

impartiality. The parties or their representatives may question the interpreter as to his or her qualifications and impartiality.

(4) If at any time during the proceeding, in the opinion of the impaired or non-English-speaking person, the presiding officer or a qualified observer, the interpreter does not provide accurate and effective communication with the impaired or non-English-speaking person, the presiding officer shall appoint another interpreter.

(5) Mode of interpretation.

(a) Interpreters for non-English-speaking persons shall use simultaneous mode of interpretation where the presiding officer and interpreter agree that simultaneous interpretation will advance fairness and efficiency; otherwise, the consecutive mode of foreign language interpretation shall be used.

(b) Interpreters for hearing impaired persons shall use the simultaneous mode of interpretation unless an intermediary interpreter is needed. If an intermediary interpreter is needed, interpreters shall use the mode that the interpreter considers to provide the most accurate and effective communication with the hearing impaired person.

(c) When an impaired or non-English-speaking person is a party to a proceeding, the interpreter shall translate all statements made by other hearing participants. The presiding officer shall ensure that sufficient extra time is provided to permit translation and the presiding officer shall ensure that the interpreter translates the entire proceeding to the party to the extent that the party has the same opportunity to understand all statements made during the proceeding [as] [an] a nonimpaired or English-speaking party listening to uninterpreted statements would have.

(6) An interpreter shall not, without the written consent of the parties to the communication, be examined as to any communication the interpreter interprets under circumstances where the communication is privileged by law. An interpreter shall not, without the written consent of the parties to the communication, be examined as to any information the interpreter obtains while interpreting pertaining to any proceeding then pending.

(7) The presiding officer shall explain to the non-English-speaking party that a written decision or order will be issued in English, and that the party may contact the interpreter for an oral translation of the decision and that the translation itself is at no cost to the party. The interpreter shall provide to the presiding officer and the party the interpreter's telephone number. The telephone number shall be attached to the decision or order mailed to the party. A copy of the decision or order shall also be mailed to the interpreter for use in translation.

(8) If the party has a right to review of the order or decision, the presiding officer shall orally inform the party during the hearing of the right and of the time limits to request review.

(9) The agency involved in the hearing shall pay interpreter fees and expenses.

[Statutory Authority: RCW 34.05.250, 93-10-097, § 10-08-150, filed 5/5/93, effective 6/5/93; 89-13-036 (Order 6), § 10-08-150, filed 6/15/89. Statutory Authority: RCW 34.04.022 and chapter 2.42 RCW. 85-22-032 (Order 4), § 10-08-150, filed 10/31/85.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed

material in the above section does not appear to conform to the statutory requirement.

Title 16 WAC AGRICULTURE, DEPARTMENT OF

Chapters

- 16-08 Practice and procedure.
- 16-10 Rights of persons aggrieved pesticide violations.
- 16-46 Domestic and imported animal semen.
- 16-54 Animal importation.
- 16-70 Animal diseases—Reporting.
- 16-78 Hog cholera, swine plague, swine erysipelas and vesicular exanthema.
- 16-88 Control of tuberculosis in cervidae.
- 16-101 Milk and milk products.
- 16-201 Fertilizer bulk storage and operational area containment rules.
- 16-218 Hops—Certification analyses—Fees.
- 16-219 Restricted use pesticides.
- 16-228 Pesticide regulations.
- 16-229 Secondary and operational area containment for bulk pesticides.
- 16-230 Use of chemicals and chemically treated materials in certain counties.
- 16-316 Seed certification.
- 16-354 Hop rootstocks—Certification.
- 16-400 Horticultural inspection fees.
- 16-403 Standards for apples marketed within Washington.
- 16-462 Grapevines—Registration and certification.
- 16-532 Hops.
- 16-555 Washington strawberry commission.
- 16-561 Washington red raspberry commission.
- 16-570 Rapeseed production and establishment of districts.
- 16-602 Apiaries.
- 16-620 Relating to brand inspection.
- 16-674 Weights and measures—Sealing, marking, retesting devices.
- 16-750 State noxious weed list and schedule of monetary penalties.

Chapter 16-08 WAC PRACTICE AND PROCEDURE

WAC

- 16-08-021 Presiding officer.
- 16-08-022 Consolidation of proceedings.
- 16-08-141 Brief adjudicative proceedings.
- 16-08-151 Emergency adjudicative proceedings.

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 an emergency or brief adjudicative proceeding or involving a proceeding pursuant to WAC 16-08-022, the director may designate in writing staff persons to function as the 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: RCW 34.05.425. 93-10-059, § 16-08-021, filed 4/30/93, effective 5/31/93. Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-021, filed 11/15/91, effective 12/16/91.]

WAC 16-08-022 Consolidation of proceedings.

Without affecting the department's discretion to otherwise consolidate adjudicative proceedings, the department may consolidate an emergency adjudicative proceeding with an adjudicative proceeding on the merits.

[Statutory Authority: RCW 34.05.425. 93-10-059, § 16-08-022, filed 4/30/93, effective 5/31/93.]

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 or 15.36.595.

(h) Dairy degrade or permit suspension actions taken pursuant to chapter 15.36 RCW.

(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.

(w) Revocation of compliance agreements for the completion of state phytosanitary, sanitation, or brown garden snail certificates pursuant to chapters 15.13 and 17.24 RCW.

