean Anthracnose - Colletotrichum lindemuthianum*

(2) Common bean seed to be eligible for a phyto-sanitary certificate covering the bacterial diseases listed above, shall 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 shall not be eligible for phyto-sanitary certificates covering bacterial diseases.

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

(5) To be eligible for phyto-sanitary certificate, fields shall 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.

(7) All bean seed entered into the phyto-sanitary inspection program shall comply with the bean seed quarantine rules. See WAC 16-494-001 through 16-494-062. [Statutory Authority: Chapter 15.49 RCW. 85-11-004 (Order 1851), § 16-316-327, filed 5/2/85; 79-05-071 (Order 1626), § 16-316-327, filed 4/30/79; Order 1455, § 16-316-327, filed 5/13/76.]

**WAC 16-316-350 Grass seed 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 ..... \$15.00
- (b) Late seedling penalty fee: (per kind) ... \$15.00  
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 ..... \$15.00

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 ten dollars 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 . . . . . \$15.00  
 (b) Late renewal penalty fee: (per kind) . . . . \$15.00  
 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 and final certification fees: Inspection and final certification fees shall 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 shall sign a memorandum of agreement that shall expire on June 30 of each year. Memorandum may be terminated by the director if conditioner violates certification standard or requirements of memorandum.

(a) Option A: When based on pounds sampled, and billed at completion of required laboratory tests, the fees shall be:

(i) Inspection and final certification fee . . . . . \$ 0.80  
 per one hundred pounds. (If no seed is tagged, twenty cents of the final certification fee is refundable upon request.)

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

(iii) Blend fee shall be as established by blend rule, 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, conditioner may assume this responsibility.

(b) Option B: When based on pounds tagged after required laboratory tests are completed, the fees shall be:

(i) Inspection and final certification fee . . . . . \$ 1.10  
 per one hundred pounds. (Minimum fee per tagging) . . . . . \$10.00

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

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

(A) Washington origin certified seed used in blend . . . . . \$ 1.00  
 per one hundred pounds.

(B) Out-of-state origin certified seed used in blend . . . . . \$ 0.60  
 per one hundred pounds: *Provided*, That those

fees listed in (a) and (b) above are not applicable to certified seed that is tagged and sealed, and on which final fees have been paid.

(C) A refund or credit shall be issued for the percent of the blend lot not tagged. (For example, if forty percent of the blend is not tagged, forty percent of the fees charged under Option B above is refundable.) Requests for refunds shall be made by June 30 following final disposition of the blend.

(5) Payment of fees shall be the responsibility of the conditioner. A conditioner choosing this program shall handle all certified grasses in his warehouse under this program for the entire crop year. Upon termination or nonrenewal of Option B memorandum of agreement, conditioner 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 rule shall be the most applicable fee established by the director of agriculture.

(9) Fees for reissue of tags shall be ten cents per tag with a minimum fee of ten dollars. [Statutory Authority: Chapter 15.49 RCW. 85-11-004 (Order 1851), § 16-316-350, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-350, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-350, filed 5/16/83. 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 16-316-440 Red clover seed 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 . . . . . \$15.00

(b) Late seedling penalty fee: . . . . . \$15.00  
 This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling acreage fee: (per acre) . . . . . \$ 1.75  
 (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 fifteen dollars 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 . . . . . \$15.00
- (b) Renewal acreage fee: (per acre) . . . . . \$ 1.75  
(Refundable if acreage is withdrawn before inspection.)
- (c) Late renewal penalty fee: . . . . . \$15.00  
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.: . . . . . \$ 0.50  
The production fee is billed at completion of tests. If none of the seed is tagged, ten cents of the fifty cents 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 rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ten cents a tag with a minimum fee of ten dollars. [Statutory Authority: Chapter 15.49 RCW. 85-11-004 (Order 1851), § 16-316-440, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-440, filed 6/15/84; 81-11-019 (Order 1734), § 16-316-440, filed 5/15/81; 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 16-316-474 Field pea--Lentil--Soybean--Sorghum--Small grain--Application and fees.** (1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for

each field shall be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of field pea, lentil, soybean, sorghum and small grains.

(2) Due dates:

(a) Field pea - June 1

(b) Lentil - June 1

(c) Soybean - July 1

(d) Sorghum - July 15

(e) Small grains - June 1 for both winter varieties and spring varieties.

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

(3) Fees:

(a) Application fee per variety per grower . . . \$10.00

(b) Field inspection fee per acre . . . . . \$ 1.85

(c) Late application fee . . . . . \$10.00

(d) Reinspection fee . . . . . \$20.00

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

(e) Final certification fee . . . . . \$ 0.14 per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee . . . . . \$ 0.14 per cwt. of production from fields inspected which is utilized for seed, which shall be charged to conditioning plant or, if none, to applicant.

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

(4) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification. [Statutory Authority: Chapter 15.49 RCW. 85-11-004 (Order 1851), § 16-316-474, filed 5/2/85. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-474, filed 5/16/83. Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-474, filed 7/10/81; 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 16-316-635 Service fee.** Service fee for sod quality seed tags and tagging shall be \$0.10 per cwt. Official sampling fee shall be charged when resampling is required. [Statutory Authority: Chapter 15.49 RCW. 85-14-093 (Order 1860), § 16-316-635, filed 7/2/85; Order 1462, § 16-316-635, filed 5/13/76; Order 1186, § 16-316-635, filed 4/16/71.]

**WAC 16-316-660 White clover and trefoil seed 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 ..... \$15.00
- (b) Late seedling penalty fee: ..... \$15.00  
This additional fee shall be charged for each seedling application received more than sixty days after planting.
- (c) Seedling acreage fee: (per acre) ..... \$ 1.75  
(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 ten dollars 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 ..... \$15.00
- (b) Renewal acreage fee: (per acre) ..... \$ 1.75  
(Refundable if acreage is withdrawn before inspection.)
- (c) Late renewal penalty fee: ..... \$15.00  
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. .... \$ 0.50  
The production fee is billed at completion of tests. If none of the seed is tagged, ten cents of the fifty cents 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 rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ten cents a tag with a minimum fee of ten dollars. [Statutory Authority: Chapter 15.49 RCW. 85-11-004 (Order 1851), § 16-316-660, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-660, filed 6/15/84; 81-11-022 (Order 1738), § 16-316-660, filed 5/15/81; 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 16-316-715 Miscellaneous field and seed inspection standards.** (1) The field inspection will be made:

- (a) For field pea – when seedcrop is in full bloom;
- (b) For lentil – when seedcrop is in full bloom;
- (c) For soybean – when seedcrop is in full bloom and/or of mature color;
- (d) For sorghum – when seedcrop is in full bloom, and optionally again when seedcrop begins to show mature color;
- (e) For small grains – when seedcrop 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 bindweeds, Canada thistle or jointed goatgrass, or excess weeds, or mechanical field mixing, shall be cause for rejection upon inspection for field standards. Fields rejected for jointed goatgrass at first inspection are not eligible for reinspection. Fields rejected for other causes will remain eligible for reinspection.

(3) No prohibited noxious weed seeds are permitted upon inspection for seed standards.

(4) Germination minimum refers to germination when sampled.

(5) If chemically controllable seed-borne diseases are noted upon inspection for field standards and seed standards for small grains, treatment of seed is required. [Statutory Authority: Chapter 15.49 RCW. 84-13-041 (Order 1831), § 16-316-715, filed 6/15/84; 81-15-032 (Order 1744), § 16-316-715, filed 7/10/81; 80-06-113 (Order 1696), § 16-316-715, filed 5/30/80; Order 1464, § 16-316-715, filed 5/13/76; Order 1368, § 16-316-715, filed 6/12/74; Order 1311, § 16-316-715, filed 4/24/73; Order 1258, § 16-316-715, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-715, filed 4/16/71.]

WAC 16-316-724 Small grains standards. (1) Small grains (barley, oat, rye, triticale, wheat) – land, isolation, and field standards:

CLASS	LAND STANDARDS	ISOLATION STANDARDS	FIELD STANDARDS	
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE
	Foundation	1*	3**	None
Registered	1*	3**	5	5***
Certified	1*	3**	15	15***

- \* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.
- \*\* Refers to distance from other small grain fields. In addition, each rye field for certification shall 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. Each triticale field for certification shall 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.
- \*\*\* Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

(2) Small grains – seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	99.00	1.00	None	None	85.00
Registered	1	99.00	1.00	0.05*	0.05**	85.00
Certified	4	99.00	1.00	0.10*	0.05**	85.00

\* Other tolerance for other crop seed:

OTHER SMALL GRAINS  
MAXIMUM

Foundation	None
Registered	1/lb
Certified	2/lb

No rye or triticale is permitted in barley, oat or wheat; no vetch is permitted.

\*\* Other tolerances for weed seed:

OBJECTIONABLE WEED SEED  
MAXIMUM

	OBJECTIONABLE WEED SEED MAXIMUM	WILD OAT MAXIMUM
Foundation	None	None
Registered	None	None
Certified	1/lb	None, except 1/lb in oat

[Statutory Authority: Chapter 15.49 RCW. 85-11-004 (Order 1851), § 16-316-724, filed 5/2/85; 81-15-032 (Order 1744), § 16-316-724, filed 7/10/81.]

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\*\*\*  
Bardot Colonial\*  
Highland Colonial\*\*  
Seaside Creeping\*\*\*  
Emerald Creeping\*\*

Big Bluegrass:

Sherman\*\*

Canada Bluegrass:  
(subject to poa annua quarantine)

Reubens\*\*

Canby Bluegrass:

Kentucky Bluegrass:  
(subject to poa annua quarantine)

Canbar\*\*

A-20-6\*  
A-34 (Bensun)\*\*  
Adelphi\*\*  
Argyle\*\*  
Barblue\*ppvV  
Baron\*\*  
Birka\*  
Bonnieblue (Pac)\*\*  
Bono (Birdie)\*  
Bristol\*  
Cheri (Golf)\*  
Classic\*\*  
Cougar\*  
Delta\*  
Eclipse\*

Enmundi*pvvV	Redtop:	Streaker
Fylking**	Indian Ricegrass:	Nezpar**
Georgetown**	Perennial Ryegrass:	All*Star**
Geronimo*	(subject to poa annua	Belle*
Glade**	quarantine)	Cropper*
Haga*		Diplomat*pvvV
Holiday*		Elka*
I-13**		Friend**pvvV
Julia*		Jackpot
Kenblue*		
Liberty**		LP-20*
Majestic**		Manhattan*
Merion**		Norlea*
Monopoly*		Pennfine*pvvV
Mystic*		Yorktown*pvvV
		Yorktown II*pvvV
Nassau**	Puccinellia distans:	Fults*
Newport**	Timothy:	Champlain*
Nugget*		Clair*
Pacific*pvvV		Climax*
Parade*		Mohawk**
Park**		Pronto*
Pennstar*		Whitmar Beardless**
Plush*	Wheatgrass:	Secar Bluebunch**
Ram I*pvvV		Fairway Crested*
Rugby*		Ruff Crested*
		Nordan Crested**
Sving*		Ephraim Rhizomatous Crested**
Sydsport*		Amur Intermediate***
S-21**		Greenar
Touchdown**		Intermediate**
Troy**		Oahe Intermediate*
Victa*		Tegmar Intermediate*
Wabash*		Siberian**
		Greenleaf Pubescent*
Meadow Brome:		Luna Pubescent**
		Topar Pubescent**
Mountain Brome:		Primar Slender**
		P-27 Siberian
Smooth Brome:		Sodar Streambank**
		Critana Thickspike**
		Alkar Tall**
	Basin Wild Rye:	Magnar**
	(2) Variety restrictions.	
		NO. OF SEED HARVESTS
		FOUNDATION REGISTERED
		CERTIFIED
	(a) Kentucky Bluegrass:	
	Baron	5
	Birka	2 + 3 Cert.
	Bonnieblue	2 + 5 Cert.
	Bristol	4
	Cougar	3
	Enmundi	4
	Georgetown	5
	Geronimo	6
	Kenblue	5
	Majestic	3 + 5 Cert.
	Pacific	5
	Parade	5
	Ram-I	2
	Rugby	3 + 2 Cert.
	Sydsport	5
	Touchdown	2 + 5 Cert.
	(b) Deertongue:	
	Tioga	6
	(c) Orchardgrass:	
	Pennlate	3
	(d) Perennial Ryegrass:	
	Belle	4 + 2 Cert.
	Diplomat	5 + 2 Cert.

	NO. OF SEED HARVESTS	
	FOUNDATION REGISTERED	CERTIFIED
Elka	4	4
Pennfine	2 + 2 Cert.	4
Yorktown II	4 + 3 Cert.	4
Manhattan	2 + 5 Cert.	5

[Statutory Authority: Chapter 15.49 RCW. 85-11-004 (Order 1851), § 16-316-800, filed 5/2/85; 84-13-043 (Order 1833), § 16-316-800, filed 6/15/84. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-800, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 81-11-018 (Order 1733), § 16-316-800, filed 5/15/81; 80-06-105 (Order 1697), § 16-316-800, filed 5/30/80; 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.]

**WAC 16-316-815 Other clover varieties.** Following are the other clover varieties eligible and the certification scheme for each:

White Clover: Sacramento Ladino\*  
Star\*  
Aran\*\*pvpV

[Statutory Authority: Chapter 15.49 RCW. 84-13-043 (Order 1833), § 16-316-815, filed 6/15/84. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-815, filed 3/31/82, effective 5/1/82.]

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

A-24\*\*  
A-59\*\*  
Agate\*  
Anchor\*  
Answer\*  
Apalachee\*  
Aquarius\*  
Apollo\*  
Apollo II\*  
Arc\*  
Atlas\*  
Atra-55\*  
Baker\*pvpV  
Big Ten\*  
Blazer\*  
Challenger\*  
Cimarron\*  
Citation\*  
Classic\*  
Defender\*  
Delta\*\*  
Drummor\*  
Duke\*

Dupuits\*  
Eagle\*  
Epic\*  
Expo\*  
G-7730\*  
Hi-Phy\*  
Honeoye\*pvpV  
Iroquois\*  
Ladak\*\*  
Ladak 65\*  
Liberty\*\*  
Maverick\*  
Marathon\*  
Maxim\*  
Mesilla\*\*  
Multileaf\*pvpV  
Narragansett\*\*  
Nomad\*\*  
Nugget\*  
Olympic\*  
Oneida\*pvpV  
Peak\*  
Perry\*  
Phytor\*  
Polar II\*  
Preserve  
Primal\*  
Prowler\*  
Raidor\*  
Ramsey\*  
Ranger\*\*  
Saranac\*  
Saranac AR\*pvpV  
Shenandoah\*  
Spectrum\*  
Spredor 2\*  
Sverre\*  
SX-10\*  
SX-418\*  
Team\*  
Tempo\*  
Titan\*  
Trident\*  
Trumpetor\*  
Vernal\*  
Vancor\*  
Vanguard\*  
Vernema\*  
Vista\*  
Voris A77\*  
WL-220\*  
Washoe\*  
Weevlchek\*  
WL-215\*  
WL-219\*  
WL-221\*  
WL-311\*  
WL-312\*  
WL-313\*  
WL-315\*pvpV  
WL-316\*pvpV



- WL-318\*
- WL-320\*pvvV
- 120\*
- 123\*
- 130\*
- 521\*
- 520\*
- 526\*
- 530\*
- 531
- 532\*
- 581\*
- 5444\*
- 629

(2) Variety restrictions.

	NO. OF SEED HARVESTS			
	Breeder	Foundation	Registered	Certified
Answer		2		5
Apollo II				3
Baker	2	3		6
Blazer		3		
Challenger	2	3		5
Defender	2	3		5
Drummor	2	3		5
Duke		3		5
Epic		4		6
Expo		3		5
G-7730		3		5
Honeyoye		3		6
Iroquois		3		6
Maverick		3		5
Multileaf		3		6
Oneida		3		6
Peak		3		
Perry	2	3		6
Preserve	2	3		5
Polar II	2	3		5
Prowler	2	3		5
Raidor	2	3		5
Saranac		3		6
Saranac AR		3		6
Spredor 2	2	3		5
Trident		2		5
Trumpetor	2	3		5
Vancor	2	3		5
Vernema		4		6
Voris A-77		2		5
WL-221		3		
WL-313		3		
WL-315		3		5
WL-316		3		5
Wrangler				6
120		3		
123		2		4
130		3		5
526		3		5

[Statutory Authority: Chapter 15.49 RCW. 85-11-004 (Order 1851), § 16-316-820, filed 5/2/85; 84-13-043 (Order 1833), § 16-316-820, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-820, filed 5/16/83. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-820, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 81-11-018 (Order 1733), § 16-316-820, filed 5/15/81; 80-06-105 (Order 1697), § 16-316-820, filed 5/30/80; 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 16-316-830 Bean varieties eligible.** Following are the bean varieties eligible and the certification scheme for each:

- Red Mexican: Bigbend\*\* NW-59\*\* NW-63\*\* Rufus\*\*
- Pinto: NW-410 NW-590 Nodak\*\*  
Olathe\*\*pvvV Pindak\*\* U of I 114\*\*\*  
Wyo 166\*\*
- Pink: Gloria\*\* Harold\*\* Roza\*\*  
Victor\*\* Viva\*\*
- Small White: Chief\*\* Bonus\*\* Aurora\*\*
- Kidney: Pilgrim\*, Royal Red\*\*,  
Carmine\*
- Snap Bean: Apollo\*\* Epoch\*\*pvvV  
Yakima\*\*  
Tanta\*\*
- Navy: Duty, Hyden\*\*, NW 395\*\*,  
(Pulsar)\*
- Great Northern: Emerson\*, Harris\*\*
- Black Turtle: Black Turtle Soup\*\* #39  
Black Beauty\*\* Ebony\*\*pvvV
- Large, Round White: Snowball\*

[Statutory Authority: Chapter 15.49 RCW. 85-11-004 (Order 1851), § 16-316-830, filed 5/2/85; 84-13-043 (Order 1833), § 16-316-830, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-830, filed 5/16/83. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-830, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-105 (Order 1697), § 16-316-830, filed 5/30/80; 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 16-316-833 Miscellaneous crop varieties eligible.** Following are the miscellaneous crop varieties eligible and the certification scheme for each:

- Burnett Delar Small Burnett\*\*
- Flax Appar Lewis Flax\*\*

[Statutory Authority: Chapter 15.49 RCW. 84-13-043 (Order 1833), § 16-316-833, filed 6/15/84.]

**WAC 16-316-901 Corn seed certification standards.**

The general seed certification standards are basic and together with the list of varieties eligible and the following specific rules constitute the standards for corn seed certification. [Statutory Authority: Chapter 15.49 RCW. 84-13-041 (Order 1831), § 16-316-901, filed 6/15/84.]

**WAC 16-316-906 Corn seed certification fees.**

- (1) Fees for applications for each separate combination and/or isolation . . . . . \$15.00
- (2) Acreage fee:
  - (a) First acre . . . . . \$25.00

- (b) Each additional acre . . . . . \$10.00  
 except for hybrid corn seed each  
 additional acre . . . . . \$ 3.50  
 (3) Due date for applications is June 1.

[Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-906, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-906, filed 6/15/84.]

**WAC 16-316-911 Corn seed eligibility.** (1) Foundation corn inbred lines:

(a) For the purposes of certification, the propagation of male sterile inbred lines shall be subject to the same requirements and rules as apply to foundation single crosses.

(b) An inbred line shall be a relatively true breeding strain of corn resulting from at least five successive generations of controlled self-fertilization; or at least five generations of backcrossing to a recurrent parent with selection; or its equivalent.

(c) Inbred lines increased by hand pollination will be eligible for certification.

(d) An inbred used as a pollinator in a foundation single cross production field may be certified provided all the seed parents in the isolated field are inspected for certification and meet all field requirements for certification.

(e) Addition of specific genetic factors to a line.

(i) When a specific genetic factor(s) is added to an inbred line, the line shall have been backcrossed to its recurrent parent at least five generations. The line shall be homozygous for the specific genetic factor(s) except for the pollen restoration factor(s), and the genic male sterile maintainer line.

(ii) For a recovered pollen restorer inbred line, selection shall be relative to a specific cytoplasmic male sterile source.

(iii) Proof of the genetic nature of a recovered line shall be supplied by the originator.

(iv) A genic male sterile maintainer line, consisting of duplicate-deficient and male-steriles in an approximate one to one ratio, shall be no more than two generations removed from breeder's seed. The maintainer shall be designated according to generation as:

(A) Breeder seed: The hand pollinated selfed seed from a known duplicate-deficient plant heterozygous at a particular male sterile locus.

(B) Foundation I seed: The product of random-mating among fertile plants arising from breeder seed.

(C) Foundation II seed: The product of random-mating among fertile plants arising from foundation I seed.

(v) A genic male sterile line shall be a strain homozygous for a particular male sterile recessive allele.

(vi) The genic male sterile lines shall be identified as to the recessive genes they carry, e.g., B37 ms-1, N26 ms-10. The maintainer lines shall be identified not only for the male sterile gene for which it is heterozygous, but for the specific translocation from which it was derived, e.g., B37 Mt-1 ms-1, N28 Mt-1 ms-10.

