

(b) Qualifying work experience must be of a type and at a level equivalent to that performed in public accounting practice and must regularly involve the exercise of independent judgment and the application of the appropriate technical and behavioral standards.

(4) **Experience affidavit:** The experience claimed by an applicant shall be verified by the certified public accountant or firm of certified public accountants supervising the applicant on an experience affidavit form provided by the board.

(5) **Examination of experience documentation:**

(a) Any licensee who has furnished evidence of an applicant's experience to the board shall upon request by the board explain in writing or in person the information so provided.

(b) The board may require an interview or an inspection of documentation relating to an applicant's experience. Any licensee having custody of such documentation shall produce it upon request by the board.

(c) Any licensee who refuses to provide the evidence or documentation of the applicant's experience, requested by an applicant or by the board, shall upon request by the board explain in writing or in person the basis for such refusal.

(6) **Reciprocity:** An applicant who applies for initial license in this state shall be required to document experience obtained in another jurisdiction which is equivalent to the requirements of this state.

[Statutory Authority: RCW 18.04.055(9) and 18.04.215(a). 91-21-005, § 4-25-190, filed 10/3/91, effective 11/3/91. Statutory Authority: RCW 18.04.215 (1)(a). 88-06-021 (Order ACB-146), § 4-25-190, filed 2/25/88.]

Title 16 WAC

AGRICULTURE, DEPARTMENT OF

Chapters

- 16-08 Practice and procedure.
- 16-22 Custom meat slaughterers and handling of custom meat food animal carcasses at meat handling establishments.
- 16-23 Custom meat facilities.
- 16-80 Pseudorabies in swine.
- 16-104 Shell eggs--Standards, grades and weight classes.
- 16-122 Milk vendors.
- 16-124 Licensed testers, weighers, samplers and graders.
- 16-126 Milk and cream--Buying in bulk.
- 16-146 Food processors.
- 16-154 Organic crop production standards.
- 16-156 Organic producer and transition to organic producer certification.
- 16-158 Processed organic foods--Certification and labeling.
- 16-160 Registration of materials for organic food production.

- 16-212 Grain, hay, beans and peas--Inspection fees.
- 16-228 Pesticide regulations.
- 16-230 Use of chemicals and chemically treated materials in certain counties.
- 16-231 Restricted use herbicides.
- 16-232 Restricted use herbicides in certain counties.
- 16-304 Sampling and testing of seeds.
- 16-316 Seed certification.
- 16-324 Rules for the certification of seed potatoes.
- 16-333 Rules and standards for certification of plants.
- 16-354 Hop rootstocks--Certification.
- 16-470 Quarantine--Agricultural pests.
- 16-471 Chrysanthemum white rust disease.
- 16-481 Grape phylloxera.
- 16-482 Seed potato quarantine.
- 16-483 Grape virus quarantine.
- 16-484 Narcissus bulb nematode.
- 16-486 Australia and Tasmania apple quarantine.
- 16-487 Peach yellow, peach rosette and little peach disease.
- 16-494 Bacterial diseases of beans.
- 16-495 Annual bluegrass quarantine.
- 16-497 Hop disease quarantine.
- 16-528 Wheat.
- 16-532 Hops.
- 16-557 Washington asparagus commission.
- 16-560 Washington tree fruit research commission.
- 16-603 Aquaculture identification requirements.
- 16-605A Certified feed lots.
- 16-620 Relating to brand inspection.
- 16-674 Weights and measures--Sealing, marking, retesting devices.
- 16-694 Agricultural products--Commission merchants, dealers, brokers, buyers, agents--License fees.
- 16-750 State noxious weed list and schedule of monetary penalties.
- 16-752 Noxious weed control.

**Chapter 16-08 WAC
PRACTICE AND PROCEDURE**

WAC

- 16-08-001 Repealed.
- 16-08-002 Definitions.
- 16-08-010 Repealed.
- 16-08-011 Adoption of model rules of procedure.
- 16-08-020 Repealed.
- 16-08-021 Presiding officer.
- 16-08-031 Application for adjudicative proceeding.
- 16-08-040 Repealed.
- 16-08-041 Settlement.
- 16-08-050 Repealed.
- 16-08-051 Discovery--Authority of presiding officer.
- 16-08-060 Repealed.
- 16-08-061 Depositions in adjudicative proceedings--Right to take.
- 16-08-070 Repealed.
- 16-08-071 Depositions in adjudicative proceedings--Scope.
- 16-08-080 Repealed.

- 16-08-081 Depositions in adjudicative proceedings—Officer before whom taken.
- 16-08-090 Repealed.
- 16-08-091 Depositions in adjudicative proceedings—Notice.
- 16-08-100 Repealed.
- 16-08-101 Depositions and interrogatories in adjudicative proceedings—Protection of parties and deponents.
- 16-08-110 Repealed.
- 16-08-111 Depositions in adjudicative proceedings—Use and effect.
- 16-08-120 Repealed.
- 16-08-121 Depositions in adjudicative proceedings—Fees of officers and deponents.
- 16-08-130 Repealed.
- 16-08-131 Adjudicative proceedings—Petition for review and replies.
- 16-08-140 Repealed.
- 16-08-141 Brief adjudicative proceedings.
- 16-08-150 Repealed.
- 16-08-151 Emergency adjudicative proceedings.
- 16-08-160 Repealed.
- 16-08-161 Conversion of proceedings.
- 16-08-170 Repealed.
- 16-08-171 Documents—Filing.
- 16-08-180 Repealed.
- 16-08-190 Repealed.
- 16-08-200 Repealed.
- 16-08-210 Repealed.
- 16-08-220 Repealed.
- 16-08-230 Repealed.
- 16-08-240 Repealed.
- 16-08-250 Repealed.
- 16-08-260 Repealed.
- 16-08-270 Repealed.
- 16-08-280 Repealed.
- 16-08-290 Repealed.
- 16-08-300 Repealed.
- 16-08-310 Repealed.
- 16-08-320 Repealed.
- 16-08-330 Repealed.
- 16-08-340 Repealed.
- 16-08-350 Repealed.
- 16-08-360 Repealed.
- 16-08-370 Repealed.
- 16-08-380 Repealed.
- 16-08-390 Repealed.
- 16-08-400 Repealed.
- 16-08-410 Repealed.
- 16-08-420 Repealed.
- 16-08-430 Repealed.
- 16-08-440 Repealed.
- 16-08-450 Repealed.
- 16-08-460 Repealed.
- 16-08-470 Repealed.
- 16-08-480 Repealed.
- 16-08-490 Repealed.
- 16-08-500 Repealed.
- 16-08-510 Repealed.
- 16-08-520 Repealed.
- 16-08-530 Repealed.
- 16-08-540 Repealed.
- 16-08-550 Repealed.
- 16-08-560 Repealed.
- 16-08-570 Repealed.
- 16-08-580 Repealed.
- 16-08-590 Repealed.
- 16-08-020 Appearance and practice before department of agriculture—Appearance in certain proceedings may be limited to attorneys. [Order 793, Regulation .08.020, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-040 Appearance and practice before department of agriculture—Standards of ethical conduct. [Order 793, Regulation .08.040, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-050 Appearance and practice before department of agriculture—Appearance by former employee of agency or former member of attorney general's staff. [Order 793, Regulation .08.050, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-060 Appearance and practice before department of agriculture—Former employee as expert witness. [Order 793, Regulation .08.060, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-070 Computation of time. [Order 793, Regulation .08.070, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-080 Notice and opportunity for hearing in contested cases. [Order 793, Regulation .08.080, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-090 Service of process—By whom served. [Order 793, Regulation .08.090, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-100 Service of process—Upon whom served. [Order 793, Regulation .08.100, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-110 Service of process—Service upon parties. [Order 793, Regulation .08.110, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-120 Service of process—Method of service. [Order 793, Regulation .08.120, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-130 Service of process—When service complete. [Order 793, Regulation .08.130, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-140 Service of process—Filing with agency. [Order 793, Regulation .08.140, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-150 Subpoenas—Form. [Order 793, Regulation .08.150, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-160 Subpoenas—Issuance to parties. [Order 793, Regulation .08.160, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-170 Subpoenas—Service. [Order 793, Regulation .08.170, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-180 Subpoenas—Fees. [Order 793, Regulation .08.180, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-190 Subpoenas—Proof of service. [Order 793, Regulation .08.190, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-08-001 Promulgation. [Order 793, Promulgation, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-010 Appearance and practice before department of agriculture—Who may appear. [Order 793, Regulation .08.010, effective 9/29/59.] Repealed by 91-23-051,

- 16-08-200 Subpoenas—Quashing. [Order 793, Regulation .08.200, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-210 Subpoenas—Enforcement. [Order 793, Regulation .08.210, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-220 Subpoenas—Geographical scope. [Order 793, Regulation .08.220, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-230 Depositions and interrogatories in contested cases—Right to take. [Order 793, Regulation .08.230, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-240 Depositions and interrogatories in contested cases—Scope. [Order 793, Regulation .08.240, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-250 Depositions and interrogatories in contested cases—Officer before whom taken. [Order 793, Regulation .08.250, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-260 Depositions and interrogatories in contested cases—Authorization. [Order 793, Regulation .08.260, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents. [Order 793, Regulation .08.270, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination. [Order 793, Regulation .08.280, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-290 Depositions and interrogatories in contested cases—Recordation. [Order 793, Regulation .08.290, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-300 Depositions and interrogatories in contested cases—Signing attestation and return. [Order 793, Regulation .08.300, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-310 Depositions and interrogatories in contested cases—Use and effect. [Order 793, Regulation .08.310, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents. [Order 793, Regulation .08.320, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-330 Depositions upon interrogatories—Submission of interrogatories. [Order 793, Regulation .08.330, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-340 Depositions upon interrogatories—Interrogation. [Order 793, Regulation .08.340, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-350 Depositions upon interrogatories—Attestation and return. [Order 793, Regulation .08.350, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-360 Depositions upon interrogatories—Provisions of deposition rule. [Order 793, Regulation .08.360, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-370 Official notice—Matters of law. [Order 793, Regulation .08.370, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-380 Official notice—Material facts. [Order 793, Regulation .08.380, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-390 Presumptions. [Order 793, Regulation .08.390, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-400 Stipulations and admissions of record. [Order 793, Regulation .08.400, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-410 Form and content of decisions in contested cases. [Order 793, Regulation .08.410, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-420 Definition of issues before hearing. [Order 793, Regulation .08.420, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-430 Prehearing conference rule—Authorized. [Order 793, Regulation .08.430, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-440 Prehearing conference rule—Record of conference action. [Order 793, Regulation .08.440, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-450 Submission of documentary evidence in advance. [Order 793, Regulation .08.450, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-460 Excerpts from documentary evidence. [Order 793, Regulation .08.460, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Order 793, Regulation .08.470, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. [Order 793, Regulation .08.480, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. [Order 793, Regulation .08.490, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 16-08-470 or 16-08-480. [Order 793, Regulation .08.500, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-510 Continuances. [Order 793, Regulation .08.510, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-520 Rules of evidence—Admissibility criteria. [Order 793, Regulation .08.520, effective 9/29/59.] Repealed by

- 16-08-530 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW. Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. [Order 793, Regulation .08.530, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-540 Petitions for rule making, amendments or repeal—Who may petition. [Order 793, Regulation .08.540, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-550 Petitions for rule making, amendments or repeal—Requisites. [Order 793, Regulation .08.550, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-560 Petitions for rule making, amendments or repeal—Agency must consider. [Order 793, Regulation .08.560, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-570 Petitions for rule making, amendments or repeal—Notice of disposition. [Order 793, Regulation .08.570, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-580 Declaratory rulings. [Order 793, Regulation .08.580, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-590 Forms. [Order 793, Regulation .08.590, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.

WAC 16-08-001 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-002 Definitions. The definitions set forth in this section shall apply throughout this chapter unless the context otherwise requires:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department of agriculture.
- (3) "Reviewing officer" means the deputy director of the department of agriculture, who the director hereby designates to exercise all decision making powers to review initial orders, and prepare and enter final orders for the director of agriculture pursuant to RCW 34.05.464(2), or the director of agriculture. The reviewing officer shall mean the director in those cases where the deputy director has acted as the presiding officer.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-002, filed 11/15/91, effective 12/16/91.]

WAC 16-08-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-011 Adoption of model rules of procedure. The model rules of procedure, chapter 10-08 WAC, adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use by the department. In the case of a conflict between the model rules of procedure and procedural rules adopted in this chapter, the

procedural rules adopted by the department shall take precedence.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-011, filed 11/15/91, effective 12/16/91.]

WAC 16-08-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-021 Presiding officer. (1) The director will designate the presiding officer for an adjudicative proceeding:

(a) In matters involving an adjudicative proceeding, the director may designate as presiding officer an administrative law judge assigned by the office of administrative hearings under the authority of chapter 34.12 RCW, or the deputy director;

(b) In matters involving a brief adjudicative proceeding the director may designate an assistant director as presiding officer. In matters involving emergency adjudicative proceedings the director may designate an assistant director, the deputy director, or the deputy director's assistant as presiding officer.

(2) A person who has served as an investigator, prosecutor, or advocate in any stage of an adjudicative proceeding or someone who is subject to the authority or direction of such a person, may not serve as a presiding officer in the same proceeding.

(3) The presiding officer shall have the authority to:

- (a) Determine the order of presentation of evidence;
- (b) Administer oaths and affirmations;
- (c) Issue subpoenas;
- (d) Rule on procedural matters, objections, and motions;
- (e) Rule on offers of proof and receive relevant evidence;
- (f) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;
- (g) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;
- (h) Take any appropriate action necessary to maintain order during the hearing;
- (i) Permit or require oral argument or briefs and determine the time limits for submission thereof;
- (j) Take any other action necessary and authorized by any applicable statute or rule;
- (k) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-021, filed 11/15/91, effective 12/16/91.]

WAC 16-08-031 Application for adjudicative proceeding. An application for an adjudicative proceeding shall be made on a form provided by the department. Written application for an adjudicative proceeding shall be received at the address designated on the application

form within twenty days of notice of the proposed department action giving rise to the application unless provided for otherwise by statute or rule.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-031, filed 11/15/91, effective 12/16/91.]

WAC 16-08-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-041 Settlement. Before or after a hearing, parties to a proceeding may enter into discussions leading to a voluntary settlement of the subject matter of the proceeding. These conferences shall be informal and without prejudice to the rights of the parties, and no statement, admission, or offer of settlement made at an informal conference shall be admissible in evidence in any adjudicative proceeding.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-041, filed 11/15/91, effective 12/16/91.]

WAC 16-08-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-051 Discovery—Authority of presiding officer. (1) Discovery in adjudicative proceedings other than as enumerated in WAC 16-08-061 through 16-08-121 may be permitted at the discretion of the presiding officer. In permitting such discovery, the presiding officer shall make reference to the civil rules of procedure.

(2) The presiding officer shall have the power to control the frequency and nature of discovery permitted, including discovery as enumerated in WAC 16-08-061 through 16-08-121, and to order discovery conferences to discuss discovery issues.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-051, filed 11/15/91, effective 12/16/91.]

WAC 16-08-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-061 Depositions in adjudicative proceedings—Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-061, filed 11/15/91, effective 12/16/91.]

WAC 16-08-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-071 Depositions in adjudicative proceedings—Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-071, filed 11/15/91, effective 12/16/91.]

WAC 16-08-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-081 Depositions in adjudicative proceedings—Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the director of agriculture or agreed upon by the parties by stipulation in writing filed with the department of agriculture. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceeding.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-081, filed 11/15/91, effective 12/16/91.]

WAC 16-08-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-091 Depositions in adjudicative proceedings—Notice. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than five days in writing to the department of agriculture and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the presiding officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-091, filed 11/15/91, effective 12/16/91.]

WAC 16-08-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-101 Depositions and interrogatories in adjudicative proceedings—Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the director or his/her designated presiding officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action

and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the director, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the director, or the director may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the director or his/her designated presiding officer may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-101, filed 11/15/91, effective 12/16/91.]

WAC 16-08-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-111 Depositions in adjudicative proceedings—Use and effect. Subject to rulings by the presiding officer upon objections, a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the presiding officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the presiding officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his/her witness by taking his/her deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him/her or any other party.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-111, filed 11/15/91, effective 12/16/91.]

WAC 16-08-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-121 Depositions in adjudicative proceedings—Fees of officers and deponents. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington under RCW 5.56.010, which fees shall be tendered and paid by the party at whose instance the depositions are taken.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-121, filed 11/15/91, effective 12/16/91.]

WAC 16-08-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-131 Adjudicative proceedings—Petition for review and replies. (1) Any party to an adjudicative proceeding may file a petition for review of an initial order.

(2) The petition for review shall be filed with the director within twenty days of the date of service of the initial order unless a different place and time limit for filing the petition are specified in the initial order in its statement describing available procedures for administrative relief. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is filed and evidence of such service shall be filed with the petition for review.

(3) The petition for review shall specify the portions of the initial order to which exception is taken and shall refer to the evidence of record relied upon to support the petition.

(4) Any party may file a reply to a petition for review. The reply shall be filed with the office where the petition for review was filed within twenty days of the date of service of the petition and copies of the reply shall be served upon all other parties or their representatives at the time the reply is filed, and may cross-petition for review. If the reply contains a cross-petition, it shall specify portions of the initial order to which exception is taken by the replying party, and shall refer to the evidence of record relied upon to support the reply.

(5) Any party may reply to a cross-petition by filing and serving it as set forth in subsection (4) of this section.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-131, filed 11/15/91, effective 12/16/91.]

WAC 16-08-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-141 Brief adjudicative proceedings. (1) Pursuant to RCW 34.05.482, the department will use brief adjudicative proceedings where not violative of law and where protection of the public interest does not require the department to give notice and an opportunity to participate to persons other than the parties. Those circumstances may include:

- (a) Actions taken by the agency based on the failure:
 - (i) To maintain, supply, or display records; and/or
 - (ii) To display evidence of a license; and/or
 - (iii) To display or post information required by law; and/or
 - (iv) To possess required insurance, bonding or other security.

(b) Actions taken with respect to late application renewal fees.

(c) Actions taken with respect to certificate of compliance agreements under WAC 16-461-010.

(d) Actions taken with respect to sale permits pursuant to RCW 15.13.270.

(e) Actions taken to revoke certification of plant material as foundation or breeder planting stock pursuant to RCW 15.14.110.

(f) Penalty actions taken with respect to cattle breed name use.

(g) Penalty actions taken against milk producers pursuant to RCW 15.36.115.

(h) Dairy degrade actions taken pursuant to RCW 15.36.595.

(i) Actions taken with respect to licenses for sale of milk for animal food pursuant to RCW 15.37.030 et seq.

(j) Actions taken with respect to registration of commercial feed pursuant to RCW 15.53.9036;

(k) Actions taken with respect to pesticide registration under RCW 15.58.110.

(l) Actions taken with respect to organic certification pursuant to RCW 15.86.060 and/or 15.86.070.

(m) Actions taken with respect to mushroom buyer or dealer licenses pursuant to RCW 15.90.020.

(n) Actions taken with respect to animal health certificates pursuant to RCW 16.36.050.

(o) Actions taken with respect to destruction or treatment of quarantined animals pursuant to RCW 16.36.090.

(p) Actions taken with respect to licenses for garbage feeding to swine pursuant to RCW 16.36.108.

(q) Actions taken with respect to licenses related to custom farm slaughter pursuant to chapter 16.49 RCW.

(r) Actions taken with respect to licenses related to custom meat facilities pursuant to chapter 16.49 RCW.

(s) Actions taken with respect to approval of livestock pens within feedlots pursuant to RCW 16.58.080.

(t) Actions taken with respect to certified feed lot licenses pursuant to RCW 16.58.130.

(u) Actions taken with respect to seizure and destruction of incorrect weights and measures pursuant to RCW 19.24.250.

(v) Actions taken with respect to licenses of grain dealers or warehousemen pursuant to RCW 22.09.471.

(2) A party to a brief adjudicative hearing has twenty days to file an application or request from the date of service of the department's notice of intent to take action. The application or request for a brief adjudicative hearing shall be filed at the address listed on the form provided by the department. The party filing the application or request for a brief adjudicative proceeding shall submit a written explanation of their view of the matter along with the application or request. Other parties may file a written response within ten days after service of the application for a brief adjudicative proceeding. Copies of the response shall be served on all parties. Oral statements may be submitted and considered as follows:

(a) If a party to a brief adjudicative proceeding desires an opportunity to make an oral statement, it should be requested in the application or request.

(b) A request to make an oral statement may be granted if the presiding officer believes such a statement would benefit him or her in reaching a decision. The presiding officer shall notify the parties within a reasonable time of the decision to grant or deny the request to hear oral comments, and if the request is granted, shall notify the parties of the time and place for hearing comments.

(3) If the party is present at the time any unfavorable action is taken, the presiding officer shall make a brief

statement of the reasons for the decision. The decision on an application shall be expressed in a written order which shall be served upon all parties within ten days after entry.

(4) The presiding officer's written decision is an initial order. If no review is taken of the initial order, it shall be the final order.

(5) The reviewing officer shall conduct a review of an initial order resulting from a brief adjudicative proceeding upon the written or oral request of a party if the director receives the request within twenty-one days from the service of the initial order. If no request is filed in a timely manner, the reviewing officer may review, on his or her own motion, an order resulting from a brief adjudicative proceeding and adopt, modify, or reject the initial order; but the reviewing officer shall not take any action on review less favorable to any party without giving that party notice and opportunity to explain his or her view of the matter.

(6) A request for review of an initial order shall contain an explanation of the party's view of the matter and a statement of reasons why the initial order is incorrect. The request for review shall be filed with the director and copies shall be served on all parties, and evidence of such service filed. Responses to a request for review of an initial order shall be filed with the director and served on all parties within ten days after service of the request for review.

(7) The order on review shall be in writing, shall include a brief statement of the reasons for the decision, and shall be entered within twenty days after the date of the initial order or of the request for review, whichever is later. The order shall include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(8) The record in a brief adjudicative proceeding shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding and/or by the reviewing officer for any review.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-141, filed 11/15/91, effective 12/16/91.]

WAC 16-08-150 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-151 Emergency adjudicative proceedings. (1) Pursuant to RCW 34.05.479, the department shall use emergency adjudicative proceedings for the suspension or cancellation of authority in situations involving an immediate danger to the public health, safety, or welfare requiring immediate action by the department. Such situations shall include:

(a) Failure to possess required insurance, bonding or other security.

(b) Health, safety, or welfare violations when the violation involves an immediate danger to the public health, safety, or welfare, including, but not limited to, decisions by the department to condemn horticultural plants under chapter 15.13 RCW; or to condemn infested or infected articles under chapter 15.08 RCW; or to issue stop sale,

use, or removal order under chapter 15.49 RCW; or to quarantine apiaries under chapter 15.60 RCW; or to condemn or impound infested, infected, or regulated articles pursuant to chapter 17.24 RCW; or to close food processing facilities under chapter 69.07 RCW; or under rules or regulations of the director adopted pursuant to such laws.

(2) The summary order shall include a brief statement of findings of fact, conclusions of law, and justification for the determination of an immediate danger to the public health, safety, or welfare. The order shall be effective when entered. Service of the order shall be made pursuant to WAC 10-08-110. The order shall also establish a date affording the affected party the opportunity to present any defense concerning why the summary order is incorrect.

(3) A decision made upon the emergency adjudicative proceeding shall be expressed in a written order which shall be served on all parties within five days after its entry. This written order is a final order.

(4) The summary order shall be effective pending disposition on the merits of the denial, suspension or revocation of authority.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-151, filed 11/15/91, effective 12/16/91.]

WAC 16-08-160 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-161 Conversion of proceedings. (1) Upon application by any person or upon his or her own motion, the presiding officer or other official responsible for the original proceeding shall consider whether the conversion of a proceeding pursuant to RCW 34.05.070 should be made.

(2) Commencement of the new proceeding shall be determined to be the time of commencement of the original proceeding, provided that all statutory and regulatory requirements for the new proceeding shall be met.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-161, filed 11/15/91, effective 12/16/91.]

WAC 16-08-170 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-171 Documents--Filing. Any documents filed with the director under provisions of the Administrative Procedure Act, chapter 34.05 RCW, Model rules of procedure, chapter 10-08 WAC, and this chapter, shall be filed with the Deputy Director's Office, 406 General Administration Bldg., AX-41, Olympia, WA 98504.

Unless otherwise required by law, filing of a document with the director shall be made personally, by first class mail, by certified or registered mail, by commercial parcel delivery company, or by electronic telefacsimile transmission and same-day mailing of original showing same-day postmark. Filing shall occur within the period of time specified for filing by statute, rule, or order.

[Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-171, filed 11/15/91, effective 12/16/91.]

WAC 16-08-180 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-190 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-200 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-210 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-220 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-230 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-240 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-250 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-260 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-270 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-280 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-290 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-300 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-310 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-320 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-330 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-340 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-350 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-360 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-370 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-380 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-390 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-400 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-410 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-420 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-430 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-440 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-450 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-460 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-470 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-480 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-490 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-500 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-510 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-520 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-530 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-540 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-550 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-560 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-570 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-580 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-08-590 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-22 WAC

CUSTOM MEAT SLAUGHTERERS AND HANDLING OF CUSTOM MEAT FOOD ANIMAL CARCASSES AT MEAT HANDLING ESTABLISHMENTS

WAC

- 16-22-011 License for custom farm slaughterers—Custom slaughtering establishments—Custom meat facilities.
- 16-22-015 Late renewal penalties for custom farm slaughterers, custom slaughtering establishments, and custom meat facilities.

WAC 16-22-011 License for custom farm slaughterers—Custom slaughtering establishments—Custom meat facilities. Custom farm slaughterers, custom slaughtering establishments, and custom meat facility licenses issued under RCW 16.49.440 shall expire on June 30th following the date of issuance.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.222, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-22-011, filed 7/25/91, effective 8/25/91.]

WAC 16-22-015 Late renewal penalties for custom farm slaughterers, custom slaughtering establishments, and custom meat facilities. (1) A late fee shall be assessed for any license issued under RCW 16.49.440 for which an application for renewal is not filed prior to July 1st of each year.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.222, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-22-015, filed 7/25/91, effective 8/25/91.]

Chapter 16-23 WAC

CUSTOM MEAT FACILITIES

WAC

- 16-23-012 Custom meat facility operator license.
- 16-23-014 Custom meat facility operator license—Late renewal penalty.

WAC 16-23-012 Custom meat facility operator license. Custom meat facility operator licenses issued under RCW 16.49.630 shall expire on June 30th of each year.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060,

20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-23-012, filed 7/25/91, effective 8/25/91.]

WAC 16-23-014 Custom meat facility operator license—Late renewal penalty. (1) A late fee shall be assessed for any custom meat facility operator licenses issued under RCW 16.49.630 for which an application for renewal is not filed prior to July 1st of each year.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-23-014, filed 7/25/91, effective 8/25/91.]

Chapter 16-80 WAC PSEUDORABIES IN SWINE

WAC

16-80-005	Definitions.
16-80-007	Surveillance program.
16-80-010	Quarantine.
16-80-015	Sale of quarantined animals.
16-80-020	Quarantine and release.
16-80-025	Disinfecting premises.
16-80-030	Disinfecting vehicles.
16-80-035	Indemnity for pseudorabies infected or exposed swine.
16-80-040	Vaccination.
16-80-045	Identification of swine.
16-80-047	Mandatory reporting of suspected pseudorabies.
16-80-050	Criminal penalty—Civil injunction.

WAC 16-80-005 Definitions. For the purpose of this chapter:

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

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

(3) "Approved pseudorabies vaccine" means only those biological products that are approved by and produced under license of the United States Department of Agriculture for injection into swine for the purpose of enhancing their resistance to pseudorabies, are a specific gene deletion vaccine and are authorized for use in a specific herd by the state veterinarian.

(4) "Official identification" means a USDA issued backtag or a metal eartag bearing state identification and a unique number.

(5) "Pseudorabies infected herd" means a herd of swine in which the disease pseudorabies has been diagnosed positive in one or more animals by the National Veterinary Service Laboratory (NVSL) or a state laboratory which can conduct the serum neutralization test.

(6) "Expose" means to lay open an animal or group of animals to risk of infection by the pseudorabies virus.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-005, filed 3/29/91, effective 4/29/91.]

WAC 16-80-007 Surveillance program. All swine blood submitted to the federal-state animal health laboratory for brucellosis testing will be also tested for pseudorabies by the latex agglutination test. Samples which are positive on the latex agglutination test will be further tested by the enzyme linked immunosorbant assay (ELISA) and serum neutralization (SN) tests. The ELISA or SN tests must show positive results before classifying the sample as positive. An epidemiological investigation will be initiated for each positive sample and an attempt will be made to trace such a sample to the herd of origin. Area testing will be done on all swine herds within a five mile radius of any infected premises. Trace forward and trace backward testing will be done in all herds which may have bought animals from or sold animals to the infected herd within a twenty-four month period prior to discovery of the infection.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-007, filed 3/29/91, effective 4/29/91.]

WAC 16-80-010 Quarantine. All swine herds that are infected with or exposed to pseudorabies shall be quarantined and officially tested for pseudorabies. If the owner of any such swine herd refuses to allow the department to test for the above disease, the swine herd and the premises on which they are quarantined shall remain quarantined until released under WAC 16-80-020 or RCW 16.36.030. No animal or products of such animals shall be removed from the premises while they are under quarantine except as provided in RCW 16.36.030.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-010, filed 3/29/91, effective 4/29/91.]

WAC 16-80-015 Sale of quarantined animals. No person shall offer for sale any swine from a pseudorabies quarantined herd for other than immediate slaughter: *Provided, however,* That such swine shall only be moved from the pseudorabies quarantined herd when accompanied by an official federal form number VS1-27 filled out and signed by a federal or state veterinarian.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-015, filed 3/29/91, effective 4/29/91.]

WAC 16-80-020 Quarantine and release. Any herd of swine in which pseudorabies positive animals are found will be quarantined. The quarantine will be released when the entire quarantined herd has successfully completed Plan A (test and removal), Plan B (offspring segregation), or Plan C (depopulation - repopulation) as described in "Swine Pseudorabies Eradication Guidelines," prepared and published by the pseudorabies committee, Livestock Conservation Institute. Plan C will be the plan of choice if the state-wide herd infection rate is less than 0.1% of total number of state herds. The plan used will be determined by mutual agreement between the herd owner or their veterinarian if so designated by the owner and the state veterinarian.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-020, filed 3/29/91, effective 4/29/91.]

WAC 16-80-025 Disinfecting premises. All barns, feed troughs, water tanks, feeding platforms, farrowing houses, and dry lots where a pseudorabies infected herd has been held must be thoroughly cleaned and disinfected within fifteen days after all infected swine have been removed. Recommended disinfectants are: Orthophenolphenate compounds, phenolic compounds, 2% Na hydroxide, TriNaPO₄, chlorhexidine.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-025, filed 3/29/91, effective 4/29/91.]

WAC 16-80-030 Disinfecting vehicles. (1) When a vehicle is used to transport pseudorabies infected animals or pseudorabies exposed animals from a pseudorabies quarantined herd, the vehicle shall be cleaned and disinfected immediately following the unloading of the last animal of each such load. The destination of such infected or exposed swine shall be equipped with department approved facilities to clean and disinfect vehicles.

(2) Upon completion of the cleaning and disinfection of the vehicle, approval of the adequacy of the cleaning and disinfection shall be obtained in writing. This approval must be obtained from a state or federal animal health employee or from an authorized representative of the director of agriculture on a form approved by the director.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-030, filed 3/29/91, effective 4/29/91.]

WAC 16-80-035 Indemnity for pseudorabies infected or exposed swine. As provided under RCW 16.36.096, the director of agriculture may order the slaughter or destruction of any swine affected with or exposed to pseudorabies. Subject to the availability of sufficient funds, the director may pay an indemnity for any swine ordered slaughtered or destroyed. When the indemnity is approved, the amount that will be paid is one hundred dollars for any sow past fifty days pregnant or with suckling piglets, fifty dollars for boars and open sows or sows less than fifty days pregnant, and fifty dollars for breeding gilts over two hundred fifty pounds live weight. An indemnity of up to fifty percent of appraised value of feeding stock will be paid when destroyed rather than slaughtered.

No indemnity will be paid if:

- (1) The state-wide infection rate exceeds 0.1% of total swine herds in the state;
- (2) The swine belong to the federal government or any of its agencies, this state or any political subdivisions thereof or any municipal corporations; or
- (3) The swine were brought into this state within six months of being ordered slaughtered or destroyed.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-035, filed 3/29/91, effective 4/29/91.]

WAC 16-80-040 Vaccination. No pseudorabies vaccine may be used in the state of Washington except when the use of an approved pseudorabies vaccine is

specifically authorized in writing by the state veterinarian for use in a pseudorabies infected herd under pseudorabies eradication Plan A (test and removal). Only gene deleted vaccines with a corresponding specific laboratory test will be authorized.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-040, filed 3/29/91, effective 4/29/91.]

WAC 16-80-045 Identification of swine. Boars and sows moving through livestock auction yards or collection facilities in intrastate commerce must be tagged with official identification. All swine moving in interstate commerce must be identified in compliance with federal regulation CFR 71.19 a & b.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-045, filed 3/29/91, effective 4/29/91.]

WAC 16-80-047 Mandatory reporting of suspected pseudorabies. Pseudorabies is a reportable disease under WAC 16-70-010 and must be reported to the department immediately by persons licensed to practice veterinary medicine in the state of Washington as required by WAC 16-70-010. Additionally, laboratories and swine producers are hereby required to report to the director of agriculture or his authorized representative the discovery of the existence or suspected existence of pseudorabies infection among domestic swine within the state. This report shall be immediate (by telephone or FAX on the day discovered) to the office of the state veterinarian, telephone number (206) 753-5040, FAX (206) 753-3700.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-047, filed 3/29/91, effective 4/29/91.]

WAC 16-80-050 Criminal penalty—Civil injunction. Pursuant to RCW 16.36.110, a violation of or a failure to comply with any provisions of this chapter shall be a gross misdemeanor. Each day upon which a violation occurs shall constitute a separate violation.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 91-08-027, § 16-80-050, filed 3/29/91, effective 4/29/91.]

Chapter 16-104 WAC

SHELL EGGS—STANDARDS, GRADES AND WEIGHT CLASSES

WAC

- | | |
|------------|---|
| 16-104-310 | Minimum facility and operating requirements for shell egg grading and packing plants. |
| 16-104-320 | Grading room requirements. |
| 16-104-330 | Cooler room requirements. |
| 16-104-340 | Shell egg protecting operations. |
| 16-104-350 | Shell egg cleaning operations. |
| 16-104-360 | Shipping containers, egg cartons, and packing materials. |
| 16-104-370 | Chemicals and compounds. |

WAC 16-104-310 Minimum facility and operating requirements for shell egg grading and packing plants. General requirements for buildings and plant facilities.

(1) Buildings shall be of sound construction so as to prevent, insofar as practicable, the entrance or harboring

of vermin, including all domestic pets, insects, rodents, birds, etc. This applies to:

(a) All grading room areas.

(b) Any storage areas for eggs or cases and cartons.

Egg case and carton storage shall be clean and dry, free from dust or any odorous material that could be absorbed by cases or cartons.

(2) Grading and packing rooms shall be of sufficient size to permit installation of necessary equipment and the conduct of grading and packing in a sanitary manner. These rooms shall be kept reasonably clean during grading and packing operations and shall be thoroughly cleaned at the end of each operating day.

(a) Floor shall be constructed of washable materials, tight, reasonably smooth, and in good repair.

(b) Floor drains shall be provided where floors are subjected to flood type cleaning or where normal operations release or discharge water or liquid wastes onto the floor.