(x) Revocation of compliance agreements for preprinting or use of rubber stamps for nursery stock inspection certificates pursuant to chapter 15.13 RCW.

(y) Revocation of compliance agreements for root sampling of nursery stock pursuant to chapter 15.13 RCW.

(aa) Agency refusal to certify seed stocks because of misleading or confusing labeling pursuant to chapter 15.60 RCW and WAC 16-316-345.

(bb) Rescinding of permit for seed conditioning pursuant to chapter 15.60 RCW and WAC 16-316-185(8).

(cc) Expulsion from or refusal to allow entry into a seed or plant certification program pursuant to chapters 15.60 and 15.13 RCW.

(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: RCW 34.05.425. 93-10-059, § 16-08-141, filed 4/30/93, effective 5/31/93. Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-141, filed 11/15/91, effective 12/16/91.]

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 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 give the affected party forty-eight hours from receipt of the order to request an adjudicative proceeding on the order, or, in the alternative, the director may in the order automatically 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: RCW 34.05.425. 93-10-059, § 16-08-151, filed 4/30/93, effective 5/31/93. Statutory Authority: Chapter 34.05 RCW. 91-23-051, § 16-08-151, filed 11/15/91, effective 12/16/91.]

Chapter 16-10 WAC

RIGHTS OF PERSONS AGGRIEVED PESTICIDE VIOLATIONS

WAC

- 16-10-010 Definitions.
- 16-10-020 Rights of complainants.
- 16-10-030 Rights of person aggrieved.

WAC 16-10-010 Definitions. The following definitions are applicable to sections of this chapter concerning rights of persons aggrieved by violations under chapter 17.21 RCW and rules adopted under chapter 17.21 RCW.

(1) A "person aggrieved" by a violation is defined as a person who has reasonable grounds to believe that he or she has been subjected to harm or an unreasonable risk by such violation.

(2) A "complainant" is defined as a person who has requested an inspection of an area in which a pesticide violation is believed to have occurred.

(3) "Person" is defined as any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

[Statutory Authority: RCW 17.21.310. 93-10-046, § 16-10-010, filed 4/29/93, effective 5/30/93.]

WAC 16-10-020 Rights of complainants. If an inspection is conducted by the department of an area in which a pesticide violation is believed to have occurred, a complainant shall:

(1) Be promptly provided with the department's decision, as set forth in the "notice of intent to assess civil penalty and/or deny, suspend, or revoke a license," or in any document issuing a warning or determining no action; the department will endeavor to provide notice concurrently with the department's service of such document on the alleged violator.

(2) Be entitled, upon written request to the department, to have his or her name protected from disclosure in any communication with persons outside the department and in any record published, released, or made available pursuant to chapter 17.21 RCW: *Provided*, That in any adjudicative proceeding under chapter 34.05 RCW the identity of complainant shall be disclosed to the alleged violator upon request of the alleged violator.

(3) Be otherwise entitled to those rights of persons aggrieved as set forth in WAC 16-10-030, if aggrieved, except that the complainant shall be provided, automatically without request, a copy of the final order referred to therein.

[Statutory Authority: RCW 17.21.310. 93-10-046, § 16-10-020, filed 4/29/93, effective 5/30/93.]

WAC 16-10-030 Rights of person aggrieved. A person aggrieved shall:

(1) Be entitled to be notified promptly of any final action taken by the department pursuant to an investigation under chapter 17.21 RCW; the department will provide notice concurrently with service of notice on the violator: *Provided*, That such person has made timely written application to the department requesting such notice. Written application to the department requesting such notice shall be received no later than the date of service of a final order.

(2) Within thirteen days of the date of mailing of a final order to a person aggrieved, the person aggrieved may request in writing that the director reconsider the matter, shall specify in writing why said person believes the penalty decision is inappropriate, and shall serve such request on the violator.

(3) Upon reconsideration, the director will reconsider the entire matter including any written statement submitted by

any party, and may adjust the penalty decision set forth in the final order if the director finds that the penalty was inappropriate.

(4) If such person is aggrieved by the director's order on reconsiderations, within twenty days of service of the order he or she may request in writing an adjudicative proceeding under chapter 34.05 RCW, shall specify in writing why the person believes the penalty decision is inappropriate, and shall serve such request on the alleged violator. The subject of such proceeding shall be limited to the appropriateness of the penalty decision of the director on reconsideration based on a review of the record as supplemented by any new evidence received by the presiding officer. The alleged violator shall be given notice and an opportunity to participate in the proceeding by the department. The proceeding shall be heard by a presiding officer who has not heard the adjudicative proceeding on the merits against the alleged violator. Chapter 34.05 RCW and chapter 16-08 WAC shall govern the conduct of such proceeding and any review thereon.

(5) Upon the filing of any request for proceeding pursuant to subsection (2) of this section, any final order of the director shall be automatically stayed pending resolution of such request and expiration of any time period for pursuing additional relief. The director shall provide written notice to the alleged violator of any such resolution, thereby reinstituting the rights of the alleged violator to seek further relief.

[Statutory Authority: RCW 17.21.310. 93-10-046, § 16-10-030, filed 4/29/93, effective 5/30/93.]