(2) Foundation corn single crosses:

(a) Foundation single cross. A foundation single cross shall consist of the first generation of a cross between: Two inbred lines; an inbred line and a foundation back cross; or two foundation back crosses.

(b) Foundation back crosses:

(i) A first generation foundation back cross shall be the first generation cross between a foundation single cross of related inbred lines and an inbred line which shall be the same as one of the inbreds in the foundation single cross.

(ii) A second generation foundation back cross shall be made by using a first generation back cross as the seed parent and the pollinating parent shall be an inbred line. The inbred line shall be the same as the inbred parent used in making the first generation back cross seed parent.

(c) A male sterile line may be substituted for its fertile counterpart as one parent of a foundation single cross: *Provided*, That the male sterile line has been backcrossed for not less than five generations to its fertile counterpart, or the male sterile line is the same in other characteristics as its fertile counterpart.

(d) Male sterile lines propagated by hand pollination will be eligible for certification.

(e) A pollen restoring line may be substituted for its nonrestoring counterpart in a foundation single cross: *Provided*, That the pollen restoring line is the same in other characteristics as its nonrestoring counterpart.

(3) Hybrid corn seed:

(a) Hybrid corn seed is seed to be planted for the production of feed or for use other than seed. It may be any one of the following:

(i) Double cross - the first generation cross between two foundation single crosses.

(ii) Three-way cross - the first generation cross between a foundation single cross as one parent and an inbred line or a foundation back cross as the other parent.

(iii) Single cross - shall consist of the first generation of a cross between: Two inbred lines; an inbred line and a foundation back cross; or of two foundation back crosses.

(b) Foundation single cross seed and foundation back cross seed planted for the production of double cross, single cross, or three-way cross hybrid corn seed shall have been completely certified by a recognized seed certifying agency.

(c) Inbred line seed planted for the production of single cross or three-way cross hybrid corn seed to be used for grain or forage production shall meet the requirements for the definition of an inbred line (as provided for in subsection (1)(b) of this section) and be certified.

(d) Only the class "certified" is recognized.

(4) Inbred seed and the seed of each parent for single crosses shall meet one of the following requirements:

(a) Be in the hands of the originator;

(b) Be a line obtained directly from the originator;

(c) Be a line obtained from a state agricultural experiment station;

(d) Be a line obtained from the United States department of agriculture; or

(e) Be certified. Evidence of eligibility shall be a certification tag taken from the seed planted. [Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-911, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-911, filed 6/15/84.]

**WAC 16-316-916 Field inspection.** At least three field inspections shall be made by a representative of the certifying agency during the pollinating period. When the previous crop was corn, at least one additional inspection shall be made to verify that the field is sufficiently free of volunteer plants from the previous crop. Field inspections may be made without giving previous notice to the grower. [Statutory Authority: Chapter 15.49 RCW. 84-13-041 (Order 1831), § 16-316-916, filed 6/15/84.]

**WAC 16-316-921 Field standards.** (1) Isolation requirements:

(a) An inbred shall be so located that it is not less than six hundred and sixty feet from other corn except when the inbred is grown as a pollinator in a single cross production field. In this case any ear parent(s) in the same isolated field shall be entered for certification, inspected, and meet all field requirements for certification.

(b) A specific foundation single cross shall be located so the seed parent is not less than six hundred and sixty feet from other corn for pollinator rows and other seed parent(s) in the same isolated field. In this case, all seed parent(s) in the same isolated field shall be applied for certification, inspected, and meet all field requirements for certification.

(c) Differential maturity dates are permitted for modifying isolation distances for inbred lines or male sterile inbred line increases provided there are no receptive silks in the ear or seed parent at the same time pollen is being shed in the contaminating field.

(d) Foundation inbred or single cross production fields of dent sterile popcorn need not be isolated from yellow dent field corn.

(e) Corrections for improper isolation shall be made by one of the following methods:

(i) By completely destroying or by detasseling the necessary contaminating corn before silks appear in the ear or seed parent in the field to be certified; or

(ii) By completely destroying, before the final field inspection, the plants which are improperly isolated from the contaminating corn.

(2) For single crosses, the maximum distance a seed parent row shall be from a pollen parent row is nine feet.

(3) For single crosses, the minimum population of pollen shedding plants per acre shall be two thousand. Ineffective pollen parent plants shall not be counted.

(4) Single cross fields being inspected for certification shall contain not less than four hundred pollen plants per acre that are actively shedding pollen when more than twenty-five percent of the seed parent silks are apparently receptive.

(5) Single cross detasseling or pollen control. More than five percent of the seed parent shall have apparently receptive silks for the following provisions to apply.

Apparently receptive silks are emerged silks which are not wilted or brown.

(a) An isolation of a specific foundation single cross shall not be accepted for certification if at one inspection more than one percent of the stalks of the seed parent have shed pollen, or if the total number having shed pollen on any three days of inspection exceeds two percent.

(b) Cytoplasmic male sterile seed parent plants – detasseling (cutting or pulling) to control plant pollen shall be permitted.

(6) Roguing:

(a) Definitely off-type plants shall be destroyed completely so that suckers will not develop. Plants showing definite hybrid vigor or a definitely different type from the inbred or parent being inspected shall be classified as definitely off-type.

(b) For inbred lines, an isolation in which more than one-tenth of one percent (one per one thousand) of definitely off-type plants have shed pollen, when at the same time more than five percent of the plants have apparently receptive silks, shall not be certified.

(c) For single crosses, an isolation in which more than one-tenth of one percent of definitely off-type plants are present in the seed parent, when the silks have turned brown, shall not be eligible for certification.

(d) Sucker tassels and portions of tassels of off-type plants shall be counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two has the anthers extended from the glumes. [Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-921, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-921, filed 6/15/84.]

**WAC 16-316-945 Field standards--Hybrid corn seed.** (1) Isolation:

(a) A specific hybrid shall be located so that the seed parent is not less than six hundred and sixty feet from corn of a different color or texture with the following exceptions:

(i) Hybrid seed production fields of dent sterile popcorn need not be isolated from yellow dent field corn; or

(ii) When the contaminating corn is of a different color or texture aggregating less than one-fourth acre on one exposure, the isolation distance may be modified in accordance with the table listed in this section.

(2) A specific hybrid shall be located so that the seed parent is not less than four hundred and fifteen feet from other corn of the same color or texture. This distance may be modified by the planting of pollen parent border rows and the size of the crossing field according to the following table.

Field Size* = 1-20 Acres		Field Size* = 21 Acres or more	
Distance from other corn in feet	Minimum border rows required	Distance from other corn in feet	Minimum border rows required
415	0	415	0
395	1	375	1
375	2	330	2
355	3	290	3
330	4	250	4

Field Size* = 1-20 Acres		Field Size* = 21 Acres or more	
Distance from other corn in feet	Minimum border rows required	Distance from other corn in feet	Minimum border rows required
310	5	210	5
290	6	165	6
270	7	125	7
250	8	85	8
230	9	45	9
210	10	less than 45	10
185	11		
165	12		
145	13		
125	14		
105	15		
85	16		

\*Different dates of planting will not divide a field for isolation purposes but may divide the field for detasseling inspection.

(a) The border rows and pollen parent rows shall be planted with certified first generation seedstock, shall be shedding pollen simultaneously with silk emergence of the seed parent and shall not be separated from the seed parent by more than thirty-three feet.

(b) A field planted with the same eligible pollen parent may be used as an isolation buffer: *Provided*, That it is applied for certification, inspected and meets field requirements for certification.

(c) Full credit shall not be given where poor stands of border corn exist, where the border rows have been detasseled, or where, for any reason, the border rows are not shedding pollen as plentifully as the pollen parent rows. Because of the difficulty of obtaining and maintaining a good stand of corn, the planting of more than the minimum number of border rows is recommended.

(d) The maximum distance a seed parent row shall be from a pollen parent row is fifteen feet.

(3) Corrections for improper isolation shall be made by one of the following methods:

(a) By completely destroying or by detasseling the necessary contaminating corn before silks appear in the seed parent in the field to be certified; or

(b) By completely destroying, before the final field inspection, the seed producing plants which are improperly isolated from contaminating corn.

(4) Detasseling or pollen control. More than five percent of the stalks of the seed parent shall have apparently receptive silks for the following provisions to apply. Apparently receptive silks are emerged silks which are not wilted or brown.

(a) An isolation will not be accepted for certification if at one inspection more than one percent of the stalks of the seed parent have shed pollen, or if the total number having shed pollen on any three days of inspection exceeds two percent.

(b) When more than one combination is being grown in the same isolation and the seed parent of one or more

of them is shedding pollen in excess of one percent, all seed parents having five percent or more apparently receptive silks at the time shall be disqualified unless adequately isolated from the shedding seed parent.

(c) Sucker tassels and portion of tassels will be counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two have the anthers extended from the glumes.

(5) A male sterile seed parent can be used to produce certified hybrid corn seed by either of two methods:

(a) Seed of the normal fertile seed parent shall be mixed with the seed of the male sterile seed parent of the same pedigree either by blending in the field at harvest or by size at conditioning time. The ratio of male sterile seed parent seed to normal seed parent seed should not exceed two to one.

(b) The male parent shall involve a certified pollen restoring line or lines so that not less than one-third of the plants grown from the hybrid corn seed produce pollen which appears to be normal in quantity and viability.

(6) Roguing:

(a) Definitely off-type plants in a parent line planted for the production of single cross or three-way cross hybrid corn seed to be used for grain or forage production shall be completely destroyed so that suckers will not develop.

(b) Plants showing definite hybrid vigor or a definitely different type from the parent being inspected shall be classified as definitely off-type.

(c) An isolation in which more than two-tenths of one percent of definitely off-type plants in the parent or parents have shed pollen, at a time when more than five percent of the seed parent plants have apparently receptive silks, shall be disqualified for certification. [Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-945, filed 5/2/85.]

**WAC 16-316-950 Seed inspection--Foundation corn single crosses and inbred lines.** When excessive off-type or different textured kernels are observed at the time of ear inspection and the off-type kernels are detectable in the shelled seed, the applicant may have the option of shelling the ears to attempt to remove the kernels by mechanical or other means. The sampled seed after conditioning shall not contain in excess of three-tenths of one percent of the off-type kernels. [Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-950, filed 5/2/85.]

**WAC 16-316-955 Seed inspection and standards--Hybrid corn seed.**

(1) Genetic Factor	Standard Certified Class
Other varieties and off-types (maximum)	0.5%
Off-textured kernels in opaque 2, floriery 2 and waxy (maximum)	1.0%

(2) Quality Factors	Standards
Pure seed (minimum)	98.0%
Total other crops – including other varieties (maximum)	0.5%
Total weed seed (maximum)	None
Total inert matter (maximum)	2.0%
Germination (minimum)	90.0%
Moisture (maximum)	14.0%

[Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-955, filed 5/2/85.]

**WAC 16-316-960 Ear inspection and winter growouts—Foundation corn single crosses and inbred lines.** (1) Foundation single crosses and inbred lines shall be either inspected in the ear or included in a winter growout.

(2) Foundation single crosses and inbred lines to be ear inspected shall be inspected after the applicant indicates they are sorted and ready for inspection.

(3) A seed lot shall not contain in excess of one-tenth of one percent of definitely off-type ears or more than five-tenths of one percent of ears with off-colored or different textured kernels which would not exceed a total of twenty-five off-colored seeds or different textured kernels per one thousand ears.

(4) Winter growouts:

(a) When differential maturity dates or detasseling within the required isolation distance are permitted for modifying isolation distances for foundation male sterile inbred line increases or foundation inbred lines, winter growouts are required in addition to other standards.

(b) The applicant may choose to have a winter growout in lieu of ear inspection.

(c) Seed shelled before ear inspection shall be included in a winter growout.

(d) Standards for winter growouts are:

(i) Percentage of off-types allowed shall not exceed one percent.

(ii) Growouts shall be made on one round and/or flat separation, or on individual grade sizes.

(iii) The inspection fee for winter growouts shall be charged to the applicant at actual cost. [Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-960, filed 5/2/85.]

### 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.
16-319-061	Conditioning standards.

**WAC 16-319-020 Forest reproductive material certification standards.** (1) Purpose. The purpose of certification of forest reproductive material is to make available reproductive material properly identified by

species or species and cultivar, and by source or source and origin.

(2) Definitions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(y) 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.

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

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

(bb) Unit of measure means a consistent volume of measure, i.e., bushels, pounds, grams, number, cubic centimeters, etc. [Statutory Authority: Chapter 15.49 RCW. 84-13-079 (Order 1834), § 16-319-020, filed 6/21/84; 80-10-001 (Order 1704), § 16-319-020, filed 7/24/80; 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) The application should show all classes for which certification services are requested.

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

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

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

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

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

(2) Timing of application requests for certification services:

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

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

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

(a) Cones and seed:

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

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

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

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

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

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

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

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

(4) Fee schedule:

(a) Tree cones and seed –

Certification Classes	Field Inspection	Audit	Fee Due
Tested and Selected	\$15/hr.	\$15/hr.	When billed
Source Identified Classes:			
Lots 11 bu. and more	\$0.60/bu.	\$15/hr.	
*Lots 6-10 bu.	\$15/lot	\$15/hr.	
*Lots 0-5 bu.	\$ 9/lot	\$15/hr.	
Total bushels X \$0.36/bu.			With application
Audit	None	\$15/hr.	When billed

\*Small lot fee applies when over twenty percent of total lots audited range between 0 and 10 bu. inclusive.

(b) Tree certification –

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

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

(iii) Forty percent of the fee to accompany the application at the beginning stage of the crop. Final billing will be based on the number when packed.

(c) Other services including education to comply with the standards, development of record system, verification of source of pollen, signs, cuttings, audit of forest reproductive material not offered for certification by applicant, etc. at \$15/hr. payable when billed. [Statutory Authority: Chapter 15.49 RCW. 84-13-079 (Order 1834), § 16-319-041, filed 6/21/84; 80-10-001 (Order

1704), § 16-319-041, filed 7/24/80; 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.]

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

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

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

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

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

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

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

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

(i) The donor or parents which produced the reproductive material, including their selection generation,

type of selection made, selected character(s), seed zone(s) and elevation increment(s) in which selection was made, and selection procedure.

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

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

(b) For tested reproductive material only.

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

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

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

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

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

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

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

(8) If a lot is composed of reproductive material from more than one seed zone, elevation increment or code in excess of seven percent if of contiguous seed zones, elevation increments, or codes or if in excess of two percent

of other than contiguous seed zones, elevation increments, or codes, the certification label must show all seed zones, elevation increments, or codes either with or without the percentage of each.

(9) The allowance for accidental mixing of noncertifiable reproductive material with audit class, or noncertifiable or audit class reproductive material with source identified classes is two percent. When in excess of two percent, the lot must drop to the lowest class represented. No mixing of lower classes with selected or tested classes is permissible.

(10) Any lot may be rejected if certifying agency determines that said lot fails to meet these standards. The privilege of certification may be withdrawn by certifying agency for a definite period of time in case of flagrant violations of these standards. If applicant believes an erroneous decision has been rendered, he may make written appeal to certifying agency for review by its governing body. [Statutory Authority: Chapter 15.49 RCW. 84-13-079 (Order 1834), § 16-319-061, filed 6/21/84; 80-10-001 (Order 1704), § 16-319-061, filed 7/24/80; Order 1506, § 16-319-061, filed 4/11/77; Order 1369, § 16-319-061, filed 6/12/74; Order 1247, § 16-319-061, filed 4/13/72, effective 5/14/72; Order 1151, § 16-319-061, filed 4/16/70.]

#### Chapter 16-322 WAC

#### MINT ROOTSTOCKS—CERTIFICATION

##### WAC

16-322-010	Mint rootstock certification—Applications and fees.
16-322-012	Definitions.
16-322-015	Requirements for the production of registered and certified mint rootstock.
16-322-020	Repealed.
16-322-025	Mint rootstock field inspections.
16-322-035	Washington standards for mint rootstocks (peppermint and spearmint).
16-322-040	Certifying agency issuance of certificate.
16-322-045	Identification and movement of mint rootstock.

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

16-322-020	Requirements for the production of certified mint rootstock. [Order 1017, Regulation 3, filed 5/20/66; Order 952, Regulation 3, filed 7/17/64; Order 888, Regulation 3, filed 6/4/62.] Repealed by 85-15-017 (Order 1865), filed 7/8/85. Statutory Authority: Chapter 15.14 RCW.
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**WAC 16-322-010 Mint rootstock certification—Applications 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. Application for inspection and testing of registered and certified stock shall be filed with the department by May 1 of each year, accompanied by a seventy-five dollar application fee. Inspection fees shall be sixteen dollars per acre per growing season (with a minimum fee of eighty dollars). Half of this fee is due with the application.



(2) Final fees shall be due and payable upon completion of the last field inspection.

(3) Certification may be withheld for nonpayment of fees due. [Statutory Authority: Chapter 15.14 RCW. 85-15-017 (Order 1865), § 16-322-010, filed 7/8/85; Order 1017, Regulation 5, filed 5/20/66; Order 952, Regulation 5, filed 7/17/64; Order 888, Regulation 1, filed 6/4/62.]

**WAC 16-322-012 Definitions.** (1) "Mint rootstock" means stolons or rhizomes of mint plants.

(2) "Off-type" means not true-to-name.

(3) "Foundation rootstock" means rootstock originating from healthy clones. Small plantings of this stock will be maintained by the Washington State University.

(4) "Registered rootstock" means rootstock produced from foundation and registered rootstock and meeting the requirements as herein provided.

(5) "Certified rootstock" means rootstock produced from registered rootstock and meeting the requirements as herein provided.

(6) "Verticillium wilt" means the disease caused by *Verticillium albo-atrum* Reinke & Berth. variety *Menthae* Nelson.

(7) "Rootknot" means the disease caused by the rootknot nematode *Meloidogyne*, spp. [Statutory Authority: Chapter 15.14 RCW. 85-15-017 (Order 1865), § 16-322-012, filed 7/8/85; Order 1017, Regulation 1, filed 5/20/66; Order 952, Regulation 1, filed 6/4/62.]

**WAC 16-322-015 Requirements for the production of registered and certified mint rootstock.** (1) Land requirements:

(a) For registered mint rootstock, land to be eligible shall not have grown mint and shall be free of noxious weeds. Due to the danger of root knot nematode, land that has been used for other vegetatively propagated crops such as potatoes, hops, etc., shall be avoided.

(b) For certified mint rootstock, land to be eligible shall not have grown uncertified mint.

(2) Isolation requirements:

(a) A field to be eligible shall be at least five thousand feet from fields infested with verticillium wilt of mint, one thousand feet from any mint field unless of equal standards, and it shall not be included in a farm operational unit which has a wilt infested field or grown on a farm which has previously grown uncertified mint.

(b) In all cases where an adjoining field is planted with a different species or variety of mint, isolation between fields shall be a minimum of twenty feet separation to prevent mechanical mixing of rootstocks during harvesting and transport of the rootstocks.

(3) Plant requirements: Fields shall be planted with pure, living rootstock of foundation or registered planting rootstock.

(4) Miscellaneous requirements:

(a) Soil borne insects and nematodes shall be controlled.

(b) Fields shall show evidence of control of noxious weeds and free from mint species of types other than those being grown for certification.

(c) Evidence of roging without permission of the department may give cause for rejection of fields. When directed by the department, growers shall dig and immediately destroy all unhealthy and off-type plants.

(d) Hay from registered planting stock fields may be harvested for oil: *Provided*, That all harvesting equipment is sterilized by steam cleaning, or by other approved methods under the supervision of the department.

(e) The cooked hay shall be destroyed by burning.

(f) Sanitation methods and procedures shall be approved by the department.

(g) Irrigation water proposed for use on the planting stock fields and the water drainage on to such fields shall be approved by the department.

(h) Harvesting equipment shall be sterilized by steam cleaning, or other approved methods before used on another lot or farm.

(i) Pasturing of livestock on mint rootstock fields shall not be permitted with the exception of weeding animals and fowl. [Statutory Authority: Chapter 15.14 RCW. 85-15-017 (Order 1865), § 16-322-015, filed 7/8/85; Order 1087, § 16-322-015, filed 4/24/68, effective 5/24/68; Order 1017, Regulation 2, filed 5/20/66; Order 952, Regulation 2, filed 7/17/64; Order 888, Regulation 2, filed 6/4/62.]

**WAC 16-322-020 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-322-025 Mint rootstock field inspections.**

(1) At least two field inspections and as many more as are deemed necessary by the department shall be made each year. It is the duty of the grower, before cutting mint hay, to notify the department so the proper inspections can be made. Certification may be denied if mint is harvested from a field before proper inspection has been completed.

(2) The mint rootstocks shall be inspected after they are dug. [Statutory Authority: Chapter 15.14 RCW. 85-15-017 (Order 1865), § 16-322-025, filed 7/8/85; Order 1017, Regulation 4, filed 5/20/66; Order 952, Regulation 4, filed 7/17/64; Order 888, Regulation 4, filed 6/4/62.]