(c) All floor areas shall be kept clean.

(3) Adequate lavatory/toilet (rest room) accommodations shall be provided. Lavatory/toilet and locker rooms shall be maintained in a clean and sanitary condition. Hot and cold running water shall be provided. Rooms shall be ventilated to the outside of the building. Signs shall be posted in the rest rooms instructing employees to wash their hands before returning to work. Lavatory/toilet rooms shall be equipped with handwashing facilities including soap and sanitary towels.

(4) A separate refuse room or a separate designated area for the accumulation of trash must be provided in plants which do not have a system for the daily removal or destruction of such trash.

(5) Areas subjected to moisture:

(a) Wood benches, platforms, etc., in areas which are subjected to moisture shall be maintained in good repair or made from other construction materials impervious to moisture and odors.

(b) Wood walls or partitions shall be maintained in good repair or be replaced with materials impervious to moisture and odor build up.

(c) Newly constructed plants should be equipped with nonporous material benches, platforms, etc., in areas which are subjected to moisture. Wood benches, platforms, etc., are allowed when maintained in a sanitary, odor free condition.

(6) Walls and ceilings:

(a) Walls and ceilings shall be kept clean, in good repair and free of cobwebs and dust.

(b) Ceiling shall be dust tight if space overhead is used for storage or other purposes.

(7) Doors and windows: Effective means shall be provided to prevent entrance insofar as practicable of insects, rodents, birds or other vermin and dust.

(8) Hygiene of personnel. Plant personnel coming into contact with shell eggs shall wear clean clothing, free from animal waste, dust, loose dirt or prohibited chemical contamination.

[Statutory Authority: RCW 69.25.030 and chapters 42.30 and 35.05 [34.05] RCW. 92-01-091, § 16-104-310, filed 12/17/91, effective 1/17/92.]

WAC 16-104-320 Grading room requirements. (1) The grading room candling area shall be adequately darkened to make possible accurate quality determination of the candled appearances of eggs.

(2) There shall be no crossbeams of light, and light reflection from candling lights shall be kept at a minimum.

(3) Candling area/equipment shall be constructed so as to permit cleaning and provide ample shelf space for convenient placement of the different grades to be packed.

(4) The candling lights shall be capable of delivering reasonably uniform intensity of light at the candling aperture to facilitate accurate quality determinations. In operations utilizing mechanical grading equipment, adequate light shall be provided to facilitate necessary quality determinations, including the detection and removal of stained and dirty shells and the condition of the packing material.

(5) Individual egg scales shall be provided to check accuracy of weight classing.

(6) Weighing equipment, whether manual or automatic, shall be kept clean and maintained in a manner to assure accurate operation.

(7) Ventilation and lighting:

(a) Adequate lighting shall be provided to assure accurate and safe grading room operations.

(b) Adequate ventilation shall be maintained to keep the area free from undesirable odors, dust, and condensation.

[Statutory Authority: RCW 69.25.030 and chapters 42.30 and 35.05 [34.05] RCW. 92-01-091, § 16-104-320, filed 12/17/91, effective 1/17/92.]

WAC 16-104-330 Cooler room requirements. (1) After processing and grading, shell eggs packed in consumer containers shall be refrigerated at maximum of forty-five degrees Fahrenheit, ambient air temperature. All containers shall be clearly labeled with the words "keep refrigerated," in lettering as follows:

Cartons: 1/8 inch minimum

Cases: 1 inch minimum

Baskets and racks: 1 inch minimum

This provision shall apply to baskets, racks, cases and cartons acquired after June 1, 1992.

(2) Accurate thermometers shall be provided in egg coolers and egg storage facilities to monitor required ambient air temperatures.

(3) All shell egg coolers shall be equipped with a hygrometer or portable equipment such as a psychrometer to determine that relative humidity is at least seventy percent. When necessary, humidifying equipment capable of maintaining seventy percent relative humidity, to minimize shrinkage, shall be provided: *Provided*, That this requirement shall not apply to refrigerated vehicles used to transport shell eggs.

(4) Egg coolers and egg storage facilities shall be free from objectionable odors and mold, and shall be maintained in a sanitary condition.

(5) All facilities where eggs are offered for sale to consumers, shall be maintained in a clean and sanitary condition. Display and storage temperatures shall be maintained at a maximum of forty-five degrees Fahrenheit ambient air temperature.

(6) Shell eggs stored prior to grading shall be refrigerated at a maximum of fifty-five degrees Fahrenheit ambient air temperature, when time prior to processing/grading exceeds twenty-four hours. When time during transport of ungraded eggs will exceed three hours, refrigeration at fifty-five degrees Fahrenheit maximum is required. Transport time of shell eggs prior to processing/grading of three hours or less in unrefrigerated vehicles is allowed, however, that time shall be included as part of the twenty-four hours.

(7) Inedibles shall be held under refrigeration in covered containers, clearly labeled and stored to prevent possible odor contamination of graded or ungraded eggs.

(8) Refrigeration is required during all transit of graded product when transit time will require an excess of two hours. Temperatures during all transit of graded product shall be maintained at a maximum of forty-five degrees Fahrenheit ambient air temperature.

[Statutory Authority: RCW 69.25.030 and chapters 42.30 and 35.05 [34.05] RCW. 92-01-091, § 16-104-330, filed 12/17/91, effective 1/17/92.]

WAC 16-104-340 Shell egg protecting operations. Shell egg protecting (oil processing) operations shall be conducted in a manner to avoid contamination of the product and maximize conservation of its quality.

(1) Eggs with moisture on the shell shall not be shell protected.

(2) Oil having any off odor, or that is obviously rancid or contaminated, shall not be used in shell egg protection.

(3) Processing oil that has been previously used and which has become contaminated shall be filtered and heat treated at one hundred eighty degrees Fahrenheit for three minutes prior to re-use.

(4) Shell egg protecting equipment shall be washed, rinsed, and treated with a bactericidal agent each time the oil is removed. It is preferable to filter and heat treat processing oil and clean processing equipment daily when in use.

(5) Adequate coverage and protection against dust and dirt shall be provided when the equipment is not in use.

[Statutory Authority: RCW 69.25.030 and chapters 42.30 and 35.05 [34.05] RCW. 92-01-091, § 16-104-340, filed 12/17/91, effective 1/17/92.]

WAC 16-104-350 Shell egg cleaning operations. (1) Shell egg cleaning equipment shall be kept in good repair and shall be cleaned after each day's use or more frequently, if necessary.

(2) The temperature of the wash water shall be maintained at ninety degrees Fahrenheit or higher, and shall be at least twenty degrees Fahrenheit warmer than the temperature of the eggs to be washed. Rinse water temperature shall be at least ten degrees Fahrenheit warmer

than the final wash water temperature. These temperatures shall be maintained throughout the cleaning cycle.

(3) An approved cleaning compound shall be used in the wash water. It must be approved by the United States Department of Agriculture or the Washington state department of agriculture. The use of metered equipment for dispensing the compound into solution is recommended.

(4) Wash water shall be changed approximately every four hours, or more often if needed, to maintain cleanliness and sanitary conditions, and at the end of each shift. Measures shall be taken to prevent excess foaming during the egg washing operation.

(5) Replacement water shall be added continuously to the wash water of washers to maintain a continuous overflow. Rinse water, chlorine, or quaternary sanitizing rinse may be used as part or all of the replacement water: *Provided*, That they are compatible with the washing compound. Iodine sanitizing rinse may not be used as part of the replacement water.

(6) Water supply shall be of a safe sanitary quality. Only potable water under two parts per million iron content shall be used, without equipment to correct the excess. Water under pressure shall be available to grading and candling area or room for cleaning purposes. Frequency of testing for potability of the water supply shall be determined by the director, however, must also comply with state and local health department requirements. When the water source is changed, new tests are required.

(7) Waste water from the egg washing operation shall be continuously removed through appropriate drains to prevent standing water from accumulating.

(8) The washing and drying operation shall be continuous and shall be completed as rapidly as possible. Eggs shall not be allowed to stand or soak in water. Immersion-type washers shall not be used.

(9) Pre-wetting shell eggs prior to washing may be accomplished by spraying a continuous flow of water over the eggs in a manner which permits the water to drain away, or other methods which may be approved by the director. The temperature of the water shall be the same as prescribed in subsection (2) of this section.

(10) Washed eggs shall be spray rinsed with warm water containing an approved sanitizer of not less than 50 p/m nor more than 200 p/m of available chlorine or its equivalent.

(11) Test kits shall be available and used to determine the strength of the sanitizing solution.

(12) During any rest period or other line shutdown, preventative measures shall be taken to prevent overheating and/or partial cooking of eggs in the washing, rinsing, and scanning areas.

(13) Washed eggs shall be dry before cartoning or casing.

(14) When steam or vapors originate from the washing operation, they shall be continuously and directly removed to the outside of the building.

(15) Every reasonable precaution should be exercised to prevent "sweating" of eggs.

(16) Eggs may be dry cleaned or washed. If eggs are dry cleaned, the equipment shall be of a sanitary type, and kept clean and in good repair.

(17) Cloth or wash rags shall not be used for cleaning eggs unless they are of a sanitary single service type. Single service paper toweling may be used.

[Statutory Authority: RCW 69.25.030 and chapters 42.30 and 35.05 [34.05] RCW. 92-01-091, § 16-104-350, filed 12/17/91, effective 1/17/92.]

WAC 16-104-360 Shipping containers, egg cartons, and packing materials. Eggs which are to be distributed with consumer grademarks shall be packaged only in new or good used cases, baskets or racks. They shall be clean, and have sufficient strength and durability to protect the eggs during normal distribution. Re-use of egg cartons or flats after distribution to a consumer outlet shall not be allowed. Used flats may be used for transporting and/or holding nest-run or restricted eggs prior to grading or breaking.

[Statutory Authority: RCW 69.25.030 and chapters 42.30 and 35.05 [34.05] RCW. 92-01-091, § 16-104-360, filed 12/17/91, effective 1/17/92.]

WAC 16-104-370 Chemicals and compounds. The following list of compounds shall be handled in accordance with the manufacturers' instructions. They shall be stored away from the grading area and not be allowed to come in contact with the shell eggs being processed, or with egg cases or cartons: Pesticides including herbicides, insecticides, fungicides and rodenticides; inks, oils, cleaning compounds, foam control agents, sanitizers, and any common cleaners used in the plant.

This paragraph is not intended to prohibit eggs being contacted by certain materials when those materials are used in the normal shell egg cleaning and sanitizing process and the materials have been authorized for such usage in the "List of Proprietary Substance and Non-Food Compounds Authorized for Use Under USDA Inspection And Grading Program."

[Statutory Authority: RCW 69.25.030 and chapters 42.30 and 35.05 [34.05] RCW. 92-01-091, § 16-104-370, filed 12/17/91, effective 1/17/92.]

Chapter 16-122 WAC MILK VENDORS

WAC
16-122-001 Milk vendor license expiration.

WAC 16-122-001 Milk vendor license expiration. Milk vendor licenses issued under RCW 15.32.100 shall expire on June 30th of each year.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17-21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58-.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-122-001, filed 7/25/91, effective 8/25/91.]

Chapter 16-124 WAC

LICENSED TESTERS, WEIGHERS, SAMPLERS AND GRADERS

WAC
16-124-011 Dairy technician license.

WAC 16-124-011 Dairy technician license. Dairy technician licenses issued under RCW 15.32.584 shall expire December 31st of each year.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17-21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58-.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-124-011, filed 7/25/91, effective 8/25/91.]

Chapter 16-126 WAC

MILK AND CREAM--BUYING IN BULK

WAC
16-126-001 License to buy milk and cream in bulk.

WAC 16-126-001 License to buy milk and cream in bulk. Licenses to buy milk or cream in bulk issued under RCW 15.32.110 shall expire on June 30th following the date of issuance.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17-21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58-.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-126-001, filed 7/25/91, effective 8/25/91.]

Chapter 16-146 WAC

FOOD PROCESSORS

WAC
16-146-100 Food processor license.
16-146-110 Late renewal penalty for food processor license.

WAC 16-146-100 Food processor license. Licenses to operate a food processing plant or to process food issued under RCW 69.07.040 shall expire on the 31st day of March of each year.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17-21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58-.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-146-100, filed 7/25/91, effective 8/25/91.]

WAC 16-146-110 Late renewal penalty for food processor license. (1) An additional fee shall be assessed for any license issued under chapter 69.07 RCW for which an application for renewal is not filed prior to April 1st in any year.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58-210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-146-110, filed 7/25/91, effective 8/25/91.]

Chapter 16-154 WAC

ORGANIC CROP PRODUCTION STANDARDS

WAC

16-154-010	Purpose.
16-154-020	Repealed.
16-154-030	Definitions.
16-154-040	Organic food production guidelines.
16-154-050	Organic crop production standards.
16-154-060	Records.
16-154-070	Materials list for organic food production—Fertilizers, growth promoters, and soil amendments.
16-154-080	Materials list for organic food production—Insect pest control materials and practices.
16-154-090	Materials list for organic food production—Weed control materials and practices.
16-154-100	Materials list for organic food production—Disease control materials and practices.
16-154-110	Materials list for organic food production—Vertebrate control materials and practices.
16-154-120	Materials list for organic food production—Post-harvest materials and practices.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-154-020	Principles of organic food production. [Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-154-020, filed 4/11/91, effective 5/12/91; 86-18-040 (Order 1901), § 16-154-020, filed 8/29/86.] Repealed by 91-20-013, filed 9/20/91, effective 10/21/91. Statutory Authority: Chapter 15.86 RCW.
------------	--

WAC 16-154-010 Purpose. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act. This chapter provides standards for organic crop production, and sets recordkeeping requirements for organic crop producers.

[Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-154-010, filed 4/11/91, effective 5/12/91; 86-18-040 (Order 1901), § 16-154-010, filed 8/29/86.]

WAC 16-154-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-154-030 Definitions. As used in this chapter:

(1) "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.

(2) "Approved" means any material or practice which meets the required criteria or standards for use in organic food production.

(3) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

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

(5) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(6) "Director" means the director of the department of agriculture or his or her duly authorized representative.

(7) "Inert ingredient" means an ingredient which is not an active ingredient.

(8) "Material" means any pesticide, plant regulator, defoliant, desiccant, spray adjuvant, fertilizer, soil amendment, growth regulator, or other substance or mixture of substances which is intended to be used in agricultural production or post-harvest use.

(9) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant;

(c) Any substance or mixture of substances intended to be used as a spray adjuvant; and

(d) Any other substances intended for such use as may be named by the director by regulation.

(10) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculant, or soil amendments.

(11) "Prohibited" means any material or practice which is disallowed in organic food production, handling, or processing.

(12) "Spray adjuvant" means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or to the effect thereof, and which is in a package or container separate from that of the pesticide with which it is to be used.

[Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-154-030, filed 4/11/91, effective 5/12/91.]

WAC 16-154-040 Organic food production guidelines. The following are guidelines for organic food production. Major soil nutrients are listed with suggestions on how these nutrients can be supplied in an organic agroecosystem. Suggestions concerning the management of weeds, insects, disease, and vertebrates are also provided. This list is offered as a reference for growers who are unfamiliar with organic farming or its underlying principles. This list is not meant to be comprehensive. The department strongly suggests that organic food producers use a variety of resources for information concerning organic food production.

(1) Nitrogen: Green manures and leguminous cover crops; composted animal manures; bacterial inoculant for soil, legumes and compost; soy, cottonseed, and vegetable meal; blood, fish, or feather meal; and foliar sprays in conjunction with a soil building program.

(2) Phosphorus: Composted manures high in phosphorus (poultry, guano); colloidal, soft, and hard rock phosphate; mycorrhizae to activate rock phosphate.

(3) Potassium: Cover crops that activate potassium; mined granite, greensand, basalt, feldspar, langbenite, and potassium sulfate.

(4) Secondary minerals: Kelp and seaweed extracts and powders; dolomite, gypsum, keiserite, langbenite, limestone, potassium sulfate, and rock phosphate from mined sources; oyster, clam, and crab shells; composts made from a variety of materials.

(5) Micronutrients: Liquid or powdered seaweed extract, kelp meal, rock powders, chelates made with natural chelating agents.

(6) Growth promoter, activators and inoculants: Herbal preparations, seaweed extract, rhizobial inoculants, bio-dynamic preparations, cyanobacteria, humates, naturally occurring microbes.

(7) Weed management: Rotations with competitive cover crops, timely mowing or cultivation, mulching with organic materials, living mulches, weeder geese, grazing, careful sanitation to prevent introduction of weed seeds.

(8) Disease management: Removal of diseased tissue from growing areas, control of moisture levels, herbal or plant-derived sprays, mineral sprays, fungicidal soaps, vinegar and other natural substances, lime sulfur, bordeaux and elemental sulfur.

(9) Insect management: Preventive management such as the use of resistant varieties, timing to avoid cycles of pest emergence, intercropping, rotations, and balanced plant nutrition. Use of herbal sprays, rock powders, diatomaceous earth, dormant oils, parasitic nematodes, introduction of predators, habitat enhancement to encourage beneficial predators, sticky traps, microbial and viral diseases, pheromone trapping and monitoring, and mating disruption.

(10) Vertebrate management: Traps, repellent crops, noise, sanitation, habitat enhancement for bird and mammal predators.

(11) Post-harvest handling: Good sanitation, refrigeration, pheromone trapping.

[Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-154-040, filed 4/11/91, effective 5/12/91.]

WAC 16-154-050 Organic crop production standards. (1) Buffer zones. Crops harvested and marketed as "organic," "organically grown," or "transition to organic" shall be grown, raised, or produced within the meaning of RCW 15.86.030 at least twenty-five feet from the nearest application of prohibited materials.

(2) Soil building.

(a) In order for a crop to be considered "organically grown" a soil building program must be in place for at least three years, except for those crops grown hydroponically. In order for a crop to be considered "transition to organic" a soil building program must be

in place for at least one year, except for those crops grown hydroponically.

(b) Upon request by the department producers of organic crops shall demonstrate their soil building programs and the department shall restrict producers from using the terms "organic," "organically grown," or "transition to organic" on crops grown without adequate soil building programs. An adequate soil building program includes using humic building materials such as manure, compost, cover crops, and rock minerals which build or maintain soil organic matter. Demonstration of soil building programs shall entail documentation of soil inputs and soil testing.

(3) Transplants.

(a) Annuals must be grown in an organic environment from seed through harvest. Annual transplants must be organically grown in order to meet the organic crop production standards.

(b) Nonorganically grown perennial transplants will be considered "organic" after they have been grown in organic soil for one year.

(4) Seeds. Untreated seeds and/or seeds treated with materials approved for organic food production are permitted for organic food production. The use of synthetic insecticides on or in seeds is prohibited. Seeds treated with fungicides may be used if the grower can demonstrate through written documentation that untreated seeds are unavailable. Strawberry crowns and potatoes are considered seeds for the purpose of this section.

[Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-154-050, filed 4/11/91, effective 5/12/91.]

WAC 16-154-060 Records. All producers who sell farm products identified as organic shall keep accurate records of the location of the acreage used for growing such products and the additions, excluding water, made to the soil or applied to the plant or added to irrigation water. Such records shall be retained for two years after date of such sale.

[Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-154-060, filed 4/11/91, effective 5/12/91.]

WAC 16-154-070 Materials list for organic food production--Fertilizers, growth promoters, and soil amendments. (1) Approved materials. The following list of fertilizers, growth promoters, and soil amendments are approved for use in organic crop production. Some approved materials have certain restrictions regarding their use. These restrictions are noted in the list. ALWAYS CAREFULLY READ THE LABEL AND ANY OTHER DOCUMENTATION. All materials must be applied with awareness and care for the environment and in compliance with all state and federal laws.

(a) Algae.

(b) Animal manure: Excessive use of animal manure can lead to nitrate contamination of ground water. Heavy nitrogen use can also lead to high nitrate levels in leafy greens. Raw manure may be applied to:

(i) Any green manure crop;

(ii) Any perennial crop;

(iii) Any crop not for human consumption; and

(iv) Any crop for human consumption, if such crop is harvested after a reasonable period of time after the most recent application of raw manure, but in no event shall such period be less than sixty days.

- (c) Blood meal.
- (d) Blue-green algae or cyanobacteria.
- (e) Bone meal.
- (f) Boron products.
- (g) Biodynamic preparations.

(h) Chelates: Chelated micronutrient sprays may be used in conjunction with soil and/or plant tissue tests. Amino acid, ligo-sulphate, citric acid, malic acid, tartaric acid, and other di- and tri- acid chelates are acceptable.

(i) Chilean nitrate (see sodium nitrate).

(j) Cocoa bean hulls: Needs to be tested for pesticide residues.

(k) Compost.

(l) Cottonseed meal: Needs to be tested for pesticide residues.

(m) Cyanobacteria or blue-green algae.

(n) Diatomaceous earth: Use a dust mask when applying to prevent lung irritation.

(o) Dolomite: May cause buildup of magnesium.

(p) Enzymes: Acceptable if derived microbiologically from natural materials and not fortified with synthetic plant nutrients.

(q) Epsom salts or magnesium sulphate.

(r) Fish emulsions: Forms which are "fortified" with urea or other synthetic plant nutrients are prohibited. Phosphoric acid used as a stabilizer in fish emulsion cannot exceed one percent by weight of $P_2 O_5$.

(s) Fish meal.

(t) Gibberellic acid: Acceptable if made without synthetic substances.

(u) Grape, apple, and other pomaces.

(v) Greensand.

(w) Guano, bat, or bird.

(x) Gypsum.

(y) Hoof and horn meal.

(z) Humates: Humates are usually natural deposits which are mined and may contain high trace mineral contents. Acceptable if derived from leonardite, lignite, or coal.

(aa) Humic acid derivatives: These are extracts of humates which may be made with either natural or unnatural processes. These are only acceptable if derived from natural sources and not fortified.

(bb) Iron sulfate.

(cc) Kelp extracts.

(dd) Kelp meal.

(ee) Kieserite.

(ff) K-mag or sul-po-mag.

(gg) Leather meal or tankage: Needs to be tested for heavy metals.

(hh) Limestone.

(ii) Manure: See (b) animal manure.

(jj) Microbial soil inoculants.

(kk) Mined materials.

(ll) Mulches: Plastic mulches must not be incorporated into soil.

(mm) Mushroom compost: Needs to be tested for pesticide residues.

(nn) Peat moss: Unfortified forms only.

(oo) Perlite.

(pp) Phosphate rock.

(qq) Potassium sulfate.

(rr) Rock phosphate.

(ss) Shells, ground: Oyster, clam, lobster, and crab.

(tt) Sodium nitrate: Discouraged because of high sodium content. Cannot be used as the primary source of nitrogen. Sodium nitrate can be used for up to twenty percent of total nitrogen inputs. Total nitrogen is defined as pounds of nitrogen from all sources including, in part, manure, blood meal, compost, green manures, cover crops, and fish meal.

(uu) Spent controlled atmosphere lime.

(vv) Sugar beet lime: Needs to be tested for pesticide residues.

(ww) Sulfur, elemental: Direct application to soil discouraged.

(xx) Sulfates of zinc or iron.

(yy) Sul-po-mag or K-Mag.

(zz) Vermiculite.

(aaa) Wood ashes.

(bbb) Worm castings.

(ccc) Zinc sulfate.

(2) Prohibited materials. The fertilizers, growth promoters, and soil amendments that are prohibited for use in organic crop production includes but is not limited to the following:

(a) Ammonia products.

(b) Calcium nitrate.

(c) Fortified humic acid derivatives.

(d) Growth regulators, synthetic.

(e) Hydrated lime.

(f) Magnesium nitrate.

(g) Mono-ammonium phosphate.

(h) Muriate of potash.

(i) Phosphoric acid.

(j) Potassium nitrate.

(k) Super phosphate.

(l) Triple phosphate.

(m) Urea.

(n) Vitamin B-1.

[Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-154-070, filed 4/11/91, effective 5/12/91.]

WAC 16-154-080 Materials list for organic food production--Insect pest control materials and practices.

(1) Approved materials. The following list of pest control materials and practices for insects, mites, and other invertebrates are approved for use in organic crop production. Some approved materials have certain restrictions regarding their use. These restrictions are noted in the list. ALWAYS CAREFULLY READ THE LABEL AND ANY OTHER DOCUMENTATION. All materials must be applied with awareness and care for the environment and in compliance with all state and federal laws.

(a) *Bacillus thuringiensis*: Liquid forms containing xylene are prohibited.

(b) Beneficial insects.

- (c) Boric acid: Cannot be used on edible plant parts.
 - (d) Codling moth granulosis virus.
 - (e) Cryolite or sodium fluoaluminatate: The mined material from Greenland is permitted.
 - (f) Diatomaceous earth: Use a dust mask when applying to prevent lung irritation.
 - (g) Dormant oils: Use only on woody plants as a dormant spray.
 - (h) Garlic.
 - (i) Herbal preparations: May not be extracted with synthetic solvents.
 - (j) Insect extracts.
 - (k) Nematodes.
 - (l) Pheromones.
 - (m) Piperonyl butoxide (PBO): California and Oregon no longer allow the use of PBO in the production of organic food.
 - (n) Pyrethrums: Naturally occurring forms are allowed. The pyrethrums are highly unstable in the presence of air, light, and moisture. They have low mammalian toxicity and can cause dermatitis in humans. Use with caution.
 - (o) Rotenone: Use with caution. Rotenone is highly toxic to fish. Its persistence in the soil is unknown, though it loses its effectiveness within one week. Should not be used on crops nearing harvest time. Commercial rotenone comes from tropical leguminous shrubs in the genera *Lonchocarpus* and *Derris*. The active compounds, rotenoids, are present in a variety of legumes including soybeans.
 - (p) Ryania: Use with caution. The toxicological properties of ryania are largely unknown.
 - (q) Sabadilla: Use with caution.
 - (r) Soaps.
 - (s) Sulfur, elemental.
 - (t) Summer oils: May be used on woody plants only, carrot and/or weed oils are prohibited.
 - (u) Trapping substances.
 - (v) Tree seals: May be petroleum based but may not contain synthetic chemicals or fungicides.
 - (w) Virus sprays.
- (2) Prohibited materials and practices. The insect pest control materials and practices that are prohibited for use in organic crop production includes but is not limited to the following:
- (a) Abamectin or avermectin.
 - (b) Carbamates.
 - (c) Chlorinated hydrocarbons.
 - (d) Dimethyl sulfoxide.
 - (e) Methyl bromide.
 - (f) Methyl sulfoxide.
 - (g) Moth balls/crystals.
 - (h) Nicotine: Nicotine is prohibited because of extreme toxicity.
 - (i) Organophosphates.
 - (j) Plant protectants, synthetic.
 - (k) Pyrethroids, synthetic.

[Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-154-080, filed 4/11/91, effective 5/12/91.]

WAC 16-154-090 Materials list for organic food production--Weed control materials and practices. (1) Approved materials. The following list of weed control materials and practices are approved for use in organic crop production. Some approved materials have certain restrictions regarding their use. These restrictions are noted in the list. ALWAYS CAREFULLY READ THE LABEL AND ANY OTHER DOCUMENTATION. All materials must be applied with awareness and care for the environment and in compliance with all state and federal laws.

(a) Flaming: Broadcast and/or field burning is prohibited.

- (b) Grazing.
- (c) Herbicidal soaps.
- (d) Mechanical and cultural controls.
- (e) Mulches of organic materials.
- (f) Plastics for mulch, row covers, and solarization.
- (g) Weeder geese.

(2) Prohibited materials and practices. The weed control materials and practices that are prohibited for use in organic crop production includes but is not limited to the following:

- (a) Broadcast and/or field burning.
- (b) Carrot oil.
- (c) Field burning.
- (d) Herbicides.
- (e) Synthetic growth regulators.
- (f) Weed oils.

[Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-154-090, filed 4/11/91, effective 5/12/91.]

WAC 16-154-100 Materials list for organic food production--Disease control materials and practices. (1) Approved materials. The following list of disease control materials and practices are approved for use in organic crop production. Some approved materials have certain restrictions regarding their use. These restrictions are noted in the list. ALWAYS CAREFULLY READ THE LABEL AND ANY OTHER DOCUMENTATION. All materials must be applied with awareness and care for the environment and in compliance with all state and federal laws.

(a) Antibiotics: Naturally derived antibiotics are permitted for disease control.

(b) Bordeaux mixes: Use with caution. Excessive use of bordeaux may cause buildup of copper in the soil and limit its continued use.

(c) Copper hydroxide.

(d) Copper sulfate: Use with caution. Excessive use of copper sulfate may cause buildup of copper in the soil and limit its continued use.

(e) Dormant oils: Use only on woody plants as a dormant spray.

(f) Hydrated lime: Foliar application as a fungicide only. Shall not be used as a liming material.

(g) Hydrogen peroxide.

(h) Lime sulfur: Foliar application as a fungicide only.

(i) Soil pasteurization.

(j) Sulfur, elemental.

(k) Tree seals: May be petroleum based but may not contain synthetic chemicals or fungicides.

(2) Prohibited materials and practices. The disease control materials and practices that are prohibited for use in organic crop production includes but is not limited to the following:

- (a) Broadcast and/or field burning.
- (b) Soil fumigants.
- (c) Synthetic fungicides, fumigants, sterilizants, and bactericides.

[Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-154-100, filed 4/11/91, effective 5/12/91.]

WAC 16-154-110 Materials list for organic food production—Vertebrate control materials and practices.

(1) Approved materials. The following list of vertebrate pest control materials and practices are approved for use in organic crop production. Some approved materials have certain restrictions regarding their use. These restrictions are noted in the list. ALWAYS CAREFULLY READ THE LABEL AND ANY OTHER DOCUMENTATION. All materials must be applied with awareness and care for the environment and in compliance with all state and federal laws.

(a) Deer and rabbit repellents: Acceptable if derived from a natural source.

(b) Predators: Cats, hawks, coyotes, airborne projectiles.

(c) Rodent traps.

(d) Strychnine: Underground use only.

(e) Synthetic vitamin baits.

(2) Prohibited materials and practices. The vertebrate pest control materials and practices that are prohibited for use in organic crop production includes but is not limited to the following:

(a) Anticoagulant rodent baits

(b) Aluminum phosphide

(c) Alpha-Naphthylthiourea

(d) Coumarins

(e) Calcium cyanide

(f) Indandiones

(g) Organochlorines

(h) Organo phosphates

(i) Pyriminilureas

(j) Phosphorus

(k) Sodium fluoroacetate

(l) Thallium sulfate

(m) Zinc phosphide.

[Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-154-110, filed 4/11/91, effective 5/12/91.]

WAC 16-154-120 Materials list for organic food production—Post-harvest materials and practices.

(1) Approved materials. The following list of materials and practices are approved for post-harvest use for organic food. Some materials have certain restrictions regarding their use. These restrictions are noted in the list. All materials must be used with awareness and care for the environment and in compliance with state and federal laws.

(a) Beneficial insects.

(b) Carbon dioxide gas.

(c) Chlorine dioxide.

(d) Citric acid, naturally derived.

(e) Controlled atmosphere.

(f) Ethylene gas: Ethylene gas may be used on bananas only.

(g) Fruit waxes: Natural waxes are permitted as long as they do not contain synthetic additives.

(h) Hydrogen peroxide.

(i) Lignosulfonates for floating tree fruits.

(j) Soap, biodegradable.

(k) Soda ash for floating tree fruits.

(l) Sodium silicate for floating tree fruits.

(2) Prohibited materials. The post-harvest materials and practices that are prohibited for use in organic crop production includes but is not limited to the following:

(a) Antibiotics.

(b) Artificial preservatives.

(c) Fumigants.

(d) Fungicides.

(e) Irradiation.

[Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-154-120, filed 4/11/91, effective 5/12/91.]

Chapter 16-156 WAC

ORGANIC PRODUCER AND TRANSITION TO ORGANIC PRODUCER CERTIFICATION

WAC

16-156-005	Standards for certification.
16-156-020	Inspection.
16-156-035	Decertification.
16-156-060	Fee schedule.

WAC 16-156-005 Standards for certification. Standards for organic producer and transition to organic producer certification shall be as set forth in RCW 15.86.030 and chapter 16-154 WAC.

[Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-156-005, filed 4/11/91, effective 5/12/91; 90-02-001, § 16-156-005, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-005, filed 3/8/88.]

WAC 16-156-020 Inspection. The department of agriculture shall make at least one announced visit and any unannounced visit deemed necessary to each organic producer and transition to organic producer under the organic food certification program each year for the purpose of inspection for compliance with the standards for certification which are chapter 15.86 RCW (Organic food products) and chapter 16-154 WAC (Organic crop production standards).

This inspection may entail survey of required records, examination of crops and fields, and any other information deemed necessary to the requirements of this chapter.

It shall be the producer's responsibility to arrange for and bear the costs for any additional inspections which are deemed necessary by the director for certification.

[Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-156-020, filed 4/11/91, effective 5/12/91; 90-02-001, § 16-156-020, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-020, filed 3/8/88.]

WAC 16-156-035 Decertification. Whenever the director finds that a producer who has been certified under this program has:

- (1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;
- (2) Has filed an application for certification which is false or misleading in any particular;
- (3) Has violated any of the provisions of this chapter;
- or
- (4) Has failed to provide records as required by WAC 16-154-060;

The director may issue an order revoking that producer's certification under this program or he may issue an order directing the producer to take other appropriate action to correct the violation. If appropriate action is taken, the producer will be returned to its previous status under the program.

Any producer who has received notice that its certification may be revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW. Such application must be in writing, addressed to the director of the Washington department of agriculture and be received in the Olympia administrative offices not later than twenty days from the date of the notice of the opportunity to apply for a hearing.

[Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-156-035, filed 4/11/91, effective 5/12/91; 90-02-001, § 16-156-035, filed 12/21/89, effective 1/21/90.]

WAC 16-156-060 Fee schedule. (1) The cost per application shall be based on a sliding scale of gross dollar volume. The fee shall accompany the application.

Gross Income	Annual Fee
\$ 0 - \$ 12,000	\$ 150
\$ 12,000 - \$ 15,000	\$ 185
\$ 15,000 - \$ 20,000	\$ 200
\$ 20,000 - \$ 25,000	\$ 275
\$ 25,000 - \$ 35,000	\$ 350
\$ 35,000 - \$ 50,000	\$ 500
\$ 50,000 - \$ 65,000	\$ 600
\$ 65,000 - \$ 80,000	\$ 750
\$ 80,000 - \$100,000	\$ 900
\$100,000 - \$150,000	\$ 1,000
\$150,000 - \$200,000	\$ 1,200
\$200,000 - \$280,000	\$ 1,400
\$280,000 - \$375,000	\$ 1,500
\$375,000 - \$500,000	\$ 2,000
\$500,000 and up	\$ 2,500

(2) Additional inspections (in addition to two inspections provided for), if required for certification by the director, shall be at \$20/hr. plus mileage set at the rate established by the state office of financial management.

(3) Additional samples (in addition to one sample provided for), if required for certification by the director, shall cost an additional lab fee of one hundred ten dollars. If an additional visit must be arranged, it shall

be at \$20/hr. plus mileage set at the rate established by the state office of financial management.



[Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-156-060, filed 4/11/91, effective 5/12/91; 90-02-001, § 16-156-060, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-060, filed 3/8/88.]

**Chapter 16-158 WAC
PROCESSED ORGANIC FOODS—CERTIFICATION
AND LABELING**

WAC
16-158-120 Decertification.

WAC 16-158-120 Decertification. Whenever the director finds that an organic food processor who has been certified under this program has:

- (1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;
- (2) Has filed an application for certification which is false or misleading in any particular;
- (3) Has violated any of the provisions of this chapter;
- (4) Has failed to provide records as required by WAC 16-158-050; or
- (5) Has violated any provisions of chapter 69.04 or 69.07 RCW;

The director may issue an order suspending or revoking that processor's certification under this program or he may issue an order directing the organic food processor to take other appropriate action to correct the violation. If the appropriate action is taken, the processor will be returned to its previous status under the program.