Chapter 16-46 WAC

DOMESTIC AND IMPORTED ANIMAL SEMEN

WAC

16-46-005	Definitions.
16-46-010	Commercial semen production.
16-46-020	Health certificate.
16-46-030	Requirements of animals producing.
16-46-035	Test requirements for boars producing semen.
16-46-040	Addition of bulls to stud.
16-46-045	Addition of boars to stud.
16-46-050	Repealed.
16-46-060	Repealed.
16-46-070	Permits.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-46-050	Sample testing. [Order 854, Regulation 5, effective 7/19/61; Order 589, Regulation 3, filed 3/22/60.] Repealed by 93-19-125 (Order 5009), filed 9/21/93, effective 10/22/93. Statutory Authority: RCW 16.36.096 and 16.36.040.
16-46-060	Director's list of producers. [Order 854, Regulation 6, effective 7/19/61.] Repealed by 93-19-125 (Order 5009), filed 9/21/93, effective 10/22/93. Statutory Authority: RCW 16.36.096 and 16.36.040.

WAC 16-46-005 Definitions. For the purposes of this chapter:

(1) "Stud" means the facilities required for the collection of semen from bulls and boars for use in artificial insemination.

(2) "Boar" means the intact male of the porcine species.

(3) "Bull" means the intact male of the bovine species.

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-125 (Order 5009), § 16-46-005, filed 9/21/93, effective 10/22/93.]

WAC 16-46-010 Commercial semen production.

All individuals, partnerships, or corporations shipping or producing semen from bulls and boars within the state of Washington for artificial insemination purposes for commercial use shall comply with the following regulations: *Provided*, That this regulation does not apply to an individual, partnership, or corporation whose production and use of bovine and boar semen is confined to his/her or its own cattle and/or swine on his/her or its own premises.

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-125 (Order 5009), § 16-46-010, filed 9/21/93, effective 10/22/93; Order 854, Regulation 1, effective 7/19/61; Order 589, Regulation 1, filed 3/22/60.]

WAC 16-46-020 Health certificate. The director of agriculture of the state of Washington must be furnished a list of all bulls or boars producing semen in each calendar year for use in the state of Washington by those individuals, partnerships or corporations producing semen for artificial insemination purposes with a statement signed by an accredited veterinarian certifying that they have been tested according to chapter 16-46 WAC.

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-125 (Order 5009), § 16-46-020, filed 9/21/93, effective 10/22/93; Order 854, Regulation 2, effective 7/19/61; Order 589, Regulation 2, filed 3/22/60.]

WAC 16-46-030 Requirements of animals producing. All bovine bulls used in the production of semen for artificial insemination shall meet the following requirements:

- (1) Negative to tuberculosis test every six months.
- (2) Negative to brucellosis test every six months.
- (3) Negative to examination for trichomoniasis and campylobacteriosis culture every six months.
- (4) Negative to test for leptospirosis every six months.
- (5) FDA approved antibiotics must be added to all semen during process.

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-125 (Order 5009), § 16-46-030, filed 9/21/93, effective 10/22/93; Order 854, Regulation 3, effective 7/19/61.]

WAC 16-46-035 Test requirements for boars producing semen. All boars used in the production of semen for artificial insemination shall meet the following requirements:

- (1) Negative to tuberculosis test yearly.
- (2) Negative to brucellosis, leptospirosis (low stable titer), vesicular stomatitis, and PRRS tests every six months.
- (3) Negative to pseudorabies every three months.
- (4) FDA approved antibiotics must be added to all semen during processing.
- (5) Not used for natural service.

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-125 (Order 5009), § 16-46-035, filed 9/21/93, effective 10/22/93.]

WAC 16-46-040 Addition of bulls to stud. Addition of bulls to stud must be:

(1) Isolated for forty-five to sixty days before addition to stud.

(2) Within the isolation period tested for:

(a) Tuberculosis.

(b) Brucellosis.

(c) Leptospirosis.

(d) Trichomoniasis and campylobacteriosis by six weekly preputial cultures with the exception of virgin bulls under twelve months of age where a series of three weekly cultures is adequate.

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-125 (Order 5009), § 16-46-040, filed 9/21/93, effective 10/22/93; Order 854, Regulation 4, effective 7/19/61.]

WAC 16-46-045 Addition of boars to stud. Addition of boars to stud must be:

(1) Isolated for forty-five to sixty days before addition to stud.

(2) Within the isolation period tested negative for:

(a) Tuberculosis.

(b) Brucellosis.

(c) Pseudorabies, two negative tests thirty days apart.

(d) Leptospirosis (low stable titer).

(e) Vesicular stomatitis.

(f) PRRS.

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-125 (Order 5009), § 16-46-045, filed 9/21/93, effective 10/22/93.]

WAC 16-46-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-46-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-46-070 Permits. Importation and production of other domestic animal semen in the state of Washington may require a permit from the director of agriculture. Such permit may be issued following application and proof of compliance with general health and testing requirements and laboratory examination of semen.

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-125 (Order 5009), § 16-46-070, filed 9/21/93, effective 10/22/93; Order 854, Regulation 7, effective 7/19/61.]

Chapter 16-54 WAC ANIMAL IMPORTATION

WAC

- 16-54-010 Definitions.
- 16-54-020 Illegal importation.
- 16-54-035 Certification of health—Wild and exotic animals.
- 16-54-135 Llamas and alpacas.

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

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

(2) "Breeding cattle" shall be those females and bulls not consigned to a federally inspected slaughter establish-

ment, a restricted feedlot, or other authorized slaughter only channel.

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

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

(5) "Class free and Class A, B, and C states" means states as classified by the current federal brucellosis eradication uniform methods and rules.