**WAC 16-322-035 Washington standards for mint rootstocks (peppermint and spearmint).** (1) **Washington No. 1** shall consist of mint rhizomes of plants with similar varietal characteristics which are (a) fresh, (b) firm, (c) moist, (d) free of mold, (e) free of detectable, dangerous insects, nematodes, diseases and other pests, and (f) reasonably free of excess soil.

(2) **Tolerances.** In order to allow for variations incident to proper grading and packing, not more than a combined total of five percent, by count, of the rhizomes in any lot shall fail to meet the requirements of the above grade. The tolerances for the standards are on a "load" basis but shall be determined by sampling on a weight basis.

(3) **Specific requirements.**

Pests and Diseases	Tolerance for:		
	Foundation Rootstock	Registered Rootstock	Certified Rootstock
Mint flea beetle ( <i>Longitarsus waterhousei</i> Kutschera)	0	0	1%
Rootknot nematode ( <i>Meloidogyne</i> spp.)	0	0	Moderate
Verticillium wilt ( <i>Verticillium albo-atrum</i> Reinke & Berth.) Var. <i>Menthae</i> Nelson	0	0	0
Mint rust ( <i>Puccinia Menthae</i> Pers.)	Trace	Trace	Moderate
Other pests and diseases	1%	1%	1%

Any portion of a certified field not meeting requirements may be delimited if, in the judgment of the department, it will not jeopardize the remainder. [Statutory Authority: Chapter 15.14 RCW, 85-15-017 (Order 1865), § 16-322-035, filed 7/8/85; Order 1087, § 16-322-035, filed 4/24/68, effective 5/24/68; Order 1017, Regulation 6, filed 5/20/66; Order 952, Regulation 6, filed 7/17/64; Emergency Order 949, filed 5/18/64; Order 888, Regulations 5 and 6, filed 6/4/62.]

**WAC 16-322-040 Certifying agency issuance of certificate.** (1) The issuance of a certified state of Washington plant tag or stamp under this chapter affirms solely that the tagged or stamped mint root stock has been subjected to certification standards and procedures by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(2) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(3) Participation in the mint rootstock certification program shall be voluntary. [Statutory Authority: Chapter 15.14 RCW, 85-15-017 (Order 1865), § 16-322-040, filed 7/8/85; Order 1017 (part), filed 5/20/66; Order 952 (part), filed 7/17/64; Order 888, Regulation 7 (part), filed 6/4/62.]

**WAC 16-322-045 Identification and movement of mint rootstock.** (1) The department shall issue a certificate covering mint rootstock that meets the requirements of the certification program and authorize the use of official certificates and seals for the identification of such rootstocks. The certificate shall indicate presence of noxious weeds at the final field inspection.

(2) Any person selling certified mint rootstock shall be responsible for the identity of the stock bearing each certificate and for such stock meeting the requirements of the certification program. Persons issued certificates

authorized by the program shall account for stock produced and sold and keep such records as may be necessary.

(3) All registered and certified mint rootstocks moving from the place of origin shall be conveyed in clean trucks and covered by new plastic or clean canvas tarps and properly sealed. [Statutory Authority: Chapter 15.14 RCW, 85-15-017 (Order 1865), § 16-322-045, filed 7/8/85; Order 1087, § 16-322-045, filed 4/24/68, effective 5/24/68; Order 1017, Regulation 7, filed 5/20/66; Order 952, Regulation 7, filed 7/17/64; Emergency Order 949, filed 5/18/64; Subsection (1) from Order 888, Regulation 7, filed 6/4/62.]

**Chapter 16-324 WAC**

**RULES FOR THE CERTIFICATION OF SEED POTATOES**

**WAC**

16-324-350 Repealed.  
16-324-380 Fees.

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

16-324-350 Promulgation. [Order 1199, § 16-324-350, filed 5/5/71, effective 6/7/71.] Repealed by 84-11-051 (Order 1825), filed 5/17/84. Statutory Authority: Chapter 15.14 RCW.

**WAC 16-324-350 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-324-380 Fees.** (1) Potato certification fees shall be twenty-three dollars 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*, That

(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, 84-11-051 (Order 1825), § 16-324-380, filed 5/17/84; 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.]

**Chapter 16-332A WAC****RULES AND STANDARDS FOR CERTIFICATION OF CANEBERRY PLANTS**

## WAC

16-332A-001 through 16-332A-080 Repealed.

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

- 16-332A-001 Promulgation. [Order 1398, § 16-332A-001, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-010 Fees. [Order 1398, § 16-332A-010, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-020 Definitions. [Order 1398, § 16-332A-020, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-030 Requirements for production of foundation and registered stock. [Order 1398, § 16-332A-030, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-040 Requirements for production of certified planting stock. [Order 1398, § 16-332A-040, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-050 Field inspection. [Order 1398, § 16-332A-050, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-060 Field standards. [Order 1398, § 16-332A-060, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-070 Tagging or stamping and plant inspection. [Order 1398, § 16-332A-070, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-080 Effective date. [Order 1398, § 16-332A-080, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.

**WAC 16-332A-001 through 16-332A-080 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 16-333 WAC****RULES AND STANDARDS FOR CERTIFICATION OF PLANTS**

## WAC

- 16-333-010 Definitions.
- 16-333-020 Certifying agency issuance of certificate.
- 16-333-030 Caneberry certification standards.
- 16-333-040 Caneberry certification fees.
- 16-333-050 Requirements for production of caneberry foundation and registered stock.
- 16-333-060 Requirements for production of caneberry certified planting stock.
- 16-333-070 Caneberry field inspection.
- 16-333-080 Caneberry field standards.
- 16-333-090 Caneberry tagging or stamping and plant inspection.

**WAC 16-333-010 Definitions.** (1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or his duly appointed representative.

(3) "Virus infected (affected)" means presence of a virus(es) or yellows disease agent in a plant or plant part. The word "virus" shall be used hereafter to include yellows disease in this chapter.

(4) "Virus-like" means a disorder of genetic or non-transmissible origin.

(5) "Off-type" means not true-to-name.

(6) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

(7) "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.

(8) "Root cuttings" means sections of roots which have one or more bud.

(9) "Succulent plants" means small, actively growing plants that are developing from root buds, not having passed through a dormant period.

(10) "One-year old plants" means well rooted plants that have developed during one growing season.

(11) "Caneberry" means any cultivated *Rubus* species. [Statutory Authority: Chapter 15.14 RCW. 85-22-053 (Order 1876), § 16-333-010, filed 11/5/85.]

**WAC 16-333-020 Certifying agency issuance of certificate.** (1) The issuance of a certified state of Washington plant tag or stamp under this chapter affirms solely that the tagged or stamped caneberry stock has been subjected to certification standards and procedures by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(2) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter. [Statutory Authority: Chapter 15.14 RCW. 85-22-053 (Order 1876), § 16-333-020, filed 11/5/85.]

**WAC 16-333-030 Caneberry certification standards.** The following specific rules constitute the requirements and standards for caneberry certification. [Statutory Authority: Chapter 15.14 RCW. 85-22-053 (Order 1876), § 16-333-030, filed 11/5/85.]

**WAC 16-333-040 Caneberry certification fees.** (1) Certification application fee. The certification application fee shall be one hundred dollars for one acre or less; ten dollars for each additional acre or fraction thereof.

(2) Final certification fee. The final certification fee shall be an additional ten dollars for each acre or fraction thereof, due and payable when accepted by the department at the time of completion of last field inspection. Fees shall not be refunded unless notice of

withdrawal is received in writing before the first inspection is made. Each separate greenhouse or greenhouse lot and each field plot of one acre or less shall be considered one acre. A separate application shall be made for each cultivar and/or unit entered for certification. Each lot of each cultivar shall be listed separately on the application. Lots under observation by the department shall pay the usual certification fees.

(3) Applications for certification shall reach the department's Seed Branch, 2015 South First Street, Yakima, WA 98903, by May 15 each year.

(4) A grower desiring to produce certified caneberry plants as herein provided shall establish with the department facts evidencing sufficient experience to produce healthy, high quality stock.

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

(6) No application from any grower owing the department for previous fees shall be considered. [Statutory Authority: Chapter 15.14 RCW. 85-22-053 (Order 1876), § 16-333-040, filed 11/5/85.]

**WAC 16-333-050 Requirements for production of caneberry foundation and registered stock.** (1) Land requirements:

(a) A field to be eligible for the production of foundation or registered planting stock shall not have grown or have been planted to caneberry plants or solanaceous crops during the previous five years, unless planted with plants of same cultivar and classification:

(b) Acceptable records shall be presented to the department of nematode sampling of the land in question which show that plant parasitic nematodes are not present in harmful quantities; and

(c) Fumigate the land in accordance with approved commercial practices compatible with current recommendations of the Washington State University extension service; and

(d) An insect-proof greenhouse or greenhouse may be used for production of foundation or registered planting stock: *Provided*, That all other land requirements are met.

(2) Isolation requirements:

(a) Plantings entered for certification shall be grown in areas sufficiently isolated from sources of caneberry viruses by distance or natural barriers to minimize current infection.

(b) Cultivars within the plantings entered for certification shall be separated by not less than fourteen feet. The space between cultivars shall be kept deeply cultivated to prevent intermingling roots.

(3) Plant requirements:

(a) Only nuclear planting stock which has been indexed and regularly reindexed for virus diseases by qualified Washington State University or United States Department of Agriculture personnel or personnel acceptable to the director may be entered for the production of foundation stock.

(b) Only foundation or nuclear planting stock may be entered for the production of registered stock.

(i) One percent, not to exceed twelve plants, of each foundation lot shall be maintained by the grower to allow some fruiting in order to permit evaluation for trueness to name and fruit character; or

(ii) Ten percent, not to exceed three plants, of each nuclear lot shall be maintained by Washington State University, or the United States Department of Agriculture, or department personnel to allow some fruiting to permit evaluation for trueness to name and fruit character; and

(iii) Plant harvest from a foundation or registered lot shall be limited to two growing seasons.

(c) Foundation stock shall not be maintained longer than three years.

(4) Miscellaneous requirements:

(a) At the time of the first field inspection, department inspectors shall clearly mark all plants that are off-type, crown and cane-gall infected, virus-infected or exhibiting virus-like symptoms.

(b) Growers shall dig or otherwise destroy all plants and their roots which are marked by a department inspector within one week from the date of the first field inspection.

(c) At the time of the second field inspection, department inspectors shall clearly mark all plants that are off-type, crown and cane-gall infected, virus-infected or exhibiting virus-like symptoms.

(d) Growers shall dig or otherwise destroy all off-type plants and their roots which are marked by a department inspector, as well as all plants and their roots in a rectangular area that is not less than ten feet in each direction in the row from the off-type plant and not less than forty inches in each direction across the row from the off-type plant within two weeks from the date of the second field inspection.

(e) Growers shall dig or otherwise destroy all plants and their roots which are marked by a department inspector as being crown and cane-gall infected, virus-infected or showing virus-like symptoms.

(f) Insect pests, diseases and vectors of diseases shall be effectively controlled by dusting, spraying, or any other approved method.

(g) All plant beds shall be relatively free from weeds. [Statutory Authority: Chapter 15.14 RCW. 85-22-053 (Order 1876), § 16-333-050, filed 11/5/85.]

**WAC 16-333-060 Requirements for production of caneberry certified planting stock.** (1) Land requirements:

(a) A field to be eligible for the production of certified planting stock shall not have grown or shall not have been planted to caneberry plants or solanaceous crops during the previous five years, unless planted with plants of the same cultivar and classification; and

(b) Acceptable records shall be presented to the department of nematode sampling of the land in question which show that plant parasitic nematodes are not present in harmful quantities; and

(c) Fumigate the land in accordance with approved commercial practices compatible with current recommendations of the Washington State University extension service.

(2) Isolation requirements:

(a) Plantings entered for certification shall be grown in areas sufficiently isolated from sources of caneberry viruses by distance or natural barriers to minimize current infection.

(b) Cultivars within the plantings entered for certification shall be separated by not less than fourteen feet. The space between cultivars shall be kept deeply cultivated to prevent intermingling roots.

(3) Plant requirements:

(a) Fields shall be planted with nuclear planting stock, foundation planting stock, or registered planting stock.

(b) Root cuttings and/or soft succulent plants from like plants may be accepted.

(c) Root or shoot cuttings may be used for sale to plant propagating beds.

(d) Plant harvest from a certified field shall be limited to two growing seasons.

(4) Miscellaneous requirements:

(a) At the time of the first field inspection, department inspectors shall clearly mark all plants that are off-type, crown and cane-gall infected, virus-infected or exhibiting virus-like symptoms.

(b) Growers shall dig or otherwise destroy all plants and their roots which are marked by a department inspector within one week from the date of the first field inspection.

(c) At the time of the second field inspection, department inspectors shall clearly mark all plants that are off-type, crown and cane-gall infected, virus-infected or exhibiting virus-like symptoms.

(d) Growers shall dig or otherwise destroy all off-type plants and their roots which are marked by a department inspector, as well as all plants and their roots in a rectangular area that is not less than ten feet in each direction in the row from the off-type plant and not less than forty inches in each direction across the row from the off-type plant within two weeks from the date of the second field inspection.

(e) Growers shall dig or otherwise destroy all plants and their roots which are marked by a department inspector as being crown and cane-gall infected, virus-infected or showing virus-like symptoms.

(f) Insect pests, diseases and vectors of diseases are to be effectively controlled by dusting, spraying or any other approved method.

(g) All plant beds shall be relatively free from weeds. [Statutory Authority: Chapter 15.14 RCW. 85-22-053 (Order 1876), § 16-333-060, filed 11/5/85.]

**WAC 16-333-070 Caneberry field inspection.** Field inspections shall be made during the growing season and as many times as deemed necessary by the department:

- (1) First inspection ————— when plants are nine to fifteen inches high.
- (2) Second inspection ————— one month after first inspection.

(3) Third inspection ————— digging time.

[Statutory Authority: Chapter 15.14 RCW. 85-22-053 (Order 1876), § 16-333-070, filed 11/5/85.]

**WAC 16-333-080 Caneberry field standards.** (1) The unit of certification shall be the entire unit entered for certification.

(2) Specific requirements:

TOLERANCE

Factors	FOUNDATION REGISTERED (FIELD)		(DIGGING TIME)	
	ALL INSP. Per-cent	1st & 2nd Per-cent	3rd Per-cent	Plants Per-cent
Varietal Mixture	0	0	0	0.5%
Virus Diseases*	0	0.5%	0.5%	0.5%
Crown & Cane Gall	0	0	0.1%	0.1%
Nematode	0.1%	0.1%	0.1%	0.1%
Anthraxnose	1.0%	5.0%	5.0%	5.0%
Other Diseases	0.5%	0.2%	0.2%	0.1%p
Root, crown or cane Inhabiting Insects	0	0.1%	0.1%	0.1%

\*Visible

(3) Any portion of a certified field, not meeting the above field standards, may be delimited if, in the judgment of the department, it will not jeopardize the remainder.

(a) Nuclear planting stock shall be designated by a certification from the department.

(b) Foundation planting stock shall be designated by the official certified tag or stamp and also stamped "foundation planting stock."

(c) Registered planting stock shall be designated by the official certified tag or stamp and also stamped "registered planting stock."

(d) Certified planting stock shall be tagged with the official tag or stamp of the state of Washington for certified plants. [Statutory Authority: Chapter 15.14 RCW. 85-22-053 (Order 1876), § 16-333-080, filed 11/5/85.]

**WAC 16-333-090 Caneberry tagging or stamping and plant inspection.** (1) "Certified" stock shall be identified with the state of Washington official certified caneberry plant tag or stamp under the supervision of the department after plants have passed inspection.

(2) Only plants meeting Washington standards for caneberry plants shall be tagged or stamped, except those marked foundation or registered.

(3) All containers shall be marked with the name and address of the grower, grade or class of stock, and variety.

(4) The grower is referred to chapter 15.14 RCW, Planting stock, for additional information. [Statutory Authority: Chapter 15.14 RCW. 85-22-053 (Order 1876), § 16-333-090, filed 11/5/85.]

**Chapter 16-354 WAC**  
**HOP ROOTSTOCKS--CERTIFICATION**

**WAC**

16-354-005	Hop rootstock--General.
16-354-010	Definitions.
16-354-020	Field standards for production of certified hop rootstock.
16-354-030	Hop rootstock inspections.
16-354-040	Hop rootstock certification application and fees.
16-354-050	Hop rootstock tagging and identity.
16-354-070	Hop rootstock field standards.
16-354-080	Repealed.
16-354-090	Hop rootstock grades and standards.
16-354-100	Hop rootstock tolerances.

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

16-354-080	Effective date. [Order 1264, § 16-354-080, filed 5/10/72.] Repealed by 85-15-046 (Order 1867), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW.
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**WAC 16-354-005 Hop rootstock--General.** (1) Rootstocks of hops (*Humulus Lupulus L.*) may be designated as foundation stock, registered stock and certified stock when inspected, tested and found to be true-to-name (not off-type) and discernibly free from virus (prunus necrotic ringspot strains) and virus-like diseases, downy mildew, verticillium wilt, crown gall, root-knot nematode, hop cyst nematode or other serious pests, by procedures and inspections outlined in this program.

(2) The issuance of a certified state of Washington plant tag or stamp under this chapter affirms solely that the tagged or stamped hop rootstock has been subjected to certification standards and procedures by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(3) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(4) Participation in the hop rootstock certification program shall be voluntary. [Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-005, filed 7/16/85; Order 1264, § 16-354-005, filed 5/10/72.]

**WAC 16-354-010 Definitions.** (1) "Virus infected (affected)" means presence of 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) "Index" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant or by any other method.

(5) "Foundation rootstock" means slips or rhizomes, cuttings and rooted plants taken from hop stocks established and maintained by Washington State University, that are indexed, and believed to be free from known viruses and that are true-to-name. Cuttings or rooted plants, which shall be used to establish registered mother blocks shall be furnished to the applicant for a fee determined by Washington State University.

(6) "Registered mother block" means a planting of hop stocks established from foundation rootstock.

(7) "Certified rootstock" means rootstock produced from registered mother blocks and meeting the requirements as herein provided.

(8) "Verticillium wilt" means the disease caused by *Verticillium albo-atrum* Reinke & Berth. or hop strains of this organism.

(9) "Downy mildew and/or black rot" means the disease caused by *Pseudoperonospora humuli* Miy. & Tak., G. W. Wils. Black roots caused by this disease shall not be permitted.

(10) "Crown gall" means the disease caused by *Agrobacterium tumefaciens* E. F. Sm. & Towns., Conn.

(11) "Rootknot nematode" (*Meloidogyne* sp.)

(12) "Hop cyst nematode" (*Heterodera humuli*) Filipjev.

(13) "Crown" means a slip or layered stem cutting with visible buds, that has been grown for one or two years.

(14) "Fairly fresh" means that the roots or cuttings are not excessively wilted.

(15) "Firm" means that the plant parts are not soft or spongy, although they may yield to slight pressure.

(16) "Moist" means that the plant parts are reasonably turgid and not dried to a degree that would affect normal growth.

(17) "Fairly clean" means that the plant parts are not matted or caked with dirt.

(18) "Mold" means that the plants shall be free from excessive mold or decay. Plants slightly affected by mold shall be allowed.

(19) "Freezing injury" means that the roots shall be of a normal color and only moderately affected by discolored roots which affect the normal growth of the plant.

(20) "Broken or mutilated rootstock" means the breaking of the root section or splitting of the plant part or other mechanical injury that would affect the normal growth of the plant. [Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-010, filed 7/16/85; Order 1264, § 16-354-010, filed 5/10/72; Order 1023, Regulation 1, filed 6/16/66; Order 996, Regulation 1, filed 11/30/65; Order 947, Regulation 1, filed 4/13/64.]

**WAC 16-354-020 Field standards for production of certified hop rootstock.** (1) Land requirements:

(a) A registered mother block to be eligible for the production of certified rootstock shall be planted in a site that has been out of hop production three years (poles and trellis removed).

(b) New land (land that has never grown hops) proposed for the establishment of registered mother blocks shall be approved by the department prior to planting in respect to location, drainage and adaptability.

(c) Old hop land proposed for the establishment of registered mother blocks shall be inspected the season prior to planting in order to determine the absence of holdover hop plants: *Provided*, That a field is eligible to be replanted with the identical hop strain of equal standards.

(d) Hop hullings shall not be spread over proposed planting sites prior to and/or during certified rootstock production.

(2) Isolation requirements:

(a) A field to be eligible for production of certified hop rootstock shall be separated by a strip of ground at least twenty-one feet from any other hop plants.

(b) A grower of certified hop rootstocks may grow more than one hop variety or strain: *Provided*, That each variety or strain is separated by not less than twenty-one feet.

(3) Plant requirements:

(a) Only foundation rootstock shall be planted to establish a registered mother block for the production of certified rootstock.

(b) Registered mother blocks shall remain in place no more than four growing seasons: *Provided*, That after four years, rootstock to be certified may be moved to a new eligible site if approved by a Washington State University pathologist: *Provided further*, That if male plants are found, the field will be disqualified in the year following discovery of the male plants.