Any organic food processor who has received notice that its certification may be revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW. Such application must be in writing, addressed to the director of the Washington department of agriculture and be received in the Olympia administrative offices not later than twenty days from the date of the notice of the opportunity to apply for a hearing.

This shall not preclude the department of agriculture from taking whatever action they deem appropriate under chapter 69.04 or 69.07 RCW for violations of those statutes.

[Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-158-120, filed 4/11/91, effective 5/12/91. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-120, filed 6/5/90, effective 7/6/90.]

**Chapter 16-160 WAC
REGISTRATION OF MATERIALS FOR ORGANIC
FOOD PRODUCTION**

WAC	
16-160-010	Purpose.
16-160-020	Definitions.
16-160-030	Registration of materials.
16-160-040	Application for material registration.
16-160-050	Annual application and initial inspection fee—Expiration—Continuation if renewal application made.
16-160-060	Criterion for registering.
16-160-070	Inspection.
16-160-090	Refusing or canceling registration—Procedure.
16-160-100	Labeling of registered materials.

WAC 16-160-010 Purpose. This chapter is promulgated pursuant to RCW 15.86.060(1) wherein the director is authorized to adopt rules and regulations for the proper administration of chapter 15.86 RCW and RCW 15.86.070 wherein the director is authorized to adopt rules governing the certification of producers of organic food.

[Statutory Authority: Chapter 15.86 RCW. 91-05-007, § 16-160-010, filed 2/7/91, effective 3/10/91.]

WAC 16-160-020 Definitions. As used in this chapter:

- (1) "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate pests, or which will act as a plant regulator, defoliant, desiccant, or spray adjuvant.
- (2) "Applicant" means the person who submits an application to register a material pursuant to the provisions of this chapter.
- (3) "Approved material" means any material which is approved for use in organic food production under chapter 15.86 RCW, chapter 16-154 WAC, and WAC 16-160-060.
- (4) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.
- (5) "Department" means the department of agriculture of the state of Washington.
- (6) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.
- (7) "Director" means the director of the department of agriculture or his or her duly authorized representative.
- (8) "Distribute" means to offer for sale, hold for sale, sell, barter, deliver, or supply materials in this state.
- (9) "Inert ingredient" means an ingredient which is not an active ingredient.
- (10) "Label" means the written, printed, or graphic matter on, or attached to, the material or the immediate container thereof, and the outside container or wrapper of the retail package.
- (11) "Material" means any pesticide, plant regulator, defoliant, desiccant, spray adjuvant, fertilizer, soil amendment, growth regulator, or other substance or mixture of substances which is intended to be used in agricultural production or post-harvest use.
- (12) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.
- (13) "Pesticide" means, but is not limited to:

- (a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the director may declare to be a pest;
- (b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant;
- (c) Any substance or mixture of substances intended to be used as a spray adjuvant; and
- (d) Any other substances intended for such use as may be named by the director by regulation.

(14) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants but shall not include substances insofar as they

are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculant, or soil amendments.

(15) "Prohibited material" means any material which is prohibited for use in organic food production, handling, or processing under chapter 15.86 RCW, chapter 16-154 WAC, and WAC 16-160-060.

(16) "Registrant" means the person registering any material pursuant to the provisions of this chapter.

(17) "Spray adjuvant" means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to the application or to the effect thereof, and which is in a package or container separate from that of the pesticide with which it is to be used.

[Statutory Authority: Chapter 15.86 RCW. 91-05-007, § 16-160-030, filed 2/7/91, effective 3/10/91.]

WAC 16-160-030 Registration of materials. Every material which is manufactured within this state and/or distributed within this state may be registered for use in organic food production if it meets the terms and conditions as set forth in this chapter. Such application shall be made prior to January 1 of each year.

[Statutory Authority: Chapter 15.86 RCW. 91-05-007, § 16-160-030, filed 2/7/91, effective 3/10/91.]

WAC 16-160-040 Application for material registration. Applications for material registration shall be made on a form designated by the department. The form shall include:

(1) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicants;

(2) The name of the material;

(3) A complete copy of the labeling accompanying the material and a statement of all claims to be made for it, including the directions and precautions for use;

(4) The complete formula of the materials including the active and inert ingredients;

(5) A description of the manufacturing process including all materials used for the extraction and synthesis of the material, if appropriate;

(6) The intended uses of the product;

(7) For pesticides, a full description of the tests made and the results of acute toxicity, chronic toxicity, reproductive effects, teratogenicity tests, mutagenicity tests, carcinogenicity tests, ecological effects, environmental fate and persistence. Similar information on nonpesticide materials must be provided when the data are available; and

(8) Any additional information deemed necessary.

[Statutory Authority: Chapter 15.86 RCW. 91-05-007, § 16-160-040, filed 2/7/91, effective 3/10/91.]

WAC 16-160-050 Annual application and initial inspection fee--Expiration--Continuation if renewal application made. (1) Any person desiring to register a material for organic food production shall file with the

director an application and a yearly inspection fee as set forth in WAC 16-160-070 for each material. All registrations expire on December 31st of each year.

(2) If a renewal application has been filed and the yearly inspection fee paid, then the registration of any material which has been approved by the director and is in effect on the 31st day of December continues in full force and effect until the director notifies the applicant that the registration has been renewed, or until it is otherwise denied in accordance with WAC 16-160-090.

[Statutory Authority: Chapter 15.86 RCW. 91-05-007, § 16-160-050, filed 2/7/91, effective 3/10/91.]

WAC 16-160-060 Criterion for registering. (1) The director shall review the information provided under WAC 16-160-040 and shall register the material as an "approved material" if he or she determines that:

(a) Its composition is such as to warrant the proposed claims for it;

(b) Its labeling and other material required to be submitted comply with state and federal laws;

(c) It is composed entirely of "approved" materials as stated in chapter 16-154 WAC or meets the provisions of subsection (2) of this section.

(2) Synthetic materials may be considered for registration by the director if he or she determines that:

(a) The material is judged to be essential to the production of the crop;

(b) The material is less toxic or environmentally hazardous than a naturally derived alternative; and

(c) The use of the material is consistent with the principles of organic farming as set forth in chapter 16-154 WAC.

[Statutory Authority: Chapter 15.86 RCW. 91-20-013, § 16-160-060, filed 9/20/91, effective 10/21/91; 91-05-007, § 16-160-060, filed 2/7/91, effective 3/10/91.]

WAC 16-160-070 Inspection. Whenever the department receives an application for registration of materials under this chapter, the department shall conduct an inspection. This inspection may entail a survey of required records, examination of facilities, testing representative samples for prohibited materials, and any other information deemed necessary to the requirements of this chapter.

The applicant or registrant shall pay a yearly inspection fee of three hundred dollars at the time the application for material registration is filed with the director.

Additional inspections, if required, will be billed at twenty dollars per hour plus mileage which shall be charged at the rate established by the state office of financial management.

Additional samples (in addition to one sample provided for), if required shall cost an additional lab fee of one hundred ten dollars. If an additional visit must be arranged, it shall be at twenty dollars per hour plus mileage which shall be charged at the rate established by the state office of financial management.

[Statutory Authority: Chapter 15.86 RCW. 91-05-007, § 16-160-070, filed 2/7/91, effective 3/10/91.]

WAC 16-160-090 Refusing or canceling registration--Procedure. (1) With regard to the initial registration of a material, if it does not appear to the director that the material is such as to warrant the proposed claims for it or if the material and its labeling and other material required to be submitted do not comply with the provisions of this chapter, he or she shall notify the registrant of the manner in which the material, labeling, or other material required to be submitted fails to comply with the provisions of this chapter or state or federal law so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of such notice, the applicant does not make corrections, the director shall refuse to register the material.

(2) When evaluating a materials registration renewal application, the director may, when he or she determines that a material or its labeling does not comply with the provisions of this chapter or state or federal law, or if he or she determines that false or inaccurate information was provided by the registrant concerning the material, cancel the registration of a material after a hearing in accordance with the provisions of chapter 34.05 RCW provided that the applicant has otherwise made timely and sufficient application for registration renewal.

(3) During the current registration period of a material, the director may, when he or she determines that a material or its labeling does not comply with the provisions of this chapter or state or federal law, or if false or inaccurate information was provided by the registrant concerning the registered material, cancel the registration of such material after a hearing in accordance with the provisions of chapter 34.05 RCW.

[Statutory Authority: Chapter 15.86 RCW. 91-05-007, § 16-160-090, filed 2/7/91, effective 3/10/91.]

WAC 16-160-100 Labeling of registered materials. Persons who apply under this program and whose material is registered as an "approved material" will be allowed to use the words, "approved material under Washington state department of agriculture organic food program" in their labeling. Registration as an "approved material" by no means implies the Washington department of agriculture endorses the use of such product.

[Statutory Authority: Chapter 15.86 RCW. 91-05-007, § 16-160-100, filed 2/7/91, effective 3/10/91.]

Chapter 16-212 WAC

GRAIN, HAY, BEANS AND PEAS--INSPECTION FEES

WAC

- 16-212-125 Licenses; warehouse, terminal warehouse, country warehouse--Late renewal penalty.
- 16-212-126 Grain dealer license--Late renewal penalty.
- 16-212-127 Warehouse license expiration.
- 16-212-128 Grain dealer license expiration.

WAC 16-212-125 Licenses; warehouse, terminal warehouse, country warehouse--Late renewal penalty. (1) If the application for renewal of a warehouse license or licenses is not received by the department prior to

June 30th of any year a penalty shall be assessed as provided by RCW 22.09.050.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-212-125, filed 7/25/91, effective 8/25/91.]

WAC 16-212-126 Grain dealer license--Late renewal penalty. (1) If the application for renewal of a grain dealer license is not received by the department prior to June 30th of any year a penalty shall be assessed as provided by RCW 22.09.055.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-212-126, filed 7/25/91, effective 8/25/91.]

WAC 16-212-127 Warehouse license expiration. Warehouse licenses issued under RCW 22.09.070 shall expire on June 30th after the date of issuance.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-212-127, filed 7/25/91, effective 8/25/91.]

WAC 16-212-128 Grain dealer license expiration. Grain dealer licenses issued under RCW 22.09.075 shall expire on June 30th after the date of issuance.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-212-128, filed 7/25/91, effective 8/25/91.]

Chapter 16-228 WAC

PESTICIDE REGULATIONS

WAC

- 16-228-020 Pesticide licenses--Renewal dates--Penalties.
- 16-228-164 State restricted use pesticides for use by certified applicators only.

WAC 16-228-020 Pesticide licenses--Renewal dates--Penalties. (1) The following pesticide licenses shall expire on the December 31st following their issuance:

(a) Commercial pesticide applicator licenses issued under the authority of RCW 17.21.070;

(b) Commercial pesticide operator licenses issued under the authority of RCW 17.21.110;

(c) Private applicator licenses issued under the authority of RCW 17.21.126;

(d) Public operator licenses issued under the authority of RCW 17.21.220.

(2) The following pesticide licenses shall expire on the fifth December 31st following their issuance:

(a) Private-commercial applicator licenses issued under the authority of RCW 17.21.122;

(b) Pesticide dealer-manager licenses issued under the authority of RCW 15.58.200;

(c) Demonstration and research licenses issued under the authority of RCW 17.21.129.

(3) The following pesticide licenses shall expire on the final day of February of each year:

(a) Pest control consultant licenses issued under the authority of RCW 15.58.210;

(b) Public pest control consultant licenses issued under the authority of RCW 15.58.220.

(4) Pesticide renewal applications for licenses issued under the authority of chapter 17.21 RCW shall be filed on or before January 1st of the appropriate year.

(5) If an application for renewal of any pesticide license issued under the authority of chapter 17.21 RCW is not filed on or prior to January 1st following the expiration date of the license, a penalty shall be assessed as provided in RCW 17.21.140.

(6) If an application for renewal of a pesticide dealer license issued under the authority of chapter 15.58 RCW is not filed on or before the master license expiration date, the master license delinquency fee shall be assessed under chapter 19.02 RCW and shall be paid by the applicant before the renewal license is issued.

(7) If an application for renewal of any license issued under the authority of chapter 15.58 RCW, other than the pesticide dealer license, is not filed on or before the expiration date of the license, penalty equivalent to the license fee shall be assessed and added to the original fee, and shall be paid by the applicant before the renewal license is issued.

(8) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-228-020, filed 7/25/91, effective 8/25/91.]

WAC 16-228-164 State restricted use pesticides for use by certified applicators only. (1) Pesticides containing the following active ingredients are hereby declared state restricted use pesticides for the protection of groundwater 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 and only for those uses covered by the certified applicator's license category(s).

<u>Common Chemical Name</u>	<u>Also Known As*</u>
alachlor	Lasso
aldicarb	Temik
atrazine	
bromacil	Hyvar, Krovar
carbofuran	Furadan
cyanazine	Bladex
DCPA	Dacthal
1,3-dichloropropene	Telone
disulfoton	Di-Syston
diuron	Karmex, Krovar
heptachlor	
hexazinone	Velpar
metolachlor	Dual
metribuzin	Lexone, Sencor
oxamyl	Vydate
picloram	Tordon
prometon	Pramitol
simazine	Princep
tebuthiuron	Spike

*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) Pesticides defined by the following categories are hereby declared 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, and only for those uses covered by the certified applicator's license category. Dealers shall keep records as defined in subsection (4) of this section, and shall furnish the records to the director as defined in subsection (7) of this section.

(a) Any EPA restricted use pesticide not listed in this rule.

(b) 2,4-D - all dry formulations and all liquid formulations distributed in packages larger than one gallon to be used in counties located east of the crest of the Cascade Mountains. The following types of formulations are exempt from this requirement:

(i) Dry formulations labeled and intended for home and garden use only;

(ii) Liquid amine formulations of any concentration up to and including one gallon in size when purchased and used in all counties located east of the crest of the Cascade Mountains; and

(iii) One gallon containers of liquid amine formulations containing fifteen percent or less of restricted use herbicides, labeled for consumer use.

(3) Pesticides which are not classified as EPA restricted use pesticides and which are labeled and intended only for the following uses are exempt from the requirements of this section:

(a) Home and garden use;

(b) Pet products;
(c) Cooling tower, air conditioner, industrial systems and humidifier biocides;

(d) Use within wholly enclosed structures (with floors) or fumigation chambers. Greenhouses are not considered as wholly enclosed structures.

(4) Pesticide dealers shall keep records of distribution of state restricted use pesticides specified by common chemical name in subsections (1) and (2) of this section for a period of seven years from the date of distribution. The records shall contain the following information:

(a) Name and address of purchaser;

(b) Name and address of certified applicator (if different from (a) above);

(c) Name of authorized agent (if applicable);

(d) Brand and specific pesticide name and/or EPA registration number;

(e) Number of pounds or gallons of the pesticide distributed;

(f) Date of distribution;

(g) Certified applicator number.

(5) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides listed in subsections (1) and (2) of this section 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.

(6) Certified applicators shall keep records of applications of state restricted use pesticides specified by common chemical name in subsections (1) and (2) of this section for a period of seven years from the date of application, and the records shall contain the information specified in WAC 16-228-190.

(7) Records required by subsections (4) and (6) of this section shall be furnished to the director immediately upon request.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 91-06-019 (Order 2073), § 16-228-164, filed 2/26/91, effective 3/29/91; 89-24-029 (Order 2022), § 16-228-164, filed 11/30/89, effective 12/31/89; 89-07-006 (Order 1996), § 16-228-164, filed 3/3/89.]

Chapter 16-230 WAC

USE OF CHEMICALS AND CHEMICALLY TREATED MATERIALS IN CERTAIN COUNTIES

WAC

16-230-110	Repealed.
16-230-115	Repealed.
16-230-120	Repealed.
16-230-150	Area under order—Restricted use desiccants and defoliants.
16-230-160	Desiccants and defoliants—Ground equipment—Nozzle and pressure requirements for the entire area under order.
16-230-170	Desiccants and defoliants—Aerial equipment—Boom length, pressure, nozzle requirement, nozzle height of discharge and smoke device requirements for the entire area under order.
16-230-180	Desiccants and defoliants—Weather and evening cut-off requirements.

16-230-190	Restrictions on the use of desiccants and defoliants in Walla Walla County.
16-230-400	Restricted use herbicides—Spokane County—Area under order.
16-230-410	Restricted use herbicides—Spokane County.
16-230-440	Restricted use herbicides—Spokane County—Area 4.
16-230-450	Restricted use herbicides—Spokane County—Farm operator to notify.
16-230-460	Restricted use herbicides—Spokane County—Commercial greenhouse notification.
16-230-470	Restricted use herbicides—Spokane County—Wind conditions.
16-230-475	Repealed.
16-230-605	Specific county rules—Eastern Washington.
16-230-610	Restricted use herbicides and definitions—Eastern Washington.
16-230-615	Restricted use herbicides—Eastern Washington—Sale and distribution.
16-230-625	Restricted use herbicides—Eastern Washington—Mixing and loading.
16-230-670	Restricted use herbicides—Eastern Washington—Aircraft boom length and pressure requirements.
16-230-675	Restricted use herbicides—Eastern Washington—Minimum nozzle orifice and core plate sizes for aircraft application.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-230-110	Regulations pertaining to the collection of special program fees on sales of 2,4-D—Definitions. [Order 1469, § 16-230-110, filed 5/14/76; Order 1424, Regulation 1 (codified as WAC 16-230-110), filed 10/2/75.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-115	Procedure for collecting special program fees. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-016 (Order 1637), § 16-230-115, filed 6/12/79; 78-06-076 (Order 1576), § 16-230-115, filed 5/31/78; Order 1534, § 16-230-115, filed 7/1/77; Order 1469, § 16-230-115, filed 5/14/76; Order 1424, Regulation 2 (codified as WAC 16-230-115), filed 10/2/75.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-120	Procedure for submitting reports. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-016 (Order 1637), § 16-230-120, filed 6/12/79; 78-06-076 (Order 1576), § 16-230-120, filed 5/31/78; Order 1534, § 16-230-120, filed 7/1/77; Order 1469, § 16-230-120, filed 5/14/76; Order 1424, Regulation 3 (codified as WAC 16-230-120), filed 10/2/75.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-230-475	Restricted use herbicides—Distribution, use, and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-230-475, filed 4/12/88.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.

WAC 16-230-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-230-115 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-230-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-230-150 Area under order—Restricted use desiccants and defoliants. (1) Area under order: All

counties located east of the crest of the Cascade Mountains.

(2) Restricted use desiccants and defoliants: The following desiccants and defoliants are declared to be restricted use desiccants and defoliants in the area under order: Diquat; Paraquat; and Endothall.

(3) Additional restrictions shall apply for certain areas of Walla Walla County (see WAC 16-230-190).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-08-058 (Order 2081), § 16-230-150, filed 4/2/91, effective 5/3/91; 79-05-043 (Order 1598), § 16-230-150, filed 4/26/79; 79-02-046 (Order 1591), § 16-230-150, filed 1/29/79; Order 1545, § 16-230-150, filed 11/30/77.]

WAC 16-230-160 Desiccants and defoliants--Ground equipment--Nozzle and pressure requirements for the entire area under order. The following requirements apply to the entire area under order as listed in WAC 16-230-150:

(1) Nozzle requirements - a minimum orifice diameter of .052 inches shall be used for application of all restricted use desiccants and defoliants: *Provided*, That a RD-2 Raindrop nozzle shall be allowed.

(2) Pressure requirements - maximum pressure at the nozzles for all applications of restricted use desiccants and defoliants shall be 30 psi.

(3) The Washington state department of agriculture may issue a permit upon receipt of a written request to apply restricted use desiccants and defoliants within the area as described in WAC 16-230-150 with nozzles, nozzle type, drift control additives, and/or arrangements other than those allowed herein. The director will consider safety factors and the possible exposure to susceptible crops in the areas of proposed application before a permit will be issued.

(4) Diesel and other fuel oils are prohibited in all tank mixes with desiccants and defoliants.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-08-058 (Order 2081), § 16-230-160, filed 4/2/91, effective 5/3/91; 87-15-001 (Order 1938), § 16-230-160, filed 7/2/87; 80-05-005 (Order 1682), § 16-230-160, filed 4/4/80; 79-02-046 (Order 1591), § 16-230-160, filed 1/29/79; Order 1545, § 16-230-160, filed 11/30/77.]

WAC 16-230-170 Desiccants and defoliants--Aerial equipment--Boom length, pressure, nozzle requirement, nozzle height of discharge and smoke device requirements for the entire area under order. The following requirements apply to the entire area under order as listed in WAC 16-230-150:

(1) Boom length restrictions:

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

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

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

(3) Nozzle requirements for applications of restricted use desiccants and defoliants:

(a) Fixed wing:

(i) Aircraft shall not be equipped with core plates or any device or mechanism which would cause a sheet, cone, fan or other dispersion of the discharged material. Nozzle orifices shall not be less than 0.094 inches: *Provided*, That the RD8-46 Raindrop® nozzles may be used with a minimum orifice diameter of 0.156 inches;

(ii) Nozzles shall be directed downward and backward 135 degrees from the direction of flight.

(b) Helicopter:

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

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

(iii) RD8-46 Raindrop® nozzles may be used with a minimum orifice diameter of .075 inches;

(iv) Nozzles shall be directed downward and backward 135 degrees from the direction of flight for applications over 50 miles per hour and 90 degrees downward and backward for applications under 50 miles per hour.

(4) Height of discharge requirements by aircraft of restricted use desiccants and defoliants: The nozzles must be closed while either descending onto or ascending from the target field, and also ascending or descending over an obstacle or obstruction within the target field that would alter the height of application more than ten feet.

(5) Smoke device requirements: All aircraft applying restricted use desiccants and defoliants shall utilize a smoke device to determine wind directions and temperature inversion situations.

(6) The Washington state department of agriculture may issue a permit upon receipt of a written request to apply restricted use desiccants and defoliants within the area under order as described in WAC 16-230-150 with nozzles, nozzle type, drift control additives and/or arrangements other than those allowed herein. The director will consider safety factors and the possible exposure to susceptible crops in the areas of proposed application before a permit will be issued.

(7) Diesel and other fuel oils are prohibited in all tank mixes with desiccants and defoliants.

(8) Aerial applications of desiccants and defoliants are prohibited within a distance of one mile of the city limits of any incorporated city or town and the same distance from the center of any unincorporated city or town comprised of ten or more inhabited, closely grouped residences.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-08-058 (Order 2081), § 16-230-170, filed 4/2/91, effective 5/3/91. Statutory Authority: RCW 17.21.030. 82-14-081 (Order 1767), § 16-230-170, filed 7/6/82. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-05-005 (Order 1682), § 16-230-170, filed 4/4/80; 79-02-046 (Order 1591), § 16-230-170, filed 1/29/79; 78-02-053 (Order 1548), § 16-230-170, filed 1/19/78; Order 1545, § 16-230-170, filed 11/30/77.]

WAC 16-230-180 Desiccants and defoliant--Weather and evening cutoff requirements. The following requirements apply to the entire area under order as listed in WAC 16-230-150:

(1) Weather conditions: Restricted use desiccants and defoliant shall not be applied when there is a temperature inversion, or if wind or weather conditions are such that damage could result to susceptible crops or ornamentals: *Provided*, That aircraft applications of Paraquat shall be prohibited until the temperature inversion ceiling at the site of application is 1,000 feet or greater. Aircraft must be equipped with thermometers to detect the height of the inversion.

(2) Evening cutoff: All applications of restricted use desiccants and defoliant shall be prohibited from three hours prior to sunset to one hour after sunrise the following morning: *Provided*, That ground applications in Area 2 of Walla Walla County may begin at sunrise: *Provided further*, That ground applications may be allowed at other times by obtaining a written permit from the department.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-08-058 (Order 2081), § 16-230-180, filed 4/2/91, effective 5/3/91; 80-05-005 (Order 1682), § 16-230-180, filed 4/4/80; 79-02-046 (Order 1591), § 16-230-180, filed 1/29/79; Order 1545, § 16-230-180, filed 11/30/77.]

WAC 16-230-190 Restrictions on the use of desiccants and defoliant in Walla Walla County. The following restrictions shall apply 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-Oregon border and the west section line of Section 15, T6N, R34E; thence north along section lines and McDonald Road approximately seven miles to the southwest corner of Section 3, T7N, R34E; thence east along section lines approximately twenty miles to the southeast corner of Section 2, T7N, R37E; thence south approximately seven miles to the Washington-Oregon border; thence west approximately twenty miles to point of beginning.

(2) Area 1 restrictions:

During the period of February 15 through November 1 of any year, any aerial or ground application of restricted use desiccants and defoliant shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(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 18, T6N, R33E; thence north along section lines approximately eight miles to the intersection with Nine Mile Road in Section 6, T7N, R33E; thence northeast along Nine Mile Road and Dodd Road approximately four miles to the intersection with the Touchet North Road in Section 23, T8N, R33E; thence northerly along the Touchet North Road approximately two miles to the Touchet River near the southeast corner of Section 11,

T8N, R33E; thence northeasterly along the Touchet River approximately three miles to the north section line of Section 6, T8N, R34E; thence east along section lines approximately twenty-two miles to the northeast corner of Section 2, T8N, R37E; thence south along section lines approximately seven miles to the southeast corner of Section 2, T7N, R37E; thence west along section lines approximately twenty miles to the southwest corner of Section 3, T7N, R34E; thence south along section lines approximately seven miles to the Washington-Oregon border; thence west along the border approximately nine miles 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 aerial 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:

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.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-08-058 (Order 2081), § 16-230-190, filed 4/2/91, effective 5/3/91; 87-15-001 (Order 1938), § 16-230-190, filed 7/2/87; 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.]

WAC 16-230-400 Restricted use herbicides--Spokane County--Area under order. (1) The area under order shall include all lands lying within the borders of Spokane County. WAC 16-230-410 through 16-230-470 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-400, filed 2/26/91, effective 3/29/91; 79-01-038 (Order 1585), § 16-230-400, filed 12/20/78.]

WAC 16-230-410 Restricted use herbicides--Spokane County. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides, including 2,4-D and MCPA are hereby declared to be restricted use herbicides.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-410, filed 2/26/91, effective 3/29/91; 79-01-038 (Order 1585), § 16-230-410, filed 12/20/78.]

WAC 16-230-440 Restricted use herbicides--Spokane County--Area 4. (1) Area 4 description. All

remaining lands in Spokane County not included in WAC 16-230-420 and 16-230-430.

(2) Area 4 restrictions.

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

(b) On and after May 1 through October 15, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(c) Ground applications of restricted use herbicides shall be allowed when using No. 2RD or 2RA Raindrop nozzles: *Provided*, That the mean sustained wind velocity is fifteen miles per hour or less.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-440, filed 2/26/91, effective 3/29/91; 80-03-039 (Order 1678), § 16-230-440, filed 2/20/80; 79-01-038 (Order 1585), § 16-230-440, filed 12/20/78.]

WAC 16-230-450 Restricted use herbicides--Spokane County--Farm operator to notify. The landowner or person in charge of the farming operation shall notify the aerial applicator he/she hires of any susceptible crops planted or to be planted bordering the field to which restricted use herbicides are to be applied in the area under order (see WAC 16-230-400).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-450, filed 2/26/91, effective 3/29/91; 79-01-038 (Order 1585), § 16-230-450, filed 12/20/78.]

WAC 16-230-460 Restricted use herbicides--Spokane County--Commercial greenhouse notification. The owners of commercial greenhouses located in the area under order shall be notified in person or by certified mail by aerial applicators and public operators at least forty-eight hours prior to the application of allowable restricted use herbicides to be applied within one-half mile of the above greenhouses.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-460, filed 2/26/91, effective 3/29/91; 79-01-038 (Order 1585), § 16-230-460, filed 12/20/78.]

WAC 16-230-470 Restricted use herbicides--Spokane County--Wind conditions. The use or application of restricted use herbicides shall be prohibited in the area under order when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-470, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-230-470, filed 4/6/87; 79-01-038 (Order 1585), § 16-230-470, filed 12/20/78.]

WAC 16-230-475 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-230-605 Specific county rules--Eastern Washington. The rules in WAC 16-230-600 through 16-230-675 shall not preclude any additional restrictions on the application of restricted use herbicides provided for in the rules for specific counties located east of the Cascade Mountains.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-605, filed 2/26/91, effective 3/29/91; 80-03-041 (Order 1680), § 16-230-605, filed 2/20/80.]

WAC 16-230-610 Restricted use herbicides and definitions--Eastern Washington. (1) All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D and MCPA are declared to be restricted use herbicides in all counties located east of the crest of the Cascade Mountains.

(2) High and low volatile esters mean those formulations labeled as high and low volatile in Interpretation 17, Revision 1 of Title 7 under the Federal Insecticide, Fungicide, and Rodenticide Act. High volatile 2,4-D includes those esters with five or less carbon atoms, such as but not limited to methyl, ethyl, isopropyl, n-butyl, isobutyl, and n-pentyl.

(3) Commercial vineyard means a parcel of land from which the grape crop is intended to be sold to a processor or for commercial fresh market.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-610, filed 2/26/91, effective 3/29/91; 80-03-041 (Order 1680), § 16-230-610, filed 2/20/80.]

WAC 16-230-615 Restricted use herbicides--Eastern Washington--Sale and distribution. Liquid formulations of restricted use herbicides distributed in packages larger than one gallon in counties located east of the crest of the Cascade Mountains shall be sold and distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives: *Provided*, That liquid amine formulations of any concentration of restricted use herbicides in containers up to and including one gallon in size is allowed in all counties located east of the crest of the Cascade Mountains.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-615, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-230-615, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-615, filed 2/20/80.]

WAC 16-230-625 Restricted use herbicides--Eastern Washington--Mixing and loading. The mixing of restricted use herbicides, the loading and decontamination of equipment used to apply restricted use herbicides, and aircraft entering on to and exiting from landing sites shall be done in a manner as not to cause possible damage to susceptible crops.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-625, filed 2/26/91, effective 3/29/91; 80-03-041 (Order 1680), § 16-230-625, filed 2/20/80.]

WAC 16-230-670 Restricted use herbicides--Eastern Washington--Aircraft boom length and pressure requirements. In all Areas 1 and 2, of all counties restricted by rule the working boom length on fixed wing aircraft shall not exceed 3/4 of the wing span and the

working boom length on helicopters shall not exceed 6/7 of the total rotor length or 3/4 of the total rotor length where the rotor length exceeds forty feet.

Pressure for aerial equipment shall not exceed 25 psi at the nozzles: *Provided*, That helicopters shall be allowed to use up to 35 psi in Areas 3 and 4 of all counties restricted by rule: *Provided further*, That pressure up to 50 psi at the nozzle may be used with invert systems which are allowed by written permit only.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-670, filed 2/26/91, effective 3/29/91; 80-03-041 (Order 1680), § 16-230-670, filed 2/20/80.]

WAC 16-230-675 Restricted use herbicides—Eastern Washington—Minimum nozzle orifice and core plate sizes for aircraft application. Minimum nozzle orifice and core plate sizes shall be as listed in the dormant season, caution, warning, and danger area restrictions. (1) DORMANT SEASON AREA. (Dormant season only – refer to specific county regulations.)

(a) Fixed wing –

(i) Minimum nozzle orifice of 0.063 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.075 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(b) Helicopter –

Minimum nozzle orifice of 0.047 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 90 degrees or more from the direction of flight. Pressure over 35 psi is prohibited.

(2) CAUTION AREA.

(a) Fixed wing –

(i) Minimum nozzle orifice of 0.075 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 45 or larger core plate). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(b) Helicopter –

(i) Area 2 of all counties restricted by rule –

Minimum nozzle orifice of 0.063 inches (may use No. 46 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) Areas 3 and 4 of all counties restricted by rule –

Minimum nozzle orifice of 0.063 inches (may use No. 45 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(3) WARNING AREA

(a) Fixed wing –

(i) Minimum nozzle orifice of 0.075 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate in all counties under order except Franklin County and Benton County). Nozzles

shall be directed downward and backward 170 degrees or more from the direction of flight: *Provided*, That RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used. Nozzles shall be directed downward and backward 170 degrees or more from direction of flight.

(iii) No flat fan nozzles shall be allowed.

(b) Helicopter –

(i) Minimum nozzle orifice of 0.047 inches for applications made under sixty miles per hour (no core plate) and minimum orifice of 0.063 for applications made over sixty miles per hour (no core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate in all counties under order except Franklin County and Benton County). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight: *Provided*, That RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used.

(iii) No flat fan nozzles shall be allowed.

(4) DANGER AREA

(a) Fixed wing – minimum nozzle or

(i) Minimum nozzle orifice of 0.075 inches (no core plate): *Provided*, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter –

(i) Minimum nozzle orifice of 0.063 inches (no core plate): *Provided*, That RD8 nozzles with orifice size of 0.125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-230-675, filed 2/26/91, effective 3/29/91; 80-03-041 (Order 1680), § 16-230-675, filed 2/20/80.]

Chapter 16-231 WAC

RESTRICTED USE HERBICIDES

WAC

16-231-001	Restricted use herbicides—Benton County—Area under order.
16-231-033	Repealed.
16-231-100	Restricted use herbicides—Franklin County—Area under order.
16-231-148	Repealed.
16-231-200	Restricted use herbicides—Yakima County—Area under order.
16-231-205	Restricted use herbicides—Yakima County.
16-231-210	Restricted use herbicides—Yakima County—Oil-type carriers.
16-231-235	Restricted use herbicides—Yakima County—Wind conditions.
16-231-238	Repealed.
16-231-300	Restricted use herbicides—Adams County—Area under order.
16-231-305	Restricted use herbicides—Adams County.
16-231-310	Restricted use herbicides—Adams County—Oil-type carriers.

- 16-231-330 Restricted use herbicides—Adams County—Area 4.
- 16-231-340 Restricted use herbicides—Adams County—Wind conditions.
- 16-231-343 Repealed.
- 16-231-400 Restricted use herbicides—Columbia County—Area under order.
- 16-231-405 Restricted use herbicides—Columbia County.
- 16-231-410 Restricted use herbicides—Columbia County—Oil-type carriers.
- 16-231-420 Restricted use herbicides—Columbia County—Area 4.
- 16-231-425 Restricted use herbicides—Columbia County—Wind conditions.
- 16-231-500 Restricted use herbicides—Whitman County—Area under order.
- 16-231-505 Restricted use herbicides—Whitman County.
- 16-231-510 Restricted use herbicides—Whitman County—Area 1.
- 16-231-525 Restricted use herbicides—Whitman County—Farm operator to notify.
- 16-231-530 Restricted use herbicides—Whitman County—Wind conditions.
- 16-231-600 Restricted use herbicides—Klickitat County—Area under order.
- 16-231-605 Restricted use herbicides—Klickitat County.
- 16-231-610 Restricted use herbicides—Klickitat County—Oil-type carriers.
- 16-231-615 Restricted use herbicides—Klickitat County—Area 3.
- 16-231-620 Restricted use herbicides—Klickitat County—Wind conditions.
- 16-231-700 Restricted use herbicides—Okanogan County—Area under order.
- 16-231-705 Restricted use herbicides—Okanogan County.
- 16-231-715 Restricted use herbicides—Okanogan County—Area 4.
- 16-231-720 Restricted use herbicides—Okanogan County—Wind conditions.
- 16-231-800 Restricted use herbicides—Douglas and Chelan counties—Area under order.
- 16-231-805 Restricted use herbicides—Douglas and Chelan counties.
- 16-231-825 Restricted use herbicides—Douglas and Chelan counties—Area 4.
- 16-231-840 Restricted use herbicides—Douglas and Chelan counties—Wind conditions.
- 16-231-900 Restricted use herbicides—Grant County—Area under order.
- 16-231-905 Restricted use herbicides—Grant County.
- 16-231-935 Restricted use herbicides—Grant County—Wind conditions.
- 16-231-938 Repealed.
- 16-231-950 Repealed.