(6) "Stage I, II, III, IV, or V Pseudorabies state" means states as classified by the current federal pseudorabies eradication Uniform Methods and Rules.

(7) "Official health certificate" means a legible certificate of veterinary inspection executed on an official form of the state of origin or of the Animal and Plant Inspection Service (APHIS), United States Department of Agriculture (USDA), by a licensed and accredited veterinarian or a veterinarian approved by the proper official of APHIS, USDA.

(8) "Animal" means any animal species except fish and insects.

(9) "Domestic animal" means any farm animal raised for the production of food and fiber or companion animal or both.

(10) "Farm animal" means any species which have normally and historically been kept and raised on farms in Washington, the United States, or elsewhere or used or intended for use as food, fiber, breeding, or draft and which may be legally kept for such use in Washington and are not those animals classified as wildlife or deleterious exotic wildlife under Title 77 RCW.

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-126 (Order 5010), § 16-54-010, filed 9/21/93, effective 10/22/93; 92-21-039, § 16-54-010, filed 10/15/92, effective 11/15/92. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-54-010, filed 2/5/88; 84-16-022 (Order 1838), § 16-54-010, filed 7/24/84; Order 1172, § 16-54-010, filed 12/15/70; Order 1024, Regulation 1, filed 7/22/66, effective 8/22/66; Order 957, Regulation 1, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61.]

WAC 16-54-020 Illegal importation. (1) All animals being shipped into this state must have met requirements of Title 9, Code of Federal Regulations, in effect at the time of movement or importation from foreign countries and in addition thereto must meet all the applicable laws, rules and regulations of the state of Washington pertaining to animal health and care of animals.

(2) It shall be unlawful for any person, firm or corporation to import any animal unless in compliance with the requirements set forth hereafter in this order, and regulations relating to importation into and movement within the state of Washington of poultry, hatching eggs and wildlife. No animal, including poultry and wildlife, that is affected with any infectious or communicable disease shall be imported

into the state unless written permission for the importation is obtained from the director and in the instance of wildlife, written permission from the director of the department of wildlife shall also be obtained.

(3) It shall be unlawful for any person, firm, or corporation importing livestock into the state of Washington to fail to stop for inspection at any posted livestock inspection point.

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-126 (Order 5010), § 16-54-020, filed 9/21/93, effective 10/22/93; 92-21-039, § 16-54-020, filed 10/15/92, effective 11/15/92; Order 1540, § 16-54-020, filed 10/17/77; Order 1172, § 16-54-020, filed 12/15/70; Order 1024, filed 7/22/66, effective 8/22/66; Order 957, Regulation 2, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

WAC 16-54-035 Certification of health—Wild and exotic animals. (1) An official interstate health certificate or certificate of veterinary inspection stating that all listed animals are free from clinical symptoms of infectious or communicable disease shall be prepared prior to entry into the state of Washington and issued by an accredited veterinarian licensed in the state of origin for all captive wild and exotic animals and shall contain the following:

- (a) Common and scientific name(s) of the animals.
- (b) Number of animals.
- (c) Appropriate description of animals by criteria such as sex, age, weight, coloration.
- (d) Permanent individual animal identification.
- (e) Date of anticipated shipment.
- (f) Name and address of consignor and consignee.
- (g) Origin of shipment.
- (h) Signature of veterinarian and owner or agent.
- (i) Permit number issued by the Washington state veterinarian.

(2) The following tests or qualifications required for wild and exotic animals shall be performed by a licensed and accredited veterinarian prior to entry into the state of Washington:

(a) Brucellosis. The interpretation of brucellosis test results on captive wild or exotic animals shall be held by the Washington state veterinarian. Serologic testing must be conducted in accordance with state/federal brucellosis protocol within thirty days prior to entry for the following categories of captive wild or exotic animals over six months of age.

- (i) Brucella abortus.
 - (A) Camelidae: Such as vicuna, guanaco.
 - (B) Cervidae: Such as elk, caribou, moose, reindeer, deer.
 - (C) Giraffidae: Such as giraffe, okapi.
 - (D) Bovidae: Such as antelopes, wild cattle (gaur, banteng, kaupre, yak), bison (American bison, also refer to WAC 16-54), European bison, buffalo (Asian water buffalo, tamaraw, lowland anoa, mountain anoa, African buffalo), wild sheep (bighorn sheep, dalls sheep, mouflon, argoli, uriol, blue sheep, barbary sheep, red sheep), wild goats (rocky mountain goat, ibex, walia ibex, west caucasion tur, east caucasion tur, spanish ibex, markhor).
- (ii) Brucella suis.

(A) Suidae: Wild swine (European wild boar, bearded pig, Jovan pig, pygmy hog, wart hog, giant forest pig, Babirusa, African bush pig, peccaries).

(B) Caribou, reindeer (*Brucella suis* Biovar 4).

(iii) *Brucella ovis*. All wild sheep and goats must be tested and found negative to *B. ovis* within thirty days prior to entry.

(b) Tuberculosis (*Mycobacterium bovis* and *Mycobacterium tuberculosis*) a skin test or other approved test must be conducted in accordance with federal tuberculosis protocols within thirty days prior to entry into Washington for the following categories of captive wild exotic animals as specified by the director. Animals under six months of age that are nursing negative tested dams may be excluded from the test requirements.

(i) Ceropithecidae: Old world primates.