(c) In roguing, growers shall dig and immediately destroy all low yielding, unhealthy appearing, off-type, diseased or otherwise abnormal plants.

(d) Plant pests and weeds shall be effectively controlled. [Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-020, filed 7/16/85; 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 16-354-030 Hop rootstock inspections.** (1) The first inspection shall be for downy mildew, verticillium wilt and other diseases and pests. The presence of verticillium wilt shall disqualify the field.

(2) The second inspection, depending on suitable weather conditions, shall be primarily for detection of viruses.

(3) Rootstocks. The planting material (slips or rhizomes, layered stem cuttings, or crowns) shall be inspected at digging and/or at planting time to determine freedom from serious pests. [Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-030, filed 7/16/85; Order 1264, § 16-354-030, filed 5/10/72; Order 1023, Regulation III, filed 6/16/66; Order 996, Regulation III, filed 11/30/65; Order 947, Regulation III, filed 4/13/64.]

**WAC 16-354-040 Hop rootstock certification application and fees.** (1) The applicant grower shall furnish to the department all information pertinent to the operation of the hop rootstock certification program and shall give his/her consent to the department to take material from registered mother blocks and/or greenhouses for examination and testing.

(2) Application for inspection and testing of registered mother blocks and certified stocks shall be filed with the department by April 1 of each year accompanied by a seventy-five dollar application fee.

(3) Inspection fees are sixteen dollars for each acre per inspection with a minimum fee of eighty dollars for five acres or less per inspection.

(4) Payment for inspection of registered mother blocks and nursery stock for registration and certification shall be made upon completion of the inspection. Billing to the nursery stock grower shall be made by the chemical and plant division. [Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-040, filed 7/16/85; 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.]

**WAC 16-354-050 Hop rootstock tagging and identity.** (1) Tagging. The department shall issue a certificate covering hop rootstock that meets the requirements of the hop rootstock certification program and authorize the use of official certification tags for the identification of such rootstock.

(2) Identity. Any person selling certified hop rootstock shall be responsible for the identity of the stock bearing each tag and for the stock meeting the requirements of the hop rootstock certification program. Persons issued tags authorized by the certification program shall account for stock produced and sold, and keep records as may be necessary. Containers for hop rootstocks shall be new. [Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-050, filed 7/16/85; Order 1264, § 16-354-050, filed 5/10/72; Order 1023, Regulation V, filed 6/16/66; Order 996, Regulation V, filed 11/30/65; Order 947, Regulation V, filed 4/13/64.]

**WAC 16-354-070 Hop rootstock field standards.**

(1) The unit of certification shall be the entire lot within the field standing at the time of inspection.

(2) Specific requirements. (Percentage tolerances)

	Certified
Downy mildew	1%
Nematodes (visible)	1%
Verticillium wilt	0
Virus (Prunus necrotic ringspot strains)	0

[Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-070, filed 7/16/85; Order 1264, § 16-354-070, filed 5/10/72.]

**WAC 16-354-080 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-354-090 Hop rootstock grades and standards.** (1) Grades for hop clones which inherently produce slips or rhizomes and/or layered stem cuttings of small caliper shall be determined by a committee appointed by the Washington hop commission.

(2) Washington No. 1 shall consist of hop slips or rhizomes and/or layered stem cuttings of one strain, not less than five inches in length and not less than five-sixteenths inch in diameter and containing at least one visible bud, crowns not less than six inches in length and not less than three-fourths inch in diameter, with one or more visible buds which are:

- (a) Fairly fresh.
- (b) Firm.
- (c) Moist.
- (d) Fairly clean.
- (e) Free from damage caused by:
  - (i) Mold.
  - (ii) Freezing injury.
  - (iii) Broken or mutilated rootstocks.
  - (iv) Crown gall.

(v) Black rot. [Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-090, filed 7/16/85.]

**WAC 16-354-100 Hop rootstock tolerances.** (1) In order to allow for variations incident to proper grading and packing, not more than a combined total of six percent, by count, of the rootstocks in any lot shall fail to meet the requirements of the above grade, and not more than six percent of the rootstock shall have rhizomes or layered stem cuttings less than five inches in length.

(2) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitation: *Provided*, That the averages for the entire lot are within the tolerances specified: When a tolerance is six percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified.

(3) Hop plants shall be packed to retain a fresh condition. [Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-100, filed 7/16/85.]

**Chapter 16-400 WAC**

**HORTICULTURAL INSPECTION FEES**

**WAC**

16-400-007	Definition.
16-400-010	Grade and condition certificates—Fruits.
16-400-020	Repealed.
16-400-025	Repealed.
16-400-040	Grade and condition certificates—Vegetables.
16-400-050	Grade and condition certificates—Defense subsistence supply center or other federal agencies.
16-400-060	Certificate charges—Other agricultural commodities.

16-400-070	Repealed.
16-400-090	Repealed.
16-400-100	Certificates.
16-400-110	Repealed.
16-400-120	Repealed.
16-400-140	Repealed.
16-400-150	Shipping permits and certificates of compliance—Fruits and vegetables.
16-400-200	Repealed.
16-400-210	Other charges.
16-400-230	Repealed.
16-400-235	Repealed.
16-400-240	Repealed.
16-400-250	Repealed.
16-400-270	Copies.
16-400-280	Repealed.
16-400-285	Repealed.
16-400-2901	Repealed.

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

16-400-020	Loose apples and/or pears. [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.] Repealed by 85-06-029 (Order 1847), filed 2/28/85. Statutory Authority: Chapter 15.17 RCW.
16-400-025	Loose stone fruit and grapes. [Statutory Authority: Chapter 15.17 RCW. 79-01-035 (Order 1589), § 16-400-025, filed 12/20/78.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
16-400-070	Hay and straw. [Statutory Authority: RCW 15.17.150. 78-06-025 (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.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
16-400-090	Short form or lot inspection certificates. [Order 1377, § 16-400-090, filed 9/12/74; Order 1355, § 16-400-090, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-090, filed 5/30/73; Order 1121, § 16-400-090, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-090, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 2, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 2, filed 5/12/67; Order 989, Regulation 2, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
16-400-110	Condition certificates. [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.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-120 Car hook-up, loading or unloading certificate. [Order 1377, § 16-400-120, filed 9/12/74; Order 1355, § 16-400-120, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-120, filed 5/30/73; Order 1121, § 16-400-120, filed 6/30/69, effective 8/1/69; Order 1120, § 16-400-120, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 5, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 5, filed 5/12/67; Order 989, Regulation 5, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-140 Sanitary certificates—Fruits and vegetables. [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.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-200 Quarantine certificates. [Emergency Order 1065 and Order 1066, Regulation 8, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 8, filed 5/12/67; Order 989, Regulation 8, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-230 Fumigation charges. [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.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-235 Field or orchard inspections. [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.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-240 Seed sampling. [Emergency Order 1065 and Order 1066, Regulation 12, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 12, filed 5/12/67; Order 989, Regulation 11, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-250 Extra charges (on all above services). [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.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-280 Retyping. [Order 1377, § 16-400-280, filed 9/12/74; Order 1355, § 16-400-280, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-280, filed 5/30/73; Order 1121, § 16-400-280, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-280, filed 6/30/69, effective 8/1/69; Emergency Order 1065 and Order 1066, Regulation 15, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 15, filed 5/12/67; Order 989, Regulation 14 (part), filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-285 Certificate on fruit or vegetables unrestricted as to grade or condition. [Order 1377, § 16-400-285, filed 9/12/74.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-2901 Effective date. [Order 1377, § 16-400-290 (codified as WAC 16-400-2901), filed 9/12/74; Order 1355, § 16-400-2901, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-2901, filed 5/30/73; Order 1223, § 16-400-2901, filed 12/10/71, effective 1/10/72.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.

**WAC 16-400-007 Definition.** For the purposes of this chapter districts one, two, three, and four are defined in chapter 16-458 WAC Horticultural inspection district boundaries. [Statutory Authority: Chapter 15.17 RCW. 85-06-029 (Order 1847), § 16-400-007, filed 2/28/85.]

**WAC 16-400-010 Grade and condition certificates—Fruits.** Charges for grade and condition certificates for all fruits shall be:

- (1) The minimum charge for all fruits shall be:
- District one and three ..... \$6.00
- District two ..... \$7.00
- District four ..... \$8.00

(2) For all fresh market fruits of apples, pears, and soft fruit in containers—wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or in bags, per cwt. or fraction thereof:

	Districts		
	1 and 3	2	4
Apples .....	8.75¢	10¢	11¢
Apricots .....	9.75¢	11¢	12¢
Cherries, nectarines and peaches .....	15¢	17.25¢	18.75¢
Pears .....	7.75¢	9.0¢	9.75¢
Plums, prunes, other soft fruits, grapes, and berries .....	11.66¢	13.4¢	14.60¢

(3) For all apples, pears, stone fruits, berries, and grapes in bulk or in containers for processing, or for quality and/or size determination, charges shall be two dollars per ton net weight or fraction thereof. [Statutory Authority: Chapter 15.17 RCW. 85-02-033 (Order 1845), § 16-400-010, filed 12/31/84, effective 2/1/85; 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 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-400-025 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-400-040 Grade and condition certificates—Vegetables.** Charges for grade and condition certificates for all vegetables shall be:

- (1) The minimum charge for all vegetables shall be:
  - Districts one and three ..... \$6.00
  - District two ..... \$7.00
  - District four ..... \$8.00

(2) Charges for grade and condition certificates for fresh market vegetables in containers—wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins or in bags per cwt. or fraction thereof:

	Districts		
	1 and 3	2	4
Asparagus .....	11.66¢	13.4¢	14.6¢
Cantaloupes, and Corn .....	10¢	11.5¢	12¢
Onions .....	5¢	5.75¢	6¢
Potatoes, and Seed Potatoes ..	4¢	4.6¢	5¢
Processing Potatoes .....	4¢	4.6¢	5¢
Complete inspection (rate shall be reduced for level of service required)			
Tomatoes .....	12.5¢	14.4¢	15¢

(3) Inspection fees for cabbage, carrots, cauliflower, celery, cucumbers, lettuce, rhubarb, rutabagas, squash, watermelons, etc., shall be at the hourly rate as follows:

Districts one and three .....	\$12.00
District two .....	\$14.00
District four .....	\$16.00

[Statutory Authority: Chapter 15.17 RCW. 85-02-033 (Order 1845), § 16-400-040, filed 12/31/84, effective 2/1/85; 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 Grade and condition certificates—Defense subsistence supply center or other federal agencies.** Inspection fees are as follows:

(1) For Canadian export inspections only where specific charges are not established by WAC 16-400-010 and 16-400-040.

1 - 50 packages .....	\$ 8.00
51 - 150 packages .....	\$12.00
151 - 400 packages .....	\$24.00
401 - customary car lot .....	\$45.00

(2) Terminal wholesale market inspections (domestic) in Tacoma, Seattle, Spokane, or other major locations per hour..... \$12.00

(3) State institution inspections..... per hour..... \$12.00  
Minimum fee ..... \$ 6.00

[Statutory Authority: Chapter 15.17 RCW. 85-02-033 (Order 1845), § 16-400-050, filed 12/31/84, effective 2/1/85. 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 16-400-060 Certificate charges--Other agricultural commodities.** Inspection charges for beans, peas, lentils, hay, and straw shall be the same as those set in WAC 16-212-070. [Statutory Authority: Chapter 15.17 RCW. 85-02-033 (Order 1845), § 16-400-060, filed 12/31/84, effective 2/1/85; Order 1482, § 16-400-060, filed 8/16/76; Order 1377, § 16-400-060, filed 9/12/74; Order 1355, § 16-400-060, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-060, filed 5/30/73; Order 1121, § 16-400-060, filed 7/7/70; Order 1121, § 16-400-060, filed 6/30/69, effective 8/1/69; Emergency Order 1120, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, § 6, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 6, filed 5/12/67; Order 989, Regulation 1, § 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 16-400-070 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-400-090 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-400-100 Certificates.** Certificate charges shall be in accordance with the following provisions:

(1) Consolidation certificates shall be charged as specified in WAC 16-400-010 and 16-400-040 and shall have an additional charge of three dollars for each additional local lot.

(2) Condition certificate charges shall be two-thirds of the grade and condition certificates with the following exceptions:

(a) Previously inspected lots shall have a minimum charge of:

Districts one and three .....	\$6.00
District two .....	\$7.00
District four .....	\$8.00

(b) When the lot has had no prior inspection for quality or grade and it is requested that the certificate carry out-bound car, truck, or state lot number, the grade and condition certificate schedule shall apply.

(c) Out-of-state products reported on state certificates shall be charged on the applicable grade and condition certificate schedule, except there shall be an hourly charge of:

District one and three .....	\$12.00
District two .....	\$14.00
District four .....	\$16.00

(3) Car hook-up, loading or unloading certificate shall be charged at the rates specified in WAC 16-400-100 (2)(a).

(4) Sanitary and quarantine certificate charges for fruits and vegetables shall be:

(a) Four dollars for the issuance of a certificate, plus the hourly rates specified in WAC 16-400-210 (1)(a) when the shipment is not covered by federal-state certificates.

(b) Four dollars per set when the shipment is covered by federal-state certificates.

(5) Container weight, or checkloading certificates shall be charged at the rates specified in WAC 16-400-210 (1)(a). [Statutory Authority: Chapter 15.17 RCW. 85-02-033 (Order 1845), § 16-400-100, filed 12/31/84, effective 2/1/85; Order 1377, § 16-400-100, filed 9/12/74; Order 1355, § 16-400-100, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-100, filed 5/30/73; Order 1121, § 16-400-100, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-100, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 3, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 3, filed 5/12/67; Order 989, Regulation 3, 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 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-400-120 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-400-140 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-400-150 Shipping permits and certificates of compliance--Fruits and vegetables.** By law, each shipment of apples, apricots, Italian prunes, peaches, pears, certified seed potatoes, and asparagus shall be covered by a shipping permit for grade; cherries shall have a shipping permit indicating freedom from cherry fruit fly larvae, whether certified or not. Shipments to processors of apricots, cherries, peaches, prunes, and asparagus do not require a shipping permit. If the lot has been certified, a permit or certificate of compliance shall be issued without additional charge. If the lot has not been certified, the basis of charges shall be:

- (1) The minimum charge shall be two dollars.
- (2) Two-thirds the rate for grade and condition certificates shall apply.
- (3) Permit to ship apples and/or pears to a byproduct plant outside the district shall be three dollars.

(4) On certified seed potatoes 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 as listed in chapter 16-324 WAC. [Statutory Authority: Chapter 15.17 RCW. 85-02-033 (Order 1845), § 16-400-150, filed 12/31/84, effective 2/1/85; 83-06-048

(Order 1786), § 16-400-150, filed 3/1/83. 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 16-400-200 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-400-210 Other charges.** Other miscellaneous charges are listed below:

(1) Charges for platform inspection shall be:

(a) Platform inspections, time taking samples, extra time, FV-294 inspection, and all other services, shall be charged at the hourly rate of:

Districts one and three .....	\$12.00
District two .....	\$14.00
District four .....	\$16.00

(b) Time allowance - Where a platform inspector is working full time at one house and also doing certification inspection, the inspector shall allow credit for the time according to limits outlined in the schedule for such certification at the hourly rate of:

Districts one and three .....	\$12.00
District two .....	\$14.00
District four .....	\$16.00

Should the certificate charges divided by the respective hourly rates equal or exceed the number of hours worked, no platform charge shall be assessed. Should the certificate charges divided by the respective hourly rates be less than the number of hours worked, the platform charge shall be made to bring the total to the appropriate charge.

(2) Fumigation charges - The minimum charge for supervision of fumigation shall be eighteen dollars for the first one and one-half hours. Time over the first one and one-half hours or unnecessary stand-by time shall be charged as specified in WAC 16-400-210 (1)(a). No fumigations shall 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.

(3) Field or orchard inspections made at the applicant's request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of two dollars per acre or fraction thereof.

(4) Seed sampling fees shall be arranged with the chemical and plant services division for services performed.

(5) Extra charges on services provided shall be assessed according to provisions listed below.

(a) The minimum inspection charge for each commodity and requested form shall be at the rate specified in WAC 16-400-210 (1)(a).

(b) If, through no fault of the inspection service, time over the maximum allowance as supported by unit rates for each commodity and requested form is required, such excess time shall be at the rate as specified in WAC 16-400-210 (1)(a).

(c) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, an hourly charge shall be made equivalent to the following:

Districts one and three .....	\$18.00
District two .....	\$20.00
District four .....	\$22.00

These charges shall be made for actual hours spent in performance of duties. This shall include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

The following state legal holidays will be observed: New Year's Day, Veteran's Day, Memorial Day (the last Monday of May), Independence Day, Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November) and the day following Thanksgiving Day, Christmas Day, Lincoln's Birthday, and Washington's Birthday (third Monday in February). NO SERVICE will be performed on Thanksgiving Day, Christmas Day or New Year's Day, beginning at 5:00 p.m. on previous day.

(d) 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 shall be assessed.

(6) Mileage—Whenever necessary, mileage shall be charged at the rate established by the state office of financial management. [Statutory Authority: Chapter 15.17 RCW. 85-02-033 (Order 1845), § 16-400-210, filed 12/31/84, effective 2/1/85. 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 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-400-235 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-400-240 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-400-250 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-400-270 Copies.** Charges for copies made shall be:

(1) Extra copies—After original typing of a certificate a charge of two dollars per set shall be made for extra copies when requested by the original applicant of the certificate or other financially interested party. Copy machine copies of inspectors' notes, certificates or related documents when requested by applicant may be charged twenty-five cents per copy.

(2) Retyping—When, through no fault of the inspection service, retyping is necessary, such service shall be rendered for two dollars per set. [Statutory Authority: Chapter 15.17 RCW. 85-02-033 (Order 1845), § 16-400-270, filed 12/31/84, effective 2/1/85. 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.]

**WAC 16-400-280 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-400-285 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-400-2901 Repealed.** See Disposition Table at beginning of this chapter.

### Chapter 16-409 WAC STANDARDS FOR ASPARAGUS

#### WAC

##### Washington Standards

16-409-015	Definitions.
16-409-020	Washington standards—Grades.
16-409-030	Tolerances for defects, color, diameter and trim.
16-409-035	Application of tolerances.
16-409-060	Washington standards—Size designations.
16-409-065	Containers.
16-409-070	Marking requirements.
16-409-075	Exemption.

##### United States Standards for fresh asparagus

16-409-085	Adoption of United States standards as Washington state standards.
16-409-120	Repealed.

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

16-409-120	United States standards for fresh asparagus—Amount of green color. [Order 795, Regulation 6, effective 2/16/60.] Repealed by 85-07-028 (Order 1848), filed 3/15/85. Statutory Authority: Chapter 15.17 RCW.
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#### WASHINGTON STANDARDS

**WAC 16-409-015 Definitions.** (1) "Clean" means that the asparagus is free from excessive dirt, dust, residue or foreign matter.

(2) "Fresh" means that the stalk is not limp or flabby.

(3) "Well trimmed" means that at least two-thirds of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container and that the butt is not stringy or frayed.

(4) "Fairly well trimmed" means that at least one-third of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container and that the butt is not badly stringy or frayed.

(5) "Diameter" means the greatest thickness of the stalk measured at a point approximately one inch from the butt.

(6) "Fairly uniform in length" means that stalks within a container shall vary not more than one and one-half inches in length.

(7) "White" means that portion of the stalk near the butt, which is white in color or light purple over white. White is measured from the extreme tip of the butt to the point of beginning of green color.

(8) "Green" means that portion of the stalk having green color, purplish-green or greenish-purple color, and purple at the tip.

(9) "Damage" means any defect, or combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the stalk.

(10) "Serious damage" means any defect, or combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the stalk.

(11) "Badly misshapen" means the stalk is so badly flattened, crooked or otherwise so badly deformed that its appearance is seriously affected.

(12) "Fresh asparagus" as used in the standards means a lot of asparagus marketed for the purpose of fresh consumption.

(13) "Lot" means any number of containers of fresh asparagus being offered as a unit for the purpose of inspection, sale, or shipment.

(14) "Shipment" means any number of containers of fresh asparagus transported on a single conveyance from the area of production.

(15) "Field container" means an open lug made of wood, plastic, or similar material and used repetitively for field harvesting. [Statutory Authority: Chapter 15.17 RCW. 85-07-028 (Order 1848), § 16-409-015, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-015, filed 3/1/83.]

**WAC 16-409-020 Washington standards—Grades.** (1) Washington extra fancy shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, well trimmed, fairly straight, not wilted, and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, or mechanical or other means. Stalks shall have at least eighty-five percent green color.

(b) Stalks within individual containers shall meet one of the following designated sizes: Jumbo, large, or standard.

(2) Washington fancy shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, fairly well trimmed, not wilted and not badly misshapen, and which are free from decay and serious damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall have at least eighty-five percent green color.

(b) Each stalk shall have a diameter of not less than four-sixteenths inch.

(3) Washington consumer pack shall consist of:

(a) Clean, fresh stalks of asparagus and may be of random length, which are fairly straight, not wilted and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall show not more than one and one-half inches of white.