- 231-343, filed 9/1/87.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-938 Restricted use herbicides—Application records—Grant County. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-938, filed 9/1/87.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-950 Restricted use herbicides—Distribution, use, and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-231-950, filed 4/12/88.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.

WAC 16-231-001 Restricted use herbicides—Benton County—Area under order. (1) The area under order shall include all lands lying within the boundaries of Benton County. WAC 16-231-005 through 16-231-033 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-001, filed 2/26/91, effective 3/29/91; 80-03-038 (Order 1677), § 16-231-001, filed 2/20/80.]

WAC 16-231-033 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-231-100 Restricted use herbicides—Franklin County—Area under order. (1) The area under order shall include all lands lying within the boundaries of Franklin County. WAC 16-231-110 through 16-231-145 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-680.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-100, filed 2/26/91, effective 3/29/91; 80-03-037 (Order 1676), § 16-231-100, filed 2/20/80.]

WAC 16-231-148 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-231-200 Restricted use herbicides—Yakima County—Area under order. (1) The area under order shall include all lands lying within the boundaries of Yakima County. WAC 16-231-205 through 16-231-235 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-200, filed 2/26/91, effective 3/29/91; 80-03-036 (Order 1675), § 16-231-200, filed 2/20/80.]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-231-033 Restricted use herbicides—Application records—Benton County. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-033, filed 9/1/87.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-148 Restricted use herbicides—Application records—Franklin County. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-148, filed 9/1/87.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-238 Restricted use herbicides—Application records—Yakima County. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-238, filed 9/1/87.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-343 Restricted use herbicides—Application records—Adams County. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-

WAC 16-231-205 Restricted use herbicides--Yakima County. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D and MCPA are declared to be restricted use herbicides in the area under order as listed in WAC 16-231-200.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-205, filed 2/26/91, effective 3/29/91; 80-03-036 (Order 1675), § 16-231-205, filed 2/20/80.]

WAC 16-231-210 Restricted use herbicides--Yakima County--Oil-type carriers. On and after April 5 through October 31, oil-type carriers are prohibited in the area under order for brush control: *Provided*, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-210, filed 2/26/91, effective 3/29/91; 80-03-036 (Order 1675), § 16-231-210, filed 2/20/80.]

WAC 16-231-235 Restricted use herbicides--Yakima County--Wind conditions. The use or application of restricted use herbicides shall be prohibited in Areas 1, 1A and 2 when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That such application shall be prohibited in Areas 1 and 1A on and after April 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-235, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-235, filed 4/6/87; 80-03-036 (Order 1675), § 16-231-235, filed 2/20/80.]

WAC 16-231-238 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-231-300 Restricted use herbicides--Adams County--Area under order. (1) The area under order shall include all lands lying within the boundaries of Adams County. WAC 16-231-305 through 16-231-340 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-300, filed 2/26/91, effective 3/29/91; 80-03-035 (Order 1674), § 16-231-300, filed 2/20/80.]

WAC 16-231-305 Restricted use herbicides--Adams County. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D and MCPA are declared to be restricted use herbicides in the area under order as listed in WAC 16-231-300.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-305, filed 2/26/91, effective 3/29/91; 80-03-035 (Order 1674), § 16-231-305, filed 2/20/80.]

WAC 16-231-310 Restricted use herbicides--Adams County--Oil-type carriers. On and after May 16 through October 31, oil-type carriers are prohibited in the area under order for brush control: *Provided*, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-310, filed 2/26/91, effective 3/29/91; 80-03-035 (Order 1674), § 16-231-310, filed 2/20/80.]

WAC 16-231-330 Restricted use herbicides--Adams County--Area 4. (1) Area 4 description. Outlying area east of Area 3.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications or restricted use herbicides shall be made using caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-330, filed 2/26/91, effective 3/29/91; 80-03-035 (Order 1674), § 16-231-330, filed 2/20/80.]

WAC 16-231-340 Restricted use herbicides--Adams County--Wind conditions. (1) Area 1 and 2.

(a) The use or application of restricted use herbicides shall be prohibited on and after April 16 through October 31 when the mean sustained wind velocity is over ten miles per hour.

(b) The use or application of restricted use herbicides shall be prohibited on and after November 1 through April 15 of the following year when the mean sustained wind velocity is over twelve miles per hour: *Provided*, That application of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre.

(2) Area 3 and 4. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour: *Provided*, That ground applications of restricted use herbicides are allowed when using No. 2RD or 2RA raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less: *Provided further*, That application of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre: *And provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-340, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-340, filed 4/6/87; 80-03-035 (Order 1674), § 16-231-340, filed 2/20/80.]

WAC 16-231-343 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-231-400 Restricted use herbicides--Columbia County--Area under order. (1) The area under

order shall include all lands lying within the boundaries of Columbia County. WAC 16-231-405 through 16-231-425 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-400, filed 2/26/91, effective 3/29/91; 80-03-034 (Order 1673), § 16-231-400, filed 2/20/80.]

WAC 16-231-405 Restricted use herbicides--Columbia County. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D and MCPA are declared to be restricted use herbicides in the area under order as listed in WAC 16-231-400.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-405, filed 2/26/91, effective 3/29/91; 80-03-034 (Order 1673), § 16-231-405, filed 2/20/80.]

WAC 16-231-410 Restricted use herbicides--Columbia County--Oil-type carriers. On and after May 1 through October 31, oil-type carriers are prohibited in the area under order for brush control: *Provided*, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-410, filed 2/26/91, effective 3/29/91; 80-03-034 (Order 1673), § 16-231-410, filed 2/20/80.]

WAC 16-231-420 Restricted use herbicides--Columbia County--Area 4. (1) Area 4 description. This area includes all remaining lands in Columbia County not included in WAC 16-231-413 and 16-231-415.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, 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. 91-06-019 (Order 2073), § 16-231-420, filed 2/26/91, effective 3/29/91; 80-03-034 (Order 1673), § 16-231-420, filed 2/20/80.]

WAC 16-231-425 Restricted use herbicides--Columbia County--Wind conditions. The use or application of restricted use herbicides shall be prohibited in Area 2 and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That such application shall be prohibited in Area 2 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved

by the department of agriculture. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-425, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-425, filed 4/6/87; 80-03-034 (Order 1673), § 16-231-425, filed 2/20/80.]

WAC 16-231-500 Restricted use herbicides--Whitman County--Area under order. (1) The area under order shall include all lands lying within the boundaries of Whitman County. WAC 16-231-505 through 16-231-530 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-500, filed 2/26/91, effective 3/29/91; 80-03-033 (Order 1672), § 16-231-500, filed 2/20/80.]

WAC 16-231-505 Restricted use herbicides--Whitman County. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D and MCPA are declared to be restricted use herbicides in the area under order as listed in WAC 16-231-500.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-505, filed 2/26/91, effective 3/29/91; 80-03-033 (Order 1672), § 16-231-505, filed 2/20/80.]

WAC 16-231-510 Restricted use herbicides--Whitman County--Area 1. (1) Area 1 description. (Cities and/or towns and Pullman vicinity.) The areas within a distance of one mile of the city limits of any incorporated city or town and the same distance from the center of any unincorporated town comprised of ten or more inhabited, closely grouped residences within Whitman County: *Provided*, That the area under this section shall also include all of the lands in Section 28 through 33, T15N, R45E; Sections 25, 26, 27, 34, 35, and 36, T15N, R44E; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21, T14N, R45E; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, T14N, R44E.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited throughout the year: *Provided*, That the low volatile formulation of MCPA shall be allowed on and after November 1 through April 15 of each year.

(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 the warning area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-510, filed 2/26/91, effective 3/29/91; 80-03-033 (Order 1672), § 16-231-510, filed 2/20/80.]

WAC 16-231-525 Restricted use herbicides--Whitman County--Farm operator to notify. The landowner or person in charge of farming operations shall notify the aerial applicator he/she hires of any susceptible crops planted or to be planted bordering the field to which restricted use herbicides are to be applied in the area under order.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-525, filed 2/26/91, effective 3/29/91; 80-03-033 (Order 1672), § 16-231-525, filed 2/20/80.]

WAC 16-231-530 Restricted use herbicides--Whitman County--Wind conditions. (1) Areas 1 and 3.

(a) On and after April 15 through October 31, the use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over seven miles per hour.

(b) On and after November 1 through April 14 the following year, the use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour.

(2) Area 4. The use or application of restricted use herbicides is prohibited when the mean sustained wind velocity is over twelve miles per hour: *Provided*, That ground applications of restricted use herbicides are allowed when using No. 2RD or No. 2RA Raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less.

(3) All areas. Applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-530, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-530, filed 4/6/87; 80-03-033 (Order 1672), § 16-231-530, filed 2/20/80.]

WAC 16-231-600 Restricted use herbicides--Klickitat County--Area under order. (1) The area under order shall include all lands lying within the boundaries of Klickitat County. WAC 16-231-605 through 16-231-620 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-600, filed 2/26/91, effective 3/29/91; 80-03-029 (Order 1668), § 16-231-600, filed 2/20/80.]

WAC 16-231-605 Restricted use herbicides--Klickitat County. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D and MCPA are declared to be restricted use herbicides in the area under order as listed in WAC 16-231-600.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-605, filed 2/26/91, effective 3/29/91; 80-03-029 (Order 1668), § 16-231-605, filed 2/20/80.]

WAC 16-231-610 Restricted use herbicides--Klickitat County--Oil-type carriers. On and after May 1 through September 30, oil-type carriers are prohibited in the area under order for brush control: *Provided*, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-610, filed 2/26/91, effective 3/29/91; 80-03-029 (Order 1668), § 16-231-610, filed 2/20/80.]

WAC 16-231-615 Restricted use herbicides--Klickitat County--Area 3. (1) Area 3 description. All remaining lands within the boundaries of Klickitat County not included in WAC 16-231-613.

(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. 91-06-019 (Order 2073), § 16-231-615, filed 2/26/91, effective 3/29/91; 85-07-029 (Order 1849), § 16-231-615, filed 3/15/85; 80-03-029 (Order 1668), § 16-231-615, filed 2/20/80.]

WAC 16-231-620 Restricted use herbicides--Klickitat County--Wind conditions. The use or application of restricted use herbicides shall be prohibited in the area under order when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-620, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-620, filed 4/6/87; 80-03-029 (Order 1668), § 16-231-620, filed 2/20/80.]

WAC 16-231-700 Restricted use herbicides--Okanogan County--Area under order. (1) The area under order shall include all lands lying within the boundaries of Okanogan County. WAC 16-231-705 through 16-231-725 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-700, filed 2/26/91, effective 3/29/91; 80-03-027 (Order 1666), § 16-231-700, filed 2/20/80.]

WAC 16-231-705 Restricted use herbicides--Okanogan County. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D and MCPA are declared to be restricted use herbicides in the area under order as listed in WAC 16-231-700.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-705, filed 2/26/91, effective 3/29/91; 80-03-027 (Order 1666), § 16-231-705, filed 2/20/80.]

WAC 16-231-715 Restricted use herbicides--Okanogan County--Area 4. (1) Area 4 description. This area includes all remaining lands in Okanogan County not included in WAC 16-231-710.

(2) Area 4 restrictions. On and after May 1 through October 31, aerial 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. 91-06-019 (Order 2073), § 16-231-715, filed 2/26/91, effective 3/29/91; 80-03-027 (Order 1666), § 16-231-715, filed 2/20/80.]

WAC 16-231-720 Restricted use herbicides--Okanogan County--Wind conditions. The use or application of restricted use herbicides shall be prohibited in the area under order when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-720, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-720, filed 4/6/87; 80-03-027 (Order 1666), § 16-231-720, filed 2/20/80.]

WAC 16-231-800 Restricted use herbicides--Douglas and Chelan counties--Area under order. (1) The area under order shall include all lands lying within the boundaries of Douglas and Chelan counties. WAC 16-231-805 through 16-231-840 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-800, filed 2/26/91, effective 3/29/91; 80-03-028 (Order 1667), § 16-231-800, filed 2/20/80.]

WAC 16-231-805 Restricted use herbicides--Douglas and Chelan counties. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides, including 2,4-D and MCPA are declared to be restricted use herbicides in the area under order as listed in WAC 16-231-800.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-805, filed 2/26/91, effective 3/29/91; 80-03-028 (Order 1667), § 16-231-805, filed 2/20/80.]

WAC 16-231-825 Restricted use herbicides--Douglas and Chelan counties--Area 4. (1) Area 4 description. All remaining lands in Douglas County not included in WAC 16-231-810, 16-231-815 and 16-231-820.

(2) Area 4 restrictions. On and after May 1 through October 31, 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. 91-06-019 (Order 2073), § 16-231-825, filed 2/26/91, effective 3/29/91; 80-03-028 (Order 1667), § 16-231-825, filed 2/20/80.]

WAC 16-231-840 Restricted use herbicides--Douglas and Chelan counties--Wind conditions. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3 and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through April 15 of the following year, and over seven miles per hour from April 16 through October 31: *Provided*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-840, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-840, filed 4/6/87; 80-03-028 (Order 1667), § 16-231-840, filed 2/20/80.]

WAC 16-231-900 Restricted use herbicides--Grant County--Area under order. (1) The area under order shall include all lands lying within the boundaries of Grant County. WAC 16-231-905 through 16-231-935 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-900, filed 2/26/91, effective 3/29/91; 80-03-031 (Order 1670), § 16-231-900, filed 2/20/80.]

WAC 16-231-905 Restricted use herbicides--Grant County. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D and MCPA are declared to be restricted use herbicides in the area under order as listed in WAC 16-231-900.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-905, filed 2/26/91, effective 3/29/91; 80-03-031 (Order 1670), § 16-231-905, filed 2/20/80.]

WAC 16-231-935 Restricted use herbicides—Grant County—Wind conditions. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 and 1A when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through March 31 of the following year, and over ten miles per hour from April 1 through October 31: *Provided*, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-935, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-935, filed 4/6/87; 80-03-031 (Order 1670), § 16-231-935, filed 2/20/80.]

WAC 16-231-938 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-231-950 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-232 WAC

RESTRICTED USE HERBICIDES IN CERTAIN COUNTIES

WAC

16-232-001	Restricted use herbicides—Walla Walla County—Area under order.
16-232-100	Restricted use herbicides—Lincoln County—Area under order.
16-232-105	Restricted use herbicides—Lincoln County.
16-232-110	Restricted use herbicides—Lincoln County—Oil-type carriers.
16-232-120	Restricted use herbicides—Lincoln County—Area 4.
16-232-200	Restricted use herbicides—Garfield County—Area under order.
16-232-205	Restricted use herbicides—Garfield County.
16-232-220	Restricted use herbicides—Garfield County—Area 4.
16-232-225	Restricted use herbicides—Garfield County—Wind conditions.
16-232-300	Restricted use herbicides—Kittitas County—Area under order.
16-232-305	Restricted use herbicides—Kittitas County.
16-232-315	Restricted use herbicides—Kittitas County—Wind conditions.
16-232-950	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-232-950	Restricted use herbicides—Distribution, use, and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-232-950, filed 4/12/88.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
------------	--

WAC 16-232-001 Restricted use herbicides—Walla Walla County—Area under order. (1) The area under order shall include all lands lying within the boundaries

of Walla Walla County. WAC 16-232-005 through 16-232-038 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-001, filed 2/26/91, effective 3/29/91; 80-03-026 (Order 1665), § 16-232-001, filed 2/20/80.]

WAC 16-232-100 Restricted use herbicides—Lincoln County—Area under order. (1) The area under order shall include all lands lying within the boundaries of Lincoln County. WAC 16-232-105 through 16-232-120 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-100, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-100, filed 2/20/80.]

WAC 16-232-105 Restricted use herbicides—Lincoln County. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D and MCPA are declared to be restricted use herbicides in the area under order as listed in WAC 16-232-100.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-105, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-105, filed 2/20/80.]

WAC 16-232-110 Restricted use herbicides—Lincoln County—Oil-type carriers. On and after May 15 through October 31, oil-type carriers are prohibited in the area under order for brush control: *Provided*, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-110, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-110, filed 2/20/80.]

WAC 16-232-120 Restricted use herbicides—Lincoln County—Area 4. (1) Area 4 description. All remaining lands in Lincoln County not included in WAC 16-232-115.

(2) Area 4 restrictions. On and after May 16 through October 31, 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. 91-06-019 (Order 2073), § 16-232-120, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-120, filed 2/20/80.]

WAC 16-232-200 Restricted use herbicides—Garfield County—Area under order. (1) The area under order shall include all lands lying within the boundaries of Garfield County. WAC 16-232-205 through 16-232-225 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-200, filed 2/26/91, effective 3/29/91; 80-03-032 (Order 1671), § 16-232-200, filed 2/20/80.]

WAC 16-232-205 Restricted use herbicides--Garfield County. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D and MCPA are declared to be restricted use herbicides in the area under order as listed in WAC 16-232-200.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-205, filed 2/26/91, effective 3/29/91; 80-03-032 (Order 1671), § 16-232-205, filed 2/20/80.]

WAC 16-232-220 Restricted use herbicides--Garfield County--Area 4. (1) Area 4 description. This area includes all remaining lands in Garfield County not included in WAC 16-232-210 and 16-232-215.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, 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. 91-06-019 (Order 2073), § 16-232-220, filed 2/26/91, effective 3/29/91; 80-03-032 (Order 1671), § 16-232-220, filed 2/20/80.]

WAC 16-232-225 Restricted use herbicides--Garfield County--Wind conditions. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That such applications shall be prohibited in Areas 2 and 3 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-225, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-232-225, filed 4/6/87; 80-03-032 (Order 1671), § 16-232-225, filed 2/20/80.]

WAC 16-232-300 Restricted use herbicides--Kittitas County--Area under order. (1) The area under order shall include all lands lying within the boundaries of Kittitas County. WAC 16-232-305 through 16-232-315 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with

rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-300, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-300, filed 3/31/82.]

WAC 16-232-305 Restricted use herbicides--Kittitas County. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D and MCPA are declared to be restricted use herbicides in the area under order as listed in WAC 16-232-300.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-305, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-305, filed 3/31/82.]

WAC 16-232-315 Restricted use herbicides--Kittitas County--Wind conditions. The use or application of restricted use herbicides shall be prohibited in Area 1 when the mean sustained wind velocity is over twelve miles on and after April 15 through October 31: *Provided*, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-315, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-232-315, filed 4/6/87. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-315, filed 3/31/82.]

WAC 16-232-950 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-304 WAC

SAMPLING AND TESTING OF SEEDS

WAC

16-304-039	Schedule of charges--Billing policies and procedures.
16-304-040	Schedule of charges.
16-304-050	Miscellaneous charges.

WAC 16-304-039 Schedule of charges--Billing policies and procedures. (1) All billable services provided under chapter 15.49 RCW are due and payable upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing service. Accounts not paid in full within thirty days of billing shall be considered delinquent.

(2) On all debts due and payable after July 28, 1991, all delinquent accounts shall be assessed a late charge equal to one percent per month, or portion of a month, on the unpaid balance.

(3) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system shall be twenty dollars. All billable services of less than twenty dollars shall be due and payable on the date that service is rendered.

(4) No person with an account ninety days or more in arrears shall receive service except on the basis of payment in full at the time service is rendered. Such accounts shall not be restored to monthly billing status

until all past due amounts are paid-in-full. Such accounts may be subject to legal action for collection.

(5) Accounts that become ninety or more days in arrears twice within a five-year period may be subject to a permanent requirement for payment in full at the time service is provided.

[Statutory Authority: Chapter 15.49 RCW. 91-21-043, § 16-304-039, filed 10/11/91, effective 11/11/91.]

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.	25.00	15.00	14.00	39.00	21.00
Other Wheatgrasses	6 oz.	36.00	22.00	14.00	50.00	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	
Rapeseed		32.00	9.00	16.00	48.00	21.00
Carrot		13.50	9.00	11.50	25.00	36.00

(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)

(Required crop exam for all foundation and registered class grass seeds.)

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, fifty gram all weed/all crop. Fluorescence required on ryegrass; germ and fluorescence test additional fee.)

(d) Fluorescence 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 - twenty-five gram exam to evaluate if a lot appears to be sod quality (phone report only) \$18.00

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

(h) Sodium hydroxide test for presence of red and/or white wheat \$10.00

(i) Brassica seed chemical identification test . \$10.00

(j) Analysis of partially cleaned, uncleaned or field run seed with excessive inert, other crop or weed seeds (per hour) \$20.00

(k) Fescue seed fluorescence test - a test required to determine presence of other fine fescue species in hard fescue and sheep fescue which is required on certified samples \$14.00

(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) \$12.00

(b) Phone reports on test result, per call \$ 3.50

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

(d) Morphological test \$ 8.00
(alfalfa or clover examined under magnification for combine damage.)

(e) Additional mailing of report (each destination) \$ 1.50

(f) Recopies of reports (minimum fee) \$ 2.50
Revised reports (minimum fee) \$ 5.00

(or hourly fee when applicable)

(g) I.S.T.A. rules test	PURITY	GERMINATION
Alfalfa, clover	\$20.00	\$14.00
Kentucky bluegrass	\$30.00	\$14.00
Peas, lentils	\$20.00	\$14.00

(h) Canadian rules test	PURITY	GERMINATION
Alfalfa, clover	\$20.00	\$11.50
Kentucky bluegrass	\$30.00	\$14.00
Peas, lentils	\$20.00	\$11.50
Bentgrass	\$44.00	\$16.00

(i) Seed count \$16.00

(j) Extra charge for samples requiring special preparation for germination, i.e., New Zealand spinach, pelleted seeds, spinach, chard, etc. \$20.00

(k) Hourly fee for miscellaneous services \$20.00

(l) Service charge for submitted federal phytosanitary certificates, per certificate \$ 5.00

(m) All states noxious weed examination \$10.00

(n) Fee for special handling service (i.e., Federal Express, Air Parcel Post, or air freight) for documents or seed samples \$ 3.50

(o) Fee for facsimile transmission of documents, per document \$ 3.50

(p) Undesirable grass species examination (UGS test) \$12.00

[Statutory Authority: Chapter 15.49 RCW. 91-21-043, § 16-304-040, filed 10/11/91, effective 11/11/91; 90-12-098 (Order 2041), § 16-304-040, filed 6/5/90, effective 7/6/90; 89-11-078 (Order 2005), § 16-304-040, filed 5/22/89; 88-11-042 (Order 1976), § 16-304-040, filed 5/13/88; 87-12-006 (Order 1930), § 16-304-040, filed 5/22/87; 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 16-304-050 Miscellaneous charges.

(1) Sanitary certificate \$20.00

(2) Service sampling or similar service: The fee for each service requested shall be:

(a) Peas, beans, small grains or seeds of similar size per cwt \$ 0.05

(b) For all other kinds - per cwt \$ 0.15

(c) Minimum charge \$20.00

(3) Tagging and sealing or similar service: The fee for each service requested shall be:

(a) For all kinds of seed - per cwt \$ 0.15

(b) Minimum fee \$20.00

(4) Checkweighing, checkloading, or similar service shall be - per hour \$20.00
Minimum fee \$20.00

(5) If requested to make a special trip to provide a service, the person requesting said service may be charged at the rate of \$16.00 per hour travel time plus

mileage fee set by statute plus the specific fee for said service. All standby time shall be charged at the rate of \$20.00 per man hour.

(6) Test plot examinations or consultant work in plots, fields, conditioning plants, etc. shall be at the rate of \$20.00 per hour plus mileage and travel time.

(7) Requests for services not listed – most appropriate fee.

[Statutory Authority: Chapter 15.49 RCW. 91-21-043, § 16-304-050, filed 10/11/91, effective 11/11/91; 88-11-042 (Order 1976), § 16-304-050, filed 5/13/88. Statutory Authority: RCW 15.49.370. 82-08-032 (Order 1756), § 16-304-050, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 81-11-020 (Order 1736), § 16-304-050, filed 5/15/81; 80-06-103 (Order 1688), § 16-304-050, filed 5/30/80; Order 1477, § 16-304-050, filed 6/18/76; Order 1361, § 16-304-050, filed 6/12/74; Order 1195, § 16-304-050, filed 4/16/71; Order 1115, § 16-304-050, filed 4/17/69, effective 5/18/69; Order 1018, Regulation 5, filed 5/31/66; Order 848, Regulation 5, effective 6/30/61.]

**Chapter 16-316 WAC
SEED CERTIFICATION**

WAC

- 16-316-280 Field tolerances.
- 16-316-285 Inspection requirements.
- 16-316-290 Seed standards.
- 16-316-620 Standards.
- 16-316-622 Ryegrass standards.
- 16-316-715 Miscellaneous field and seed inspection standards.
- 16-316-800 Grass varieties eligible.
- 16-316-820 Alfalfa varieties eligible.
- 16-316-970 Sudangrass certification standards—Promulgation.
- 16-316-975 Sudangrass certification standards—Definitions.
- 16-316-980 Sudangrass certification standards—Seedling applications and fees.
- 16-316-985 Sudangrass certification standards—Land requirements.
- 16-316-990 Sudangrass certification standards—Isolation requirements.
- 16-316-995 Sudangrass certification standards—Field tolerances.
- 16-316-997 Sudangrass certification standards—Seed standards.

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

(1)

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

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

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

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

(5) Excessive weeds, poor stands, lack of vigor, or any other condition which is apt to make inspection inaccurate may be cause for rejection of the field.

(6) Bean fields showing virus-like mosaic symptoms will not be accepted as free of bean common mosaic virus until plant samples are tested serologically, and found to be free of bean common mosaic virus.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-316-280, filed 3/27/91, effective 4/27/91; 79-05-067 (Order 1611), § 16-316-280, filed 4/30/79; Order 1454, § 16-316-285, filed 5/13/76; Order 1411, § 16-316-280, filed 8/15/75; Order 1183, § 16-316-280, filed 4/16/71.]

WAC 16-316-285 Inspection requirements. Inspection requirements shall be as follows:

(1) When factors affecting certification are most evident. The 2nd inspection, when required, shall be a windrow inspection.

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

(3) A serology test for bean common mosaic virus or adzuki mosaic virus disease is required to certify seed.

(4) The combined results of field inspections, laboratory test, and greenhouse test, when required, will determine final certification.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-316-285, filed 3/27/91, effective 4/27/91; 79-05-067 (Order 1611), § 16-316-285, filed 4/30/79; Order 1454, § 16-316-285, filed 5/13/76; Order 1360, § 16-316-285, filed 6/12/74; Order 1183, § 16-316-285, filed 4/16/71.]

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

(1)

Purity	Found- ation	Regis- tered	Blue Tag Certi- fied
Pure seed	(Min.)	98%	98%
Other crops & varieties	(Max.)	none	none
			2/100 lbs.
Badly damaged seed	(Max.)		2%
Inert matter	(Max.)		2%
Splits & cracks	(Max.)		2%
Weed seed	(Max.)		none
Bean common mosaic virus disease or adzuki mosaic virus disease	(Max.)	none	none
			0.0%
Germination (minimum)			85% 85%

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

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

(4) Rough handling of bean seed in the combine or cleaning plant reduces germination materially. Precautions must be taken against such treatment and the seed safeguarded against high drops.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-316-290, filed 3/27/91, effective 4/27/91; 79-05-067 (Order 1611), § 16-316-290, filed 4/30/79; Order 1454, § 16-316-290, filed 5/13/76; Order 1183, § 16-316-290, filed 4/16/71.]

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

Variety	Mini- mum Purity	Mini- mum Germin- ation	Maxi- mum* Other Crop	Maxi- mum- ** Weed
Merion Kentucky Bluegrass	95%	80%	0.1%	.02%
Other varieties of Kentucky Bluegrass	97%	80%	0.1%	.02%
Red Fescue	98%	90%	0.1%	.02%
Chewings Fescue	98%	90%	0.1%	.02%
Tall Fescue	98%	85%	0.1%	.02%

*Must be free of ryegrass, orchardgrass, timothy, bentgrass, big bluegrass, black medic, Poa trivialis, brome, reed canarygrass, tall fescue, clover, meadow foxtail and Canby bluegrass. Maximum allowable Canada bluegrass .02%. When the base sample is one of these kinds, the species will not be considered a contaminant (i.e., tall fescue in tall fescue).

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

[Statutory Authority: Chapter 15.49 RCW. 91-14-001 (Order 2089), § 16-316-620, filed 6/20/91, effective 7/21/91; 90-12-098 (Order 2041), § 16-316-620, filed 6/5/90, effective 7/6/90. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-620, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 79-05-057 (Order 1619), § 16-316-620, filed 4/30/79; 78-03-107 (Order 1565), § 16-316-620, filed 3/1/78, effective 4/1/78; Order 1503, § 16-316-620, filed 3/31/77; Order 1462, § 16-316-620, filed 5/13/76; Order 1302, § 16-316-620, filed 4/24/73; Order 1186, § 16-316-620, filed 4/16/71.]

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

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

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

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

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

[Statutory Authority: Chapter 15.49 RCW. 91-14-001 (Order 2089), § 16-316-622, filed 6/20/91, effective 7/21/91; 90-12-098 (Order 2041), § 16-316-622, filed 6/5/90, effective 7/6/90; 80-06-107 (Order 1695), § 16-316-622, filed 5/30/80; 79-05-057 (Order 1619), § 16-316-622, filed 4/30/79; 78-03-107 (Order 1565), § 16-316-622, filed 3/1/78, effective 4/1/78; Order 1503, § 16-316-622, filed 3/31/77.]

WAC 16-316-715 Miscellaneous field and seed inspection standards. (1) The field inspection will be made:

- For field pea – when seedcrop is in full bloom;
- For lentil – when seedcrop is in full bloom;
- For soybean – when seedcrop is in full bloom and/or of mature color;
- 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 and shall remain ineligible for any production of certified classes of small grain seed until a reclamation procedure, as specified in subsection (3) of this section has been completed. Fields rejected for other causes will remain eligible for reinspection.

(3) The jointed goatgrass reclamation procedure shall include the following:

(a) Each grower shall develop a reclamation plan for his/her affected fields. Such a plan shall be based on the most current recommendations of Pacific Northwest scientists and Washington State University cooperative extension as well as good management practices. Such plan may include use of certified seed, spring cropping practices, and late tilling and planting. No particular program is specified or endorsed and compliance with such program does not assure eligibility for the production of certified classes of small grain seed. Such eligibility shall be based solely upon results of field inspections as provided in (b) through (e) of this subsection.

(b) The rehabilitation and inspection program duration shall be three years for irrigated land and five years for dryland without production of certified small grain seed and the first year of certified seed production thereafter.

(c) Annual inspections of the affected fields shall be conducted by the Washington State Crop Improvement Association (WSCIA) during the prescribed rehabilitation period at such time that the jointed goatgrass would be most visible.

(d) Following the prescribed period of rehabilitation and during the first certified seed production year, a minimum of three field inspections shall be conducted by WSCIA.

(e) Should jointed goatgrass be found during any inspection as provided in (c) and (d) of this subsection, the rehabilitation program shall be determined to be unsuccessful or the field shall be declared ineligible and the rehabilitation and inspection program for that field shall begin again at year one of the procedure.

(4) No prohibited noxious weed seeds are permitted upon inspection for seed standards.

(5) Germination minimum refers to germination when sampled.

(6) 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. 91-14-001 (Order 2089), § 16-316-715, filed 6/20/91, effective 7/21/91; 90-12-098 (Order 2041), § 16-316-715, filed 6/5/90, effective 7/6/90; 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 16-316-800 Grass varieties eligible. (1) Following are the grass varieties eligible and the certifying scheme for each:

Bentgrass: (subject to poa annua quarantine)	Seaside Creeping*** Putter Creeping* Emerald Creeping**
Big Bluegrass:	Sherman**
Canada Bluegrass: (subject to poa annua quarantine)	Reubens**
Canby Bluegrass:	Canbar**
Kentucky Bluegrass: (subject to poa annua quarantine)	A-34 (Bensun)** Abbey** Able 1** Adelphi** Alene* Alpine* Amason* (Amazon*) America* Ampellia* Argyle** Aspen* Banff** Barblue*pvvV Baron** Birka* Bono (Birdie)* Bronco* Chateau** Cheri (Golf)* Classic** Coventry** Cynthia* Destiny* Dawn* Eclipse* Enmundi*pvvV Estate* Freedom* Fylking** Georgetown** Geronimo* Glade** Greenley* Haga* Harmony* Holiday* Huntsville* Ikone** Julia* Kelly* Kenblue* Kyosti* Leikra* Liberty** Limosine*

	Majestic** Merion** Monopoly* Mystic* Nassau** Newport** Nugget* Nustar* Nutop* Parade* Park** Paso* Pennstar* Plush* Princeton 104* Ram I*pvvV Ronde* Rugby* Scenic* Suffolk* Summit Sving* Sydsport* S-21** Tendos* Touchdown** Trenton* Troy** Wabash* Welcome* 1757*
Rough Bluegrass:	Colt*
Meadow Brome:	Regar**
Mountain Brome:	Bromar**
Smooth Brome:	Baylor* Beacon* Bravo* Cottonwood* Jubilee* Manchar** Rebound* Saratoga* York*
Fescue: (subject to poa annua quarantine - except tall fescue)	Countess Chewings**pvvV Amigo Tall* Arid Tall* Atlanta Chewings* Avanti Tall Barcel Tall**pvvV Barfalla Chewings** Barfalla Chewings** Baruba Chewings Dover Chewings* Durar Hard** Finelawn 1-Tall** Joseph Idaho** Mary Chewings* Nezpurs Idaho*pvvV Logro Red**pvvV Chesapeake Tall* Manade Tall* Mesa-Tall MX-86* Rebel Tall* 5 DM Tall* 88001 Red** Safe Tall* Southern Cross Tall* Covar Sheep** Fawn Tall* Beaumont Meadow*

	First Meadow**	
	Forager Tall*	
	Wrangler-Tall*	
	Biljart Hard*	
	Adventure Tall**	
Orchardgrass:	Hay King*	
	Hay King II*	
	Latar**	
	Natsumidori (summer green)*	
	Paiute**	
	Pennlate*	
	Potomac*	
Redtop:	Streaker*	
Indian Ricegrass:	Nezpar**	
Perennial Ryegrass: (subject to poa annual quarantine)	Advent*	
	All*Star**	
	Dandy*	
	Delray*	
	Friend**pvpV	
	Goalie*	
	NK 200**	
	Pennfine*	
	Ranger**	
	Target*	
	89001*	
Puccinellia distans:	Fults*	
Timothy:	Clair*	
	Climax*	
	Hokuo*	
	Hokusen*	
	Kempus*	
	Kunpu*	
	Nosappu*	
	Promesse*	
	Senpoku*	
Wheatgrass:	Whitmar Beardless**	
	Secar Bluebunch**	
	Fairway Crested*	
	Ruff Crested*	
	Nordan Crested**	
	Ephraim Crested**	
	Greenar	
	Intermediate**	
	Oahe Intermediate*	
	Tegmar Intermediate*	
	Greenleaf Pubescent*	
	Luna Pubescent**	
	Topar Pubescent**	
	P-27 Siberian**	
	Sodar Streambank**	
	Critana Thickspike**	
	Alkar Tall**	
Basin Wild Rye:	Magnar**	
Russian Wild Rye:	Bozoisky Select**	

(2) Variety restrictions.