(ii) Hylobotidae: Gibbons or Lesser apes.

(iii) Pongidae: Great apes.

(iv) Bovidae: Such as antelopes, wild cattle, wild sheep and wild goats.

(v) Cervidae: Such as elk, caribou, moose, reindeer, deer must be from herds not known to be affected with or exposed to tuberculosis and comply with the following *Mycobacterium bovis* testing requirements:

(A) Be negative to a 0.1 ml single cervical tuberculin test within thirty days prior to importation and originate from a herd which has had a negative complete herd test within twelve months or as otherwise required by the director of all eligible animals using the 0.1 ml single cervical test and all additions to the herd have been tested negative by the same test procedure and standards; or

(B) Be negative to a 0.1 ml single cervical tuberculin test within thirty days prior to importation and be confined at the destination for at least ninety days after arrival and retested for *M. bovis* after the confinement period using the 0.1 ml single cervical test. Testing and confinement under this subsection will be allowed only where the director can be assured of the negative tuberculosis status of the herd by methods other than by those in (v)(A) of this subsection.

(C) Originate from a state with a state program substantially equivalent to chapter 16-88 WAC, "Control of tuberculosis in cervidae," and meet the requirements of a herd status plan and interstate testing requirements outlined in WAC 16-88-030 and 16-88-040.

(vi) Giraffidae: Giraffe, okapi must be tested by a single cervical test.

(c) Animals that show positive reaction on a skin test may be tested by additional approved skin tests, microbiological cultures, radiographs or serology to fully assess the status in regard to tuberculosis and to confirm or deny the possibility of a false positive reading of the skin test. Final decision on the tuberculosis classification status of such animals will be made by the Washington state veterinarian.

(d) For all captive wild or exotic animals not listed in (b) of this subsection, the following statement signed by the owner or agent shall be placed on the health certificate. "To my knowledge the animals listed herein are not infected with tuberculosis and have not been exposed to animals infected with tuberculosis during the past twelve months."

(e) Pseudorabies: Tested negative within thirty days of import. Held in quarantine for thirty to sixty days pending retest post entry.

Suidae: All wild swine.

(f) Equine Infectious Anemia: Tested negative on an approved test for equine infectious anemia within six months prior to entry for all wild horses, asses and hybrids.

(g) Elaphostrongylinae: *Parelaphostrongylus tenvis* (meningeal worm) and *Elaphostrongylus cervis* (muscle worm).

All cervidae must be examined prior to entry into Washington state for Elaphostrongylinae infection in the absence of anthelmintic treatment that could mask detection of the parasite.

(i) Cervidae as specified by the director which have resided for at least six months west of a line through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas or geographical boundaries as otherwise designated by the state veterinarian must have a negative fecal exam for dorsal-spined larvae made by an approved laboratory using the Baermann technique. Animals tested shall be certified to have not been treated with or exposed to anthelmintics, including ivermectin (IVOMEC R) for at least thirty days prior to testing.

(ii) Cervidae as specified by the director which have resided for less than six months west of a line through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas or geographical boundaries as otherwise designated by the state veterinarian or from east of that line shall be held in preentry quarantine for thirty to sixty days and two fecal tests for dorsal-spined larvae made by an approved laboratory using the Baermann technique. The first test must be conducted at least thirty days and not more than forty days before the second test. During this period, which shall be at least thirty days, test animals must be held in quarantine and isolated from all other cervidae not included in the shipment. Animals so tested shall be certified to have not been treated with or exposed to anthelmintics including ivermectin (IVOMEC R) during the time period beginning at least thirty days before the first fecal test and extending to at least one hundred eighty days after importation. Fecal samples of at least thirty grams per sample are to be collected by an accredited veterinarian from the rectum and identified to the animal by the official animal identification number. If any animal tests positive to either of the two fecal tests, neither the consignment or any portion of the consignment may be imported into Washington.

Postentry animals must be held for one hundred eighty days in on-site quarantine and they must be available for inspection by the director of agriculture during this time. Thirty, sixty, ninety, one hundred twenty, one hundred fifty, and one hundred eighty days after arrival, fecal samples must be tested by the Baermann technique in an approved laboratory and found negative for dorsal-spined larvae; animals that test positive must be removed from the state or destroyed.

The quarantine site must be prepared and inspected prior to the entrance of the imported animals to prevent the presence of the gastropod intermediate hosts of Elaphostrongylinae larvae by:

(A) Keeping the animals on a hard surface, such as asphalt or concrete; or

(B) Spraying a four-meter wide tract around the perimeter of the holding compound with an EPA registered molluscicide and also spraying within the quarantine area. The perimeter tract has to be treated once every five days and within twenty-four hours of precipitation (10 mm or more) to ensure the gastropod population is kept to zero within the compound.

(h) Rabies: Any mammal of the order carnivora that has been taken from the wild may not enter the state if a diagnosis of rabies has been made in the state of origin during the past twelve months.

(i) Qualifications, specific tests, or statements required for birds prior to entry into the state of Washington:

Pullorum and Fowl Typhoid.