(b) Each stalk shall have a diameter of not less than four-sixteenths inch.

(4) Culls.

(a) Asparagus which is not graded in conformity with Washington extra fancy, Washington fancy, Washington consumer pack, or U.S. No. 1, or U.S. No. 2 shall be designated as "culls."

(b) Culls shall not be marketed if more than ten percent by count of the stalks show white in excess of two inches.

(5) Any lot of fresh asparagus, including "culls" marketed within the state of Washington, shall have not more than ten percent of stalks with white in excess of two inches, nor more than ten percent of stalks which are less than four-sixteenths inch in diameter. [Statutory Authority: Chapter 15.17 RCW. 85-07-028 (Order 1848), § 16-409-020, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-020, filed 3/1/83; Order 795, Regulation 2(1), (2), effective 2/16/60.]

**WAC 16-409-030 Tolerances for defects, color, diameter and trim.** (1) In order to allow for variations incident to proper grading and handling in the Washington extra fancy, Washington fancy, and Washington consumer pack grades, the following tolerances are provided as specified:

(a) Ten percent, by count, for stalks failing to meet the requirements of the grade other than for trim and color requirements, including therein, not more than one percent for stalks affected by decay.

(b) An additional ten percent, by count, for stalks having less than the specified amount of green color.

(c) An additional ten percent, by count, for stalks not meeting trim requirements.

(2) In order to allow for variations in diameter and length incident to proper sizing in the Washington extra

fancy, Washington fancy, and Washington consumer pack grades, the following tolerance is provided as specified: Ten percent, by count, for stalks failing to meet the required minimum and maximum diameter, and/or length, as defined under, "fairly uniform in length" and "size designations." [Statutory Authority: Chapter 15.17 RCW. 85-07-028 (Order 1848), § 16-409-030, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-030, filed 3/1/83; Order 795, Regulation 2(3), (4), effective 2/16/60.]

**WAC 16-409-035 Application of tolerances.** Individual samples are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(1) For a tolerance of ten percent or more, individual samples shall contain not more than one and one-half times the tolerance specified.

(2) For a tolerance of less than ten percent, individual samples shall contain not more than double the tolerance specified.

(3) One decayed or otherwise defective stalk, one poorly trimmed stalk, one poorly colored, and one off-size stalk shall be permitted in any sample. [Statutory Authority: Chapter 15.17 RCW. 85-07-028 (Order 1848), § 16-409-035, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-035, filed 3/1/83.]

**WAC 16-409-060 Washington standards—Size designations.** In addition to the statement of grade:

(1) Washington extra fancy grade lots shall be designated as Washington extra fancy jumbo or Washington jumbo, Washington extra fancy large or Washington large, or Washington extra fancy standard or Washington standard. Ninety percent, by count, of the stalks in any lot shall conform to the following diameters for such designations:

(a) Washington extra fancy jumbo or Washington jumbo shall be stalks thirteen-sixteenths inch in diameter or larger.

(b) Washington extra fancy large or Washington large shall be stalks seven-sixteenths inch in diameter or larger.

(c) Washington extra fancy standard or Washington standard shall be stalks six-sixteenths inch in diameter or larger.

(2) Washington fancy grade lots shall be designated by minimum diameter: *Provided*, That when at least ninety percent, by count, of the stalks in any lot are four-sixteenths inch in diameter or larger, the lot may be designated as Washington fancy small or Washington small.

(3) Washington consumer pack grade lots shall be designated by minimum diameter. Stalks shall be four-sixteenths inch in diameter or larger.

(4) U.S. No. 1 grade lots shall be designated as Washington jumbo, Washington large, or Washington standard, or may be designated by minimum diameter.

(5) U.S. No. 2 grade lots shall be designated as Washington small or may be designated by minimum diameter. [Statutory Authority: Chapter 15.17 RCW.

85-07-028 (Order 1848), § 16-409-060, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-060, filed 3/1/83; Order 795, Regulation 2(7), effective 2/16/60.]

**WAC 16-409-065 Containers.** (1) Fresh asparagus shall be marketed in containers which are clean and free from dirt, trash, and visible contaminants.

(2) Fresh asparagus of the Washington extra fancy, Washington fancy, U.S. No. 1, and U.S. No. 2 grades shall be marketed in pyramid type containers with moisture pads.

(3) Fresh asparagus of the Washington consumer pack grade shall be marketed in pyramid type containers with moisture pads, or in fibre-board or wooden "western lug" containers having inside dimensions of approximately seven, by eleven and one-half, by eighteen inches, or capacity of thirteen hundred fifty to fifteen hundred fifty cubic inches.

(4) Pyramid type containers shall contain thirty pounds, fifteen pounds, or six kilograms net weight.

(5) Western lugs shall contain not less than twenty pounds net weight.

(6) Culls shall be marketed in wooden pyramid containers with moisture pads.

(7) Fresh asparagus in field containers shall not be marketed.

(8) The director may allow the use of containers not specified in subsections (2), (3), (4), (5), and (6) of this section, as experimental containers for the purpose of test or trial marketing. [Statutory Authority: Chapter 15.17 RCW. 85-07-028 (Order 1848), § 16-409-065, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-065, filed 3/1/83.]

**WAC 16-409-070 Marking requirements.** (1) Containers shall be conspicuously and legibly marked with the name and address of the grower, packer, or distributor, the grade, and net weight, and a size designation or diameter size as defined in WAC 16-409-060 (1), (2), (3), (4), and (5).

(2) The grade and size designation shall be marked in letters at least three-eighths inch in height.

(3) The following abbreviations of grade and size designation shall be acceptable: Washington may be abbreviated as Wash. or WA. Extra fancy may be abbreviated as ex fcy or extra fcy. Fancy may be abbreviated as fcy. Large may be abbreviated as lge. Standard may be abbreviated as std.

(4) The use of U.S. No. 1 or U.S. No. 2 grade markings shall be permitted subject to WAC 16-409-085.

(5) If culls are marketed, the word "culls" shall be conspicuously and legibly marked in letters at least one inch in height and shall be predominant in size over other markings.

(6) All required markings shall be placed on one end of the container, and may be duplicated on opposite end of container. [Statutory Authority: Chapter 15.17 RCW. 85-07-028 (Order 1848), § 16-409-070, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-070, filed 3/1/83; Order 795, Regulation 3, effective 2/16/60.]

**WAC 16-409-075 Exemption.** Any individual shipment of fresh asparagus shall be exempted from the requirements of WAC 16-409-020 through 16-409-060, 16-409-065 (2), (3), (4), (5), (6), and (8); and 16-409-070 when:

(1) The shipment consists of asparagus for home use and not for resale.

(2) The shipment does not exceed two hundred fifty pounds net weight. [Statutory Authority: Chapter 15.17 RCW. 85-07-028 (Order 1848), § 16-409-075, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-075, filed 3/1/83.]

#### UNITED STATES STANDARDS FOR FRESH ASPARAGUS

**WAC 16-409-085 Adoption of United States standards as Washington state standards.** In addition to the standards for asparagus as set forth in this chapter the United States standards for grades of fresh asparagus, as they apply to U.S. No. 1 and U.S. No. 2, are hereby adopted as additional standards for the state of Washington for asparagus: *Provided*, That U.S. No. 1 shall be not less than six-sixteenths inch in diameter and shall meet or exceed Washington extra fancy grade and U.S. No. 2 shall be not less than four-sixteenths inch in diameter and shall meet or exceed Washington fancy grade. [Statutory Authority: Chapter 15.17 RCW. 85-07-028 (Order 1848), § 16-409-085, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-085, filed 3/1/83.]

**WAC 16-409-120 Repealed.** See Disposition Table at beginning of this chapter.

#### Chapter 16-426 WAC GRADES AND STANDARDS FOR HOP ROOTSTOCK

WAC  
16-426-001 through 16-426-025 Repealed.

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

16-426-001	Promulgation. [Order 1265, § 16-426-001, filed 5/10/72.] Repealed by 85-15-047 (Order 1868), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW.
16-426-005	Washington No. 1. [Order 1265, § 16-426-005, filed 5/10/72.] Repealed by 85-15-047 (Order 1868), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW.
16-426-010	Tolerances. [Order 1265, § 16-426-010, filed 5/10/72.] Repealed by 85-15-047 (Order 1868), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW.
16-426-015	Specific requirements. [Order 1265, § 16-426-015, filed 5/10/72.] Repealed by 85-15-047 (Order 1868), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW.
16-426-020	Definitions. [Order 1265, § 16-426-020, filed 5/10/72.] Repealed by 85-15-047 (Order 1868), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW.
16-426-025	Effective date. [Order 1265, § 16-426-025, filed 5/10/72.] Repealed by 85-22-053 (Order 1876),

filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.

**WAC 16-426-001 through 16-426-025 Repealed.**  
See Disposition Table at beginning of this chapter.

**Chapter 16-470 WAC**  
**QUARANTINE—AGRICULTURAL PESTS**

WAC	
16-470-010	Definitions.
16-470-015	Penalties.
16-470-020	Quarantine—Gypsy moth—Area under order.
16-470-030	Quarantine/gypsy moth hosts and carriers.
16-470-040	Gypsy moth quarantine restrictions—Interior.
16-470-050	Gypsy moth quarantine restrictions—Exterior.
16-470-060	Special permits.
16-470-100	Quarantine—Apple maggot and plum curculio—Area under order.
16-470-110	Commodities under quarantine—Apple maggot hosts and carriers.
16-470-120	Apple maggot and plum curculio quarantine restrictions—Interior/exterior.
16-470-130	Special permits.
16-470-200	Quarantine—Honey bee tracheal mite.
16-470-210	Articles under quarantine—Honey bee tracheal mite hosts and carriers.
16-470-220	Honey bee tracheal mite—Area under quarantine—Exterior.
16-470-230	Honey bee tracheal mite—Restrictions.
16-470-300	Quarantine—Onion white rot disease.
16-470-310	Onion white rot disease—Area under order.
16-470-320	Onion white rot disease—Restrictions—Control—Prevention—Sanitation.
16-470-330	Onion white rot disease—Enforcement.
16-470-340	Onion white rot disease—Research.
16-470-400	Quarantine—Chestnut.
16-470-410	Chestnut—Area under quarantine.
16-470-420	Chestnut—Pests.
16-470-430	Chestnut pests—Hosts and carriers—Commodities under quarantine.
16-470-440	Chestnut quarantine—Restrictions—Requirements.

**WAC 16-470-010 Definitions.** The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated insect life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated insect life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(5) "Gypsy moth (*Lymantria dispar*)" means a lepidopterous insect of the family Lymantriidae which in the larval stage defoliates many species of trees and shrubs.

(6) "Apple maggot (*Rhagoletis pomonella*)" means a dipterous insect belonging to the family Tephritidae which in the larval stage live within fruit of its host

plants, with potential for causing extensive damage to fruit of certain crops.

(7) "Plum curculio (*Conotrachelus nenuphar*)" means a coleopterous insect of the family Curculionidae which in the larval stage lives within the fruit of its host plants with potential for causing extensive damage to fruit of certain crops.

(8) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

(9) "Commercial fruit" means fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled;

(b) Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant.

(10) "Threatened with infestation" means that any life stage of apple maggot or plum curculio has been found within one-half mile of production site including any portion of an orchard outside or beyond the one-half mile boundary if any portion of the orchard is within the one-half mile area.

(11) "Honey bee tracheal mite" means *Acarapis woodi*; an internal tracheal mite of honey bees.

(12) "Honey bee" means bees of the species *Apis mellifera*.

(13) "Colony" means a man-made hive including five or more combs of bees.

(14) "Hive" means a man-made domicile of honey bees including their combs in the various sizes used by the apiculture industry.

(15) "Queen" means the fertile female honey bee, singly, in a shipping cage with attendant honey bees or in plurality with other queens in a shipping cage having common honey bee attendants.

(16) "Nuclei" means a shipping container or hive having five or less combs of bees and a queen.

(17) "Package" means a combless shipping container of bees with or without a queen.

(18) "Apiarist" means any person who owns bees or is a keeper of bees.

(19) "Net(s)" means fabricated material which is designed and utilized to prevent the escape of bees from bee colonies or hives during transit.

(20) "Onion" means any *Allium* spp. including but not limited to onion, garlic, leek, chive, or shallots. [Statutory Authority: Chapter 17.24 RCW. 85-15-006 (Order 1861), § 16-470-010, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-010, filed 5/1/84, effective 7/1/84.]

**WAC 16-470-015 Penalties.** Any person who violates or fails to comply with any rule adopted under RCW 17.24.020 through 17.24.100 shall be guilty of a misdemeanor, and for a second and each subsequent violation of the same rule, 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 fine and imprisonment. [Statutory Authority: Chapter 17.24 RCW. 85-15-007 (Order 1862), § 16-470-015, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-015, filed 5/1/84, effective 7/1/84.]

**WAC 16-470-020 Quarantine--Gypsy moth--Area under order.** (1) Interior quarantine. Real and personal properties within Washington state and adjacent properties where the department has identified multiple gypsy moth life stages and where occupants and/or owners of those properties have been notified by the department of the gypsy moth infestation and to the effect that the subject property is under quarantine pursuant to chapter 16-470 WAC rules and requirements.

(2) Exterior quarantine. All areas of the United States and Canada that are declared high risk by the United States Department of Agriculture, animal, plant, health inspection service, plant protection and quarantine. [Statutory Authority: Chapter 17.24 RCW. 84-10-039 (Order 1822), § 16-470-020, filed 5/1/84, effective 7/1/84.]

**WAC 16-470-030 Quarantine/gypsy moth hosts and carriers.** The following articles and commodities are placed under quarantine when located within or originating from an area as described in WAC 16-470-020:

(1) Trees, shrubs with persistent woody stems, Christmas trees and parts of such trees and shrubs (except seeds, fruits and cones).

(2) Timber and building materials, including but not limited to such items as lumber, planks, poles, logs, firewood, pulpwood, fencing and building blocks.

(3) Mobile homes, recreational vehicles, trailers, boats, camping gear, and associated equipment.

(4) Outdoor household articles including but not limited to such items as furniture, toys, garden tools, garden machinery, animal houses.

(5) Any other items or means of conveyance not covered above when that item or conveyance presents a hazard of the spread of any life stage of gypsy moth. [Statutory Authority: Chapter 17.24 RCW. 84-10-039 (Order 1822), § 16-470-030, filed 5/1/84, effective 7/1/84.]

**WAC 16-470-040 Gypsy moth quarantine restrictions--Interior.** Items under quarantine are prohibited movement from the area under quarantine except as follows:

(1) Any item under quarantine may be inspected and certified for movement by a department inspector if, in the inspector's judgment, it is free of all stages of gypsy moth. Any item that in the judgment of the department inspector is too large or for other reasons cannot be adequately inspected for all stages of gypsy moth will not be certified except as indicated in WAC 16-470-040 (3) and (4).

(2) Garden prunings from trees and shrubs may be moved under Washington state department of agriculture permit to the city or county dumps where such material is to be buried, incinerated, composted, or

otherwise treated or handled in a manner that is approved by a department inspector and does not pose a hazard to the spread of gypsy moth life stages. A department permit is not necessary for such material picked up by city or county vehicles or trucking companies under contract to haul such material to county approved facilities for disposal.

(3) Any item which cannot be adequately inspected as stated in WAC 16-470-040(1) may be moved from the quarantine area if cleaned or treated as prescribed by the director and in a manner satisfactory to the department inspector. Such items cleaned or treated shall be certified by a department inspector before movement from the quarantine area.

(4) Department inspectors may also certify items for movement when in their judgment the item has not been exposed to infestation, or has not been exposed to infestation after being properly inspected, cleaned or treated.

(5) Expense of cleaning or treatment of articles or commodities for gypsy moth shall be the responsibility of the person in possession of the articles or commodities, or the consignee in case of commercial shipment by common carriers of household goods. [Statutory Authority: Chapter 17.24 RCW. 84-10-039 (Order 1822), § 16-470-040, filed 5/1/84, effective 7/1/84.]

**WAC 16-470-050 Gypsy moth quarantine restrictions--Exterior.** Quarantined articles and commodities are prohibited entry into Washington state except as follows:

(1) Articles and commodities covered originating in the area under quarantine may enter this state: *Provided*, That the articles or commodities are accompanied by a certificate issued by an authorized agricultural official in the state or province of origin which contains the following information:

(a) The designation of the articles and commodities.

(b) The county and state or province of origin.

(c) A statement verifying that all the articles and commodities were inspected for all stages of gypsy moth, and:

(i) They originated in noninfested premises in the area under quarantine and have not been exposed to gypsy moth while in the area under quarantine; or

(ii) Upon inspection, they were found to be free of any stage of gypsy moth; or

(iii) They were treated at origin under the direction of an agricultural official to destroy any stage of gypsy moth; the method of treatment used and the date of the treatment shall also be stated; or

(iv) They were grown, produced, manufactured, stored or handled in such a manner that no stage of gypsy moth would be transmitted on them.

(d) The original or facsimile signature of the authorized agricultural official.

(2) The certificate required under WAC 16-470-050(1) may be issued by a private enterprise: *Provided*, That the enterprise has been approved by the director, or by the United States Department of Agriculture, animal and plant health inspection service, plant protection and quarantine as having employees who have successfully

completed a training program approved by the director or the United States Department of Agriculture, conducted by private organizations or state government officials, in the inspection for and treatment of gypsy moth; and the inspection and any treatment was performed, and the certificate issued by, one of those employees.

(3) Any certificate issued by a private enterprise shall contain the information required in WAC 16-470-050(1): *Provided*, That the statement relating to treatment at origin in WAC 16-470-050 (1)(c) shall verify that the articles and commodities were treated at origin by an employee who has successfully completed an approved training program in the inspection for and treatment of gypsy moth; and the signature required in WAC 16-470-050 (1)(d), shall be that of the employee issuing the certificate.

(4) The certificate required in WAC 16-470-050(1) shall be securely attached to the outside of the container containing the articles or commodities, or securely attached to the article or commodity itself if not in a container, or securely attached to the consignee's copy of the weighbill or other shipping document.

(5) Any article or commodity covered in WAC 16-470-030 which originated in the area under quarantine and is not accompanied by the certificate required may:

(a) Enter Washington, if, in the determination of the department, the article or commodity is:

(i) Cleaned or treated to destroy gypsy moth at the point of entry; or

(ii) Cleaned or treated to destroy gypsy moth in the county of destination, under the supervision of the department, prior to release of the article or commodity. Any shipment containing articles or commodities to be cleaned or treated in the county of destination shall be sealed at point of entry or origin and held under quarantine in that county until the treatment or cleaning is to occur.

(b) Be refused entry in Washington, if, in the opinion of the department inspector that:

(i) Cleaning or treatment to destroy gypsy moth at the point of entry would interfere with the movement of interstate commerce; and/or

(ii) Cleaning or treatment to destroy gypsy moth in the county of destination presents a high risk of dissemination of gypsy moth during transit or it is not possible to effectively clean or treat due to lack of facilities and/or needed equipment or lack of personnel in that county.

(c) Expense of cleaning or treatment of articles and commodities for gypsy moth at point of arrival in Washington state, or in the county of destination shall be the responsibility of the person in possession of the articles and commodities or the consignee in the case of commercial shipment by common carrier of household goods.

(6) No certificate is required for movement into Washington of articles and commodities covered in WAC 16-470-030 that originated outside an area under quarantine when the point of origin is clearly indicated,

their identify has been maintained and they have been safeguarded against infestation by gypsy moth while in the area under quarantine. [Statutory Authority: Chapter 17.24 RCW. 84-10-039 (Order 1822), § 16-470-050, filed 5/1/84, effective 7/1/84.]

**WAC 16-470-060 Special permits.** The director may issue special permits admitting articles or commodities covered in WAC 16-470-030 not otherwise eligible for entry from the area under quarantine, subject to such conditions and provisions deemed necessary for protection of Washington agriculture. [Statutory Authority: Chapter 17.24 RCW. 84-10-039 (Order 1822), § 16-470-060, filed 5/1/84, effective 7/1/84.]

**WAC 16-470-100 Quarantine--Apple maggot and plum curculio--Area under order.** (1) The following areas are declared by the director to be under quarantine for apple maggot:

(a) Exterior quarantine. All states or foreign countries where apple maggot is known to occur including but not limited to the states of North Dakota, South Dakota, Nebraska, Oklahoma, and Texas, and all states east thereof including the District of Columbia, and the states of Idaho, Oregon, Utah, and California, and any other areas where apple maggot is detected.

(b) Interior quarantine. All counties west of the crest of the Cascade Mountain Range, and Spokane, Skamania, and Klickitat counties within the state of Washington, and any other counties where apple maggot is detected.

(c) Regional area quarantine. When mutually agreed upon, and formally accepted by the directors of the Washington state department of agriculture and Oregon state department of agriculture the following shall apply: In Oregon state the counties of Wasco and Hood River and in Washington state the counties of Skamania and Klickitat will be considered a single production area. Commercial fruit produced in these counties may move freely throughout this production area unless regulatory measures as prescribed in WAC 16-470-120 are implemented.