	NO. OF SEED HARVESTS	
	FOUNDATION REGISTERED	CERTIFIED
(a) Kentucky Bluegrass:		
Baron	5	5
Birka	2 + 3 Cert.	5
Enmundi	4	5
Georgetown	5	5
Geronimo	6	6
Kenblue	5	7
Majestic	3 + 5 Cert.	5
Parade	5	5
Ram-I	2	6

	NO. OF SEED HARVESTS	
	FOUNDATION REGISTERED	CERTIFIED
Rugby	3 + 2 Cert.	5
Sydsport		5
Touchdown	2 + 5 Cert.	5
(b) Orchardgrass:		
Pennlate	3	6

[Statutory Authority: Chapter 15.49 RCW, 91-14-001 (Order 2089), § 16-316-800, filed 6/20/91, effective 7/21/91; 90-12-098 (Order 2041), § 16-316-800, filed 6/5/90, effective 7/6/90; 89-11-078 (Order 2005), § 16-316-800, filed 5/22/89; 88-11-042 (Order 1976), § 16-316-800, filed 5/13/88; 87-12-006 (Order 1930), § 16-316-800, filed 5/22/87; 86-13-014 (Order 1889), § 16-316-800, filed 6/9/86; 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 16-316-820 Alfalfa varieties eligible. (1) Following are the alfalfa varieties eligible and the certification scheme for each:

- Agate*
- Anchor*
- Anstar*
- Answer*
- Aquarius*
- Apollo II*
- Armor*
- Arrow*
- Atlas*
- Atra-55*
- Baker*pvpV
- Big Ten*
- Blazer*
- Centurion*
- Challenger*
- Chief**
- Cimarron*
- Cimarron VR*
- Classic*
- Commodor*
- Crown*
- Crown II*
- Crusader**
- DK-125*
- DK-135*
- Drummor*
- Eagle*
- Elevation*
- Endure*
- Excalibur*
- Gladiator*
- G-2815*
- G-7730*
- GH-737**
- Hi-Phy*
- Honeoye*pvpV

Iroquois*	624*
Julus*	629*
Legend*	5311*
Magnum III*	5331*
Maxim*	5333*
Mesilla**	5364*
Mohawk*	5472*
Oneida*pvvV	98*
Oneida VR*	G-2841*
Peak*	Verta*
Perry*	G-2852*
Phytor*	GH 747*
Polar II*	G-2833*
Preserve*	DK-122*
Primal*	Bronco*
Ranger**	2890*
Riley*	Precedent*
Saranac*	Zenith*
Saranac AR*pvvV	VS-775*
Shenandoah*	Express*
Shield*	Kitawakaba*
Sparta*	Tachiwakaba*
Spredor 2*	Vertus*
Summit*	
Sure*	
Sverre*	
SX-217*	
SX-418*	
Trumpetor*	
Turbo*	
Ultra*	
Vernal*	
Vancor*	
Vernema*	
Vista*	
WL-220*	
Weevlchek*	
WL-221*	
WL-225*pvvV	
WL-312*	
WL-313*	
WL-315*pvvV	
WL-316*pvvV	
WL-318*	
WL-320**pvvV	
Wrangler*	
88*	
120*	
123*	
130*	
521*	
520*	
526*	
530*	
531*	
532*	
581*	
5262*	
5432*	
5373*	
5444*	

(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
Chief		3	3	5
Crusader		3	3	5
Drummor	2	3		5
G-7730		3		5
GH 737		3	3	5
Honeoye		3		6
Iroquois		3		6
Oneida		3		6
Peak		3		
Perry	2	3		6
Preserve	2	3		5
Polar II	2	3		5
Saranac		3		6
Saranac AR		3		6
Spredor 2	2	3		5
Trumpetor	2	3		5
Vancor	2	3		5
Vernema		4		6
WL-221		3		
WL-225		3	3	5
WL-313		3		
WL-315		3		5
WL-320		3	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. 91-14-001 (Order 2089), § 16-316-820, filed 6/20/91, effective 7/21/91; 90-12-098 (Order 2041), § 16-316-820, filed 6/5/90, effective 7/6/90; 89-11-078 (Order 2005), § 16-316-820, filed 5/22/89; 88-11-042 (Order 1976), § 16-316-820, filed 5/13/88; 87-12-006 (Order 1930), § 16-316-820, filed 5/22/87; 86-13-014 (Order 1889), § 16-316-820, filed 6/9/86; 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 16-316-970 Sudangrass certification standards--Promulgation. In addition to the specific rules for the certification of sudangrass provided in this chapter, the general seed certification standards in WAC 16-316-100 through 16-316-214 are basic, and together constitute the standards for sudangrass certification.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-316-970, filed 6/19/91, effective 7/20/91.]

WAC 16-316-975 Sudangrass certification standards--Definitions. (1) "Department" means the Washington state department of agriculture.

(2) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(3) "Sudangrass" means sorghum bicolor x drummondii.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-316-975, filed 6/19/91, effective 7/20/91.]

WAC 16-316-980 Sudangrass certification standards--Seedling applications and fees. (1) All applications and fees for seedlings shall be due within sixty days of planting: *Provided*, That such applications may be accepted after the due date at the discretion of the director upon payment of the late seedling penalty fee.

- (2) Fees for certification services shall be as follows:
- (a) Seedling application fee, per field \$ 15.00
 - (b) Late seedling penalty fee, per field \$ 30.00
 - (c) Inspection fee, per acre \$ 1.75
 - (d) Certification fee, per 100 pounds \$ 0.50

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-316-980, filed 6/19/91, effective 7/20/91.]

WAC 16-316-985 Sudangrass certification standards--Land requirements. (1) A field to be planted for all foundation, registered, and certified classes of sudangrass seed shall not have grown or been seeded to sudangrass or sorghum during the preceding two years.

(2) Reseeding of a field, because of failure or partial failure of the first seeding, may be done with permission of the director.

(3) Prohibited noxious weeds in the field and on ditchbanks, roadways, etc., adjacent to a certified field shall be controlled to prevent seed formation.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-316-985, filed 6/19/91, effective 7/20/91.]

WAC 16-316-990 Sudangrass certification standards--Isolation requirements. Sudangrass for certification of the foundation, registered, and certified classes

shall be isolated from all other sudangrass not meeting the same varietal purity requirements for certification or from sorghum by a minimum of nine hundred ninety feet.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-316-990, filed 6/19/91, effective 7/20/91.]

WAC 16-316-995 Sudangrass certification standards--Field tolerances. (1) Maximum other varieties permitted in field inspection for certification shall be as follows:

- (a) Foundation seed field 1 plant/ 50,000 plants
 - (b) Registered seed field 1 plant/ 35,000 plants
 - (c) Certified seed field 1 plant/ 20,000 plants
- (2) Roguing to meet certification tolerances shall be allowed: *Provided*, That the following tolerances for maximum other varieties have not been exceeded:

- (a) Foundation seed field 1 plant/ 20,000 plants
- (b) Registered seed field 1 plant/ 10,000 plants
- (c) Certified seed field 1 plant/ 1,000 plants

(3) Fields that have been rogued as provided in subsection (2) of this section shall be subject to reinspection.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-316-995, filed 6/19/91, effective 7/20/91.]

WAC 16-316-997 Sudangrass certification standards--Seed standards. (1) Seed inspection standards shall be as follows:

Purity	Class		
	Foundation	Registered	Certified
Pure seed (min)	98.0%	98.0%	98.0%
Inert material (max)	2.0%	2.0%	2.0%
Other crop (max)	0.01%	0.03%	0.08%
Other varieties* (max)	0.005%	0.01%	0.05%
Weed seed (max)	0.10%	0.10%	0.10%
Prohibited or restricted			
noxious weed seeds	none	none	none
Germination (min)	85.0%	85.0%	85.0%

* Other varieties shall not exceed two seeds per pound in the certified classes.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-316-997, filed 6/19/91, effective 7/20/91.]

**Chapter 16-324 WAC
RULES FOR THE CERTIFICATION OF SEED
POTATOES**

WAC	
16-324-375	Certified seed potato--Application and withdrawal.
16-324-380	Certified seed potato stock--Fees.
16-324-605	Limited generation certified seed potato--Requirements for production and eligibility of prenuclear stock.

WAC 16-324-375 Certified seed potato--Application and withdrawal. (1) Application shall be made on a

form provided by the department. Applications for certification shall reach the state department of agriculture, seed branch, Yakima, Washington, on or before June 15 of each year. Late applications, without prior approval, will be assessed a late application fee of twenty dollars per application. Applications shall be accompanied by the appropriate fee, as well as tags, certificates or other evidence of eligibility. An application shall be made for each variety.

(2) Withdrawal of a seed lot from the certification program shall be made on a form provided by the department which shall become part of the permanent public record.

[Statutory Authority: Chapter 15.14 RCW. 91-10-029 (Order 2083), § 16-324-375, filed 4/24/91, effective 5/25/91; 86-15-045 (Order 1897), § 16-324-375, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-375, filed 11/21/78.]

WAC 16-324-380 Certified seed potato stock--Fees. (1) Potato certification fees shall be twenty-nine 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*

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

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

(4) Lots rejected before the second inspection shall not be subject to the final one-half payment fee.

Certification fees shall not be refunded after two field inspections have been completed.

(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 may be considered.

(7) Minimum plot fee - twenty dollars per application. The Washington state department of agriculture may assess an additional fee charged on a time and mileage basis.

[Statutory Authority: Chapter 15.14 RCW. 91-10-029 (Order 2083), § 16-324-380, filed 4/24/91, effective 5/25/91; 89-23-073 (Order 2020), § 16-324-380, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-380, filed 9/11/87; 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.]

WAC 16-324-605 Limited generation certified seed potato--Requirements for production and eligibility of prenuclear stock. Requirements for production and eligibility of prenuclear seed potato stock are as follows:

(1) Basic requirements for plant material increase:

(a) All micropropagation facilities shall be approved by the department.

(b) All material shall be documented as to source of variety and shall be a variety approved by the department.

(c) All tests required shall be conducted by a third party laboratory approved by the department.

(d) Entry level material shall be isolated from all other material and limited to fifty in vitro propagules per line selection. All plant material to be mass micropropagated shall be disease tested.

(2) Testing requirements for mother plants. Yearly testing of one hundred percent of the mother plants for the following pathogens shall be required as follows:

(a) *Corynebacterium sepedonicum* by gram stain, or immunofluorescent antibody stain, or Richardsons Media, or other methods approved by the Washington state department of agriculture. The eggplant bioassay may be substituted for Richardsons Media.

(b) *Erwinia species* by crystal violet pectate, or other methods approved by the Washington state department of agriculture.

(c) Potato viruses - X, Y, S, M, A, and leafroll by ELISA.

(d) Potato spindle tuber viroid by cDNA, dot hybridization or gel electrophoresis.

(e) All plant material to be mass propagated shall test negative for the pathogens listed above.

(3) Sampling requirements for mass propagated plants or tubers.

(a) Samples shall be taken prior to kill down or shipping plantlets. A minimum of one percent (no less than twenty samples) of the plants or tuber population shall be tested for Potato Virus X, Potato Virus Y, Potato Virus S, Potato Leaf Roll Virus, *Erwinia* spp. and *Corynebacterium sepedonicum* in the manner described for testing requirements for mother plants. No more than five plants or tubers shall be bulked per sample.

(b) Prenuclear class stock shall have a zero tolerance for all pathogens listed above.

(4) Private micropropagation labs shall make samples of propagation material available to the department for further testing when requested.

(5) Propagators shall select tubers or mother plants that are true-to-type. Such material shall be derived from more than a single tuber; ten to twenty tubers shall be selected to maximize the genetic base of each line and to avoid selecting a tuber or mother plant that may carry a genetic mutation uncharacteristic of the variety. Micropropagated plants shall not be derived from callus culture due to the possibility of somatic mutations or variants.

(6) Detailed records of the progress of all increases shall be maintained by the agency or private labs engaged in the production of "prenuclear" material. These records shall include:

(a) A numbering code or system used to identify the explants or clones and their origins;

(b) The amount of time this material has been in tissue culture, and the dates and numbers of transfers that have occurred since initiation or selection;

(c) The testing/inspection history of all such material.

(7) Material planted for recertification at a nuclear level shall have been produced either under standard aseptic microbiological techniques (i.e., in vitro micropropagation) or in an insect proofed greenhouse using sterilized potting media, and water known to be free of bacterial potato pathogens. Material shall be produced under phyto-sanitary standards established in this chapter.

(8) The laboratory and/or greenhouses used to produce material to be accepted as prenuclear shall be open to inspection by department personnel on a periodic basis, and contain only material that has satisfied initial testing requirements.

(9) All greenhouse-produced material shall be inspected by the certification agency in the state of origin for disease and off-types during the growing cycle. One inspection shall be performed for transplant material and at least two inspections shall be performed for tuber-producing plants.

(10) The tubers and tuber storage facilities shall be inspected by the certification agency in the state of origin and satisfy the requirements for sanitation and proper storage as approved by the department.

(11) All lines used in the production of prenuclear material shall be field-plot tested on at least an annual basis with particular emphasis on the evaluation of the phenotype (trueness-to-type), yield ability, and freedom from disease symptoms. Such testing shall be the responsibility of the participant and the certification agency in the state of origin.

[Statutory Authority: Chapter 15.14 RCW. 91-10-029 (Order 2083), § 16-324-605, filed 4/24/91, effective 5/25/91; 89-23-073 (Order 2020), § 16-324-605, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-605, filed 9/11/87.]

Chapter 16-333 WAC

RULES AND STANDARDS FOR CERTIFICATION OF PLANTS

WAC

16-333-200	Definitions.
16-333-205	Approval of stock.
16-333-210	Seed stock eligible for certification.
16-333-215	Planting requirements.
16-333-220	Conditions under which certification may be refused.
16-333-225	Responsibilities of the grower.
16-333-230	Storage requirements for certified seed.
16-333-235	Movement of seed out-of-state—Permit requirement.
16-333-240	Fees.
16-333-245	Certifying agency issuance of certificate.

WAC 16-333-200 Definitions. (1) "Department" means the Washington state department of agriculture.

(2) "Director" means the director of the Washington state department of agriculture or the director's duly authorized representative.

(3) "Certified block" means a planting of plants, bulbs, or cloves of garlic which are propagated from foundation or registered stock and are used to increase certified planting stock or propagated from plants, bulbs, or cloves in another certified block.

(4) "Certified planting stock" means bulbs or cloves of garlic which are:

(a) The first propagation of registered stock or foundation stock; or

(b) Progeny of certified stock which are grown in a certified block.

(5) "Foundation stock" means:

(a) Bulbs or cloves of garlic which have been treated in a hot solution of formalin or other treatment approved by the director for stem and bulb nematode (*Ditylenchus dipsaci*) and inspected and found to be free of white rot fungus (*Sclerotium cepivorum*); or

(b) Obtained from planting stock which was inspected and found to be free from stem and bulb nematode and white rot fungus; or

(c) Maintained and certified by the University of California, or other approved sources, as foundation stock.

(6) "Garlic" means the varieties of the plant *Allium sativum*.

(7) "Registered stock" means bulbs or cloves of garlic which are:

(a) The propagation of foundation stock; or

(b) Propagated from registered stock grown in a block.

(8) "Planting stock" includes certified stock, foundation stock, or registered stock.

(9) Garlic "seed" means bulbs or cloves of garlic for planting purposes.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-200, filed 3/27/91, effective 4/27/91.]

WAC 16-333-205 Approval of stock. The department does not produce or maintain foundation, registered, or certified class planting stock. Plants, bulbs, or cloves of garlic may be accepted as planting stock if the following conditions are met:

(1) The stock has been:

(a) Treated with a hot solution of formalin or other treatment approved by the director for stem and bulb nematode, according to label requirements, prior to being shipped into Washington; or

(b) Inspected by the department, another official state inspection agency, a crop improvement association, or another organization deemed as equivalent by the director, as attested by an official certificate or other documentation, and found to be free from stem and bulb nematode;

(2) The stock is free from white rot fungus;

(3) The stock has been approved by the department.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-205, filed 3/27/91, effective 4/27/91.]

WAC 16-333-210 Seed stock eligible for certification. Only the progeny of garlic stock meeting the approval requirements of WAC 16-333-205 will be eligible for certification as certified garlic seed.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-210, filed 3/27/91, effective 4/27/91.]

WAC 16-333-215 Planting requirements. (1) To assure that the identity of a certified block is maintained, each block shall be planted a minimum of twelve feet from another certified block or variety of garlic.

(2) Garlic shall be planted in a planting area inspected and approved by the department. That planting area shall be one:

- (a) Where stem and bulb nematode is not found;
- (b) Where the spread of infestation of nematode by drainage, flooding, or irrigation is not likely;
- (c) Where water for irrigation is directly from wells only;
- (d) Which has not been found to be infested with white rot fungus (*Sclerotium cepivorum*); and
- (e) Which has never been planted with gladiolus bulbs or with any *Allium* spp. except certified garlic.

(3) Garlic shall be planted a minimum of five hundred feet from any *Allium* spp. which is not being grown for certification as seed.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-215, filed 3/27/91, effective 4/27/91.]

WAC 16-333-220 Conditions under which certification may be refused. The department will conduct field inspections of certified garlic plantings. Any plants which appear to be growing abnormally or abnormal appearing bulbs will be collected and examined for the presence of pests or disease. The department may refuse to certify a planting of garlic or the harvested bulbs of garlic if:

(1) The planting, bulbs or cloves, are found to be infested with stem or bulb nematode, white rot fungus, or any other pest of garlic and the department determines that the infestation cannot be eliminated by treatment, rouging, or other procedure; or

(2) The grower has failed to comply with any certification requirement in this chapter.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-220, filed 3/27/91, effective 4/27/91.]

WAC 16-333-225 Responsibilities of the grower. A grower of certified garlic shall:

- (1) Conduct an active program of garlic pest control;
- (2) Use suitable precautions when cultivating, irrigating, or moving or using of equipment to prevent the spread of soil-borne pests or disease;
- (3) Keep containers for the movement of harvested garlic free of dirt and residues of garlic, onions, or other *Allium* species: *Provided*, That bins previously used for onions, potatoes, and gladiolus bulbs may not be used and bins used for other crops shall be steam cleaned;
- (4) Conform to white rot quarantine regulations in WAC 16-470-300 through 16-470-340.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-225, filed 3/27/91, effective 4/27/91.]

WAC 16-333-230 Storage requirements for certified seed. Certified seed-garlic shall be stored in clean containers and in clean storage areas which have been approved by the department. Storage shall not be allowed in onion, potato, or gladiolus storage bins or areas.

Certified garlic seed may be placed either in new bags, or bags that have been used only for certified garlic seed, or bags that have been sterilized in a manner approved by the department.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-230, filed 3/27/91, effective 4/27/91.]

WAC 16-333-235 Movement of seed out-of-state—Permit requirement. (1) If a lot of certified seed-garlic is to be moved out of Washington for treatment, as provided in WAC 16-333-205 (1)(a), and for cracking, prior to that movement, the grower shall obtain a permit from the department. The number of the permit shall be used by the department to identify that lot.

(2) The permit shall be affixed to the shipping container at all times. The permit number shall be referenced on the official certificate certifying that the prescribed treatment has been completed. A certificate and the attached permit is required for reentry of the treated seed into Washington as certified garlic seed. Unless the identity shall be maintained on all seed lots, such lots may not be certified.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-235, filed 3/27/91, effective 4/27/91.]

WAC 16-333-240 Fees. The following fees are applicable to the garlic seed certification program:

- (1) An application fee \$200.00
- (2) Inspection fee, per hour \$ 20.00
- (3) Mileage, per mile \$.26
- (4) Laboratory analysis by the department to determine the presence of nematodes or disease, costs of materials and labor, per hour \$ 20.00

(5) Laboratory analysis performed by Washington State University or other laboratories will be charged back at the actual cost to the department including shipping and any other directly related costs.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-240, filed 3/27/91, effective 4/27/91.]

WAC 16-333-245 Certifying agency issuance of certificate. (1) The issuance of a certified state of Washington seed tag or stamp under this chapter affirms solely that the tagged or stamped seed garlic 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 garlic plants, bulbs, or cloves 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, 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. 91-08-015 (Order 2076), § 16-333-245, filed 3/27/91, effective 4/27/91.]

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.
16-354-070	Hop rootstock field standards.
16-354-100	Hop rootstock tolerances.

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 discernibly free from Ilar viruses and virus-like diseases, downy mildew, verticillium wilt, crown gall, rootknot nematode, hop cyst nematode or other serious pests, by procedures and inspections outlined in this program.

(2) The issuance of a state of Washington certified plant tag or stamp under this chapter affirms only that the tagged or stamped hop rootstock has been subjected to certification procedures to determine compliance with standards 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 disorders, 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: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-005, filed 3/27/91, effective 4/27/91. 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) "Ilar virus" means a grouping of viruses, including Apple Mosaic Virus and Prunus Necrotic Ringspot, which share common characteristics including spherical in shape, with genetic material in three different particles and commonly inducing ring spots in hosts.

(2) "Virus-like" means a transmissible disorder of unknown cause.

(3) "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.

(4) "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 which will be genetically uniform. Cuttings or rooted plants, which shall be used to establish certified mother blocks shall be furnished to the applicant for a fee determined by Washington State University.

(5) "Certified mother block" means a planting of hop stocks established from foundation rootstock.

(6) "Certified rootstock" means rootstock produced from certified mother blocks and meeting the requirements as herein provided.

(7) "Verticillium wilt" means the disease caused by *Verticillium albo-atrum* Reinke & Berth. or hop strains of this organism.

(8) "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.

(9) "Crown gall" means the disease caused by *Agrobacterium tumefaciens* E. F. Sm. & Towns., Conn.

(10) "Rootknot nematode" means the nematode *Meloidogyne* sp.

(11) "Hop cyst nematode" means the nematode *Heterodera humuli* Filipjev.

(12) "Crown" means a slip or layered stem cutting with visible buds, that has been grown for one or two years.

(13) "Fairly fresh" means that the roots or cuttings are not excessively wilted.

(14) "Firm" means that the plant parts are not soft or spongy, although they may yield to slight pressure.

(15) "Moist" means that the plant parts are reasonably turgid and not dried to a degree that would affect normal growth.

(16) "Fairly clean" means that the plant parts are not matted or caked with dirt.

(17) "Free from damage caused by mold" means that the plants shall be free from excessive mold or decay. Plants slightly affected by mold shall be allowed.

(18) "Free from damage caused by 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.

(19) "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.

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

(21) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-010, filed 3/27/91, effective 4/27/91. 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) New land (land that has never grown hops), proposed for the establishment of certified mother blocks, shall be approved by the department prior to planting.

(b) A certified mother block to be eligible for the production of certified rootstock shall be planted in a site that has been out of hop production for three years (poles and trellis removed). The site shall be inspected

the season prior to planting. Sites with residual hop plants or with hop hullings present shall be rejected.

(c) 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 in width 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 a hop plant free buffer strip not less than twenty-one feet in width.

(3) Plant requirements:

(a) Only foundation rootstock shall be planted to establish a certified mother block for the production of certified rootstock.

(b) Certified mother blocks shall remain in place no more than four growing seasons: *Provided*, That after four years, rootstock to be certified may be moved, if approved by the department after consultation with a Washington State University pathologist, to a new approved site.

(c) If, during inspection, a male plant is found and that plant has pollinated female hop plants (seeded), the mother block site will be disqualified beginning in the year following discovery of the male plants. For the growing season in which the male plants are detected, the rootstock from that site may be dug and sold as certified while in the dormant stage.

(d) In roguing, growers shall dig and immediately destroy all low yielding, unhealthy appearing, diseased or otherwise abnormal plants.

(e) Plant pests and weeds shall be effectively controlled.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-020, filed 3/27/91, effective 4/27/91. 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, and other diseases and pests.

(2) The second inspection, depending on suitable weather conditions, shall be primarily for detection of Ilar viruses, and virus-like diseases.

(3) The presence of verticillium wilt, detected in any inspection, shall disqualify the field.

(4) 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: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-030, filed 3/27/91, effective 4/27/91. 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 certified mother blocks and/or greenhouses for examination and testing.

(2) Application for inspection and testing of certified 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 shall be 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 certified 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 plant services division.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-040, filed 3/27/91, effective 4/27/91. 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 16-354-070 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)

	<u>Certified</u>
Downy mildew	1%
Nematodes (visible)	1%
Verticillium wilt	0
Ilar viruses	0

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-070, filed 3/27/91, effective 4/27/91. 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 16-354-100 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 Washington No. 1, and not more than six percent of the rootstock shall have rhizomes or layered stem cuttings less than five inches in length.

(2) In order to insure lot uniformity, no individual container within a lot may contain more than one and one-half times the established tolerance.

(3) Hop plants shall be packed to retain a fresh condition.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-100, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-100, filed 7/16/85.]

Chapter 16-470 WAC
 QUARANTINE—AGRICULTURAL PESTS

WAC
 16-470-100 Quarantine—Apple maggot and plum curculio—Area under order.

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. The entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, Spokane, Skamania, Thurston and Wahkiakum, 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.

(3) The following definitions shall apply to WAC 16-470-100 through 16-470-120:

(a) "Apple maggot (*Rhagoletis pomonella*)" means a dipterous insect belonging to the family Tephritidae which in the larval stage lives within fruit of its host plants with potential for causing extensive damage to fruit of certain crops.

(b) "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.

(c) "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.

[Statutory Authority: Chapter 17.24 RCW. 91-03-115 (Order 2071), § 16-470-100, filed 1/23/91, effective 2/23/91; 90-24-034 (Order 2064), § 16-470-100, filed 11/30/90, effective 12/31/90; 86-07-020 (Order 1881), § 16-470-100, filed 3/12/86; 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.]

Chapter 16-471 WAC
 CHRYSANTHEMUM WHITE RUST DISEASE

WAC
 16-471-010 Definitions.
 16-471-015 Penalties.
 16-471-020 Quarantine—Chrysanthemum white rust disease.
 16-471-030 Area under quarantine.
 16-471-040 Regulated articles.
 16-471-050 Conditions governing the movement of regulated articles from an area under quarantine.
 16-471-060 Plant and plant parts to be destroyed or treated—Interval before replanting.
 16-471-070 Special permits and compliance agreements.
 16-471-080 Notice of quarantine—Notice of destruction.

WAC 16-471-010 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 plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-010, filed 1/11/91, effective 2/11/91.]

WAC 16-471-015 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 guilty of a gross misdemeanor.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-015, filed 1/11/91, effective 2/11/91.]

WAC 16-471-020 Quarantine—Chrysanthemum white rust disease. An interior quarantine is established under chapter 17.24 RCW against the disease known as chrysanthemum white rust disease, *Puccinia horiana* P. Henn. Chrysanthemum white rust is a serious fungal disease which threatens chrysanthemums, an important floral and ornamental crop, and is not known to occur in the United States.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-020, filed 1/11/91, effective 2/11/91.]

WAC 16-471-030 Area under quarantine. Real or personal properties within the state of Washington:

(1) On which the department has identified chrysanthemum white rust or which is identified as a recipient of infected plants; and

(2) Where the occupants and owners of those properties have been notified by the department of the chrysanthemum white rust infestation or the receipt of

infected plants, and the conditions and requirements of this quarantine as provided in WAC 16-471-080.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-030, filed 1/11/91, effective 2/11/91.]

WAC 16-471-040 Regulated articles. The following are regulated articles and are hereby declared to be hosts or possible carriers of chrysanthemum white rust disease and shall not be moved from the area under quarantine either directly, indirectly, diverted or reconstituted, except as provided for in WAC 16-471-050:

(1) Plant or plant parts of any susceptible chrysanthemum species including but not limited to the following:

COMMON NAME	SCIENTIFIC NAME
Nippon daisy	C. nipponicum
Florists chrysanthemum	C. morifolium (syn. C. sinense)
High daisy	C. uliginosum
(No Common Name)	C. arcticum
	C. shiwogiku
	C. pacificum
	C. makinoi
	C. indicum (syn. C. japonicum)
	C. yezoense
	C. koreanum
	C. boreale
	C. yosinagathum

(2) Soil, humus, compost, manure, planting media, or rooting media.

(3) Tools and implements used in chrysanthemum cultivation.

(4) Any other products, articles, or means of conveyance, of any character whatsoever, when it is determined by the director that they present a hazard of spread of chrysanthemum white rust disease and the person in possession thereof has been so notified.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-040, filed 1/11/91, effective 2/11/91.]

WAC 16-471-050 Conditions governing the movement of regulated articles from an area under quarantine. Regulated articles are prohibited movement from the area under quarantine except that tools and implements used in chrysanthemum cultivation that may have come in contact with infected plants or contaminated soil may be moved if:

(1) Disinfected by washing with steam or high pressure hot water; and

(2) Protected from further contact with infected plants or contaminated soil.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-050, filed 1/11/91, effective 2/11/91.]

WAC 16-471-060 Plant and plant parts to be destroyed or treated--Interval before replanting. (1) All plants and plant parts of chrysanthemum species listed in WAC 16-471-040(1) found in the area under quarantine shall be (a) destroyed by incineration, burial in lime pits, or heat treatment; or (b) otherwise treated in a manner prescribed by the director.

(2) Following the destruction or treatment of the current stand of all chrysanthemum plants or plant parts, no susceptible chrysanthemum species shall be planted or grown in the area under quarantine for a period of at least two months unless prior written authorization is obtained from the director.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-060, filed 1/11/91, effective 2/11/91.]

WAC 16-471-070 Special permits and compliance agreements. The director may issue special permits or enter into compliance agreements allowing the movement of regulated articles covered in WAC 16-471-040 not otherwise eligible for movement from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent the escape or spread of chrysanthemum white rust disease.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-070, filed 1/11/91, effective 2/11/91.]

WAC 16-471-080 Notice of quarantine--Notice of destruction. When the director finds real or personal property as described in WAC 16-471-030(1) the director shall issue a written notice of quarantine to the owners and occupants thereof. The notice shall identify the property under quarantine, order the prompt destruction of susceptible species of chrysanthemum plants, and direct treatment of any other regulated articles.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-080, filed 1/11/91, effective 2/11/91.]

Chapter 16-481 WAC GRAPE PHYLLOXERA

WAC	Description
16-481-010	Establishing quarantine.
16-481-015	Definitions.
16-481-020	Quarantine area.
16-481-025	Regulated products.
16-481-030	Conditions governing shipments—External.
16-481-040	Repealed.
16-481-050	Equipment cleaning requirements.
16-481-060	Notification requirements.
16-481-070	Disposition of products shipped in violation of this quarantine—Violations.
16-481-075	Violations—Penalties.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-481-040	Regulated products. [Order 384, § 4, effective 3/30/43.] Repealed by 91-21-042, filed 10/11/91, effective 11/11/91. Statutory Authority: Chapters 15.13 and 17.24 RCW.
------------	--

WAC 16-481-010 Establishing quarantine. Grape phylloxera (*Daktulosphaira vitifoliae* (Fitch)) is an insect pest injurious to grape plants that can cause severe reductions in grape yield and ultimately the death of the grape plant. This pest is widely distributed throughout the United States and the world. Introductions of the pest into the state of Washington through infested grape plants, rootstock, and plant cuttings or on contaminated

grape cultivation or harvesting equipment could have a severe economic impact on the Washington grape industry. To prevent this the director, under the authority provided in chapters 17.24 and 15.13 RCW, has established a quarantine to prevent the introduction of this pest into the state.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-010, filed 10/11/91, effective 11/11/91; Order 384, § 1, effective 3/30/43.]

WAC 16-481-015 Definitions. (1) "Pest" means the insect of the order *Homoptera* and family *Phylloxeridae*, grape phylloxera (*Daktulosphaira vitifoliae* (Fitch)).

(2) "Infested area" means all states and territories of the United States and all areas outside the United States.

(3) "Area known to be free of grape phylloxera" means a specific property of a person or firm or a specific nursery stock growing ground surveyed by the department of agriculture of the shipping state.

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

(5) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(6) "Hardwood cutting" means a cutting from a grape plant taken during the period of dormancy and not including portions of the trunk of the plant produced during previous growing seasons.

(7) "Softwood cutting" means any cutting taken when the grape plant is not fully dormant.

(8) "Susceptible varieties" means grape plants that may serve as host to grape phylloxera and which show symptoms of decline when infested.

(9) "Nonsusceptible varieties" means grape plants that may serve as host to grape phylloxera but which do not show symptoms of decline when infested. Nonsusceptible varieties include concord varieties and vinifera varieties on resistant rootstock.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-015, filed 10/11/91, effective 11/11/91.]

WAC 16-481-020 Quarantine area. There is established under this chapter, an external quarantine area for grape phylloxera including all states and territories of the United States and all territories outside the United States.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-020, filed 10/11/91, effective 11/11/91; Order 384, § 2, effective 3/30/43.]

WAC 16-481-025 Regulated products. Products regulated under the grape phylloxera quarantine include:

(1) All grape plants, rootstock, and softwood cuttings, rooted or not. Hardwood cuttings meeting the definition in WAC 16-481-016(6) and dried grape vines used for ornamental purposes are exempt from the requirements in this chapter.

(2) All equipment that has been used for cultivation or harvesting of grapes in a quarantine area.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-025, filed 10/11/91, effective 11/11/91.]

WAC 16-481-030 Conditions governing shipments--External. (1) Each shipment of grape plants, grape rootstock and/or softwood cuttings from an infested area must be accompanied by a certificate signed by a duly authorized inspector of the department of agriculture of the state of origin of the shipment, or by a duly authorized inspector of the United States Department of Agriculture, Animal and Plant Health Inspection Service, stating that:

(a) The grape plants, rootstock and/or softwood cuttings were grown in and shipped from an area known to be free from grape phylloxera; or

(b) The grape plants, rootstock or softwood cuttings were grown under an approved sterile media system; or

(c) For small shipments (five hundred articles or less), softwood cuttings were carefully inspected by an authorized inspector and were found to be free from grape phylloxera; or

(d) The grape plants, rootstock, and/or softwood cuttings were subject to one of the two treatments outlined in subsection (2) of this section or such additional methods as may be determined to be effective and are approved in writing by the director and were stored in a manner after treatment that would prevent reinfestation.

(2) Acceptable treatments shall include:

(a) Hot water treatment. Dormant, rooted grape plants or rootstock shall be washed to remove all soil or other propagative media. Dormant rooted plants or rootstock shall be immersed in a hot water bath for a period of not less than three minutes nor more than five minutes at a temperature of not less than 125 degrees F. (52 degrees C.) nor more than 130 degrees F. (55 degrees C.) at any time during immersion; or

(b) Methyl bromide fumigation. Grape plants, rootstock or softwood cuttings may be treated by methyl bromide fumigation. Fumigation shall be in an approved gastight fumigation chamber, equipped with a heating unit, fan for dispersal of gas and clearing the chamber of gas after fumigation, and interior thermometer readable from the outside. Fumigation shall be with a dosage of two pounds (0.908 kg.) of methyl bromide per one thousand cubic feet (twenty-eight cubic meters) for a period of three hours at a temperature of between 65 degrees F. (18.3 degrees C.) and 70 degrees F. (21.1 degrees C.). The fan shall be operated for a period of ten minutes after the injection of the gas.

(3) All shipments of grape plants, rootstock and/or softwood cuttings from an infested area shall be plainly marked with the contents on the outside of the package or container as "grape plants," "grape rootstock," or "grape cuttings."

(4) Notification requirements of WAC 16-481-060 are met.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-030, filed 10/11/91, effective 11/11/91; Order 384, § 3, effective 3/30/43.]

WAC 16-481-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-481-050 Equipment cleaning requirements.

(1) All equipment used for cultivation or harvesting of grapes in grape phylloxera quarantine areas outside the state or infested properties within the state must be thoroughly washed or steam cleaned to remove all soil and plant material prior to entry into the state of Washington. Such equipment shall be subject to inspection by authorized inspectors of the department of agriculture.