(A) Commercial game birds and their eggs unless going directly to slaughter, must originate from a producer who is participating in the pullorum-fowl typhoid control phase of the National Poultry Improvement Plan (NPIP) or the birds must test serologically negative for pullorum and fowl typhoid within the past thirty days. In the case of eggs and hatchling birds, negative serologic tests for pullorum and fowl typhoid from a breeder flock not participating in the NPIP must be shown negative within the past thirty days. Serum testing or NPIP member status are also required for the following species: Bobwhite quail (*Colinus virginianus*), Coturnix quail (*Coturnix coturnix*), pure or hybrid Ring-necked pheasant (*Phasianus colchicus*), Chukar (*Alectoris chukar*), Hungarian partridge (*Perdix perdix*), Wild turkey (*Meleagris gallopavo*).

(B) In lieu of pullorum and fowl typhoid testing for certain other birds, the following statement can be placed on the health certificate: "To my knowledge, birds listed herein are not infected with pullorum or fowl typhoid and have not been exposed to birds infected with pullorum or fowl typhoid during the past twelve months." This statement should be signed by the owner or the owner's representative. This rule would apply to the following birds: All Galliformes except those listed in (i)(A) of this subsection; all Anseriformes.

(j) Mycoplasmosis.

All wild turkeys of the species *Meleagris gallopavo* and their eggs, unless going directly to slaughter must originate from a producer who is participating in the mycoplasmosis control phase of the NPIP or the birds must have tested serologically negative for *Mycoplasma gallisepticum* and *M. synoviae* within the past thirty days. In the case of eggs and hatchling birds, the breeder flock must be an NPIP participant or must have tested negative in the past thirty days.

(k) Duck Plague (Duck Virus Enteritis, D.V.E.) and Avian Cholera.

The statement, "To my knowledge, birds listed herein are not infected with duck plague or avian cholera and have not been exposed to birds known to be infected with duck plague or avian cholera within the past one hundred eighty days," must be written on the health certificate of all Anseriformes entering the state. The statement must be signed by the owner or the owner's representative.

(l) Exotic Newcastle Disease (viscerotropic, velogenic viruses) and Psittacosis.

(i) The statement, "To my knowledge, birds listed herein are not infected with exotic Newcastle disease or psittacosis and have not been exposed to birds known to be infected with exotic Newcastle disease or psittacosis within the past thirty days," must be written on the health certificate of all psittacine birds entering the state. The statement must be signed by the owner or the owner's representative.

(ii) While in transit or while being offered for sale, the following birds which have been repeatedly associated with introductions of exotic Newcastle disease must be identified with a numbered leg band or other approved method of identification:

Yellow naped Amazon parrot (*Amazona ochrocephala auropalliata*).

Mexican double yellow head parrot (*Amazona ochrocephala oratrix*).

Mexican red head parrot (*Amazona viridigenalis*).

Spectacled Amazon parrot (*Amazona albifrons albifrons*).

Yellow cheeked Amazon parrot (*Amazona autumnalis autumnalis*).

Green conure (*Aratinga holochlora*, *A. strenua*, *A. leucophthalms*).

Military macaw (*Ara militaris*).

Lilac crowned Amazon parrot (*Amazona finschi*).

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-126 (Order 5010), § 16-54-035, filed 9/21/93, effective 10/22/93; 92-21-039, § 16-54-035, filed 10/15/92, effective 11/15/92.]

WAC 16-54-135 Llamas and alpacas. All llamas and alpacas imported into Washington shall be accompanied by a health certificate stating that the animals are free from signs or exposure to infectious or contagious disease. Llamas and alpacas six months of age and over must be tested negative for brucellosis and tuberculosis not more than thirty days prior to entry. The tuberculosis test is to be performed just caudal to the elbow joint in a similar manner to the single strength single cervical test.

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-126 (Order 5010), § 16-54-135, filed 9/21/93, effective 10/22/93; 92-21-039, § 16-54-135, filed 10/15/92, effective 11/15/92.]

Chapter 16-70 WAC

ANIMAL DISEASES—REPORTING

WAC

16-70-005 Definitions.

16-70-010 Reporting diseases—Requirements.

16-70-020 Reporting diseases—Not required, requested only.

WAC 16-70-005 Definitions. For the purpose of this chapter:

(1) "Animal" means any animal species except fish and insects including all those so classified as wild, captive wild, exotic wild, alternative livestock, semidomesticated, domestic or farm.

(2) "Domestic animal" means any farm animal raised for the production of food and fiber or companion animal or both.

(3) "Farm animal" means any species which have normally and historically been kept and raised on farms in Washington, the United States, or elsewhere and used or intended for use as food, fiber, breeding, or draft and which may be legally kept for such use in Washington and are not those animals classified as wildlife or deleterious exotic wildlife under Title 77 RCW.

(4) "Alternative livestock" means any species which can be kept or raised on farms and used or intended for use as food, fiber, breeding, or draft and which may be legally kept for use in Washington and are not those animals classified as wildlife or deleterious exotic wildlife under Title 77 RCW.

(5) "Wild animal" means those species of the class Mammalia whose members exist in Washington in a wild state.

(6) "Exotic wild animal" means those species of class Mammalia whose members do not exist in the state of Washington but exist elsewhere in the world in the wild state.

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-127 (Order 5011), § 16-70-005, filed 9/21/93, effective 10/22/93.]

WAC 16-70-010 Reporting diseases—Requirements.

(1) Any person licensed to practice veterinary medicine in the state of Washington shall report to the director of agriculture or his authorized representative the discovery of the existence or suspected existence among any wild, captive wild, exotic wild, alternative livestock, semi-domesticated or domestic animals within the state any of the reportable diseases as published by the director of agriculture.