(2) The following areas are declared by the director to be under quarantine for plum curculio: Utah, and, in the eastern United States, all states and districts east of and including the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where plum curculio is detected. [Statutory Authority: Chapter 17.24 RCW. 85-15-007 (Order 1862), § 16-470-100, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-100, filed 5/1/84, effective 7/1/84.]

**WAC 16-470-110 Commodities under quarantine--Apple maggot hosts and carriers.** (1) The following commodities shipped from all states including the District of Columbia as listed in WAC 16-470-100(1) are hereby placed under quarantine for apple maggot: All fresh fruit of apple (including crabapple), apricot, cherry, hawthorn (haw), nectarine, peach, pear (commercial pears from California, Idaho, Oregon, Utah, and Washington are exempt from the provisions of this

chapter), plum, prune, quince, and rose hips are prohibited entry into the state of Washington except as provided in WAC 16-470-120 (1) through (9).

(2) The following commodities shipped from all states including the District of Columbia as listed in WAC 16-470-100(2) are hereby placed under quarantine for plum curculio: All fresh fruit of apple (including crabapple), apricot, blueberry, cherry, currant, grape, hawthorn (haw), huckleberry, nectarine, peach, pear, persimmon, plum, prune, and quince, are prohibited entry into the state of Washington except as provided in WAC 16-470-120 (1) through (9). [Statutory Authority: Chapter 17.24 RCW. 85-15-007 (Order 1862), § 16-470-110, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-110, filed 5/1/84, effective 7/1/84.]

**WAC 16-470-120 Apple maggot and plum curculio quarantine restrictions—Interior/exterior.** (1) Certification required. Commodities described in WAC 16-470-110 that are produced in or shipped from the area under quarantine are prohibited entry into or movement within the state of Washington unless a certificate issued by and bearing the original or facsimile signature of the authorized agricultural official of the state from which the commodity is shipped evidencing compliance with WAC 16-470-120 (3), (4), (5), (7), (8), or (9). No certificate is required for commodities meeting the requirements of WAC 16-470-120 (2) or (6).

(2) Reshipments in original containers. Commodities in original unopened containers, each bearing labels or other identifying marks evidencing origin outside the area under quarantine, may be reshipped to this state from any point within the area under quarantine.

(3) Repacked commodities. Each lot or shipment of commodities certified by an authorized agricultural official to have been grown outside the area under quarantine and which has had continued identity maintained while within the area under quarantine, may be repacked and shipped by common carrier from any point within the area under quarantine to this state. The certificate shall contain the following information:

- (a) The state in which commodities were grown,
- (b) The point of repacking and reshipment,
- (c) The amount and kind of commodities comprising the lot or shipment,
- (d) The names and addresses of the shipper and consignee.

(4) Apples exposed to controlled atmosphere (CA) storage. Apples which are exposed to controlled atmosphere (CA) storage for a continuous period of ninety days, during which period the temperature within the storage room has been maintained at thirty-eight degrees Fahrenheit or less, may be admitted into Washington: *Provided*, That the storage room or building is approved by the proper authorities in the state of origin as a controlled atmosphere facility, and each lot or shipment of such apples to Washington state is accompanied by a certificate, as provided in WAC 16-470-120(1).

(5) Shipments from cold storage. Commodities described in WAC 16-470-110 which are held in cold

storage for a continuous period of forty days or more, during which period the temperature within the storage room is maintained at thirty-two degrees Fahrenheit or less, may be admitted into Washington state: *Provided*, That each lot or shipment is accompanied by a certificate, as stated in WAC 16-470-120(1) evidencing compliance with the minimum temperature requirements.

(6) Solid frozen fruits exempt. No restrictions are placed on the entry into this state of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state.

(7) Commercial fresh fruit from California, Idaho, Utah, Oregon, and Washington. All commercial fresh fruit as described in WAC 16-470-110 grown in and shipped from the states of California, Idaho, Utah, Oregon, and Washington may be shipped into or within Washington state: *Provided*, That the origin state department of agriculture conducts an adequate apple maggot (and plum curculio in Utah and in any other state where plum curculio is detected) detection program and provides the Washington state department of agriculture immediate written notification of detections in counties where apple maggot (and plum curculio in Utah and in any other state where plum curculio is detected) has not been previously detected, and the origin state shall certify that shipments originated in an area found to be free from apple maggot (and plum curculio in Utah and in any other state where plum curculio is detected) and were grown in a commercial orchard and have not been placed under quarantine by the origin state or the director.

(8) All commercial fresh fruit of apple (including crabapple), cherry, hawthorn (haw), plum, and prune produced in counties in the states of California, Idaho, Oregon, and Utah where apple maggot is known to occur, or all commercial fresh fruit listed in WAC 16-470-110 produced in counties in the state of Utah where plum curculio is known to occur may move into Washington under permit, when permit provisions have been authorized by the director and formally accepted by the origin state.

(9) All commercial fresh fruit of apple (including crabapple) and hawthorn (haw) produced in or shipped from any location in Washington state. The director may pursuant to RCW 17.24.105 prescribe specific regulatory or control measures to apply within designated areas to prevent or minimize the possible movement of apple maggot from commercial orchards. The following action shall be taken when it has been determined that the commercial fruit may be infested with or threatened with infestation by apple maggot or plum curculio.

(a) All fresh fruit of apple (including crabapple) and hawthorn (haw) (except graded culls – see (b) of this subsection) shall be sampled by an authorized agency inspector, following accepted agency and industry standards.

(i) If found to be free from apple maggot or plum curculio, a certificate as provided for in WAC 16-470-120(1) shall be issued.

(ii) If found to be infested with apple maggot or plum curculio, one or more of the following procedures shall

be prescribed before any fresh fruit of apple (including crabapple) and hawthorn (haw) are moved from designated or quarantined areas.

(A) Fresh fruit to be exposed to controlled atmosphere (CA) storage as provided in WAC 16-470-120(4).

(B) Fresh fruit to be exposed to cold storage as provided in WAC 16-470-120(5).

(C) Other methods as may be prescribed by the director.

(b) Graded culls shall be subject to (a)(ii) (A) or (B) of this subsection or other requirements as prescribed by the director.

(10) All commodities as described in WAC 16-470-110 known or found to be infested with or damaged by apple maggot or plum curculio shall not be sold, held for sale, or offered for sale, except as provided for in WAC 16-470-120 (4) or (5). [Statutory Authority: Chapter 17.24 RCW. 85-15-007 (Order 1862), § 16-470-120, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-120, filed 5/1/84, effective 7/1/84.]

**WAC 16-470-130 Special permits.** The director may issue special permits admitting commodities covered in WAC 16-470-110 not otherwise eligible for entry from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent introduction, escape or spread of the quarantined pests. [Statutory Authority: Chapter 17.24 RCW. 84-10-039 (Order 1822), § 16-470-130, filed 5/1/84, effective 7/1/84.]

**WAC 16-470-200 Quarantine--Honey bee tracheal mite.** The director finds that honey bee tracheal mite is detrimental to the welfare of the apiculture industry of Washington state and a quarantine is established to prevent the introduction of the tracheal mite into Washington state. [Statutory Authority: Chapters 17.24 and 15.60 RCW. 85-15-008 (Order 1863), § 16-470-200, filed 7/8/85.]

**WAC 16-470-210 Articles under quarantine--Honey bee tracheal mite hosts and carriers.** The following listed articles are prohibited from movement into Washington state from areas under quarantine (see WAC 16-470-220) except as provided for in this chapter: *Provided*, That Washington resident apiarists may move their honey bee colonies back into Washington state pending inspection as prescribed by the department:

(1) Honey bee colonies, nuclei, queens, packages of bees with or without queens of the species *Apis mellifera*; and

(2) Used hives including their comb, except when free of live bees for seven days or longer immediately prior to entry into Washington state. [Statutory Authority: Chapters 17.24 and 15.60 RCW. 85-15-008 (Order 1863), § 16-470-210, filed 7/8/85.]

**WAC 16-470-220 Honey bee tracheal mite--Area under quarantine--Exterior.** Areas under quarantine include all states and foreign countries: *Provided*, That

(1) All states with surveys that find no honey bee tracheal mite may ship quarantined articles into Washington state (see WAC 16-470-230(4)).

(2) All states without surveys may ship quarantined articles into Washington state when an annual survey has been conducted since January 1984. This survey shall consist of a pooled sample (five to ten bees per colony) of one hundred or more bees per selected apiary, and at least fifty bees from the sample taken shall be dissected and examined for honey bee tracheal mite; or

(3) All states where honey bee tracheal mite is known to occur since January 1983 that have state quarantines regulating counties where honey bee tracheal mite has been known to occur may ship quarantined articles into Washington state when noninfested counties are sampled annually as provided for in subsection (2) of this section, and infested counties are sampled annually as follows:

(a) One sample per fifty colonies shall be taken. The sample taken shall consist of five hundred bees; and

(b) A minimum of ten percent of the colonies shall be sampled; and

(c) One hundred bees from each sample shall be dissected and examined for honey bee tracheal mite; and

(d) Sampling shall have been completed within the previous calendar year. [Statutory Authority: Chapters 17.24 and 15.60 RCW. 85-15-008 (Order 1863), § 16-470-220, filed 7/8/85.]

**WAC 16-470-230 Honey bee tracheal mite--Restrictions.** (1) Any apiculture operation infested with honey bee tracheal mite is not eligible for certification of quarantined articles for shipment into Washington state.

(2) Washington state resident apiarists may move their colonies from states designated in WAC 16-470-220 (1), (2), and (3) into Washington state for annual sampling as prescribed by the department during the months of August, September, and October prior to movement to a southern state. These colonies shall be considered under quarantine pending laboratory analysis of samples.

(3) Any apiarist who moves quarantined articles between more than one state and Washington state shall be sampled annually as provided in WAC 16-470-220(2).

(4) All certificates issued on quarantined articles shall bear a statement indicating that a state annual survey has been conducted and no honey bee tracheal mite was found, and they are in compliance with this chapter.

(5) Nets shall be required on all loads of honey bee colonies entering or leaving Washington state.

(6) All states having more restrictive quarantine requirements than this chapter shall comply with their own import requirements when shipping quarantined articles into Washington state. [Statutory Authority: Chapters 17.24 and 15.60 RCW. 85-15-008 (Order 1863), § 16-470-230, filed 7/8/85.]

**WAC 16-470-300 Quarantine--Onion white rot disease.** The director finds that onion white rot disease is detrimental to the onion industry of Washington state and a quarantine is established to prevent the spread and introduction of onion white rot disease within noninfested areas of Washington state. [Statutory Authority: Chapter 17.24 RCW. 85-20-043 (Order 1873), § 16-470-300, filed 9/25/85.]

**WAC 16-470-310 Onion white rot disease--Area under order.** The area under quarantine for onion white rot disease includes Adams, Franklin, and Grant counties. [Statutory Authority: Chapter 17.24 RCW. 85-20-043 (Order 1873), § 16-470-310, filed 9/25/85.]

**WAC 16-470-320 Onion white rot disease--Restrictions--Control--Prevention--Sanitation.** The following restrictions are declared to be the proper methods for the control and prevention of the introduction of onion white rot disease which shall be used in the quarantine area described in WAC 16-470-310:

(1) No person shall import into the quarantine area for the purpose of planting or propagation bulbs, sets, or seedlings of onion, garlic, leek, chive, shallots, or other *Allium* spp. except those produced in and shipped from any area of this state or other states where onion white rot is not known to occur, and each shipment shall be certified to be free from white rot disease by the origin state department of agriculture.

(2) Except as provided in this chapter, no person shall in any manner import or move soil, machinery, tools, or equipment into the quarantine area, which have been previously used in any manner on fields outside the quarantine area where the host plants named in subsection (1) of this section have been cultivated. Machinery, tools or equipment may be imported or moved into the quarantine area with prior approval from the department: *Provided*, That the soil, machinery, tools or equipment are cleaned and sterilized to the satisfaction of the department prior to movement into the quarantine area. The cleaning shall include the thorough removal of all dirt by the use of steam under pressure. Sterilization shall be accomplished by the use of steam. For the purposes of this section, "machinery, tools or equipment" includes but is not limited to vehicles, farm trucks, harvesters, and tillage equipment.

(3) The department may stop the movement of any machinery, tools, or equipment into or within the quarantine area which have not been cleaned and sterilized as provided in this section.

(4) No person shall knowingly import into the quarantine area livestock which have been pastured on irrigated fields known to be infested with white rot or have been fed white rot infested plant parts; nor shall white rot infested plant parts be imported into the quarantine area for livestock feed; nor shall white rot infested plant parts found in the quarantined area be fed to livestock. No restrictions are imposed by this quarantine on livestock moving to feed lots, sale yards, or exhibition sites (such as fairgrounds, shows, etc.) in the quarantined

area. [Statutory Authority: Chapter 17.24 RCW. 85-20-043 (Order 1873), § 16-470-320, filed 9/25/85.]

**WAC 16-470-330 Onion white rot disease--Enforcement.** (1) The department may inspect any onions or onion planting areas within the quarantine area during any time of the year to determine whether the disease organism is present. If the department finds that any onions, whether they are being transported, or any fields are infested with the disease organism, the department may seize any infested onions which are separated from the land on which grown, or by written order direct the control and eradication of an infestation. The written order shall be mailed or hand delivered to the onion grower or field owner.

(2) Movement of infested onions within the quarantine area or removal of infested onions from the quarantine area shall be carried out only with the department's prior approval and under its supervision.

(3) Control and eradication methods used shall be only those approved by the department and Washington State University and may include:

(a) The destruction of any infested onions;

(b) A directive that a specific part or all of any infested area be taken out of onion production;

(c) A directive that any infested area be fenced, properly diked to prevent off-flow of irrigation or rainwater, and planted to an approved crop which will prevent soil erosion and will not require annual tillage;

(d) Prohibit the pasturing of animals on any infested area;

(e) A directive that equipment, tools and machinery used on an infested area be cleaned and sterilized as described in WAC 16-470-320 prior to removal from the area. [Statutory Authority: Chapter 17.24 RCW. 85-20-043 (Order 1873), § 16-470-330, filed 9/25/85.]

**WAC 16-470-340 Onion white rot disease--Research.** The department may, with the consent of the owner, allow use of an infested growing area as an experimental plot by Washington State University for onion white rot research. Use of the growing area for research shall be subject to the prior approval of, and supervised by the department. [Statutory Authority: Chapter 17.24 RCW. 85-20-043 (Order 1873), § 16-470-340, filed 9/25/85.]

**WAC 16-470-400 Quarantine--Chestnut.** The director finds that chestnut pests not known to occur in Washington may be detrimental to the chestnut industry of Washington state and a quarantine is established to prevent the introduction of designated chestnut pests into Washington state. [Statutory Authority: Chapter 17.24 RCW. 85-21-003 (Order 1875), § 16-470-400, filed 10/3/85.]

**WAC 16-470-410 Chestnut--Area under quarantine.** The area under quarantine for designated chestnut pests includes all states and districts of the United States. [Statutory Authority: Chapter 17.24 RCW. 85-21-003 (Order 1875), § 16-470-410, filed 10/3/85.]

**WAC 16-470-420 Chestnut—Pests.** The following are designated chestnut pests: Chestnut bark disease (*Endothia parasitica*); large chestnut weevil (*Curculio caryatrypes*); small chestnut weevil (*Curculio sayi*); nut curculio (*Conotrachelus carinifer*); and the oriental chestnut gall wasp (*Dryocosmus kuriphilus*). [Statutory Authority: Chapter 17.24 RCW. 85-21-003 (Order 1875), § 16-470-420, filed 10/3/85.]

**WAC 16-470-430 Chestnut pests—Hosts and carriers—Commodities under quarantine.** Commodities under quarantine are all known carriers of designated pests listed in WAC 16-470-420, including but not limited to all species and varieties of chestnut (*Castanea spp.*) and chinquapin (*Castanopsis spp.*) trees, plants and parts thereof including grafts, cuttings, scions, nuts, logs and firewood. [Statutory Authority: Chapter 17.24 RCW. 85-21-003 (Order 1875), § 16-470-430, filed 10/3/85.]

**WAC 16-470-440 Chestnut quarantine—Restrictions—Requirements.** Commodities under quarantine for designated chestnut pests are prohibited entry into Washington state from areas under quarantine (see WAC 16-470-410) except as provided below:

(1) Commodities under quarantine produced in Arizona, California, Idaho, Nevada, Oregon and Utah may be shipped into Washington state: *Provided*, That each shipment is identified by proper origin certification stating the shipment originated in that state.

(2) Commodities under quarantine produced in any area of Montana, Wyoming, Colorado, New Mexico, or any states east thereof may be shipped into Washington state: *Provided*, That each shipment is accompanied by a certificate bearing original or facsimile signature of the authorized agricultural official affirming that chestnut bark disease, large chestnut weevil, small chestnut weevil, nut curculio, and oriental chestnut gall wasp are not known to occur within the production area of the origin state.

(3) Commodities under quarantine produced in any area where chestnut bark disease, large chestnut weevil, small chestnut weevil, nut curculio, and oriental chestnut gall wasp are known to occur may be shipped into Washington state: *Provided*, That the commodities under quarantine have been treated in a manner recommended by the origin department of agriculture or university extension service and approved by the department. Each shipment shall be accompanied by a certificate bearing the original or facsimile signature of the authorized agricultural official stating the commodity is free from quarantined pests, and stating in detail the treatment used.

(4) No restrictions are placed on the nuts of all species and varieties of chestnut and chinquapin that are grown in and imported from foreign countries as regulated by the United States Department of Agriculture and reshipped into Washington state when shipped in unopened, original containers.

(5) In addition to all other penalties prescribed in WAC 16-470-015, all host material listed in WAC 16-470-430 entering Washington state in violation of this

quarantine will immediately be shipped out of Washington or destroyed by the person or persons in possession of the material in a manner approved by the department at no cost to the department. [Statutory Authority: Chapter 17.24 RCW. 85-21-003 (Order 1875), § 16-470-440, filed 10/3/85.]

### Chapter 16-494 WAC

### BACTERIAL DISEASES OF BEANS

#### WAC

16-494-001	Establishing quarantine.
16-494-010	Definitions.
16-494-015	Violations and penalty.
16-494-020	Bean seed—Quarantined area.
16-494-030	Bean seed—Regulated area.
16-494-040	Repealed.
16-494-042	Conditions for planting bean seed in Washington state.
16-494-044	Inspection procedures for trial grounds.
16-494-050	Repealed.
16-494-062	Identification and disposition of diseased bean seed and infected bean fields.

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

16-494-040	Conditions. [Statutory Authority: Chapter 15.49 RCW. 80-06-114 (Order 1702), § 16-494-040, filed 5/30/80; 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.] Repealed by 85-02-050 (Order 1846), filed 12/31/84. Statutory Authority: Chapters 15.49 and 17.24 RCW.
16-494-050	Violations and penalty. [Quarantine Order 1013 (part), filed 4/1/66; Quarantine Order 1004 (part), filed 2/11/66.] Repealed by 85-02-050 (Order 1846), filed 12/31/84. Statutory Authority: Chapters 15.49 and 17.24 RCW.

**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 anthracnose disease, *Colletotrichum lindemuthianum* (Sacc. & Magn.) Scrib., Brown spot disease, *Pseudomonas syringae* (Van Hall) (only strains virulently pathogenic to *Phaseolus* sp.), Bean Bacterial Wilt *Corynebacterium flaccumfaciens* (Hedges) Dows., and any new strains or variations of the above bacterial and fungus diseases are hereinafter referred to as diseases. A quarantine will be effective in preventing the introduction of said bacterial and fungus diseases of beans, and control of the said bacterial and fungus 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: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-001, filed 12/31/84. 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 16-494-010 Definitions.** (1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(2) "Department" means the Washington state department of agriculture.

(3) "Director" means the director of the department of agriculture or his duly authorized representative.

(4) "Common bean" means *Phaseolus vulgaris* L.

(5) "Beans" means *Phaseolus* sp.

(6) "Origin" means state where specific seed lot was grown.

(7) "Approved trial grounds" means a specific parcel of land determined by mutual agreement between persons, and approved by the director. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-010, filed 12/31/84; Order 1077, § 16-494-010, filed 2/7/68; Order 1013 (part), filed 4/1/66; Order 1004 (part), filed 2/11/66.]

**WAC 16-494-015 Violations and penalty.** All violations of this chapter shall be dealt with according to the provision of RCW 17.24.100, making the violation a misdemeanor. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-015, filed 12/31/84.]

**WAC 16-494-020 Bean seed--Quarantined area.** All counties of the state of Washington, except those counties east of the crest of the Cascade Mountains, and all areas outside the state of Washington. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-020, filed 12/31/84; Order 1196, § 16-494-020, filed 4/16/71; Quarantine Order 1013 (part), filed 4/1/66; Quarantine Order 1004 (part), filed 2/11/66.]

**WAC 16-494-030 Bean seed--Regulated area.** All counties east of the crest of the Cascade Mountains. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-030, filed 12/31/84; Order 1196, § 16-494-030, filed 4/16/71; Quarantine Order 1013 (part), filed 4/1/66; Quarantine Order 1004 (part), filed 2/11/66.]