(2) Any equipment found to be in violation of the sanitation requirement shall be subject to detention by the department until such equipment is thoroughly cleaned at the expense of the owner or shipper or provision made to transport the equipment directly out of the state.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-050, filed 10/11/91, effective 11/11/91; Order 384, § 5, effective 3/30/43.]

WAC 16-481-060 Notification requirements. The plant services division of the department of agriculture shall be notified by United States mail or telefax prior to the shipment of grape plants and/or cuttings under the grape phylloxera quarantine into this state from an infested area. Such notice shall include, but not be limited to, the approximate number of the grape plants, rootstock and/or softwood cuttings; the shipper; the consignee; the method of treatment used, if applicable; and the approximate date of delivery.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-060, filed 10/11/91, effective 11/11/91; Order 384, § 6, effective 3/30/43.]

WAC 16-481-070 Disposition of products shipped in violation of this quarantine--Violations. Any shipment of grape plants, rootstock, and/or softwood shipped into or entering the state of Washington from an infested area and not accompanied by the required certificate and/or not complying with the notice requirement in WAC 16-481-060 shall be returned to point of origin, or destroyed at the option and expense of the owner or owners, or their responsible agent or agents.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-070, filed 10/11/91, effective 11/11/91; Order 384, § 7, effective 3/30/43.]

WAC 16-481-075 Violations--Penalties. Any person who violates the terms of the grape phylloxera quarantine may be subject to a criminal or civil penalty, as determined by the director, in an amount not more than five thousand dollars for each violation. Every person who, through an act of commission or omission, procures, aids or abets in the violation, shall be considered to have violated this chapter and may be subject to criminal or civil penalty.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-075, filed 10/11/91, effective 11/11/91.]

**Chapter 16-482 WAC
SEED POTATO QUARANTINE**

WAC

16-482-001	Promulgation—Establishing quarantine.
16-482-005	Regulated articles.
16-482-006	Quarantine area.
16-482-007	Regulated area.
16-482-010	Regulations—Certified seed requirement.
16-482-015	Regulations—Certified seed—Exceptions.
16-482-016	Exceptions—Permit requirement.
16-482-017	Recordkeeping requirement.
16-482-020	Disposition of material shipped in violation of this quarantine.
16-482-030	Repealed.
16-482-040	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-482-030	Violation and penalty. [Order 1126, § 16-482-030, filed 10/9/69, effective 11/10/69.] Repealed by 91-07-016 (Order 2075), filed 3/13/91, effective 4/13/91. Statutory Authority: Chapter 17.24 RCW.
16-482-040	Effective date. [Order 1126, § 16-482-040, filed 10/9/69, effective 11/10/69.] Repealed by 91-07-016 (Order 2075), filed 3/13/91, effective 4/13/91. Statutory Authority: Chapter 17.24 RCW.

WAC 16-482-001 Promulgation--Establishing quarantine. The commercial production of potatoes both for food and for seed in the state of Washington is one of the major agricultural industries. The introduction and spread of serious bacterial, fungal, viral and nematode diseases of potatoes represents a serious economic threat to the industry. A quarantine is established under this chapter requiring the planting of certified seed potatoes in commercial potato production areas to mitigate this threat.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-001, filed 3/13/91, effective 4/13/91; Order 1126, § 16-482-001, filed 10/9/69, effective 11/10/69.]

WAC 16-482-005 Regulated articles. All potatoes used for commercial plantings in excess of one acre or for seed potato production.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-005, filed 3/13/91, effective 4/13/91.]

WAC 16-482-006 Quarantine area. All states and territories of the United States and all counties within the state of Washington.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-006, filed 3/13/91, effective 4/13/91.]

WAC 16-482-007 Regulated area. There is established a regulated area within the state of Washington consisting of the entire counties of Adams, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Grays Harbor, King, Kittitas, Klickitat, Lincoln, Mason, Pend Oreille, Skagit, Snohomish, Spokane, Stevens, Thurston, Walla Walla, Whatcom, Whitman, and Yakima.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-007, filed 3/13/91, effective 4/13/91.]

WAC 16-482-010 Regulations--Certified seed requirement. (1) Except as provided in WAC 16-482-015, all seed potatoes propagated for commercial or for seed production within the regulated area shall be from certified seed, produced as a part of a certified seed potato program in the state or country of origin and accepted and certified by that program.

(2) The department may sample and test any lot of seed potatoes or conduct field inspections for the purpose of testing and verification of compliance with this chapter.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-010, filed 3/13/91, effective 4/13/91; Order 1126, § 16-482-010, filed 10/9/69, effective 11/10/69.]

WAC 16-482-015 Regulations--Certified seed--Exceptions. The certified seed requirement shall not be applicable to:

(1) Potatoes planted for personal use or other non-commercial purposes;

(2) Commercial production, other than for production of seed potatoes, of not more than one acre;

(3) Experimental or seed trial plots as provided in WAC 16-482-016.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-015, filed 3/13/91, effective 4/13/91.]

WAC 16-482-016 Exceptions--Permit requirement. The director may allow planting of seed potatoes, otherwise prohibited, by special permit. Such permit shall specify the conditions under which planting is allowed and shall be obtained prior to planting.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-016, filed 3/13/91, effective 4/13/91.]

WAC 16-482-017 Recordkeeping requirement. All commercial potato growers within the regulated area shall be responsible for obtaining certification documents or tags to verify that all seed potatoes used for propagation purposes comply with the terms of this chapter. Such documents shall be retained by the grower for a period of one calendar year and a copy provided to the department of agriculture, plant services division, upon written request to the grower. Such documents shall include the total weight of certified seed potatoes and shall be issued by an official certifying agency in the state or country of origin. Falsification of seed potato documents shall subject the grower to penalties provided in law.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-017, filed 3/13/91, effective 4/13/91.]

WAC 16-482-020 Disposition of material shipped in violation of this quarantine. (1) Seed potatoes shipped in violation of this quarantine may be returned to the point of origin, diverted to nonseed use, or destroyed at the option and expense of the owner or owners or their responsible agents.

(2) Seed potatoes planted and growing in violation of the terms of this quarantine may be destroyed or placed under quarantine, with terms and conditions for that quarantine specified by the director, at the option and

expense of the grower or owners or their responsible agents. Potatoes, placed under quarantine for violation of the terms of this chapter and found to be infested or infected with a viral, fungal, bacterial or nematode disease by subsequent inspection or testing shall be destroyed at the expense of the grower, without compensation.

(3) In addition to the actions specified in subsections (1) and (2) of this section, any grower violating the terms of this quarantine shall be subject to civil and/or criminal penalties provided by laws.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-020, filed 3/13/91, effective 4/13/91; Order 1126, § 16-482-020, filed 10/9/69, effective 11/10/69.]

WAC 16-482-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-482-040 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-483 WAC GRAPE VIRUS QUARANTINE

WAC

16-483-001	Grape virus quarantine—Establishing quarantine.
16-483-005	Grape virus quarantine—Definitions.
16-483-010	Grape virus quarantine—Quarantine area.
16-483-020	Grape virus quarantine—Regulated articles.
16-483-030	Grape virus quarantine—Regulations.
16-483-040	Grape virus quarantine—Disposition of material shipped in violation.
16-483-050	Grape virus quarantine—Exemption.
16-483-060	Grape virus quarantine—Violation and penalty.
16-483-070	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-483-070	Effective date. [Order 1146, § 16-483-070, filed 3/16/70, effective 5/1/70.] Repealed by 91-21-042, filed 10/11/91, effective 11/11/91. Statutory Authority: Chapters 15.13 and 17.24 RCW.
------------	--

WAC 16-483-001 Grape virus quarantine--Establishing quarantine. The production of wine grapes, table grapes, and grape plant nursery stock are important industries in the state of Washington. The director has determined that these industries are threatened by the introduction of the virus diseases known as leafroll, fan-leaf, corky bark, and stem pitting that are not established in the state of Washington. The presence of these virus diseases cannot be determined by the most rigorous visual examination of dormant grape plants or propagative parts of grape plants. Introductions of these virus diseases would entail great economic loss to the horticultural industries of the state. To prevent this harm, the director, under the authority provided in chapter 17.24 RCW, has established a quarantine setting forth rules for the importation of grape planting stock into the state of Washington.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-001, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-001, filed 3/16/70, effective 5/1/70.]

WAC 16-483-005 Grape virus quarantine--Definitions. (1) "Department" means the Washington state department of agriculture.

(2) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(3) "Grape plants and propagative parts" means live plants, hardwood cuttings, softwood cuttings, rootstocks, and any other parts of the grape plant (*vitis* species), except fruit, capable of propagation.

(4) "Official certificate" means a document issued by an official inspection agency including but not limited to phytosanitary certificates, inspection certificates, or other letters, tags, stamps, or similar documents certifying plant quality or condition.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-005, filed 10/11/91, effective 11/11/91.]

WAC 16-483-010 Grape virus quarantine--Quarantine area. Areas under quarantine for grape virus include all states and territories of the United States outside of the territorial borders of the state of Washington.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-010, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-010, filed 3/16/70, effective 5/1/70.]

WAC 16-483-020 Grape virus quarantine--Regulated articles. All plants and plant parts capable of propagation (except fruit) of grapes are regulated under the terms of the grape virus quarantine.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-020, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-020, filed 3/16/70, effective 5/1/70.]

WAC 16-483-030 Grape virus quarantine--Regulations. Grape plants and propagative parts will be admitted into the state of Washington provided the following provisions are complied with:

(1) The grape plants or propagative parts have been certified in accordance with the regulations of an official state agency, which certification program includes inspection and testing by indexing on suitable indicator hosts for fanleaf, leafroll, stem pitting, and corky bark virus diseases. All shipments of such grape cuttings shall be accompanied by a certificate issued by an agency of the state of origin certifying that the grape plants or cuttings were produced under official certification regulations and meet official certification standards as to freedom from fanleaf, leafroll, stem pitting, and corky bark virus diseases.

(2) All shipments of grape nursery stock shall be plainly marked with the contents on the outside of the package or container.

(3) Persons shipping or transporting regulated articles, identified in WAC 16-483-020, into this state from areas under quarantine shall notify the department's plant protection branch by United States mail or telefax prior to shipment of the nature and the quantity of each shipment, the expected date of arrival at destination, the name of the intended receiver and the destination. The

person to whom the articles are shipped shall hold the same until they are inspected and/or released by the department.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-030, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-030, filed 3/16/70, effective 5/1/70.]

WAC 16-483-040 Grape virus quarantine--Disposition of material shipped in violation. All grape plants or parts thereof arriving in the state of Washington in violation of the provisions of the grape virus quarantine, shall be refused admittance into the state of Washington, or shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners, or their responsible agents.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-040, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-040, filed 3/16/70, effective 5/1/70.]

WAC 16-483-050 Grape virus quarantine--Exemption. The restrictions on the movement of regulated articles set forth in this chapter shall not apply to grape plants or propagative parts imported for experimental or trial purposes by the United States Department of Agriculture and the state experiment stations in the state of Washington: *Provided*, That a permit to import is issued by the director of agriculture.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-050, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-050, filed 3/16/70, effective 5/1/70.]

WAC 16-483-060 Grape virus quarantine--Violation and penalty. All violations of the grape virus quarantine shall be punishable by the criminal and/or civil penalties provided by law.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-060, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-060, filed 3/16/70, effective 5/1/70.]

WAC 16-483-070 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-484 WAC NARCISSUS BULB NEMATODE

WAC

16-484-020	Repealed.
16-484-022	Repealed.
16-484-030	Repealed.
16-484-040	Repealed.
16-484-050	Repealed.
16-484-080	Repealed.
16-484-090	Repealed.
16-484-100	Repealed.
16-484-200	Definitions.
16-484-205	Penalties.
16-484-210	Quarantine—Potato virus Y necrotic strain.
16-484-220	Area under quarantine.
16-484-230	Regulated articles.
16-484-240	Conditions governing the movement of regulated articles into Washington state.
16-484-250	Special permits and compliance agreements.
16-484-260	Disposition of regulated articles entering in violation or found infected with PVY-N.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-484-020 Establishing quarantine—Promulgation. [Order 479, § 2, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-022 Promulgation—Establishing quarantine. [Order 479, § 16-484-022, filed 4/1/70.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-030 Definitions. [Order 479, § 16-484-030, filed 4/1/70; Order 479, § 3, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-040 Conditions governing shipments. [Order 479, § 16-484-040, filed 4/1/70; Order 479, Regulation 1, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-050 Sanitary requirement on narcissus bulbs grown within the state of Washington. [Order 479, § 16-484-050, filed 4/1/70; Order 479, Regulation 2, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-080 Conditions applicable to growers. [Order 479, § 16-484-080, filed 4/1/70; Order 479, Regulation 5, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-090 Violations. [Order 479, § 16-484-090, filed 4/1/70; Order 479, Regulation 6, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-100 Effective date. [Order 479, § 16-484-100, filed 4/1/70.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.

WAC 16-484-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-484-022 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-484-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-484-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-484-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-484-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-484-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-484-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-484-200 Definitions. The definitions set forth in this section shall apply to WAC 16-484-205 through 16-484-260 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) "Seed potatoes" means White or Irish potatoes, *Solanum tuberosum*, intended for the purpose of propagation or reproduction.

(4) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated pests, life stages, their hosts, and possible carriers from areas identified by the department.

(5) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated pests, life stages, their hosts, and possible carriers from areas identified by the department.

[Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-200, filed 6/11/91, effective 6/12/91.]

WAC 16-484-205 Penalties. Any person who violates or fails to comply with any rule adopted under chapter 17.24 RCW shall be guilty of a misdemeanor, and for a second and each subsequent violation of the same rule, shall be guilty of a gross misdemeanor.

[Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-205, filed 6/11/91, effective 6/12/91.]

WAC 16-484-210 Quarantine--Potato virus Y necrotic strain. A quarantine is established under this chapter against the disease known as potato virus Y necrotic strain (PVY-N). PVY-N is a serious viral disease of certain species of the family Solanaceae, and is not known to occur in the United States.

[Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-210, filed 6/11/91, effective 6/12/91.]

WAC 16-484-220 Area under quarantine. The following areas are declared to be under quarantine for PVY-N:

(1) Exterior quarantine. All states and districts of the United States; and

(2) Interior quarantine. All counties in the state of Washington.

[Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-220, filed 6/11/91, effective 6/12/91.]

WAC 16-484-230 Regulated articles. (1) The following are hereby declared to be hosts or possible carriers of PVY-N and are prohibited entry into the state from any area under exterior quarantine either directly, indirectly, diverted, or reconsigned except as provided in WAC 16-484-240:

(a) All seed potatoes originating in the Province of Prince Edward Island, Canada, potato inspection districts 1 through 4; and

(b) All seed potatoes of the Atlantic variety originating in the Province of Prince Edward Island, Canada, potato inspection districts 5 and 6; and

(c) All seed potatoes originating in the Province of New Brunswick, Canada, that are progeny of potatoes of

the Atlantic variety that originated in Prince Edward Island in 1989 or 1990; and

(d) All other seed potatoes grown on farms where potatoes identified in (b) and (c) of this subsection have been grown; and

(e) All seed potatoes originating in any other location within Canada, except the Province of Newfoundland and the Land District of South Saanich of Vancouver Island of British Columbia that are the progeny of potatoes of the Atlantic variety that originated in Prince Edward Island in 1989 or 1990.

(2) It is prohibited to cut for seed, plant, move, sell, or transport any regulated article identified in subsection (1)(a) through (e) of this section which arrived in the state of Washington prior to the effective date of this quarantine until inspected and released by the department.

[Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-230, filed 6/11/91, effective 6/12/91.]

WAC 16-484-240 Conditions governing the movement of regulated articles into Washington state. (1) Each shipment of a regulated article shall be accompanied by a certificate issued by the state of origin that clearly identifies each seed lot and shall contain an additional declaration stating that the seed potatoes were tested and found free of PVY-N utilizing a method prescribed by the director.

(2) Persons shipping regulated articles into this state from areas under exterior quarantine shall notify the department's plant protection branch prior to arrival of the nature and quantity of each shipment, its expected date of arrival at destination, the name of the intended receiver, and the destination. The person to whom the regulated articles are shipped shall hold the same until they are inspected and released by the department.

[Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-240, filed 6/11/91, effective 6/12/91.]

WAC 16-484-250 Special permits and compliance agreements. The director may issue special permits or enter into compliance agreements allowing the movement of regulated articles covered in WAC 16-484-230 not otherwise eligible for movement from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent the escape or spread of PVY-N.

[Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-250, filed 6/11/91, effective 6/12/91.]

WAC 16-484-260 Disposition of regulated articles entering in violation or found infected with PVY-N. Any regulated article (1) entering the state in violation of this quarantine; or (2) entering the state prior to the effective date of this quarantine which is or may be infected with PVY-N; shall be disposed of in a manner prescribed by the director, returned out-of-state, or destroyed at the option and expense of the owner or the owner's agent.

[Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-260, filed 6/11/91, effective 6/12/91.]

Chapter 16-486 WAC AUSTRALIA AND TASMANIA APPLE QUARANTINE

WAC

16-486-001 through 16-486-045 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-486-001	Promulgation—Establishing quarantine. [Order 1292, § 16-486-001, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
16-486-010	Quarantine area. [Order 1292, § 16-486-010, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
16-486-015	Commodity covered. [Order 1292, § 16-486-015, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
16-486-020	Regulation. [Order 1292, § 16-486-020, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
16-486-025	Fumigation requirements. [Order 1292, § 16-486-025, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
16-486-030	Proof of fumigation. [Order 1292, § 16-486-030, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
16-486-035	Disposition of apples shipped in violation of this quarantine. [Order 1292, § 16-486-035, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
16-486-040	Violation and penalty. [Order 1292, § 16-486-040, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
16-486-045	Effective date. [Order 1292, § 16-486-045, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.

WAC 16-486-001 through 16-486-045 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 16-487 WAC PEACH YELLOW, PEACH ROSETTE AND LITTLE PEACH DISEASE

WAC

16-487-005	Definitions.
16-487-010	Disposition of materials moved in violation— Penalties.
16-487-015	Notification requirement.
16-487-017	Exemption for experimental uses.
16-487-020	Peach yellows, little peach, and red suture diseases— Establishing quarantine.
16-487-023	Peach yellows, little peach, and red suture disease quarantine—Regulated articles.
16-487-025	Peach yellows, little peach, and red suture disease quarantine—Species not regulated.
16-487-030	Peach yellows, little peach, and red suture disease quarantine—Quarantine area.
16-487-040	Peach yellows, little peach, and red suture disease quarantine—Absolute quarantine for symptomless carriers.

- 16-487-050 Peach yellows, little peach, and red suture disease quarantine—Conditions for movement of regulated articles.
- 16-487-060 Peach yellows, little peach, and red suture disease quarantine—Reshipment permitted under certificate.
- 16-487-100 Peach rosette disease quarantine—Establishing quarantine.
- 16-487-110 Peach rosette disease quarantine—Regulated articles.
- 16-487-120 Peach rosette disease quarantine—Species not regulated.
- 16-487-130 Peach rosette disease quarantine—Quarantine area.
- 16-487-140 Peach rosette disease quarantine—Absolute quarantine for symptomless carriers.
- 16-487-150 Peach rosette disease quarantine—Conditions for movement of regulated articles.
- 16-487-160 Peach rosette disease quarantine—Reshipment permitted under certification.
- 16-487-200 Peach mosaic virus—Establishing quarantine.
- 16-487-210 Peach mosaic virus quarantine—Regulated articles.
- 16-487-220 Peach mosaic virus quarantine—Regulated area.
- 16-487-230 Peach mosaic virus quarantine—Requirements.
- 16-487-240 Peach mosaic virus quarantine—Special permits.
- 16-487-250 Peach mosaic virus—Reshipment permitted under certificate.
- 16-487-300 Peach rosette mosaic virus—Establishing quarantine.
- 16-487-310 Peach rosette mosaic virus quarantine—Regulated articles.
- 16-487-320 Peach rosette mosaic virus quarantine—Regulated area.
- 16-487-330 Peach rosette mosaic virus quarantine—Requirements.
- 16-487-335 Peach rosette mosaic virus quarantine—Special permits.

WAC 16-487-005 Definitions. (1) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

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

(3) "Mycoplasma-like organism" (MLO) means a submicroscopic infectious agent capable of producing disease symptoms in host plants. MLOs do not have the outer protein coat that characterizes viruses.

(4) "Symptomless carrier" means a plant which may be infected by or capable of hosting a disease agent but which does not show visible disease symptoms.

(5) "Growing ground" means any property within the area under quarantine on which nursery stock (cuttings, budsticks, scions, rootstocks, or finished trees) are produced for distribution or sale.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-005, filed 10/11/91, effective 11/11/91.]

WAC 16-487-010 Disposition of materials moved in violation—Penalties. Regulated articles, shipped in violation of this chapter, will be denied entry into the state, returned to the point of origin or destroyed at the option and expense of the owner(s) or their responsible agent. In addition, any person violating the terms of the quarantines in this chapter shall be subject to the criminal and civil penalties provided in law.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-010, filed 10/11/91, effective 11/11/91; Order 386, § 1, effective 3/30/43.]

WAC 16-487-015 Notification requirement. Persons shipping regulated articles into the state of Washington

from areas under quarantine by the provisions of this chapter shall notify the department's plant protection branch of the nature and quantity of each shipment, its destination, its expected date of arrival, and the name of the intended receiver. Such notification shall be by mail or telefax prior to shipment.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-015, filed 10/11/91, effective 11/11/91.]

WAC 16-487-017 Exemption for experimental uses. The provisions of this chapter shall not apply to plants or propagative parts of plants imported for experimental purposes by the United States Department of Agriculture or the Washington State University agricultural experiment stations: *Provided*, That a permit to import has been issued by the director.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-017, filed 10/11/91, effective 11/11/91.]

WAC 16-487-020 Peach yellows, little peach, and red suture diseases—Establishing quarantine. The director has determined that peach yellows, little peach, and red suture diseases do not exist in the state of Washington and that the introduction of these diseases into the state would cause economic loss to the horticultural industries within the state. To prevent this loss, a quarantine is hereby established against these mycoplasma-like organisms, their host plants, and possible carriers.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-020, filed 10/11/91, effective 11/11/91; Order 386, § 2, effective 3/30/43.]

WAC 16-487-023 Peach yellows, little peach, and red suture disease quarantine—Regulated articles. The following articles are regulated under the terms of the peach yellows, little peach, and red suture disease quarantine:

(1) The pathogens which cause peach yellows, little peach, and red suture diseases on peach. The pathogen is an MLO. All three diseases are considered to be caused by the same pathogen.

(2) Trees and all parts capable of propagation including cuttings, budsticks, scions, and rootstocks, except seeds (fruit pits) of all species of the genus *Prunus* are declared hosts and possible carriers, except those listed in WAC 16-487-025.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-023, filed 10/11/91, effective 11/11/91.]

WAC 16-487-025 Peach yellows, little peach, and red suture disease quarantine—Species not regulated. The following species have been determined not to be hosts of peach yellows, little peach, and red suture diseases and are not regulated under this quarantine:

- mazzard cherry, sweet cherry (*Prunus avium*)
- sand cherry, western sand cherry (*Prunus besseyi*)
- sour cherry (*Prunus cerasus*)
- American cherry laurel, Carolina cherry laurel (*Prunus caroliniana*)
- hollyleaf cherry, California cherry (*Prunus ilicifolia*)

cherry laurel, English laurel (*Prunus laurocerasus*)
 Portugal laurel (*Prunus lusitanica*)
 Catalina cherry (*Prunus lyonii*)

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-025, filed 10/11/91, effective 11/11/91.]

WAC 16-487-030 Peach yellows, little peach, and red suture disease quarantine—Quarantine area. The entire states of Alabama, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia are declared to be quarantined areas for peach yellows, little peach, and red suture diseases.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-030, filed 10/11/91, effective 11/11/91; Order 386, § 3, effective 3/30/43.]

WAC 16-487-040 Peach yellows, little peach, and red suture disease quarantine—Absolute quarantine for symptomless carriers. The following species of plum trees and all parts capable of propagation (including their use as understock for other species) are symptomless carriers of peach yellows, little peach, and red suture diseases and are prohibited entry into Washington state:

American plum (*Prunus americana*)
 myrobalan plum, cherry plum, "Antropurpurea," purple leaf plum (*Prunus cerasifera*)
 European plum, prune (*Prunus domestica*)
 hortulan plum (*Prunus hortulana*)
 wild goose plum (*Prunus munsoniana*)
 Japanese plum (*Prunus salicina*)
 hybrids of any of the above and wild native species of plum.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-040, filed 10/11/91, effective 11/11/91; Order 386, § 4, effective 3/30/43.]

WAC 16-487-050 Peach yellows, little peach, and red suture disease quarantine—Conditions for movement of regulated articles. Plants and propagative plant parts of the restricted *Prunus* species, other than symptomless carriers listed in WAC 16-487-040 or stock budded onto those symptomless carriers, shall be permitted entry into the state provided that all the following requirements have been met:

(1) Each species and variety is properly labeled as to scientific name and state of origin.

(2) Each lot or shipment is accompanied by a certificate issued by the department of agriculture or state university certification program of the state of origin, verifying that these plants or plant parts have been certified in accordance with the regulations of a certification program which includes inspection and indexing on suitable indicator hosts and/or by other official, recognized methods for peach yellows, little peach or red suture disease and certifying that the plants or plant parts

meet official certification standards of the shipping state for freedom from peach yellows, little peach or red suture disease.

(3) Peach yellows, little peach, and red suture disease symptoms have not been found during the period when stock was growing or budwood taken either on or within one mile of the growing grounds.

(4) No symptomless plum species or other species on symptomless plum understock existed on the growing grounds during the production of the nursery stock.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-050, filed 10/11/91, effective 11/11/91; Order 386, § 5, effective 3/30/43.]

WAC 16-487-060 Peach yellows, little peach, and red suture disease quarantine—Reshipment permitted under certificate. Certificates may be issued for reshipment of dormant host trees and propagative parts which have been produced outside the areas under quarantine for peach yellows, little peach, and red suture diseases established in WAC 16-487-030 and which have remained dormant while within the area under quarantine. Certificates shall state the name of the state where the material was produced and state that the material remained dormant while within the quarantine area.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-060, filed 10/11/91, effective 11/11/91; Order 386, § 5, effective 3/30/43.]

WAC 16-487-100 Peach rosette disease quarantine—Establishing quarantine. The director has determined that peach rosette disease is not present in the state of Washington and that the introduction of this disease would cause economic loss to the horticultural industries in the state. To prevent this loss, a quarantine is hereby established against the mycoplasma-like organism, its host plants, and possible carriers.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-100, filed 10/11/91, effective 11/11/91.]

WAC 16-487-110 Peach rosette disease quarantine—Regulated articles. The following articles are regulated under the terms of the peach rosette disease quarantine:

(1) The pathogen which causes peach rosette disease. The pathogen is a mycoplasma-like organism.

(2) Trees and all parts capable of propagation including cuttings, budsticks, scions, and rootstocks, except seed (fruit pits) of all species of the genus *Prunus* are declared possible hosts and carriers of peach rosette disease except those listed in WAC 16-487-120.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-110, filed 10/11/91, effective 11/11/91.]

WAC 16-487-120 Peach rosette disease quarantine—Species not regulated. The following species have been determined not to be carriers of peach rosette disease and are not regulated under the terms of the peach rosette disease quarantine:

American cherry laurel, Carolina cherry laurel (*Prunus caroliniana*)

holly leaf cherry, California cherry (*Prunus ilicifolia*)

cherry laurel, English laurel (*Prunus laurocerasus*)

Portugal laurel (*Prunus lusitanica*)

Catalina cherry (*Prunus lyonii*)

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-120, filed 10/11/91, effective 11/11/91.]

WAC 16-487-130 Peach rosette disease quarantine--Quarantine area. The entire states of Alabama, Arkansas, Florida, Georgia, Mississippi, Oklahoma, South Carolina, Tennessee, and West Virginia are declared to be quarantined areas for peach rosette disease.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-130, filed 10/11/91, effective 11/11/91.]

WAC 16-487-140 Peach rosette disease quarantine--Absolute quarantine for symptomless carriers. The following species of plum trees and all parts capable of propagation (including their use as understock for other species), except seed, are symptomless carriers of peach rosette disease and are prohibited entry into Washington state:

the "Wilson" cultivar of apricot (*Prunus armeniaca*)

Mariana plums (*Prunus cerasifera* x *P. Munsoniana*)

any tree grafted on Mariana plum understock

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-140, filed 10/11/91, effective 11/11/91.]

WAC 16-487-150 Peach rosette disease quarantine--Conditions for movement of regulated articles. Plants and all parts capable of propagation of the restricted *Prunus* species, other than symptomless carriers listed in WAC 16-487-140 or stock budded onto those symptomless carriers, shall be permitted entry into the state provided that all the following requirements have been met:

(1) Each species and variety is properly labeled as to scientific name and state of origin.

(2) Each lot or shipment is accompanied by a certificate issued by the department of agriculture or state university certification program of the state of origin, verifying that these plants or plant parts have been certified in accordance with the regulations of a certification program which includes inspection and indexing on suitable indicator hosts and/or by other official, recognized methods for peach rosette disease and certifying that the plants or plant parts meet official certification standards of the shipping state for freedom from peach rosette disease.

(3) Peach rosette disease symptoms have not been found during the period when stock was growing or budwood taken either on or within one mile of the growing grounds.

(4) No symptomless plum species or other species on symptomless plum understock listed in WAC 16-487-140 existed on the growing grounds during the production of the nursery stock.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-150, filed 10/11/91, effective 11/11/91.]

WAC 16-487-160 Peach rosette disease quarantine--Reshipment permitted under certification. Certificates may be issued for reshipment of dormant host trees and propagative parts which have been produced outside the areas under quarantine for peach rosette disease established in WAC 16-487-130 and which have remained dormant while within the area under quarantine. Certificates shall state the name of the state where the material was produced and state that the material remained dormant while within the quarantine area.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-160, filed 10/11/91, effective 11/11/91.]

WAC 16-487-200 Peach mosaic virus--Establishing quarantine. The director has determined that peach mosaic virus is not present in the state of Washington and that the introduction of this disease would cause economic loss to the horticultural industries in the state. To prevent this loss, a quarantine is hereby established against the virus, its host plants, and possible carriers.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-200, filed 10/11/91, effective 11/11/91.]

WAC 16-487-210 Peach mosaic virus quarantine--Regulated articles. The following articles are regulated under the terms of the peach mosaic virus quarantine:

(1) Peach mosaic virus and any virus capable of causing symptoms identical with those of peach mosaic virus.

(2) All trees and parts of trees capable of propagation including cuttings, budsticks, scions, and rootstock, except seeds (fruit pits), of all species, varieties, and hybrids of almond, apricot, peach, plum, prune, and nectarine and Manchu cherry (*Prunus tomentosa*) and western sand cherry (*Prunus besseyi*).

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-210, filed 10/11/91, effective 11/11/91.]

WAC 16-487-220 Peach mosaic virus quarantine--Regulated area. The following are declared to be areas under quarantine for peach mosaic virus:

(1) The entire states of Arizona and New Mexico.

(2) In Colorado, the counties of Delta, Garfield, Mesa, Montezuma, and Montrose.

(3) In Oklahoma, the counties of Alfalfa, Bryan, Johnson, and Woods.

(4) In Texas, the counties of Brown, Callahan, Camp, Cherokee, Comanche, Dallas, Eastland, El Paso, Erath, Fisher, Floyd, Freestone, Hale, Harrison, Hudspeth, Jones, Limestone, Palo Pinto, Runnels, San Saba, Smith, Tarrant, Taylor, Upshur, and Young.

(5) In California, the counties of Los Angeles, Riverside, San Bernardino, and San Diego.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-220, filed 10/11/91, effective 11/11/91.]

WAC 16-487-230 Peach mosaic virus quarantine--Requirements. All articles and commodities listed in WAC 16-487-210 from areas under quarantine, as listed in WAC 16-487-220, are prohibited entry into Washington state.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-230, filed 10/11/91, effective 11/11/91.]

WAC 16-487-240 Peach mosaic virus quarantine--Special permits. The director may issue special permits allowing entry of articles or commodities otherwise prohibited in WAC 16-487-210. The permit shall state all mandatory provisions or conditions under which entry is allowed.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-240, filed 10/11/91, effective 11/11/91.]

WAC 16-487-250 Peach mosaic virus--Reshipment permitted under certificate. Certificates may be issued for reshipment of dormant host trees and propagative parts which have been produced outside the areas under quarantine for peach mosaic virus as established in WAC 16-487-220 and which have remained dormant while within the area under quarantine. Certificates shall state the name of the state where the material was produced and state that the material remained dormant while within the quarantine area.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-250, filed 10/11/91, effective 11/11/91.]

WAC 16-487-300 Peach rosette mosaic virus--Establishing quarantine. The director has determined that peach rosette mosaic virus is not present in the state of Washington and that the introduction of the disease would cause economic loss to the horticultural industries in the state. To prevent this loss, a quarantine is hereby established against the virus (pest), its host plants, and possible carriers.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-300, filed 10/11/91, effective 11/11/91.]

WAC 16-487-310 Peach rosette mosaic virus quarantine--Regulated articles. The following articles are regulated under the terms of the peach rosette mosaic virus disease quarantine:

- (1) Peach rosette mosaic virus (PRMV).
- (2) All plants and parts of plants capable of propagation including cuttings, budsticks, scions, and rootstock, except seeds, of peach trees and blueberry plants.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-310, filed 10/11/91, effective 11/11/91.]

WAC 16-487-320 Peach rosette mosaic virus quarantine--Regulated area. The counties of Berrien, Kalamazoo, and Van Buren in the state of Michigan are declared to be areas under quarantine for peach rosette mosaic virus disease.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-320, filed 10/11/91, effective 11/11/91.]

WAC 16-487-330 Peach rosette mosaic virus quarantine--Requirements. All articles and commodities listed in WAC 16-487-310 from areas under quarantine, as listed in WAC 16-487-320, are prohibited entry into Washington state.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-330, filed 10/11/91, effective 11/11/91.]

WAC 16-487-335 Peach rosette mosaic virus quarantine--Special permits. The director may issue special permits allowing entry of articles or commodities otherwise prohibited in WAC 16-487-310. The permit shall state all mandatory provisions or conditions under which entry is allowed.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-335, filed 10/11/91, effective 11/11/91.]

Chapter 16-494 WAC

BACTERIAL DISEASES OF BEANS

WAC

16-494-001	Establishing quarantine.
16-494-010	Definitions.
16-494-012	Regulated articles.
16-494-013	Regulated diseases.
16-494-015	Repealed.
16-494-020	Bean seed--Quarantined area.
16-494-030	Bean seed--Regulated area.
16-494-042	General requirements for planting bean seed in the regulated area.
16-494-043	Additional requirements for planting bean seed grown in the regulated area.
16-494-044	Additional requirements for planting bean seed grown in quarantine Area I.
16-494-045	Additional requirements for planting bean seed grown in quarantine Area II.
16-494-046	Quarantine--Exceptions and exemptions.
16-494-047	Inspection procedures for trial grounds.
16-494-062	Identification and disposition of diseased bean seed and infected bean fields.
16-494-063	Notice of destruction.
16-494-064	Penalties.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-494-015	Violations and penalty. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-015, filed 12/31/84.] Repealed by 91-08-017 (Order 2078), filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.49 RCW.
------------	--

WAC 16-494-001 Establishing quarantine. The production of edible beans and bean seed is an important industry in the state of Washington. The economic well-being of that industry is threatened by the introduction of bean seed contaminated with viral, bacterial and fungal diseases not established in the commercial production areas in Washington. The director has determined that a quarantine will be effective in preventing the introduction of these viral, bacterial and fungal diseases of beans, and that control of these diseases of beans will provide the bean growers of the state of Washington with a source of seed beans for planting purposes which are tested for the presence of these diseases.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-001, filed 3/27/91, effective 4/27/91. 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.