(2) The following listed emergency diseases, suspected or confirmed, shall be reported immediately (by telephone or FAX on day discovered) to the office of the state veterinarian whenever encountered among animals within the state:

All suspected foreign or eradicated diseases

Anthrax

Contagious equine metritis

Rabies

Sylvatic plague

Vesicular stomatitis

(3) The following listed diseases suspected or confirmed shall be reported by the phone the next working day, by telephone or FAX to the office of the state veterinarian whenever encountered among animals within the state.

Brucellosis

Contagious ecthyma (sheep, goats, llamas)

Equine encephalitis EEE, WEE (horses)

Infectious coryza (poultry)

Laryngotracheitis (poultry)

Lyme disease (any species)

Ornithosis (birds)

Potomac Horse Fever (horses)

Pseudorabies (swine)

Scrapie (sheep, goats)

Tuberculosis

Tularemia (sheep, dog, cats, rabbits, wildlife)

(4) The following list of diseases suspected or confirmed shall be reported if notified to do so by letter from

the state veterinarian's office whenever encountered in any animals during the reporting month. These diseases are to be reported by the 10th day of the next month.

Anaplasmosis

Aleutian disease (mink)

Atrophic rhinitis

Blackleg

Bovine viral diarrhea

Botulism (horses, swine, mink)

Bluetongue

Coccidiosis (clinical cases only)

Chronic wasting diseases of deer (captive)

Distemper (dogs, mink)

Edema disease of swine

Equine viral arteritis (abortion or respiratory)

Equine viral rhinopneumonia (abortion)

Erysipelas (swine)

Feline panleukopenia

Heartworm

Histoplasmosis

Influenza (swine) (horses)

Leptospirosis

Leukosis (cattle)

Leukemia (cats)

Listeriosis

Malignant edema (horses, cattle)

Malignant catarrhal fever

Mycotic stomatitis

Infectious mastitis (cattle) (goats)

Newcastle disease

Paratuberculosis (Johne's disease, confirmed only)

Parvo and related viruses (dogs)

Salmonellosis (including paratyphoid, enteritidis and typhoid in poultry and any in horses)

Scabies (swine and small animals) (nonotodectic)

Strangles (confirmed Strep. equi)

Tetanus (clostridium tetani) (horses) (sheep)

Transmissible mink encephalopathy

Toxoplasmosis

Transmissible gastroenteritis (TGE of swine)

Tuberculosis (dogs, cats)

Trichomoniasis

Campylobacteriosis

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-127 (Order 5011), § 16-70-010, filed 9/21/93, effective 10/22/93; Order 1005, Regulations 1-3, filed 7/22/66, effective 8/22/66; Order 655, Regulation 1, effective 5/19/53.]

WAC 16-70-020 Reporting diseases—Not required, requested only. The state veterinarian may request reports on any other diseases that concern the director from a statistical or survey standpoint associated with overall disease control measures. Any veterinarian may also voluntarily report any other diseases of this nature on the monthly disease report forms as he/she determines they are pertinent to the purposes of the department and advantageous to disease control in the state.

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-127 (Order 5011), § 16-70-020, filed 9/21/93, effective 10/22/93; Order 1005, Regulation 4, filed 7/22/66, effective 8/22/66.]

Chapter 16-78 WAC

HOG CHOLERA, SWINE PLAGUE, SWINE
ERYSIPELAS AND VESICULAR EXANTHEMA

WAC

16-78-001 through 16-78-030 Repealed.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

- 16-78-001 Promulgation. [Order 656, Promulgation, effective 5/19/53.] Repealed by 93-19-129 (Order 5013), filed 9/21/93, effective 10/22/93. Statutory Authority: RCW 16.36.096 and 16.36.040.
- 16-78-002 Promulgation. [Order 1026, Promulgation, filed 7/22/66, effective 8/22/66; Order 1000, Promulgation, filed 1/21/66; Order 914, filed 4/1/63; Order 852, Promulgation, effective 7/19/61; Order 833, filed 5/3/61.] Repealed by 93-19-129 (Order 5013), filed 9/21/93, effective 10/22/93. Statutory Authority: RCW 16.36.096 and 16.36.040.
- 16-78-003 Promulgation. [Order 1173, § 16-78-003, filed 12/15/70.] Repealed by 93-19-129 (Order 5013), filed 9/21/93, effective 10/22/93. Statutory Authority: RCW 16.36.096 and 16.36.040.
- 16-78-010 General. [Order 656, effective 5/19/53.] Repealed by 93-19-129 (Order 5013), filed 9/21/93, effective 10/22/93. Statutory Authority: RCW 16.36.096 and 16.36.040.
- 16-78-020 Virulent hog cholera virus. [Order 1173, § 16-78-020, filed 12/15/70; Order 1026, Regulations 1-7, filed 7/22/66, effective 8/22/66; Order 1000, Regulations 1-7, filed 1/21/66; Order 914, filed 4/1/63; Order 852, effective 7/19/61; Order 833, filed 5/3/61.] Repealed by 93-19-129 (Order 5013), filed 9/21/93, effective 10/22/93. Statutory Authority: RCW 16.36.096 and 16.36.040.
- 16-78-030 Penalty. [Order 1173, § 16-78-030, filed 12/15/70; Order 1026, Regulation 8, filed 7/22/66, effective 8/22/66; Order 1000, Regulation 8, filed 1/21/66.] Repealed by 93-19-129 (Order 5013), filed 9/21/93, effective 10/22/93. Statutory Authority: RCW 16.36.096 and 16.36.040.