**WAC 16-494-040 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-494-042 Conditions for planting bean seed in Washington state.** (1) No beans shall be planted in the regulated area listed in WAC 16-494-030 which are found to be or are known to be contaminated with the diseases listed in WAC 16-494-001.

(2) Requirements for planting Eastern Washington grown bean seed:

(a) Bean seed must have been entered into the Washington state bean phyto-sanitary certificate inspection program or the Washington state seed certification inspection program. See WAC 16-316-327 and 16-316-270.

(b) All commercial dry beans for seed, except kidney beans, are exempt from the above: *Provided*, That the commercial dry beans pass a laboratory/greenhouse test approved by Washington State University, College of Agriculture and Home Economics, and they have not been shipped east of the Continental Divide.

(c) All commercial dry beans to be used only for dry edible purposes, except kidney beans, are exempt from (a) of this subsection: *Provided*, That the seed has never been shipped outside the state.

(3) Requirements for planting imported bean seed originating in areas west of the Continental Divide, excluding the area west of the crest of the Cascade Mountains, Hawaii and Alaska:

(a) Imported bean seed shall not be shipped, transported or moved into the regulated area listed in WAC 16-494-030 for planting unless the beans are accompanied by an origin phyto-sanitary certificate showing that the beans are free from the diseases listed in WAC 16-494-001 on the basis of at least one field inspection and one windrow inspection. 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 the seed is free from disease, based on an approved laboratory/greenhouse test of a five-pound sample from each ten thousand pounds or fraction thereof.

(b) The bean seed planted for seed increase or with intention of seed increase shall be planted in fields entered into either the Washington state bean seed phyto-sanitary certificate inspection program or the Washington state seed certification inspection program. See WAC 16-316-327 and 16-316-270.

(c) All commercial beans, except kidney beans, are exempt from (b) of this subsection: *Provided*, That the seed is accompanied by a phyto-sanitary certificate or by an official certificate issued by an approved testing agency stating the bean seed is free from the diseases listed in WAC 16-494-001, based on an approved laboratory/greenhouse test.

(4) Requirements for planting imported bean seed originating from areas east of the Continental Divide or in foreign countries or otherwise ineligible for planting in regulated areas of Washington:

(a) Bean seed must first be planted into an approved trial ground that meets the requirements of the department.

(b) Bean seed up to a maximum of one pound per variety may be planted in an approved trial ground intended for research purposes, with no restrictions, except as noted in this rule to include notification to the department of intent to plant and inspection procedures to be complied with for trial grounds (see WAC 16-494-044).

(c) Bean seed over one pound intended for introduction or seed increase must first be planted in an approved trial ground not to exceed five acres for each variety: *Provided*, That the bean seed must have first passed a laboratory/greenhouse test as approved by the Washington State University, College of Agriculture and Home Economics, notification has been given the department of intent to plant, and inspection procedures are to be complied with for trial grounds (see WAC 16-494-044).

(5) Bean seed planted for harvest as green beans for cannery or freezing that is in compliance with this quarantine is not required to be entered into an inspection program: *Provided*, That the department reserves the right to request complete listing and location of all the plantings and other information the department may deem necessary. Further, if for any reason it is decided that the plantings are not to be harvested as green beans the Seed Branch of the Department, 2015 South 1st Street, Yakima, Washington 98903, shall be notified and the plantings placed under an inspection program.

(6) 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 regulated area if, as far as is known, the beans are free of diseases.

(7) The department shall be notified in writing prior to shipping, moving or transporting of any person's intent to ship, move or transport any common beans into the regulated area listed in WAC 16-494-030. The notice of intent shall be accompanied by a copy of the phyto-sanitary certificate issued for common beans. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-042, filed 12/31/84.]

**WAC 16-494-044 Inspection procedures for trial grounds.** (1) Applications for planting in a trial ground must be submitted to the department prior to May 15 of the growing year, and accompanied with detailed varietal planting plan.

(2) A minimum of three field inspections shall be made during the growing season and one windrow inspection.

(3) A disinfectant shall be applied to machinery used in the production of bean seed and footwear of personnel inspecting prior to movement to other bean fields.

(4) If any diseases listed in WAC 16-494-001 are detected by field inspections or subsequent laboratory/greenhouse tests, then none of the seed shall be released for general planting but shall again be planted in an approved trial ground for one additional year and undergo inspection procedures by the department. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-044, filed 12/31/84.]

**WAC 16-494-050 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-494-062 Identification and disposition of diseased bean seed and infected bean fields.** (1) Any bean

seed found or known to be contaminated with disease shall not be planted in Washington state.

(2) Any bean field infected with the diseases listed in WAC 16-494-001 shall be reported within seventy-two hours after discovery to the department.

(3) The department encourages the aid of all interested parties including growers and seed company representatives in the prompt reporting of suspected infected bean fields in order that timely investigation may be made.

(4) Any bean fields within the boundaries of Washington state which show contamination of disease as provided in subsection (5) of this section shall be destroyed in part or in total as may be required to eliminate the disease, by or at the expense of the grower and/or landlord: *Provided*, That the director may authorize any other method of control at the director's discretion. The director or representative of the director shall notify the grower, seed company representatives and/or the grower's landlord of the method and extent of the destruction and safeguards against disease spread in order for the parties to comply.

(5) The true identity of a regulated disease on growing plants or plants in windrow will be based on (a) the observance of symptoms of a regulated disease, and (b) when necessary to establish identity or pathogenicity, laboratory and/or greenhouse tests to be conducted by the department in cooperation with Washington State University.

(i) In cases of disagreement concerning the presence of a regulated disease between the department plant pathologist and a qualified plant pathologist representing the commercial company or grower, the definitive verification of identity or pathogenicity shall include isolation of the suspected pathogen and inoculation of seedlings of a known susceptible host using the Washington State University approved scientific and professional techniques, the verification to be conducted in cooperation with Washington State University, College of Agriculture and Home Economics.

(ii) Until verification of the suspected pathogen as specified in this section is completed, the involved planting shall be placed under quarantine for a period of thirty days subject to review or extension as determined by the director. Entry into the quarantined area is to be restricted to the grower or grower's agents, department employees, Washington State University plant pathologists, and/or persons authorized in writing by the director. Persons granted entry into the quarantined area will be required to take all necessary sanitary precautions as prescribed by the director to safeguard against the possible spread of the suspected regulated disease.

(6) The true identity of the regulated disease when found in or on seed will be based on testing methods approved by the Washington State University, College of Agriculture and Home Economics, results of which, when positive will be evidence to identify the disease as being subject to the department's requirements unless the owner of the seed, at owner's expense, request verification of pathogenicity.

(7) Exemptions and special situations:



(a) Any field of beans, commercial or garden, first found infected during windrow inspection, is exempt from total destruction if the diseased portion and an appropriate area (not less than a fifty-foot radius) surrounding the infected site is promptly destroyed: *Provided*, That none of the remaining bean seed produced in the infected field may be replanted in Washington state.

(b) All commercial dry beans to be used only for dry edible purposes, except kidney beans, are exempt from destruction if the diseased portion of the field is destroyed and/or verification as provided in subsection (5) of this section and the crop residue is promptly and completely destroyed after harvest.

(c) Beans for processing or fresh consumption are exempt from destruction if the diseased portion of the field is destroyed or harvested within ten days after first detection and/or verification as provided in subsection (5) of this section and the crop residue is promptly and completely destroyed after harvest. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-062, filed 12/31/84.]

### Chapter 16-514 WAC

#### WASHINGTON EGG COMMISSION

##### WAC

16-514-010	Definition of terms.
16-514-020	Egg commodity board.
16-514-030	Marketing order purposes.
16-514-040	Assessments and collections.
16-514-041	Time—Place—Method for payment and collection of assessments.
16-514-050	Obligations of the board.
16-514-060	Termination of the order.
16-514-070	Effective time.
16-514-080	Separability.

**WAC 16-514-010 Definition of terms.** For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or the duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces eggs in commercial quantities for fresh shell egg market, for further processing, or for sale to processors in the state of Washington.

(6) "Commercial quantity" means any eggs produced for a market in quantities of sixty-seven thousand five hundred dozen or more, by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing eggs not produced by him/her.

(8) "Egg commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-514-020.

(9) "Eggs" means eggs from domesticated chickens which are sold for human consumption either in shell egg form or for further processing into egg products. This excludes hatching eggs intended for use by hatcheries for production of baby chicks.

(10) "Fiscal year" means the twelve-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to eggs. A producer-handler shall be deemed to be a producer with respect to the eggs which he/she produces and a handler with respect to the eggs which he/she handles, including those produced by himself/herself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means one dozen eggs.

(15) "Order" means marketing order. [Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-010, filed 9/25/85, effective 11/1/85.]

**WAC 16-514-020 Egg commodity board.** (1) ADMINISTRATION. The provisions of this marketing order and the applicable provisions of chapter 15.65 RCW shall be administered and enforced by the board as the designee of the director.

(2) BOARD MEMBERSHIP.

(a) The board shall consist of eight members. Seven members shall be affected producers or their representatives elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the state of Washington, and members shall be elected members at large.

(3) BOARD MEMBERSHIP QUALIFICATIONS. The affected producer members of the board or their representatives shall be producers of eggs and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing eggs within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) TERM OF OFFICE.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six and the member appointed by the director, position seven.

(c) The term of office for the initial board members shall be as follows:

Positions one and two – one year;

Positions three and four – two years;

Positions five, six, and seven – three years.

(d) No elected individual member of the board may serve more than two full consecutive three-year terms.

(5) **NOMINATION AND ELECTION OF BOARD MEMBERS.** Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

(6) **ELECTION OF BOARD MEMBERS.**

(a) Members of the board shall be elected by secret mail ballot within the month of October under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) **VACANCIES PRIOR TO ELECTION.** In the event of a vacancy on the board, the remaining elected members shall select a qualified person to fill the unexpired term.

(8) **QUORUM.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **BOARD COMPENSATION.** No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(10) **POWERS AND DUTIES OF THE BOARD.** The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish an "egg board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not-to-exceed one hundred dollars, shall be deposited each day.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) PROCEDURES FOR BOARD.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board. [Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-020, filed 9/25/85, effective 11/1/85.]

**WAC 16-514-030 Marketing order purposes.** The marketing order is to promote the general welfare of the state, to enable producers of eggs to help themselves establish orderly, fair, sound, efficient, unhampered marketing. To carry out the purposes of the marketing order, the board may provide for programs in the following areas:

(1) Establish plans and conduct programs for advertising, labeling, sales, promotion, and consumer education, and/or other programs for maintaining present markets and/or creating new or larger markets for eggs. Such programs shall be directed toward increasing the sale of eggs without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of eggs nor disparage the quality, value, sale, or use of any other agricultural commodity.

(2) Provide for research in the production, processing, and/or marketing of eggs and expend the necessary

funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefore, the project may be carried out by other research agencies selected by the board.

(3) Provide for marketing information and services to affected producers.

(4) Investigate and take necessary action to prevent unfair trade practices and to correct where possible, trade practices which hinder marketing of Washington produced eggs.

(5) Prohibit making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons.

(6) The board may authorize use of any money received and of any persons employed thereunder for legal proceedings, of any type and in the name of any person, directed to the enforcement of this or any other law in force in the state of Washington relating to the prevention of unfair trade practices. [Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-030, filed 9/25/85, effective 11/1/85.]

**WAC 16-514-040 Assessments and collections.** (1) **Assessments.**

(a) The assessment on all eggs shall be one-half cent per affected unit (one dozen).

(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.

(iii) For the purpose of assuring compliance with the recordkeeping requirements and verifying reports filed by producers or handlers, the director and the board through its duly authorized employees, shall have access to and the authority to audit such records.

(iv) All reports and records furnished or submitted by producers or handlers to, or obtained by the employees of, the board which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular producer or handler from whom received, shall be treated as confidential, and the reports and all information obtained from records shall not be disclosed to board members and shall at all times be kept in the custody and under the control of one or more employees of the board who shall not disclose such information to any person other than the director, or his authorized agents. Compilations of general reports from data and information submitted by producers or handlers is authorized subject to the prohibition of disclosure of individual producers' or handlers' identity or operations.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the marketing

order during or with respect to any year, may be refunded on a pro rata basis at the close of such year or at the close of such period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing 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 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 marketing 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. 85-20-042 (Order 1872), § 16-514-040, filed 9/25/85, effective 11/1/85.]

**WAC 16-514-041 Time--Place--Method for payment and collection of assessments.** The following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-514-040:

(1) All first handlers of eggs for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. All such assessments accumulated in one calendar month will be due and payable to the commission on or before the end of the following calendar month. First handlers shall submit to the commission on or before December 31 of each year, a report listing the name, address, cases handled or purchased, and amount deducted or collected for each producer on forms provided by the commission.

(2) All affected producers selling eggs other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, shall pay the assessment directly to the commission, on or before the end of the following calendar month.

(3) Any assessments paid after the above deadlines shall be accompanied by a penalty fee of ten percent as provided in RCW 15.65.440 of the act.

(4) All hatching eggs are exempt from this order. [Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-041, filed 9/25/85, effective 11/1/85.]

**WAC 16-514-050 Obligations of the board.** Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member. [Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-050, filed 9/25/85, effective 11/1/85.]

**WAC 16-514-060 Termination of the order.** The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with the director for such termination. The termination shall not, however, become effective until the expiration of the fiscal year. [Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-060, filed 9/25/85, effective 11/1/85.]

**WAC 16-514-070 Effective time.** (1) This marketing order for eggs shall become effective on or after November 1, 1985.

(2) This order shall remain in full force and effect until December 31, 1990, unless terminated prior thereto under the provisions of chapter 15.65 RCW as set forth in WAC 16-514-060: *Provided*, That if it remains in effect until December 31, 1990, the director shall conduct a referendum election as required for the approval of an order under chapter 15.65 RCW at such time prior to such date so that he may determine if the affected producers desire that the order be terminated on such date or continued in full force and effect beyond such date. All costs of conducting such election shall be defrayed from the funds of the commission. [Statutory

Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-070, filed 9/25/85, effective 11/1/85.]

**WAC 16-514-080 Separability.** If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby. [Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-080, filed 9/25/85, effective 11/1/85.]

### Chapter 16-529 WAC

#### WASHINGTON ALFALFA SEED COMMISSION

WAC

16-529-030 Board membership.

**WAC 16-529-030 Board membership.** (1) The board shall consist of eight members. Six members shall be affected producers elected as provided in WAC 16-529-020 through 16-529-120. One member shall be an affected handler elected as provided in WAC 16-529-020 through 16-529-120. The director shall appoint one member of the board who is neither an affected producer nor an affected handler to represent the department and the public.

(2) For the purpose of nomination and election of producer members of the board, the affected area of the state of Washington shall be divided into three representative districts as follows:

(a) District I shall have two board members, being Positions 1 and 2, and shall include the counties of Adams, Chelan, Douglas, Ferry, Franklin, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens.

(b) District II shall have one board member, being Position 3, and shall include the counties of Benton, Kittitas, Klickitat, and Yakima.

(c) District III shall have three board members, being Positions 4, 5, and 6, and shall include the counties of Asotin, Columbia, Garfield, Walla Walla, and Whitman.

(3) The handler member of the board shall be Position 7.

(4) The member of the board to be appointed by the director shall be Position 8. [Statutory Authority: Chapter 15.65 RCW. 85-10-015 (Order 1850), § 16-529-030, filed 4/22/85, effective 6/1/85; Order 1, Article II, § B, filed 3/13/75, effective 7/1/75.]

### Chapter 16-530 WAC

#### WASHINGTON BARLEY COMMISSION

WAC

16-530-010 Definition of terms.  
16-530-020 Barley commission.  
16-530-030 Marketing order purposes.  
16-530-040 Assessments and collection.  
16-530-050 Effective time.  
16-530-060 Separability.

**WAC 16-530-010 Definition of terms.** As used in this marketing order, the following terms shall have the following meanings:

(1) "Director" means the director of agriculture of the state of Washington or the director's duly appointed representatives.

(2) "Act" means the Washington Agriculture Enabling Act of 1955 or chapter 15.66 RCW.

(3) "Person" includes any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals.

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market, in commercial quantities, barley grown in the designated affected area of the state of Washington.

(5) "Commercial quantities" shall mean and include twenty tons produced for market in any calendar year by any producer.

(6) "Barley" means and includes all kinds and varieties of barley grown in the state of Washington.

(7) "Barley commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-530-020 of this marketing order.

(8) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning July 1 of any year and ending upon the last day of June, the following year, both dates inclusive.

(9) "Handler" means any person engaged in the business of handling, selling, processing, shipping, or distributing barley which he/she has purchased or acquired from a producer, or which he/she is shipping for or on behalf of a producer, and shall include any lending agency for a commodity credit corporation loan to producers.

(10) "Commercial channels" means the sale of barley for use as food, feed, seed or any industrial or chemurgic use, when sold to any commercial buyer, dealer, processor, cooperative, or to any person, public or private, who resells any barley, or products produced from barley.

(11) "Affected area" shall mean and include the following counties located in the state of Washington: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima. [Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-010, filed 5/22/85, effective 7/1/85.]

**WAC 16-530-020 Barley commission.** (1) Establishment and membership. A barley commission is hereby established to administer this marketing order and shall be composed of five members who shall be producers elected as provided in this section and two members who shall be appointed by the elected producer members. In addition, the director shall be an ex officio member of the commission.

(2) Representative districts. The affected area shall be divided into the five following districts:

(a) District I shall have one commission member, and shall include the counties of Chelan, Douglas, Ferry, Grant, Okanogan, Spokane, Stevens, and Pend Oreille.

(b) District II shall have one commission member, and shall include Whitman county.

(c) District III shall have one commission member, and shall include the counties of Asotin, Benton, Columbia, Garfield, and Walla Walla.

(d) District IV shall have one commission member, and shall include the counties of Adams, Franklin, Kittitas, Klickitat, and Yakima.

(e) District V shall have one commission member, and shall include Lincoln county.

(f) Each district shall nominate one or more nominees, but elect one commission member only.

(3) Membership qualifications. Commission members shall be citizens and residents of this state, over the age of twenty-five years. Producer members of the commission shall be producers of barley in the district in and for which they are nominated and elected. The qualifications of producer members of the commission as herein set forth must continue during their term of office.

(4) Term of office—Initial commission. The term of office of commission members shall be three years from the date of their election and until their successors are elected and qualified. The terms of office for the initial commission members shall be as follows:

District I shall terminate December 31, 1986.

Districts II and III shall terminate December 31, 1987.

Districts IV and V shall terminate December 31, 1988.

One appointed member's term shall terminate December 31, 1986.

The second appointed member's term shall terminate December 31, 1988.

The appointed members of the initial commission shall be elected by a majority of the elected commissioners on or before the adjournment of its third meeting.

(5) Nomination and election of commission members.

(a) Nomination and election of commission members shall be as set forth in the act and specified by the director. Dates will be set as follows:

(i) Nominating petitions shall be mailed not earlier than September 17 and not later than October 2 of each year in the district wherein a vacancy will occur. Nominating petitions shall be signed by not less than five affected producers of the district from which such a candidate will be elected.

(ii) Final date for filing of nominating petitions to the director shall not be earlier than October 8 and not later than October 13 of each year.

(iii) Ballots will be mailed to all producers in the district wherein a vacancy will occur, not earlier than October 18 and not later than November 2 of each year.

(iv) Ballots shall be returned not later than December 2 of such year.

(b) With respect to the initial barley commission, the director shall call for nominations and elections as soon

as practical after passage of the referendum. The ballot for the election of commissioners shall be secret.

(c) When only one nominee is nominated for any position on the board, the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

(6) Vacancies. In the event of a vacancy in an elected or appointed position on the commission, the remaining elected members of the commission shall select a qualified person to fill the unexpired term, at its first meeting after the occurrence of the vacancy.

(7) Powers and duties of commission. The commission shall have the following powers and duties:

(a) To elect a chairman and such other officers as determined advisable.

(b) To adopt, rescind and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under the marketing order.

(c) To administer, enforce, direct, and control the provisions of the marketing order and of this chapter relating thereto.

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same.

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same.

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of this chapter and of the marketing order.

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by legal agencies of the state and make annual reports therefrom to the state auditor.

(h) Borrow money and incur indebtedness.

(i) Make necessary disbursements for routine operating expenses.

(j) Such other powers and duties that are necessary to carry out the purposes of this chapter.

(k) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with, and to effectuate the purposes of the act, and this marketing order.

(l) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year.

(m) To accept and receive gifts and grants and expend same.

(8) Procedure for commission.

(a) The commission shall, by resolution, establish a headquarters which shall continue as such unless and

until so changed by the commission at which headquarters shall be kept the books, records and minutes of the commission meetings.

(b) The commission shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by the resolution of the commission.

(c) The commission shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the barley commission at least ten days prior to the meeting, through the regular news media.

(d) The commission shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: *Provided, however*, That the notice of any special meeting may be waived by a waiver thereof signed by each member thereof.

(e) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(f) A quorum of the commission shall consist of at least five members.