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

(3) "Director" means the director of the department of agriculture or the director's duly authorized representative.

(4) "Common bean" means *Phaseolus vulgaris* L.

(5) "Adzuki bean" means *Vigna angularis*.

(6) "Bean" means common beans and adzuki beans.

(7) "Origin" means the county within the state of Washington, or the state, territory or country where a specific seed lot was grown.

(8) "Approved trial grounds" means a specific parcel of land approved by the director for experimental or limited production or increase of bean seed.

(9) "University" means the Washington State University, college of agriculture and home economics.

(10) "Dominant I-gene cultivar" means a cultivar which has resistance to all known strains of bean common mosaic virus (B.C.M.V.) due to the presence of the dominant I-gene. Dominant I-gene cultivars will not show mosaic mottle symptoms or transmit the virus through seed when inoculated with any strain of B.C.M.V.

(11) "Recessive I-gene cultivar" means a cultivar which may be susceptible to some strains of bean common mosaic virus and may show mosaic mottle symptoms.

(12) "Diseases" means those viral, fungal and bacterial diseases of beans enumerated in WAC 16-494-013 and any new variations or strains of these identified in the future.

(13) "Serology" means precipitation, agglutination, immunodiffusion, or labeled antibody test methods (such as ELISA) that use the specificity of antigen-antibody reactions to detect and identify antigenic substances and the organisms such as viruses and bacteria that carry them.

(14) "Official certificate" means a document issued by an official testing agency including but not limited to seed certification tags, bulk seed certification certificates, phyto-sanitary certificates, laboratory sanitary certificates, and other letters, tags, stamps or similar documents certifying seed quality or condition.

(15) "Quarantine Area I" means all areas west of the Continental Divide except those counties within the state of Washington subject to internal quarantine and the states of Alaska and Hawaii.

(16) "Quarantine Area II" means areas east of the Continental Divide, the counties in the state of Washington subject to internal quarantine, the states of Alaska and Hawaii and foreign countries.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-010, filed 3/27/91, effective 4/27/91. 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 16-494-012 Regulated articles. Seeds of common beans and adzuki beans intended for planting purposes, bean plants and parts of plants, and crop residue from the harvest of infected beans are regulated under the provisions of this chapter.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-012, filed 3/27/91, effective 4/27/91.]

WAC 16-494-013 Regulated diseases. The following viral, bacterial and fungal diseases of beans, and any new strains or variations of these identified in the future, of beans are regulated under the provisions of this chapter:

Bean common mosaic virus

Adzuki mosaic virus

Halo blight (*Pseudomonas Syringae* pv. *phaseolicola* (Young et. al.))

Common bean blight (*Xanthomonas Campestris* pv. *phaseoli* (Smith) Dye)

Fuscous blight (*Xanthomonas phaseoli* var. *fuscans* (Burk.)

Bean anthracnose disease (*Colletotrichum lindemuthianum* (Sacc. & Magn.) Scrib.)

Brown spot disease (*Pseudomonas syringae* pv. *syringae* (Van Hall)) strains virulently pathogenic to *Phaseolus*

Bean bacterial wilt (*Corynebacterium flaccumfaciens* ssp. *flaccumfaciens* (Hedges) Dows.)

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-013, filed 3/27/91, effective 4/27/91.]

WAC 16-494-015 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-494-020 Bean seed--Quarantined area. The entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom in the state of Washington, and all areas outside the state of Washington are established as a quarantine area. The quarantine area is further divided into two portions defined in WAC 16-494-010 (15) and (16) for the purposes of regulation.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-020, filed 3/27/91, effective 4/27/91. 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. The entire counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima in the state of Washington are established as a protected area within the state.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-030, filed 3/27/91, effective 4/27/91. 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 16-494-042 General requirements for planting bean seed in the regulated area. (1) No beans shall be planted, or sold, shipped, or transported for seed purposes in the regulated area which are found to be or are known to be contaminated with any disease listed in WAC 16-494-013.

(2) The department shall be notified in writing, prior to shipping, of any person's intent to ship, move, or transport any bean seed into the regulated area. This notice of intent shall be accompanied by a copy of the official certificate issued for that bean seed.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-042, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-042, filed 12/31/84.]

WAC 16-494-043 Additional requirements for planting bean seed grown in the regulated area. (1) Bean seed shall have been entered into the Washington state bean phyto-sanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-316-270 and 16-316-327.

(2) When the director determines that an emergency condition exists because of a shortage of seed for planting purposes, beans grown for processing as edible beans may be accepted for planting purposes: *Provided*, That the lot has been tested by means recommended by the university and approved by the director and found to be apparently free of regulated diseases.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-043, filed 3/27/91, effective 4/27/91.]

WAC 16-494-044 Additional requirements for planting bean seed grown in quarantine Area I. (1) Bean seed from quarantine Area I shall not be shipped, transported, or moved into the regulated area for planting unless the beans are accompanied by an origin official certificate showing that the beans are apparently free from the regulated diseases. Such certification shall be on the basis of at least one growing season field inspection and one windrow inspection or on an approved laboratory/greenhouse test.

(2) 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 as provided in WAC 16-316-270 and 16-316-327.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-044, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-044, filed 12/31/84.]

WAC 16-494-045 Additional requirements for planting bean seed grown in quarantine Area II. (1) Bean seed shall first be planted into an approved trial ground that meets the requirements of the department.

(2) Bean seed, up to a maximum of one pound per variety, may be planted in an approved trial ground intended for research purposes, with notification to the department, plant certification program, of intent to plant and adherence to the inspection procedures in WAC 16-494-047 and such isolation and other requirements as the director may prescribe.

(3) Bean seed over one pound, intended for introduction or seed increase, shall first be planted in an approved trial ground not to exceed five acres for each variety. In addition, prior to planting, this bean seed shall have passed a laboratory/greenhouse test as recommended by the university, notification shall have been given the department, plant certification program, of intent to plant and inspection procedures in WAC 16-494-047 shall have been complied with for trial grounds.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-045, filed 3/27/91, effective 4/27/91.]

WAC 16-494-046 Quarantine--Exceptions and exemptions. (1) Bean seed planted for harvest as green beans for cannery or freezing, otherwise 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 at any time prior to harvest, the grower decides that the plantings are not to be harvested as green beans, the department shall be notified and the plantings placed under an inspection program.

(2) Bean varieties (cultivars) from a quarantine area that are known to be uniform for the dominant I-gene are exempt from the serology testing requirement for bean common mosaic virus. Documentation or evidence of uniformity must accompany the seed shipment.

Undocumented cultivars are subject to a serology test to determine freedom from seedborne bean common mosaic virus based on a one-pound, untreated bean seed sample for each fifty thousand pounds of bean seed or fraction thereof.

(3) 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 the beans are free of diseases.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-046, filed 3/27/91, effective 4/27/91.]

WAC 16-494-047 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 must include a detailed varietal planting plan, a description of the exact location of the trial ground, and a description of any bean plantings within one quarter mile of the trial ground.

(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 to footwear of personnel performing inspections prior to movement to other bean fields.

(4) If any regulated diseases are detected by field inspections or subsequent laboratory/greenhouse tests, 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: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-047, filed 3/27/91, effective 4/27/91.]

WAC 16-494-062 Identification and disposition of diseased bean seed and infected bean fields. (1) Any bean field planted with seed in violation of the requirements of this quarantine shall be subject to destruction, in full or in part, or quarantined, as determined necessary by the director, to prevent the spread of regulated diseases at the option and the expense of the grower or their responsible agents.

(a) Fields that are placed under a quarantine order shall be entered into the Washington state bean seed phyto-sanitary inspection program as provided in WAC 16-316-327 with all costs of inspection to be borne by the grower or the grower's agent.

(b) Fields that are placed under a quarantine order may be subject to additional requirements for inspection, control or isolation, as deemed necessary by the director, to prevent the spread of regulated diseases.

(2) Any bean field determined to be infected with a regulated disease shall be reported within seventy-two hours after discovery to the department, plant certification program.

(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 the regulated area which show contamination by a regulated 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 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 identity of a regulated disease on growing plants or plants in windrow will be based on the observance of the visual symptoms of the disease. If the department deems it necessary to establish true identity or pathogenicity, a laboratory and/or greenhouse test may be conducted by the department in cooperation with the university.

(a) 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 be determined by isolation of the suspected pathogen and inoculation of seedlings of a known susceptible host using accepted scientific and professional techniques.

(b) 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 conditions and 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, 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 recommended by the university results of which, when positive, will be evidence to identify the disease as being subject to the department's requirements. The owner of the seed, at owner's expense, may request verification of pathogenicity. Such verification shall be made using accepted scientific and professional techniques.

(7) Exemptions and special situations:

(a) Any field of beans first found infected during windrow inspection, is exempt from total destruction if the diseased portion and an area (not less than a fifty-foot radius) surrounding the infected site is promptly destroyed or harvested with the beans from the infected area directed, under department supervision, to processing. Seed from the remainder of the field shall be tested by a serology test. Only seed apparently free from regulated diseases may be used for seed purposes in the regulated area.

(b) Any field of beans to be used only for dry edible purposes are exempt from destruction if the diseased portion of the field is destroyed and all 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 (4) of this section and the crop residue is promptly and completely destroyed after harvest.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-062, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-062, filed 12/31/84.]

WAC 16-494-063 Notice of destruction. When the director finds personal property planted in violation of the terms of this quarantine or infected as described in WAC 16-494-062, the director shall issue a written notice of quarantine or destruction to the owners and occupants thereof. The notice shall identify the property under quarantine, order the destruction of infested plants or prescribe the terms of entry, inspection, partial destruction and/or treatment of regulated articles.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-063, filed 3/27/91, effective 4/27/91.]

WAC 16-494-064 Penalties. In addition to actions specified in WAC 16-494-062, any grower violating the terms of this quarantine, shall be subject to civil and/or criminal penalties provided in law.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-064, filed 3/27/91, effective 4/27/91.]

Chapter 16-495 WAC ANNUAL BLUEGRASS QUARANTINE

WAC

16-495-004	Annual bluegrass quarantine—Establishing quarantine.
16-495-010	Annual bluegrass quarantine—Definitions.
16-495-020	Annual bluegrass quarantine—Regulated area.
16-495-030	Annual bluegrass quarantine—Quarantine area.
16-495-040	Annual bluegrass quarantine—Regulated articles.
16-495-050	Annual bluegrass quarantine—Conditions governing movement of regulated articles.
16-495-060	Violations and penalty.
16-495-080	Repealed.
16-495-085	Repealed.
16-495-090	Annual bluegrass quarantine—Procedure for clearing.
16-495-095	Annual bluegrass quarantine—Seed stock containing annual bluegrass.
16-495-100	Annual bluegrass quarantine—Application for nursery inspection.
16-495-105	Annual bluegrass quarantine—Fees.
16-495-110	Annual bluegrass quarantine—Violation procedures.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-495-080	Annual bluegrass quarantine procedures. [Statutory Authority: Chapter 15.49 RCW. 79-05-086 (Order 1607), § 16-495-080, filed 5/1/79; Order 1468, § 16-495-080, filed 5/13/76; Order 1308, § 16-495-080, filed 4/24/73; Order 1248, § 16-495-080, filed 4/13/72, effective 5/14/72.] Repealed by 91-13-087 (Order 2088), filed 6/19/91, effective 7/20/91. Statutory Authority: Chapter 15.49 RCW.
16-495-085	Definitions. [Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-495-085, filed 5/13/88; 80-06-116 (Order 1703), § 16-495-085, filed 5/30/80; 79-05-086 (Order 1607), § 16-495-085, filed 5/1/79. Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-105 (Order 1556), § 16-495-085, filed 3/1/78, effective 4/1/78; Order 1468, § 16-495-085, filed 5/13/76; Order 1364, § 16-495-085, filed 6/12/74; Order 1248, § 16-495-085, filed 4/13/72, effective 5/14/72.] Repealed by 91-13-087 (Order 2088), filed 6/19/91, effective 7/20/91. Statutory Authority: Chapter 15.49 RCW.

WAC 16-495-004 Annual bluegrass quarantine—Establishing quarantine. The seeds of the weed known as annual bluegrass, *Poa annua* and its known strains, hereinafter referred to as annual bluegrass, are objectionable in grass seed; therefore, an annual blue grass quarantine is established to prevent the introduction of annual bluegrass into grass seed production areas, to control seed stocks to be planted for further seed increase, and to assure grass seed growers of a source of seed stock for planting purposes which is annual bluegrass free.

[1991 WAC Supp—page 70]

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-004, filed 6/19/91, effective 7/20/91; 79-09-103 (Order 1654), § 16-495-004, filed 8/31/79; Order 1467, § 16-495-004, filed 5/13/76.]

WAC 16-495-010 Annual bluegrass quarantine—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) "Annual bluegrass" means *Poa annua* and all related subspecies.

(5) "Seed stock" means those seeds which are planted for seed increase or with intent of seed increase.

(6) "Nursery" means an area of two acres or less in which grass for seed production is seeded in rows with twenty-four inch minimum spacings to facilitate roguing.

(7) "Annual bluegrass" means *Poa annua* and all related subspecies.

(8) "Seed stock" means those seeds of grasses which are to be planted for seed increase or with intent of seed increase; except this definition does not include: Big bluegrass, upland bluegrass, brome, meadow fescue, oatgrass, orchardgrass, timothy, or wheatgrass.

(9) "Official seed laboratory" means a seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Laboratory, 2015 South First Street, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

(10) "Representative sample" means a sample drawn in accordance with sampling procedures adopted by the director.

(11) "Annual bluegrass analysis certificate" means a test report from an official laboratory showing freedom from annual bluegrass of a 10 gram sample for bentgrass or redtop; a 25 gram sample for bluegrass; 25 gram sample for other grasses.

(12) "Quarantine tag" means a tag issued by Washington state department of agriculture to be sealed to each bag showing said seed has met quarantine requirements.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-010, filed 6/19/91, effective 7/20/91; Order 1467, § 16-495-010, filed 5/13/76; Order 1197, § 16-495-010, filed 4/16/71.]

WAC 16-495-020 Annual bluegrass quarantine—Regulated area. Areas regulated under the annual bluegrass quarantine include all areas of the state of Washington lying east of the Cascade Crest.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-020, filed 6/19/91, effective 7/20/91; Order 1467, § 16-495-020, filed 5/13/76; Order 1197, § 16-495-020, filed 4/16/71.]

WAC 16-495-030 Annual bluegrass quarantine—Quarantine area. Areas quarantined under the annual

bluegrass quarantine include all areas of the state of Washington lying west of the Cascade Crest and all areas outside of the state of Washington.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-030, filed 6/19/91, effective 7/20/91; Order 1467, § 16-495-030, filed 5/13/76; Order 1197, § 16-495-030, filed 4/16/71.]

WAC 16-495-040 Annual bluegrass quarantine--Regulated articles. Articles regulated under the requirements of the annual bluegrass quarantine include seed stocks of all grass species except those kinds listed in WAC 16-495-010(8) of these quarantine procedures as exceptions.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-040, filed 6/19/91, effective 7/20/91; Order 1467, § 16-495-040, filed 5/13/76; Order 1197, § 16-495-040, filed 4/16/71.]

WAC 16-495-050 Annual bluegrass quarantine--Conditions governing movement of regulated articles. (1) No seed stock shall be shipped, transported, or moved in, or into the annual bluegrass quarantine regulated area unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of annual bluegrass on the basis of a minimum 25 gram analysis for bluegrasses and bentgrasses and a minimum of 25 gram analysis for other grasses: *Provided*, That seed stock found to contain annual bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the state department of agriculture.

(2) This quarantine shall not apply to seed sown for forage or turf.

(3) This quarantine shall not apply: To experiments or trial grounds of the United States Department of Agriculture; to experiments or trial grounds of Washington State University experiment station; or to trial grounds of any person, firm, or corporation; provided said trial ground plantings are approved by the director and under supervision of technically trained personnel familiar with annual bluegrass control.

(4) Any person shipping, moving or transporting any seed stock for planting purposes in or into the regulated area that is not tagged with official "annual bluegrass quarantine" tags shall:

(a) State where and when seed stock can be sampled for the required annual bluegrass test; or

(b) Have attached a copy of the official laboratory analysis showing freedom from annual bluegrass; or

(c) Have representative sample submitted for testing.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-050, filed 6/19/91, effective 7/20/91; 79-05-085 (Order 1620), § 16-495-050, filed 5/1/79; Order 1467, § 16-495-050, filed 5/13/76; Order 1310, § 16-495-050, filed 4/24/73; Order 1197, § 16-495-050, filed 4/16/71.]

WAC 16-495-060 Violations and penalty. Any person who violates the terms of this quarantine may be subject to the criminal and civil penalties provided in chapters 15.49 and/or 17.24 RCW.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-060, filed 6/19/91, effective 7/20/91; Order 1467, § 16-495-060, filed 5/13/76; Order 1197, § 16-495-060, filed 4/16/71.]

WAC 16-495-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-495-085 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-495-090 Annual bluegrass quarantine--Procedure for clearing. (1) Each person moving, shipping or transporting seed stock in or into the annual bluegrass quarantine regulated area shall:

(a) Submit an official laboratory analysis of a representative sample showing freedom from annual bluegrass; or

(b) Have a representative sample submitted for testing.

(2) Upon receipt of an official laboratory analysis showing freedom from annual bluegrass, the department of agriculture shall tag each bag of those lots found free of annual bluegrass by the required test with "annual bluegrass quarantine" tag, stating said seed is eligible for planting in Eastern Washington.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-090, filed 6/19/91, effective 7/20/91; 79-05-086 (Order 1607), § 16-495-090, filed 5/1/79; Order 1468, § 16-495-090, filed 5/13/76; Order 1364, § 16-495-090, filed 6/12/74; Order 1308, § 16-495-090, filed 4/24/73; Order 1248, § 16-495-090, filed 4/13/72, effective 5/14/72.]

WAC 16-495-095 Annual bluegrass quarantine--Seed stock containing annual bluegrass. Each lot of seed stock found to contain annual bluegrass shall be placed under "stop sale" to be released only for shipment out of the quarantine area or for planting in nurseries of two acres or less under the supervision of, and approved by, an agent of the department of agriculture. The nursery shall be seeded in rows. It shall be the duty of the person receiving such seed to rogue this increase area or chemically treat to eradicate the annual bluegrass thus assuring production of seed that is free of annual bluegrass. Seed increase areas shall be inspected by the department at least three times during the seedling year. Any areas not passing inspection shall not be harvested, but instead shall be destroyed by the person who planted the increase area upon order of the director of the Washington state department of agriculture or his agent. If not destroyed as directed, the department of agriculture shall have the plot destroyed and the grower shall be liable for all expenses.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-095, filed 6/19/91, effective 7/20/91; 79-05-086 (Order 1607), § 16-495-095, filed 5/1/79; Order 1468, § 16-495-095, filed 5/13/76; Order 1248, § 16-495-095, filed 4/13/72, effective 5/14/72.]

WAC 16-495-100 Annual bluegrass quarantine--Application for nursery inspection. A person shall make application for nursery inspection for annual bluegrass to the department of agriculture not later than 14 days prior to planting.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-100, filed 6/19/91, effective 7/20/91; Order 1468, § 16-495-100, filed 5/13/76; Order 1248, § 16-495-100, filed 4/13/72, effective 5/14/72.]

WAC 16-495-105 Annual bluegrass quarantine--Fees. (1) Fees for sampling and analysis for the presence of annual bluegrass shall be that fee established by the director.

(2) Inspection fee for nursery plantings shall be \$50.00 per acre or portion thereof.

(3) The tagging fee shall be 50¢ cwt with a minimum fee of \$10.00.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-105, filed 6/19/91, effective 7/20/91; 79-05-086 (Order 1607), § 16-495-105, filed 5/1/79; Order 1468, § 16-495-105, filed 5/13/76; Order 1364, § 16-495-105, filed 6/12/74; Order 1248, § 16-495-105, filed 4/13/72, effective 5/14/72.]

WAC 16-495-110 Annual bluegrass quarantine--Violation procedures. (1) A person who violates the annual bluegrass quarantine shall meet with a representative of the seed branch to determine:

(a) If a violation actually occurred;

(b) How it did occur, and what corrective measures can be taken to avoid reoccurrence;

(c) How much acreage is involved and location of all plantings.

(2) Corrective procedures shall be agreed upon, such as roguing, chemical treatment, etc., and the time frame for such work, or agreement for voluntary destruction of all acreage involved.

(3) Treated and rogued acreage shall be inspected by department of agriculture three times during the seedling stages to assure freedom from annual bluegrass. The violator will be assessed an hourly inspection fee and a mileage fee where additional mileage is involved.

(4) Failure to mutually agree, or failure to comply with these procedures, or if it is determined the violation was willful, will be referred to the attorney general for criminal and/or civil penalty action.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-110, filed 6/19/91, effective 7/20/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-105 (Order 1556), § 16-495-110, filed 3/1/78, effective 4/1/78.]

Chapter 16-497 WAC HOP DISEASE QUARANTINE

WAC

16-497-001	Establishing quarantine.
16-497-005	Hop disease quarantine--Definitions.
16-497-020	Regulated articles.
16-497-030	Regulations--Conditions governing the movement of regulated articles.
16-497-040	Disposition of material shipped in violation of this quarantine.
16-497-050	Exemption.
16-497-060	Violation and penalty.

WAC 16-497-001 Establishing quarantine. The introduction of dangerous diseases of hops into the state of Washington would entail great losses to the horticultural interests of the state, and the most rigid examinations cannot determine the presence of disease on dormant hop plants or parts of plants; therefore this quarantine is established by the director of agriculture, pursuant to the authority provided in chapter 17.24 RCW, setting

forth the rules for the importation of hop plants into the state of Washington.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-497-001, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-001, filed 12/31/79, effective 6/1/80.]

WAC 16-497-005 Hop disease quarantine--Definitions. (1) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

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

(3) "Iilar viruses" means a grouping of viruses, including Apple Mosaic Virus and Prunus Necrotic Ringspot, which share common characteristics including spherical in shape, with genetic material in three different particles and commonly inducing ring spots in hosts.

(4) "Verticillium wilt" means the disease caused by *Verticillium albo-atrum* Reinke & Berth, or hop strains of this organism.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-497-005, filed 3/27/91, effective 4/27/91.]

WAC 16-497-020 Regulated articles. Plants and all parts thereof (except the kiln dried cone) of hops (*Humulus Lupulus L.*)

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-497-020, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-020, filed 12/31/79, effective 6/1/80.]

WAC 16-497-030 Regulations--Conditions governing the movement of regulated articles. Hop plants and all parts thereof will be admitted into the state of Washington: *Provided*, That the following provisions are complied with.

(1) The hop plant or parts thereof have been certified in accordance with the regulations of an official state agency, which certification program requires at least two field inspections during the growing season, and requires that certification tolerances shall not exceed: Verticillium wilt, (*albo atrum* (dm)) and Iilar viruses, zero percent: *And provided further*, That all shipments of such hop planting stock shall be apparently free of insect pests and shall be accompanied by a certificate issued by an official agency of the state of origin certifying that the hop planting stock was produced under official certification regulations and meets official standards.

(2) All shipments of hop planting stock shall be plainly marked with the contents on the outside of the package or container.

(3) Persons shipping or transporting regulated articles into this state from areas under quarantine shall notify the department's plant certification branch of the nature and quantity of each shipment, the expected date of arrival at destination, the name of the intended receiver and the destination. The person to whom the articles are shipped shall hold the same until they are inspected and/or released by the department.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-497-030, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-030, filed 12/31/79, effective 6/1/80.]

WAC 16-497-040 Disposition of material shipped in violation of this quarantine. All regulated articles arriving in the state of Washington in violation of this quarantine shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners, or their responsible agents.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-497-040, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-040, filed 12/31/79, effective 6/1/80.]

WAC 16-497-050 Exemption. The restrictions on the movement of regulated articles set forth in this chapter shall not apply to hop plants or parts of plants imported for experimental or trial purposes by the United States Department of Agriculture or the state experiment stations in the state of Washington.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-497-050, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-050, filed 12/31/79, effective 6/1/80.]

WAC 16-497-060 Violation and penalty. Violations of this quarantine shall be punishable by the criminal and/or civil penalties provided by law in addition to any other inspection costs that may be assessed.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-497-060, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-060, filed 12/31/79, effective 6/1/80.]

Chapter 16-528 WAC WHEAT

WAC

16-528-105	Definition of terms.
16-528-110	Monthly meetings of the commission.
16-528-150	Warrants drawn on commission account—Signatures.
16-528-170	Rules for implementation of promotional hosting by the Washington wheat commission.

WAC 16-528-105 Definition of terms. (1) "Promotional hosting" as used in these rules means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of wheat and processed wheat products.

(2) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of a nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

[Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2). 91-05-065 (Order 2072), § 16-528-105, filed 2/19/91, effective 3/22/91.]

WAC 16-528-110 Monthly meetings of the commission. The commission will hold a minimum of four

scheduled meetings per year. Dates of each meeting will be determined during the preceding meeting.

[Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2). 91-05-065 (Order 2072), § 16-528-110, filed 2/19/91, effective 3/22/91; Minute Order, 4/30/58.]

WAC 16-528-150 Warrants drawn on commission account—Signatures. The chairman, vice-chairman, secretary-treasurer, administrator, and one additional staff member, other than the person responsible for drafting checks, be designated and authorized to draw warrants against the accounts of the Washington wheat commission. Signatures of any two of the above to be required on each and every check.

[Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2). 91-05-065 (Order 2072), § 16-528-150, filed 2/19/91, effective 3/22/91; Minute Order, 11/19/58.]

WAC 16-528-170 Rules for implementation of promotional hosting by the Washington wheat commission. The laws of section 1, chapter 26, Laws of 1985 (RCW 15.04.200) provide that agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners. The rules governing promotional hosting expenditures for the Washington wheat commission shall be as follows:

(1) Budget approval. Commission expenditures for agricultural development or trade promotion and promotional hosting shall be pursuant to specific budget items as approved by the commission at annual public hearings on the commission budget.

(2) Officials and agents authorized to make expenditures. The following officials and agents are authorized to make expenditures for agricultural development or trade promotion and promotional hosting in accordance with the provisions of these rules.

- (a) Commissioners;
- (b) Administrator, director of marketing.

Individual commissioners shall make promotional hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

(3) Payment and reimbursement. All payments and reimbursements shall be identified and supported by vouchers to which receipts are attached. Voucher forms will be supplied by the commission, and shall require the following information:

- (a) Name and position (if appropriate) of each person hosted;
- (b) General purpose of the hosting;
- (c) Date of hosting;
- (d) Location of the hosting;
- (e) To whom payment was or will be made;
- (f) Signature of person seeking payment or reimbursement.

(4) The chairman of the commission, administrator, and/or treasurer are authorized to approve direct payment or reimbursements submitted in accordance with these rules.

(5) The following persons may be hosted when it is reasonably believed such hosting will cultivate trade relations and promote sales of wheat and processed wheat products:

(a) Individuals from private business, associations, commissions;

(b) Foreign government officials;

(c) Federal and state officials: *Provided*, That lodging, meals, and transportation will not be provided when such officials may obtain full reimbursement for these expenses from their government employer;

(d) The general public, at meetings and gatherings open to the general public;

(e) Commissioners and employees of the commission when their attendance at meetings, meals, and gatherings at which the persons described in (a) through (d) of this subsection are being hosted, will cultivate trade relations and promote sales of wheat and processed wheat products;

(f) Spouses of the persons listed in (a), (b), (c), and (e) of this subsection when attendance of such spouse is customary and expected.

[Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2). 91-05-065 (Order 2072), § 16-528-170, filed 2/19/91, effective 3/22/91.]

Chapter 16-532 WAC HOPS

WAC

16-532-040 Assessments and collections.

WAC 16-532-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of hops shall be two dollars and fifty cents per affected unit for the crop years of 1991, 1992, 1993, 1994, and 1995. The annual assessment for the crop year of 1996 and subsequent years shall be one dollar and twenty-five cents.

(b) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such

marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: Chapter 15.65 RCW. 91-15-019 (Order 2090), § 16-532-040, filed 7/10/91, effective 8/10/91. Statutory Authority: RCW 15.65.170. 87-10-059 (Order 1927), § 16-532-040, filed 5/6/87, effective 6/8/87. Statutory Authority: Chapter 15.65 RCW. 83-16-041 (Order 1800), § 16-532-040, filed 7/29/83; 80-05-090 (Order 1686), § 16-532-040, filed 5/1/80; 79-01-045 (Order 1593), § 16-532-040, filed 12/21/78; Order 1332, § 16-532-040, filed 1/17/74; Marketing Order Article IV, §§ A through C, filed 7/1/64.]

Chapter 16-557 WAC

WASHINGTON ASPARAGUS COMMISSION

WAC

16-557-010	Definition of terms.
16-557-020	Asparagus commodity board.
16-557-030	Marketing order purposes.
16-557-040	Assessments and collections.
16-557-041	Time—Place—Method for payment and collection of assessments.
16-557-050	Obligations of the board.
16-557-060	Termination of the order.
16-557-070	Effective time.
16-557-080	Separability.

WAC 16-557-010 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 in the state of Washington asparagus in commercial quantities for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any asparagus produced for market in quantities of three tons (6,000 pounds) or more, in any calendar year.

(7) "Affected handler" means both affected handler fresh and affected handler processor.

(8) "Affected handler, fresh" means any person who acts as principal or agent or otherwise in selling, marketing, or distributing fresh asparagus not produced by him.

(9) "Affected handler, processor" means any person who acts as principal or agent or otherwise in processing, freezing asparagus, and selling, marketing, or distributing said processed or frozen asparagus, not produced by him.

(10) "Asparagus commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-557-020.

(11) "Asparagus" means and includes all kinds, varieties, and hybrids of "*officinalis*" Linn.

(12) "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.

(13) "Producer-handler" means any person who acts both as a producer and as a handler with respect to asparagus. A producer-handler shall be deemed to be a producer with respect to the asparagus which he produces and a handler with respect to the asparagus which he handles, including those produced by himself.

(14) "Affected area" means the following counties in the state of Washington: Adams, Benton, Columbia, Franklin, Grant, Kittitas, Klickitat, Walla Walla, and Yakima.

(15) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(16) "Affected unit" means one pound net pay weight of asparagus.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-010, filed 4/4/91, effective 5/5/91.]

WAC 16-557-020 Asparagus 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 nine members. Six members shall be affected producers elected as provided in this section, one member shall be an affected handler, fresh, elected as provided in this section, one member shall be an affected handler processor, 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 east

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 one and two, and shall be Benton, Kittitas, Klickitat, and Yakima counties.

(ii) District II shall have two board members, being positions three and four, and shall include the counties of Adams, Franklin, and Grant.

(iii) District III shall have two board members, being positions five and six, and shall include the counties of Columbia and Walla Walla.

(3) BOARD MEMBERSHIP QUALIFICATIONS.

(a) The affected producer members of the board shall be practical producers of asparagus 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 actively engaged in producing asparagus 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 handlers for purpose of election and membership on a commodity board.

(b) The affected handler member of the board shall be a practical handler of asparagus and shall be a citizen and resident of the state of Washington, over the age of twenty-five years and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership association or cooperative actually engaged in handling asparagus within the state of Washington for a period of five years and has during that period derived a substantial portion of his income therefrom.

(c) The qualifications of members of the board must continue during their term 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, affected handler member fresh product, position seven, affected handler member, processor, position eight, and the member appointed by the director, position nine.

(c) The term of office for the initial board members shall be as follows:

Positions one, three, and seven - one year, shall terminate on December 31, 1992;

Positions two, four, and five - two years, shall terminate on December 31, 1993;

Positions six and eight - three years, shall terminate on December 31, 1994.

(d) No elected produce member of the board may serve more than two full consecutive three-year terms.

(5) NOMINATION AND ELECTION OF BOARD MEMBERS. For the purpose of nominating candidates for election to board membership, the director shall call separate meetings of affected producers, affected handlers, fresh and affected handler processors. Each year the director shall call for nomination meetings in those districts whose board members' term is about to expire. Such meetings

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 affected 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 within the affected area and all affected handlers 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 or affected handler 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 or affected handlers. At the inception of this 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 November 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 within the affected district. Each affected producer within the affected district shall be entitled to one vote.

Affected handler, fresh, shall be elected by a majority of the votes cast by the affected handlers, fresh. Affected handler, processor, shall be elected by a majority of the votes cast by the affected handlers, processor.

(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 affected 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 or affected handler entitled to vote whose name appears on the list of such affected producers and affected handler within the affected area maintained by the director in accordance with RCW 15.65.200. Any other affected producer or affected handler 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 thirty-five dollars or an amount as provided for in RCW 43.03.230 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 only 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 "asparagus 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 for an amount of petty cash for each days' needs, not to exceed fifty dollars, shall be deposited daily.

(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 34.05 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.

(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 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.

(p) To authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(11) PROCEDURES FOR BOARD.

(a) The board shall hold regular meetings, at least quarterly, 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 budget shall be presented for discussion at the meeting. In addition to such notice as may be required by chapter 42.30 RCW, 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 handler and by regular news service.

(c) In accordance with RCW 42.30.080, 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 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-020, filed 4/4/91, effective 5/5/91.]

WAC 16-557-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of asparagus to help themselves establish orderly, fair, sound, efficient, unhampered marketing; facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry. To carry out the purposes of the order, the board may provide for a program in one or more of the following areas:

(1) Establish plans and conduct programs for advertising, sales, promotion, and/or other programs for maintaining present markets and/or creating new or larger markets for asparagus. Such programs shall be directed toward increasing the sale of asparagus without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in

behalf of asparagus 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 asparagus and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by Washington State University, but if in the judgment of the board, said university does not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(3) Investigate and take necessary action to prevent unfair trade practices as set forth in RCW 15.65.340 and to correct where possible, trade practices which hinder marketing of Washington asparagus.

(4) 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.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-030, filed 4/4/91, effective 5/5/91.]

WAC 16-557-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of asparagus shall be one percent of the gross receipts at first point of sale.

(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) **Remedies.** 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: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-040, filed 4/4/91, effective 5/5/91.]

WAC 16-557-041 Time--Place--Method for payment and collection of assessments. Effective with the growing season of 1991, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-557-040:

(1) All first handlers of asparagus 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 will be due and payable to the commission within thirty days of collection. With the submission of the assessments, a report listing the name, address, pounds handled or purchased, and amount deducted or collected for each producer shall be submitted to the commission on forms provided by the commission.

(2) All growers selling asparagus 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, within thirty days of sale of such product.

(3) Any assessments paid after the above deadlines shall be accompanied by an administrative fee of 10% as provided in RCW 15.65.440 of the act.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-041, filed 4/4/91, effective 5/5/91.]

WAC 16-557-050 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: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-050, filed 4/4/91, effective 5/5/91.]

WAC 16-557-060 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 to 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 him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-060, filed 4/4/91, effective 5/5/91.]

WAC 16-557-070 Effective time. The marketing order for asparagus shall become effective on April 1, 1991.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-070, filed 4/4/91, effective 5/5/91.]

WAC 16-557-080 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: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-080, filed 4/4/91, effective 5/5/91.]

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 one dollar per ton on all such tree fruit: *Provided*, That such assessment for cherries shall be two dollars per ton: *Provided*, That such assessment for apples for fresh shipment shall be at the rate of two and one-half cents per hundred pounds gross billing weight for the 1992 crop year, three

and three-quarters cents per hundred pounds gross billing weight for the 1993 crop year, and five cents per hundred pounds gross billing weight for the 1994 crop year and each year thereafter: *Provided Further*, That such assessment for processed apples shall be at the rate of fifty cents per ton for the 1992 crop year, seventy-five cents per ton for the 1993 crop year, and one dollar per ton for the 1994 crop year, and each year thereafter.

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 15.26.140 and 15.26.150. 92-01-009, § 16-560-06001, filed 12/5/91, effective 1/5/92. Statutory Authority: RCW 15.26.155. 86-14-066 (Order 8, Resolution No. 8), § 16-560-06001, filed 6/30/86, effective 8/1/86; 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 No. 6), § 16-560-06001, filed 5/1/80; Order 5, § 16-560-060 (codified as WAC 16-560-06001), filed 3/8/74.]

**Chapter 16-603 WAC
AQUACULTURE IDENTIFICATION
REQUIREMENTS**

WAC
16-603-010 Aquaculture identification requirements.

WAC 16-603-010 Aquaculture identification requirements. (1) Any sale or movement of private sector cultured aquatic products made by an aquatic farmer, other than retail sale for personal use by the purchaser or rendering or unmarketable solid waste disposal, shall:

- (a) Be accompanied by a shipping document showing:
 - (i) The aquatic farmer's name;
 - (ii) The aquatic farm mailing address;
 - (iii) The aquatic farm registration number required by RCW 75.58.040;
 - (iv) The date of transfer by the aquatic farmer;
 - (v) The quantity of each species; and
- (b) Be labeled, showing the name of the aquatic farmer and the farmer's aquatic farm registration number on each container of cultured aquatic products.

(c) The shipping documents and labeling required under this section shall be retained and maintained by the purchaser while the private sector cultured aquatic products are under the purchaser's possession or control.

(2) The provisions of this section do not apply to shellfish if the shellfish comply with rules enacted under the labeling requirements for the Sanitary Control of

Shellfish Act (WAC 248-58-070), or to live finfish or their reproductive tissues, if the finfish comply with rules enacted under the Washington department of fisheries transfer procedure set forth in chapter 220-77 WAC.

[Statutory Authority: RCW 15.85.040 and 15.85.060. 91-13-018 (Order 2086), § 16-603-010, filed 6/10/91, effective 1/1/92.]

**Chapter 16-605A WAC
CERTIFIED FEED LOTS**

WAC
16-605A-005 Certified feed lot license expiration—Late renewal penalty.

WAC 16-605A-005 Certified feed lot license expiration—Late renewal penalty. (1) Certified feed lot licenses issued under RCW 16.58.060 shall expire on June 30th following the date of issuance.

(2) Applicants filing for license renewal after June 30th shall be subject to an additional assessment as provided by RCW 16.58.060.

(3) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.222, 15.58.200, 15.58-.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-605A-005, filed 7/25/91, effective 8/25/91.]

**Chapter 16-620 WAC
RELATING TO BRAND INSPECTION**

WAC
16-620-390 Renewal of registered brands.

WAC 16-620-390 Renewal of registered brands. (1) Owners of registered brands must file for renewal of registration by December 31st of odd-numbered years. Failure to do so will cause the brand to revert to the department and result in a penalty for later renewal as provided by RCW 16.57.080 if the department later reissues the brand to the prior registered owner.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a brand registration, to condition brand registration renewal, or to enforce violations of applicable laws, subsequent to the expiration of a brand registration.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.222, 15.58.200, 15.58-.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-620-390, filed 7/25/91, effective 8/25/91.]

**Chapter 16-674 WAC
WEIGHTS AND MEASURES--SEALING,
MARKING, RETESTING DEVICES**

WAC

16-674-030	Weighmaster license.
16-674-040	Weighmaster license--Late renewal penalty.
16-674-050	Weigher license.

WAC 16-674-030 Weighmaster license. Weighmaster licenses issued under RCW 15.80.460 shall expire on June 30th following the date of issuance.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17-.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58-.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-674-030, filed 7/25/91, effective 8/25/91.]

WAC 16-674-040 Weighmaster license--Late renewal penalty. (1) Renewal applications for weighmaster licenses issued under chapter 15.80 RCW not filed by July of any one year are subject to a penalty as provided by RCW 15.80.470.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17-.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58-.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-674-040, filed 7/25/91, effective 8/25/91.]

WAC 16-674-050 Weigher license. Weigher licenses issued under RCW 15.80.500 shall expire on June 30th following the date of issuance.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17-.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58-.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-674-050, filed 7/25/91, effective 8/25/91.]

Chapter 16-694 WAC

**AGRICULTURAL PRODUCTS--COMMISSION
MERCHANTS, DEALERS, BROKERS, BUYERS,
AGENTS--LICENSE FEES**

WAC

16-694-020	Commission merchant license.
16-694-021	Commission merchant license--Late renewal penalty.

WAC 16-694-020 Commission merchant license. Commission merchant licenses issued under RCW 20-.01.040 shall require renewal on or before January 1st of each year. Commission merchant licenses shall expire December 31st following date of issuance.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060,

20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17-.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58-.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-694-020, filed 7/25/91, effective 8/25/91.]

WAC 16-694-021 Commission merchant license--Late renewal penalty. (1) Applications for renewal of commission merchant, dealer, broker, or cash buyer licenses not filed prior to January 1st of any year shall be assessed a penalty as provided by RCW 20.01.050.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07-.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17-.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58-.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-694-021, filed 7/25/91, effective 8/25/91.]

Chapter 16-750 WAC

**STATE NOXIOUS WEED LIST AND SCHEDULE
OF MONETARY PENALTIES**

WAC

16-750-001	State noxious weed list--Purpose.
16-750-003	Definitions.
16-750-004	Noxious weed region descriptions.
16-750-005	State noxious weed list--Class A noxious weeds.
16-750-011	State noxious weed list--Class B noxious weeds.
16-750-015	State noxious weed list--Class C noxious weeds.

WAC 16-750-001 State noxious weed list--Purpose. In accordance with RCW 17.10.080 a state noxious weed list comprising the names of those plants which the state noxious weed control board finds to be highly destructive, competitive, or difficult to control by cultural or chemical practices is hereby adopted in this chapter.

[Statutory Authority: Chapter 17.10 RCW. 91-24-072, § 16-750-001, filed 12/2/91, effective 1/2/92. Statutory Authority: RCW 17-.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-001, filed 3/7/88.]

WAC 16-750-003 Definitions. (1) The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise plainly requires:

(a) "Board" and "state board" means the noxious weed control board of this state, or a duly authorized representative.

(b) "Director" means the director of agriculture of this state, or a duly authorized representative.

(c) "Department" means the department of agriculture of this state.

(d) "Person" means any individual, partnership, corporation, firm, or any other entity.

(2) The definitions set forth in this subsection shall apply throughout this chapter, chapter 17.10 RCW, and any rules adopted thereunder unless the context otherwise plainly requires:

(a) "Control" means to prevent all seed production.

(b) "Contain" means to confine a noxious weed and its propagules to an identified area of infestation.

(c) "Eradicate" means to eliminate a noxious weed within an area of infestation.

(d) "Prevent the spread of noxious weeds" means to contain noxious weeds.

(e) Class A noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and whose introduction to the state of Washington was not intentional, or whose intentional introduction poses a serious threat to the state for which no containment is assured by the owner.

(f) Class B noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region.

(g) "Class B designate" means those Class B noxious weeds whose populations in a region or area are such that all seed production can be prevented within a calendar year.

(h) Class C are any other noxious weeds.

(3) Any county noxious weed control board may enhance the clarity of any definition contained in subsection (2) of this section, making that definition more specific, but shall not change its general meaning.

[Statutory Authority: Chapter 17.10 RCW. 91-24-072, § 16-750-003, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-003, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-003, filed 12/7/89, effective 1/7/90; 88-18-001 (Order 24, Resolution No. 24), § 16-750-003, filed 8/25/88.]

WAC 16-750-004 Noxious weed region descriptions. The state of Washington is divided into ten regions for the purpose of designating Class B noxious weeds.

(1) Region 1 description. A region consisting of all lands lying within the boundaries of Clallam and Jefferson counties.

(2) Region 2 description. A region consisting of all lands lying within the boundaries of Whatcom, Skagit, Snohomish, San Juan, and Island counties.

(3) Region 3 description. A region consisting of:

(a) All lands lying within the boundaries of Okanogan County.

(b) All lands lying within the boundaries of Chelan and Douglas counties and north of Highway 2.

(4) Region 4 description. A region consisting of:

(a) All lands lying within the boundaries of Ferry, Stevens, and Pend Oreille counties.

(b) All lands lying within the boundaries of Spokane County and north of the Spokane River.

(5) Region 5 description. A region consisting of all lands lying within the boundaries of Grays Harbor, Mason, Kitsap, Thurston, Pierce, and King counties.

(6) Region 6 description. A region consisting of:

(a) All lands lying within the boundaries of Kittitas and Grant counties.

(b) All lands lying within the boundaries of Chelan and Douglas counties and south of Highway 2.

(c) All lands lying within the boundaries of Yakima County and north of Highway 12 from the Yakima — Lewis County line to Yakima and north of Highway 82 from Yakima to the Yakima — Kittitas County line.

(d) All lands lying within the boundaries of Ranges 28E, 29E, and 30E of Adams County.

(7) Region 7 description. A region consisting of:

(a) All lands lying within the boundaries of Lincoln and Whitman counties.

(b) All lands lying within the boundaries of Spokane County and south of the Spokane River.

(c) All lands lying with the boundaries of Ranges 31E, 32E, 33E, 34E, 35E, 36E, 37E, and 38E of Adams County.

(8) Region 8 description. A region consisting of all lands lying within the boundaries of Pacific, Lewis, Wahkiakum, Cowlitz, Skamania, and Clark counties.

(9) Region 9 description. A region consisting of:

(a) All lands lying within the boundaries of Benton and Klickitat counties.

(b) All lands lying within the boundaries of Yakima County and south of Highway 12 from the Yakima — Lewis County line to Yakima and south of Highway 82 from Yakima to the Yakima — Kittitas County line.

(c) All lands lying within the boundaries of Franklin County and west of Highway 395.

(10) Region 10 description. A region consisting of:

(a) All lands lying within the boundaries of Asotin, Garfield, Columbia, and Walla Walla counties.

(b) All lands lying within the boundaries of Franklin County and east of Highway 395.

[Statutory Authority: Chapter 17.10 RCW. 91-24-072, § 16-750-004, filed 12/2/91, effective 1/2/92; 88-18-001 (Order 24, Resolution No. 24), § 16-750-004, filed 8/25/88.]

WAC 16-750-005 State noxious weed list—Class A noxious weeds.

Common Name	Scientific Name
bean-caper, Syrian	Zygophyllum fabago
blueweed, Texas	Helianthus ciliaris
buffalobur	Solanum rostratum
chervil, wild	Anthriscus sylvestris
cordgrass, salt meadow	Spartina patens
crupina, common	Crupina vulgaris
four o'clock, wild	Mirabilis nyctaginea
hawkweed, mouseear	Hieracium pilosella
hedgearsley	Torilis arvensis
hogweed, giant	Heracleum mantegazzianum
johnsongrass	Sorghum halepense
knapweed, bighead	Centaurea macrocephala
knapweed, Vochin	Centaurea nigrescens
mallow, Venice	Hibiscus trionum
nightshade, silverleaf	Solanum elaeagnifolium
peganum	Peganum harmala
sage, Mediterranean	Salvia aethiopsis
snapdragon, dwarf	Chaenorrhinum minus
starthistle, purple	Centaurea calcitrapa
thistle, Italian	Carduus pycnocephalus
thistle, milk	Silybum marianum
thistle, slenderflower	Carduus tenuiflorus
unicorn-plant	Proboscidea louisianica
velvetleaf	Abutilon theophrasti
woad, dyers	Isatis tinctoria

[Statutory Authority: Chapter 17.10 RCW. 91-24-072, § 16-750-005, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-005, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-005, filed 12/7/89, effective 1/7/90; 88-24-002 (Order 26, Resolution No. 26), § 16-750-005, filed 11/29/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-005, filed 3/7/88.]

WAC 16-750-011 State noxious weed list--Class B noxious weeds.

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(1) blackgrass <i>Alopecurus myosuroides</i>	(a) regions 1,2,3,5,6,8,9,10 (b) Ferry, Stevens, Pend Oreille counties of region 4 (c) Adams and Whitman counties of region 7.	(8) catsear, common <i>Hypochaeris radicata</i>	(a) section 15, R36E, T6N, at the Washington — Oregon border, then west along the Washington — Oregon border to the point of beginning. regions 3,4,6,7,9,10.
(2) blueweed <i>Echium vulgare</i>	(a) regions 1,2,3,4,5,6,8,9,10 (b) region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream along the Little Spokane River to the first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly along Indian Trail Road to a point three miles south (on section line between sections 22 and 27, T-26N, R-42E); thence due west to a point intersecting the line between Ranges 41 and 42; thence north along this line to a point 1/4 mile south of Charles Road; thence northwesterly parallel to Charles Road to a point 1/4 miles south of the intersection of Charles Road and West Shore Road; thence northerly along West Shore Road to the Spokane River (Long Lake); thence southeasterly along the Spokane River to the point of beginning. regions 3,4,6,7,9,10.	(9) Cordgrass, smooth <i>Spartina alterniflora</i>	(a) regions 1,3,4,5,6,7,9,10 (b) region 2 except bays and estuaries of Skagit County (c) region 8 except bays and estuaries of Pacific County.
(3) broom, Scotch <i>Cytisus scoparius</i>	(a) regions 1,2,3,4,5,6,8,9 (b) region 7 except Whitman County (c) Franklin County of region 10.	(10) cordgrass, common <i>Spartina anglica</i>	(a) regions 1,3,4,5,6,7,8,9,10 (b) region 2 except bays and estuaries of Skagit, Island, and Snohomish counties. regions 6,7,9,10.
(4) bryony, white <i>Bryonia alba</i>	(a) regions 1,2,3,5,6,8,9,10 (b) Ferry County of region 4 (c) Lincoln, Adams, and Whitman counties of region 7 (d) Pend Oreille County north of the northernmost boundary of T33N.	(11) daisy, oxeye <i>Chrysanthemum leucanthemum</i>	(a) regions 1,3,4,5,6,7,8,9,10 (b) region 2 except Skagit County.
(5) bugloss, common <i>Anchusa officinalis</i>	(a) regions 1,2,3,4,5,6,8,9 (b) Lincoln and Adams counties (c) Whitman County except ranges 43 through 46 East of Townships 16 through 20 North.	(12) deadnettle, hybrid <i>Lamium hybridum</i>	(a) regions 3,4,6,7,10 (b) region 9 except Klickitat County.
(6) bugloss, annual <i>Anchusa arvensis</i>	(a) regions 1,2,3,4,5,7,8,9 (b) region 6 except those portions of Sections 23,24,25, and 29 through 36, T16N, R27E, W.M. lying outside Intercounty Weed District No. 52 and except Sections 1 through 12, T15N, R27E, W.M. in Grant County (c) T16N, R29E; T16N, R30E; T15N, R28E except Sec. 5; T15N, R29E; T15N, R30E (d) Columbia, Garfield, and Asotin counties of region 10 (e) an area beginning at the Washington — Oregon border at the southwest portion of section 15, R32E, T6N, then north to the northwest corner of section 3, R32E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to southeast portion of	(13) dogtailgrass, hedgehog <i>Cynosurus echinatus</i>	(a) regions 1,2,3,4,5,6,8,9 (b) regions 7 and 10 except within the Palouse River Canyon from Big Palouse Falls to the Snake River.
(7) camelthorn <i>Alhagi pseudalhagi</i>	(a) regions 1,2,3,4,5,6,8,9 (b) region 7 except Whitman County (c) Franklin County of region 10.	(14) fieldcress, Austrian <i>Rorippa austriaca</i>	(a) regions 1,2,5,8 (b) Ferry County of region 4 (c) Grant and Adams counties of region 6 (d) Franklin County of regions 9 and 10 (e) Intercounty Weed District No. 51.
		(15) goatgrass, jointed <i>Aegilops cylindrica</i>	(a) regions 3,4,6,7,9,10 (b) Thurston and Pierce counties of region 5 (c) Wahkiakum and Cowlitz counties of region 8.
		(16) gorse <i>Ulex europaeus</i>	(a) regions 3,6,9,10 (b) Ferry County of region 4 (c) Lincoln and Adams counties of region 7.
		(17) hawkweed, orange <i>Hieracium aurantiacum</i>	(a) regions 1,2,3,5,6,7,8,9,10 (b) region 4 except north of T32N in Pend Oreille County and east Highway 395 and north of Highway 20 in Stevens County.
		(18) hawkweed, yellow <i>Hieracium pratense</i>	(a) regions 1,2,3,4,5,6 (b) regions 7 and 10 except within 200 feet of the Snake River from Central Ferry downstream (c) regions 8, 9, and 10 except within 200 feet of the Columbia River.
		(19) indigobush <i>Amorpha fruticosa</i>	(a) regions 1,2,3,4,5,7,9,10 (b) region 6 except Kittitas County (c) region 8 except Clark County.
		(20) knapweed, black <i>Centaurea nigra</i>	(a) regions 1,2,3,4,5,7,9,10 (b) region 6 except Kittitas County (c) region 8 except Clark County.
		(21) knapweed, brown <i>Centaurea jacea</i>	(a) regions 1,2,3,4,5,7,9,10 (b) region 6 except Kittitas County (c) region 8 except Clark County.
		(22) knapweed, diffuse <i>Centaurea diffusa</i>	(a) regions 1,2,5,8 (b) Grant County lying in Townships 13 through 16 North, Ranges 25 through 27 East; Townships 17 and 18 N., Ranges 25 through 30 East; Townships 19 and 20 North, Ranges 29 and 30 East; T21N, R23E, Sections

Noxious Weed List

16-750-011

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
	1 through 30; T21N, R26E., Sections 5,6,7,8,17, and 18; East 1/2 Township 21N, Range 27E.; T21N, Ranges 28 through 30 East; those portions of Townships 22 through 28N, Ranges 28 through 30 E.; those portions of Township 22 through 28N., Ranges 23 through 30 E. lying in Grant County; all W.M.		location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
(23) knapweed, meadow <i>Centaurea jacea x nigra</i>	(c) Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22,23,24,25,26,27,28, 31,32,33 and 34; T15N, R38E, Sections 2,10,11,14,15,19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6; T18N, R37E, Sections 29,30,31 and 32	(29) loosestrife, wand <i>Lythrum virgatum</i>	(f) region 9 except Benton County (g) region 10 except Walla Walla County (h) Intercounty Weed Districts No. 51 and No. 52 (a) regions 1,4,7,8 (b) region 2 except Snohomish County (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside (d) region 5 except King County (e) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
(24) knapweed, Russian <i>Acroptilon repens</i>	(d) Franklin County of regions 9 and 10. (a) regions 1,2,3,4,5,7,9,10 (b) region 6 except Kittitas County (c) region 8 except Clark County. (a) regions 1,2,5,7,8 (b) region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County (c) Adams County except those areas in the Main Lind Coulee Drainage area of T17N, R32E, Sections 19,20,25,27,28,29,32, 33,34,35 and 36; T17N, R33E, Sections 16,17,19,20 and 30; and those areas within the Lower Crab Creek drainage area of T15N, R28E, sections 5 and 6; and the western half of T16N, R28E	(30) nutsedge, yellow <i>Cyperus esculentus</i>	(f) region 9 except Benton County (g) region 10 except Walla Walla County (h) Intercounty Weed Districts No. 51 and No. 52. (a) regions 1,2,3,4,5,7,8 (b) region 6 except: (i) those areas lying between State Highway 26 and State Highway 28, and westerly of Dodson Road in Grant County, and except 5 1/2, Sec. 2, T20N, R25E., W.M. (ii) those areas lying in Yakima County (c) region 9 except: (i) those areas lying in Yakima County (ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E of Klickitat County
(25) knapweed, spotted <i>Centaurea maculosa</i>	(d) Intercounty Weed District No. 52 (e) region 10 except Franklin County. (a) regions 1,2,3,5,6,8,9 (b) Ferry County of region 4 (c) Adams and Whitman counties of region 7 (d) region 10 except Garfield County.	(31) oxtongue, hawkweed <i>Picris hieracioides</i>	(d) region 10 except Walla Walla County. (a) regions 1,2,3,4,5,6,7,9, 10 (b) region 8 except Skamania County.
(26) lepyrodielis <i>Lepyrodielis holsteoides</i>	(a) regions 1,2,3,4,5,6,8,9,10 (b) region 7 except an area within Whitman County east of the Pullman — Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho.	(32) pepperweed, perennial <i>Lepidium latifolium</i>	(a) regions 1,2,3,4,5,7,8,10 (b) Grant County lying northerly of Township 21, North, W.M. (c) Intercounty Weed Districts No. 51 and 52. (a) regions 3,4,6,7,9,10.
(27) loosestrife, garden <i>Lysimachia vulgaris</i>	(a) regions 1,2,3,4,6,7,8,9,10 (b) region 5 except King County.	(33) ragwort, tansy <i>Senecio jacobaea</i>	(a) regions 1,2,3,4,5,7,8
(28) loosestrife, purple <i>Lythrum salicaria</i>	(a) regions 1,4,7,8 (b) region 2 except Snohomish County (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside (d) region 5 except King County (e) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the	(34) sandbur, longspine <i>Cenchrus longispinus</i>	(b) Adams County of region 6 except for that area lying within Intercounty Weed District No. 52 (c) Intercounty Weed District No. 51. (a) regions 1,2,3,5,8,9 (b) Franklin County except T13N, R36E; and T14N, R36E
		(35) skeletonweed, rush <i>Chondrilla juncea</i>	

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(36) sowthistle, perennial <i>Sonchus arvensis arvensis</i> (37) spurge, leafy <i>Euphorbia esula</i>	(c) Adams County except those areas lying east of a boundary line running north from Franklin County along the western boundary of Range 36 East to State Highway 26 then east on State Highway 26 to State Highway 261 then north on State Highway 261 to Sutton Road then east on Sutton Road to Snyder Road then north on Snyder Road extended to Providence Road then west on Providence Road to Klein Road then north on Klein Road to Wellsandt Road then east on Wellsandt Road to Interstate 90 then east on I-90 to the Lincoln County line (d) region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road E Northwest (e) Pend Oreille and Stevens counties north of Township 33 North (f) Ferry County (g) Asotin County of region 10 (h) Garfield and Columbia counties south of Highway 12 (i) Whitman County lying in Ranges 43 through 46 East of Townships 15 through 20 North; T14N, Ranges 44 through 46 East; and T13N, Ranges 45 and 46 East. (a) regions 1,2,3,4,5,7,8,9,10	(39) Swainsonpea <i>Sphaerophysa salsula</i>	T10N, R46E, Sections 7,8, 17,18,19,20,21,22,27,34, and 35; T9N, R46E, Sections 1,2,12,13,14,23,24,25,26, 35, and 36; T9N, R47E, Sections 18,19,30, and 31; T8N, R46E, Sections 1,2, 3,9,10,11,12,13,14, 15,16,23, and 24; T8N, R47E, Sections 8,17,18, 19,20,29,30,31, and 32. (a) regions 1,2,3,4,5,7,8 (b) Columbia, Garfield, Asotin, and Franklin counties (c) an area beginning at the Washington — Oregon border at the southwest portion of section 15, R32E, T6N, then north to the northwest corner of section 3, R32E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to the southeast portion of section 15, R36E, T6N, at the Washington — Oregon border, then west along the Washington — Oregon border to the point of beginning (d) Weed District No. 3 of Grant County.
(38) starthistle, yellow <i>Centaurea solstitialis</i>	(a) regions 1,2,3,4,5,6,8,9,10 region 7 except as follows: (i) T27N, R37E, Sections 34,35,36; T27N, R38E, Sections 31,32,33; T26N, R37E, Sections 1,2,3,10, 11,12,13,14,15,16,26; T26N, R38E, Sections 5, 6,7,8 of Lincoln County (ii) T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County. (a) regions 1,2,3,4,5,6,8 (b) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border (c) Franklin County (d) region 9 except Klickitat County (e) in all lands lying within Asotin County, Region 10, except as follows: T11N, R44E, Sections 25, 26,27,28,29,31,32,33,34, and 35; T11N, R45E, Sections 21,22,23, and 25; T11N, R36E, Sections 19,20,21,28,29,30, 31,32, and 33; T10N, R44E, Sections 1,2,3,4,5,6,8,9, 10,11,12,15, and 16; T10N, R45E, Sections 23 and 24;	(40) thistle, musk <i>Carduus nutans</i> (41) thistle, plumeless <i>Carduus acanthoides</i> (42) thistle, Scotch <i>Onopordum acanthium</i> (43) toadflax, Dalmatian <i>Linaria genistifolia</i> <i>spp. dalmatica</i> (44) watermilfoil, Eurasian <i>Myriophyllum spicatum</i>	(a) regions 1,2,3,5,6,7,8,9,10 (b) Spokane and Pend Oreille counties. (a) regions 1,2,3,5,6,7,8,9,10 (b) region 4 except those areas within Stevens County lying north of State Highway 20. (a) regions 1,2,3,4,5,6,8,9 (b) region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border (c) Franklin County. (a) regions 1,2,5,8,10 (b) Kittitas, Chelan, Douglas, Adams counties of region 6 (c) Intercounty Weed District No. 51 (d) Weed District No. 3 of Grant County (e) Lincoln and Adams counties (f) The western two miles of Spokane County of region 7 (g) region 9 except as follows: (i) those areas lying within Yakima County (ii) those areas lying west of the Klickitat River and within Klickitat County. (a) regions 1,8,9,10 (b) region 7 except Spokane County.

[Statutory Authority: Chapter 17.10 RCW. 91-24-072, § 16-750-011, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-011, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-011, filed 12/7/89, effective 1/7/90; 88-24-002 (Order 26, Resolution No. 26), § 16-750-011, filed 11/29/88; 88-18-001 (Order 24, Resolution No. 24), § 16-750-011, filed 8/25/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-011, filed 3/7/88.]

WAC 16-750-015 State noxious weed list—Class C noxious weeds.

Common Name	Scientific Name
babysbreath	Gypsophila paniculata
bindweed, field	Convolvulus arvensis
carrot, wild	Daucus carota
catchfly, conical	Silene conoidea
cocklebur, spiny	Xanthium spinosum
crass, hoary	Cardaria draba
dodder, smoothseed alfalfa	Cuscuta approximata
garden rocket	Eruca vesicaria spp. sativa
henbane, black	Hyoscyamus niger
houndstongue	Cynoglossum officinale
kochia	Kochia scoparia
mayweed, scentless	Matricaria maritima var. agrestis
mullein, common	Verbascum thapsus
nightshade, bitter	Solanum dulcamara
poison-hemlock	Conium maculatum
puncturevine	Tribulus terrestris
rye, cereal	Secale cereale
spikeweed	Hemizonia pungens
St. Johnswort, common	Hypericum perforatum
tansy, common	Tanacetum vulgare
toadflax, yellow	Linaria vulgaris
thistle, bull	Cirsium vulgare
thistle, Canada	Cirsium arvense
whitetop, hairy	Cardaria pubescens
wormwood, absinth	Artemisia absinthium

[Statutory Authority: Chapter 17.10 RCW. 91-24-072, § 16-750-015, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-015, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-015, filed 12/7/89, effective 1/7/90; 88-24-002 (Order 26, Resolution No. 26), § 16-750-015, filed 11/29/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-015, filed 3/7/88.]

Chapter 16-752 WAC NOXIOUS WEED CONTROL

WAC

16-752-300	Establishing quarantine.
16-752-305	Quarantine area.
16-752-310	Articles whose movement is restricted.
16-752-315	Regulations.
16-752-320	Costs of quarantine.
16-752-325	Repealed.
16-752-330	Violation and penalty.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-752-325	Duration. [Statutory Authority: Chapter 17.10 RCW. 89-24-090, § 16-752-325, filed 12/6/89, effective 1/6/90.] Repealed by 91-03-045 (Order 2069), filed 1/11/91, effective 2/11/91. Statutory Authority: Chapter 17.10 RCW.
------------	---

WAC 16-752-300 Establishing quarantine. Yellow nutsedge (*Cyperus esculentus* L.) is a herbaceous perennial that is one of the most serious noxious weeds of agronomic crops. It propagates by seed, rhizomes, bulbs, and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. It is highly invasive and its unchecked spread would entail great economic loss to the agricultural industries of the state. It is a class B noxious weed designated for control in Cowlitz County (WAC 16-750-011(27)). Yellow nutsedge infests a dredging spoil site at the Port of Kalama in Kalama, Washington. Movement of material from this site has initiated additional infestations. RCW 17.10.210 provides that either the director or the county noxious weed

control board or a weed district may issue an order for quarantine and restriction or denial of access to land determined to be so seriously infested that control measures cannot be undertaken without quarantine of the land. The director has determined:

(1) That the identified site is so seriously infested as to require quarantine; and

(2) That the movement of contaminated materials from this site presents an immediate threat of infestation to the rest of the county agricultural and nonagricultural areas; and

(3) That the restriction of such spread is critical to control efforts.

[Statutory Authority: Chapter 17.10 RCW. 91-03-045 (Order 2069), § 16-752-300, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-300, filed 12/6/89, effective 1/6/90.]

WAC 16-752-305 Quarantine area. The quarantine area shall encompass the dredge spoil site at and owned by the Port of Kalama, located along Hendrickson Drive, Kalama, Washington, and more particularly described as follows:

The following described real estate, situated in the county of Cowlitz, state of Washington:

Parcel - containing twenty-three acres, more or less.

A tract of land in the Jacob Ahles D.L.C. No. 44 in Section 20, Township 6 north, Range 1 west of the Willamette Meridian, more particularly described as follows:

Beginning at a point on the north line of a tract of land leased to the North Pacific Grain Growers, Inc., said point being north 2374.49 feet, and north 88 degrees 46'22" west parallel with the south line of said Ahles D.L.C., 263.94 feet from the southeast corner of said Section 20; thence north 1 degree 12'00" west 612.50 feet; thence north 20 degrees 23'00" west 186.52 feet to a point 30.00 feet westerly when measured at right angles from the westerly line of the Northern Pacific Railway right of way; thence parallel with and 30.00 feet from said right of way north 37 degrees 24'37" west 1325.90 feet; thence south 61 degrees 05'28" west 344.47 feet to the inner harbor line as shown on the Plat of Kalama Tidelands; thence south 27 degrees 54'56" east along said inner harbor line 1045.78 feet to the one mile limit as shown on said plat; thence south 62 degrees 05'04" west 100 feet to the low water line of the Columbia River; thence south 22 degrees 48'46" east along said low water line 751.17 feet to said north line of the North Pacific Grain Growers, Inc. lease; thence south 88 degrees 46'22" east parallel with said south line of the Ahles D.L.C. 492.48 feet to the true point of beginning.

[Statutory Authority: Chapter 17.10 RCW. 91-03-045 (Order 2069), § 16-752-305, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-305, filed 12/6/89, effective 1/6/90.]

WAC 16-752-310 Articles whose movement is restricted. The movement of all plants and parts of plants of yellow nutsedge and soil contaminated with propagules (nutlets or seeds) of the plant, is covered by this quarantine.

[Statutory Authority: Chapter 17.10 RCW. 91-03-045 (Order 2069), § 16-752-310, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-310, filed 12/6/89, effective 1/6/90.]

WAC 16-752-315 Regulations. Use of the property identified in WAC 16-752-305 is restricted as follows:

(1) All removal of sand or soil from the quarantine site, except as provided in subsection (6) of this section, is prohibited without a permit from the Cowlitz County noxious weed control board that details the end use and exact geographic destination.

(2) All land disturbing operations including excavation, utilities work, and similar activities require a one time, no fee permit from the weed board that obligates the operator to thoroughly hose down all equipment before leaving the quarantine area and record the next two areas where the equipment is used after leaving the quarantine area.

(3) All off-road vehicles are banned in the quarantine area without the written permission of the Cowlitz County noxious weed control board, except in designated parking areas.

(4) All weed control measures in the quarantine area are to be undertaken in consultation with the Cowlitz County noxious weed control board.

(5) Yellow nutsedge control shall take precedence over all other land uses in the quarantine area.

(6) The Cowlitz County noxious weed control board may designate and clearly mark portions of the site as free from infestation and allow removal of sand or soil from these areas without specific permit to nonagricultural sites: *Provided*, That adequate precautions are taken to prevent commingling of infested and noninfested soils and equipment used in the infested area is thoroughly cleaned before use in the area designated as uninfested.

[Statutory Authority: Chapter 17.10 RCW. 91-03-045 (Order 2069), § 16-752-315, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-315, filed 12/6/89, effective 1/6/90.]

WAC 16-752-320 Costs of quarantine. The costs of serving the notice required by RCW 17.10.210(2) shall be borne by the department. The costs of control work shall be borne by the landowner unless otherwise determined by the Cowlitz County noxious weed control board or the director in consultation with the Washington state noxious weed control board.

[Statutory Authority: Chapter 17.10 RCW. 91-03-045 (Order 2069), § 16-752-320, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-320, filed 12/6/89, effective 1/6/90.]

WAC 16-752-325 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-752-330 Violation and penalty. Any person who violates this quarantine shall have committed a civil infraction and shall be subject to the provisions of RCW 17.10.350 and WAC 16-750-900(3) which provides a monetary penalty of up to one thousand dollars per infraction.

[Statutory Authority: Chapter 17.10 RCW. 91-03-045 (Order 2069), § 16-752-330, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-330, filed 12/6/89, effective 1/6/90.]

Title 36 WAC
PROFESSIONAL ATHLETICS
COMMISSION
(Formerly: Boxing Commission)

Chapter

36-12

Professional boxing and wrestling.

Chapter 36-12 WAC

PROFESSIONAL BOXING AND WRESTLING

WAC

36-12-010	Penalties.
36-12-011	"Promoter," "purse" defined.
36-12-020	Boxing weights and classes.
36-12-030	Weighing time.
36-12-040	Ring and equipment.
36-12-050	Gloves.
36-12-060	Number of rounds.
36-12-070	Bandages.
36-12-080	Ring equipment.
36-12-090	Repealed.
36-12-100	Officials.
36-12-110	Referee.
36-12-120	Powers of referee—Penalties for fouls, butts.
36-12-130	Duties of referee—Injuries, knockdowns, falls.
36-12-150	When boxer falls from ring during round.
36-12-160	Report of referee—Withholding or forfeiture of purse.
36-12-170	Referee's fees to be paid by promoter.
36-12-180	Chief inspectors.
36-12-190	Duties of commission inspector.
36-12-195	License fees.
36-12-200	Boxers.
36-12-220	Fouls in boxing.
36-12-230	Repealed.
36-12-240	To prevent injury to boxers—Physical qualifications and exams—Stimulants—Assumed name—Professional competing with amateur.
36-12-250	Managers.
36-12-260	Seconds.
36-12-270	Matchmakers.
36-12-280	Timekeeper.
36-12-290	Announcer.
36-12-300	Judges.
36-12-310	Commission physician.
36-12-320	Regarding suspensions.
36-12-330	Contracts.
36-12-340	Payment of contestants.
36-12-350	Tickets.
36-12-360	Promoters.
36-12-365	Definitions.
36-12-367	Participants.
36-12-370	Ring.
36-12-380	Repealed.
36-12-385	Commission inspector.
36-12-390	Repealed.
36-12-400	Timekeepers and announcers.
36-12-410	Matches.
36-12-415	Tickets.
36-12-420	Repealed.
36-12-425	Contracts.
36-12-430	Repealed.
36-12-435	Records.
36-12-440	Repealed.