(g) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall receive an amount not to exceed the amount specified in RCW 15.66.130 as it exists now or as hereafter amended, for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expenses allowed by law to state employees. [Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-020, filed 5/22/85, effective 7/1/85.]

**WAC 16-530-030 Marketing order purposes.** Purposes. The marketing order for barley is to promote the general welfare of the state, to enable the producers of barley to help themselves establish orderly, fair, sound, efficient, unhampered marketing, grading and standardization of barley.

(1) To establish plans and conduct programs for advertising, education and sales promotion, to maintain present markets or to create new or larger markets for barley grown in the state of Washington.

(2) To provide for carrying on research studies to find more efficient methods of production, processing, handling and marketing barley.

(3) To provide for improving standards and grades of barley by defining, establishing and providing labeling requirements with respect to the same.

(4) To investigate and take necessary action to prevent unfair trade practices. [Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-030, filed 5/22/85, effective 7/1/85.]

**WAC 16-530-040 Assessments and collection.** (1) Assessments. The assessment on barley shall be one-half of one percent of the net receipts at the first point of sale. The assessment shall be levied and paid by the producer, or deducted, as provided in this section, whether the barley is sold in this or any other state.

(2) Collection of assessments. The collection of the assessment made and levied by the barley commission, pursuant to the provisions of the act, shall be paid by the producer thereof upon all commercial quantities of barley sold, under any or all of the methods of collection set forth in RCW 15.66.150, in accordance with rules and regulations to be promulgated by the barley commission: *Provided, however*, That no assessment shall be levied or collected on barley grown and used by the producer for feed, seed, or personal consumption.

(3) Funds. All moneys collected by the barley commission shall be used only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and the barley marketing order.

At the end of each fiscal year, the commission shall credit each producer with any amount paid by such producer in excess of the assessment rate. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director. [Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-040, filed 5/22/85, effective 7/1/85.]

**WAC 16-530-050 Effective time.** This marketing order for barley shall become effective on and after July 1, 1985. [Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-050, filed 5/22/85, effective 7/1/85.]

**WAC 16-530-060 Separability.** If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstance or thing shall not be affected thereby. [Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-060, filed 5/22/85, effective 7/1/85.]

## Chapter 16-540 WAC

### MINT

#### WAC

16-540-040 Assessments and collections.

**WAC 16-540-040 Assessments and collections.** (1) Assessments.

(a) The fixed annual assessment on all varieties of mint oil subject to this marketing order shall be three and one-half cents per pound of oil as weighed by first purchaser.

(b) First purchasers shall collect assessments at time of payment for oil, 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 oil direct to handlers outside of the state of Washington shall remit assessments to the board at time of shipment.

(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. However, if at the end of any fiscal year, the unexpended moneys on deposit with the board shall exceed the total assessments received during that fiscal year, no assessment shall be levied during the next succeeding fiscal year.

(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. 84-10-046 (Order 1823), § 16-540-040, filed 5/2/84; Order 1406, § 16-540-040, filed 7/23/75; Article IV, §§ A-C, filed 12/20/66, effective 2/1/67.]

### Chapter 16-555 WAC

#### WASHINGTON STRAWBERRY COMMISSION

##### WAC

16-555-010	Definition of terms.
16-555-020	Strawberry commodity board.
16-555-030	Marketing order purposes.
16-555-040	Assessments and collections.
16-555-041	Time—Place—Method for payment and collection of assessments.
16-555-050	Obligations of the board.
16-555-060	Termination of the marketing order.
16-555-070	Effective time.
16-555-080	Separability.

**WAC 16-555-010 Definition of terms.** For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or the director's duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces strawberries in commercial quantities in that portion of the state of Washington located west of the summit of the Cascade Mountains for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any strawberries produced for a market in quantities of ten thousand pounds or more, by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, storing, freezing, or distributing strawberries not produced by him.

(8) "Strawberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-555-020.

(9) "Strawberries" means and includes all kinds, varieties, and hybrids of "FRAGARIA-X-ANANASSA" grown and marketed in the state of Washington.

(10) "Marketing season" or "fiscal year" means the twelve-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to strawberries. A producer-handler shall be deemed to be a producer with respect to the strawberries which he/she produces and a handler with respect to the strawberries which he/she handles, including those produced by himself/herself.

(12) "Affected area" means that portion of the state of Washington located west of the summit of the Cascade Mountains.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means one pound net of strawberries. [Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-010, filed 5/14/85.]

**WAC 16-555-020 Strawberry commodity board.** (1) ADMINISTRATION. The provisions of this marketing order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

##### (2) BOARD MEMBERSHIP.

(a) The board shall consist of six members. Five members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be that portion of the state of Washington located west of the summit of the Cascade Mountains and shall be divided into three representative districts as follows:

(i) District I shall have two board members, being Positions 1 and 2, and shall include the counties of Island, San Juan, Skagit, and Whatcom.



(ii) District II shall have two board members, being Positions 3 and 4, and shall include the counties of King, Clallam, Jefferson, Kitsap, Pierce, and Snohomish.

(iii) District III shall have one board member, being Position 5, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum, Grays Harbor, Mason, and Thurston.

(3) BOARD MEMBERSHIP QUALIFICATIONS. The affected producer members of the board shall be practical producers of strawberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing strawberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) TERM OF OFFICE.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through five and the member appointed by the director, position six.

(c) The term of office for the initial board members shall be as follows:

Position one - shall terminate on August 31, 1986;

Positions three and five - shall terminate on August 31, 1987;

Positions two and four - shall terminate on August 31, 1988.

(d) No elected member of the board may serve more than two full consecutive three-year terms.

(5) NOMINATION AND ELECTION OF BOARD MEMBERS. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

When only one nominee is nominated for any position on the board, the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

(6) ELECTION OF BOARD MEMBERS.

(a) Members of the board shall be elected by secret mail ballot within the month of May under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) VACANCIES PRIOR TO ELECTION. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) QUORUM. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) BOARD COMPENSATION. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) POWERS AND DUTIES OF THE BOARD. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the marketing order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments, contributions, or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the marketing order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in marketing order to defray the costs of formulating the marketing order.

(f) To establish a "strawberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved

for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, shall be deposited each day or as often as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each calendar year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each calendar year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the marketing order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the marketing order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

#### (11) PROCEDURES FOR BOARD.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting.

Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular news services.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board. [Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-020, filed 5/14/85.]

**WAC 16-555-030 Marketing order purposes.** The marketing order is to promote the general welfare of the state, to enable producers of strawberries to help themselves facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry. To carry out the purposes of the marketing order, the board may provide for a program in one or more of the following areas:

(1) Provide for research in the production, processing, and/or marketing of strawberries and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research entity has better facilities therefor, the project may be carried out by other research entities selected by the board.

(2) Provide for marketing information and services to affected producers, for the verification of grades, standards, weights, tests, and sampling of quality and quantity of strawberries purchased by handlers from affected producers and for the purpose of facilitating the efficient marketing of strawberries.

(3) Prohibit and/or otherwise regulate any one or more or all of the practices listed to the extent that such practices affect, directly or indirectly, strawberries or any product thereof, but only with respect to persons who engage in such practices with the intent of or with the reasonably foreseeable effect of inducing any purchaser to become his/her customer or his/her supplier or of otherwise dealing or trading with him or of diverting trade from a competitor, to wit:

(a) Paying rebates, commissions or unearned discounts;

(b) Unfairly extending privileges or benefits (pertaining to price, to credit, to the loan, lease or giving away of facilities, equipment or other property or to any other matter or thing) to any customer, supplier or other person;

(c) Discriminating between customers, or suppliers of a like class;

(d) Making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons.

(4) The board may authorize use of any money received and of any persons employed thereunder for legal proceedings, of any type and in the name of any person, directed to the enforcement of this or any other law in

force in the state of Washington relating to the prevention of unfair trade practices. [Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-030, filed 5/14/85.]

**WAC 16-555-040 Assessments and collections. (1) Assessments.**

(a) The annual assessment on all varieties of strawberries shall be one-fourth 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 marketing 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 this marketing 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 marketing 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. 85-11-030 (Order 1856), § 16-555-040, filed 5/14/85.]

**WAC 16-555-041 Time--Place--Method for payment and collection of assessments.** Effective with the

growing season of 1985, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-555-040:

(1) All first handlers of strawberries for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. Where the first handler does not remit proceeds to the producer, the first handler shall include in his/her bill for services the assessment due and upon payment by the producer shall remit same to the commission. All such assessments accumulated will be due and payable to the commission on or before September 30 of each year, a report listing the name, address, pounds handled or purchased, and amount deducted or collected for each producer on forms provided by the commission.

(2) All growers selling strawberries other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, including u-pick, shall pay the assessment directly to the commission, on or before September 30 of each year.

(3) All growers having strawberries in cold storage that are not sold on September 15 of each year, shall compute the assessment due on such berries and pay same to the commission by September 30 of each year.

(4) Any assessments paid after the above deadlines shall be accompanied by a penalty fee of ten percent as provided in RCW 15.65.440 of the act. [Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-041, filed 5/14/85.]

**WAC 16-555-050 Obligations of the board.** Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this marketing order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this marketing order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member. [Statutory Authority: Chapter 15.65

RCW. 85-11-030 (Order 1856), § 16-555-050, filed 5/14/85.]

**WAC 16-555-060 Termination of the marketing order.** The marketing order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with the director for such termination. The termination shall not, however, become effective until the expiration of the marketing season. [Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-060, filed 5/14/85.]

**WAC 16-555-070 Effective time.** The marketing order for strawberries shall become effective on and after June 15, 1985. [Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-070, filed 5/14/85.]

**WAC 16-555-080 Separability.** If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby. [Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-080, filed 5/14/85.]

#### Chapter 16-560 WAC

#### WASHINGTON TREE FRUIT RESEARCH COMMISSION

WAC

16-560-06001 Assessment rates.

**WAC 16-560-06001 Assessment rates.** There is hereby levied on all commercial tree fruit produced in this state or held out as being produced in this state for fresh or processing use, an assessment of twenty-five cents per ton on all such tree fruit: *Provided*, That such assessment for cherries shall be two dollars per ton: *Provided further*, That such assessment for apples for fresh shipment shall be at the rate of one and one-quarter cents per hundred pounds gross billing weight.

There is hereby established pursuant to RCW 15.26-.155 an additional assessment for an industry services fund for programs related to sanitation, planting, production, harvesting, handling, processing and shipping. The assessment shall be set annually by the commission, upon approval of two-thirds of the voting members of the commission, to create and maintain this fund at or near one hundred thousand dollars. If this fund should inadvertently exceed one hundred thousand dollars due to larger crops than estimated or the addition of interest

earned, the excess shall be credited to the following year's fund.

In consideration of maintaining this industry services fund, the commission shall annually consult with the affected industry and grower organizations. [Statutory Authority: RCW 15.26.155. 85-10-005 (Order 7, Resolution No. 7), § 16-560-06001, filed 4/19/85. Statutory Authority: RCW 15.26.140. 80-05-091 (Order 6, Resolution 6), § 16-560-06001, filed 5/1/80; Order 5, § 16-560-060 (codified as WAC 16-560-06001), filed 3/8/74.]

#### Chapter 16-565 WAC

#### WASHINGTON CRANBERRY COMMISSION

WAC

16-565-010 Definition of terms.  
16-565-020 Cranberry commodity board.  
16-565-040 Assessments and collections.

**WAC 16-565-010 Definition of terms.** For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces cranberries in the state of Washington, in commercial quantities for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any cranberries produced for a market, by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing cranberries not produced by him.

(8) "Cranberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-565-020.

(9) "Cranberries" means and includes all kinds, varieties, and hybrids of "*vaccinium macrocarpon*" grown and marketed in the state of Washington.

(10) "Fiscal year" means the twelve-month period beginning with September 1 of any year and ending with the last day of August following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to cranberries. A producer-handler shall be deemed to be a producer with respect to the cranberries which he produces and a handler with respect to the cranberries which he handles, including those produced by himself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade, other than those sold retail by the producer.

(14) "Affected unit" means one hundred pounds (barrel) net of cranberries.

(15) "Substantial portion" means five percent or more.

(16) "Order" means marketing order. [Statutory Authority: RCW 15.65.380. 85-15-018 (Order 1864), § 16-565-010, filed 7/8/85. Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-010, filed 9/12/80, effective 10/13/80.]

**WAC 16-565-020 Cranberry commodity board.** (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of eight members. Seven members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the state of Washington and shall be divided into three representative districts as follows:

District I shall have two board members, being Positions 1 and 2, and shall comprise that portion of Pacific County lying south of the Willapa River.

District II shall have four board members, being Positions 3, 4, 5, and 6, and shall comprise that portion of Pacific County and that portion of Grays Harbor County lying between the Willapa River and the Chehalis River.

District III shall have one board member, being Position 7, and shall comprise the rest of the state.

(3) **Board membership qualifications.** The affected producer members of the board shall be practical producers of cranberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing cranberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) **Term of office.**

(a) The term of office for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven and the member appointed by the director, position eight.

(c) The term of office for the initial board members shall be as follows:

Positions one and three – one year;

Positions four and five – two years;

Positions two, six, seven, and eight – three years.

(d) No elected member of the board may serve more than two full consecutive three-year terms.

(5) **Nomination and election of board members.** Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

(6) **Election of board members.**

(a) Members of the board shall be elected by secret mail ballot within the month of June under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member may receive per diem in accordance with RCW 15.65.270 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To accept grants and gifts and expend the same consistent with the policies and purpose of this order.

(f) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(g) To establish a "cranberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as advisable.

(h) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(i) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(j) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(k) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(l) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(m) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(n) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him/her by the act or the order.

(o) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

**(11) Procedures for board.**

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board. [Statutory Authority: RCW 15.65.380, 85-15-018 (Order 1864), § 16-565-020, filed 7/8/85. Statutory Authority: Chapter 15.65 RCW, 80-13-037 (Order 1713), § 16-565-020, filed 9/12/80, effective 10/13/80.]

**WAC 16-565-040 Assessments and collections. (1) Assessments.**

(a) The annual assessment on all varieties of cranberries shall be ten cents per affected unit (100 lbs.).

(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. 84-12-041 (Order 1828), § 16-565-040, filed 5/31/84, effective 7/1/84; 80-13-037 (Order 1713), § 16-565-040, filed 9/12/80, effective 10/13/80.]

**Chapter 16-620 WAC  
RELATING TO BRAND INSPECTION**

WAC

- 16-620-110 Fee for filing.
- 16-620-115 Lien list subscription fee.

**WAC 16-620-110 Fee for filing.** For the purpose of filing an effective financing statement which includes a security interest in livestock situated in this state, the fee to be paid to the department by the secured party shall be twelve dollars and fifty cents. This fee will be reviewed on an annual basis. [Statutory Authority: 1985 c 412. 85-24-015 (Order 1874), § 16-620-110, filed 11/25/85.]

**WAC 16-620-115 Lien list subscription fee.** The department shall regularly publish a listing of the effective financing statements on file and shall furnish these listings only on a subscription basis for a fee of twenty-four dollars per year. This fee will be reviewed on an annual basis. [Statutory Authority: 1985 c 412. 85-24-015 (Order 1874), § 16-620-115, filed 11/25/85.]

**Chapter 16-657 WAC  
RETAIL PRICING OF MOTOR AND HEATING  
FUEL**

WAC

- 16-657-040 Posting of alcohol blend gasolines.

**WAC 16-657-040 Posting of alcohol blend gasolines.** (1) All retail motor fuel devices dispensing alcohol blend gasolines shall state on the face of the device that alcohol ingredients are contained therein. The statement shall disclose what alcohol products are included, i.e., methyl alcohol, ethyl alcohol, and the percentage of alcohol that is contained therein. The statement shall be conspicuously posted in gothic letters at least one inch in height in contrasting letters, in a location as to be easily seen by consumers and in the following format:

CONTAINS \_\_\_\_\_% ethyl/methyl ALCOHOL

(2) The percentage of alcohol disclosed on the dispensing device shall be the ratio between the amount of ethyl alcohol, or methyl alcohol including co-solvents or proprietary inhibitors, or any other alcohol, to the total product volume. [Statutory Authority: Chapter 19.94 RCW. 84-12-040 (Order 1829), § 16-657-040, filed 5/30/84.]

**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>	
Austrian fieldcress	Rorippa austriaca
Austrian peaweed	Sphaerophysa salsula
Baby's Breath	Gypsophila paniculata
Bindweed, field	Convolvulus arvensis
Bindweed, hedge	Convolvulus sepium
Blue Lettuce	Lactuca pulchella
Blueweed, Texas	Helianthus ciliaris
Bracken, western	Pteridium aquilinum
Camelthorn	Alhagi camelorum
Canada Thistle	Cirsium arvense
Dalmation Toadflax	Linaria dalmatica
Gorse	Ulex europaeus
Hairy whitetop	Cardaria pubescens
Hoary Cress or White Top	Cardaria draba
Hydrilla	Hydrilla verticillata
Johnsongrass	Sorghum halepense
Knapweed, complex	Centaurea spp.
Leafy Spurge	Euphorbia esula
Lupine, broadleaf	Lupinus latifolius
Lupine, grassland	Lupinus laxiflorus
Lupine, low	Lupinus pusillus
Lupine, sabin's	Lupinus sabinii
Lupine, silky	Lupinus sericeus
Lupine, sulfur	Lupinus sulphureus
Lupine, tailcup	Lupinus caudatus
Lupine, velvet	Lupinus leucophyllus
Nightshade, bitter	Solanum dulcamara
Nightshade, silverleaf	Solanum elaeagnifolium

English or Common Name	Botanical or Scientific Name
Nutsedge, yellow	Cyperus esculentus
Oxeye Daisy	Chrysanthemum leucanthemum
Pepperweed, perennial	Lepidium latifolium
Poison Ivy	Rhus radicans L.
Poison Oak, Pacific	Rhus diversiloba
Quackgrass	Agropyron repens
Rush Skeletonweed	Chondrilla juncea
St. Johnswort	Hypericum perforatum
Scotch Broom	Cytisus scoparius
Sowthistle, perennial	Sonchus arvensis
Tansy, common	Tanacetum vulgare
Waterhemlock, western	Cicuta douglasii
Watermilfoil, Eurasian	Myriophyllum spicatum
Wormwood, Absinthe	Artemisia absinthium
Yellow Toadflax	Linaria vulgaris

**Biennial Weeds**

Bull Thistle	Cirsium vulgare
Houndstongue	Cynoglossum officinale
Knapweed, spotted	Centaurea maculosa
Musk Thistle	Carduus nutans L.
Plumeless Thistle	Carduus acanthoides
Poison Hemlock	Conium maculatum
Scotch Thistle	Onopordum acanthium
Tansy Ragwort	Senecio jacobaea
Wild carrot or Queen Annes lace	Daucus carota

**Annual Weeds**

Cocklebur	Xanthium spp.
Dodder	Cuscuta spp.
Goatgrass, jointed	Aegilops cylindrica
Hemp (Marijuana)	Cannabis sativa
Kochia	Kochia scoparia
Medusahead	Taeniatherum asperum
Puncturevine	Tribulus terrestris
Rye	Secale cereale L.
Sandbur, longspine	Cenchrus longispinus
Yellow Starthistle	Centaurea solstitialis

[Statutory Authority: RCW 17.10.080. 85-07-003 (Order 16, Resolution No. 16), § 16-750-010, filed 3/7/85; 84-06-047 (Order 15, Resolution No. 15), § 16-750-010, filed 3/6/84; 83-07-042 (Order 14, Resolution No. 14), § 16-750-010, filed 3/17/83; 82-06-045 (Order 13, Resolution No. 13), § 16-750-010, filed 3/3/82. Statutory Authority: Chapter 17.10 RCW. 81-07-039 (Order 12, Resolution No. 12), § 16-750-010, filed 3/13/81; 80-03-075 (Order 11, Resolution No. 11), § 16-750-010, filed 2/29/80; 78-06-014 (Order 10, Resolution No. 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	Amount of assessments.
24-12-010	Collection of accounts.
24-12-012	Collection of accounts.
24-12-090	Repealed.

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

24-12-090	Collection of assessments. [Order 6, § 24-12-090, filed 11/14/77.] Repealed by 84-20-002 (Order 16), filed 9/20/84. Statutory Authority: RCW 15.24.070(1).
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**WAC 24-12-010 Amount of assessments.** There is hereby levied upon all fresh apples grown annually in this state, and upon all apples packed as Washington apples, an assessment of 32.6 cents on each one hundred pounds gross billing weight. Assessments shall be payable as provided in WAC 24-12-012, 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 assessments:

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). 84-20-002 (Order 16), § 24-12-010, filed 9/20/84; 82-20-073 (Order 13), § 24-12-010, filed 10/6/82. Statutory Authority: RCW 15.24.070(1) and 15.24.090. 81-16-011 (Order 9), § 24-12-010, filed 7/27/81. 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.]

**WAC 24-12-012 Collection of accounts.** (1) The commission shall obtain from the department of agriculture a record of all shipments of fresh apples and shall from this record periodically invoice all apple dealers and handlers shown thereon for assessments on apples