WAC 16-78-001 through 16-78-030 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-88 WAC

CONTROL OF TUBERCULOSIS IN CERVIDAE

WAC

- 16-88-010 Definitions.
- 16-88-020 Testing procedures.
- 16-88-030 Herd status plans.
- 16-88-040 Intrastate, interstate, or international movement—
Tuberculosis testing requirements.

WAC 16-88-010 Definitions. "Accredited herd (cervidae)" means a cervid herd that has passed at least three consecutive official tuberculosis tests of all eligible animals conducted at ten to fourteen month intervals, and has no other evidence of bovine tuberculosis, and meets the accredited herd requirements of WAC 16-88-030.

"Accredited veterinarian" means a veterinarian approved by the administrator of APHIS in accordance with the provisions of Part 161, 9 CFR to perform functions required by cooperative state-federal disease control and eradication programs.

"Anniversary date" means the date of the last of three consecutive official qualifying tests.

"APHIS-VS" means animal and plant health inspection service - veterinary services.

"Approved accredited veterinarian" means an accredited veterinarian who has been given special instruction and approved to administer the single cervical tuberculin test (cervidae).

"Approved slaughter facility" means a federal or state slaughter facility operating with individual animal inspection by federal or state inspectors.

"Approved state or federal veterinarian" means a veterinarian employed by the state or federal government and who has been specifically instructed in the comparative cervical tuberculin (CCT) test and approved to administer that test by USDA, APHIS-VS.

"Bovine tuberculosis" means a disease in Cervidae caused by *Mycobacterium bovis*.

"Cervidae" means all species of deer, elk, and moose raised under agricultural conditions for the production of meat or other agricultural products, sport, or exhibition.

"Comparative cervical tuberculin (CCT) test" means the intradermal injection of biologically balanced bovine PPD tuberculin and avian PPD tuberculin at separate sites in the mid-cervical area and a determination as to the probable presence of bovine tuberculosis (*M. bovis*) by comparing the response of the two tuberculin seventy-two hours (plus or minus six hours) following injection. This test shall only be administered by an approved state or federal veterinarian.

"Cooperating state-federal official" means officials of USDA, APHIS-VS and state animal health officials performing functions required by cooperative state-federal disease control and eradication programs.

"Eligible animals" means all cervidae over six months of age and any other animals other than natural additions under six months of age.

"Exposed animals" means cervidae that have been exposed to bovine tuberculosis by reason of associating with known tuberculosis animals.

"Herd" means a group of cervidae maintained on common ground or two or more groups of cervids under common ownership or supervision that are geographically separated but can have an interchange or movement without regard to health status. (A group means one or more animals.)

"Monitored herd" means a herd on which identification records are maintained on animals inspected for tuberculosis at an approved slaughter facility or approved diagnostic laboratory. A monitored herd must identify animals at slaughter at a rate to detect infection at a two percent prevalence level with ninety-five percent confidence evenly distributed over a three-year period. This rate would require a maximum number of one hundred forty-eight animals as graphically depicted in Appendix 1.

"Natural additions" means animals born and raised in a herd.

"Negative animals" means any cervids that show no response to a tuberculosis test or have been classified negative by the testing veterinarian based on history, supplemental tests, examination of carcasses, or laboratory results.

"No gross lesion (NGL) animal" means any cervids that do not reveal a lesion(s) of bovine tuberculosis upon postmortem inspection.

"Official eartag" means an identification eartag that provides unique identification for each individual animal by

conforming to the alpha-numeric National Uniform Eartagging System.

"Official tuberculin test (cervidae)" means a test for bovine tuberculosis applied and reported by approved personnel in accordance with WAC 16-88-030 and 16-88-040. The official tests for cervidae are the single cervical test and the comparative cervical test.

"Permit" means an official document issued by a representative of APHIS-VS, a state veterinarian, or an accredited veterinarian that is required to accompany reactor, suspect, or exposed cervids to slaughter. The permit will list the reactor tag number or official eartag number in the case of suspect cervids and exposed cervids; the owner's name and address; origin and destination locations; number of cervids covered; and the purpose of the movement. If a change in destination becomes necessary, a new permit must be issued by a state, federal or accredited veterinarian. No diversion from the destination of the permit is allowed.

"Qualified herd" means a cervid herd that has undergone an official negative test of all eligible animals within the past twelve months and is not classified as an accredited herd.

"Reactor" means any cervid that shows a response to an official tuberculosis test and is classified a reactor by the testing veterinarian.

"Single cervical tuberculin test (cervidae)" means the intradermal injection of 0.1 ml (5,000 tuberculin units) of USDA Bovine PPD tuberculin in the mid-cervical (neck) region with reading by visual observation and palpation in seventy-two hours (plus or minus six hours) following injection. This test shall only be administered by a state, federal, or approved accredited veterinarian.

"Tuberculin" means a product that is approved by and produced by USDA license for injection into cervids for the purpose of detecting bovine tuberculosis.

"Tuberculosis" means a disease of cervidae caused by *Mycobacterium bovis*.

"USDA" means the United States Department of Agriculture.

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-128 (Order 5012), § 16-88-010, filed 9/21/93, effective 10/22/93.]

WAC 16-88-020 Testing procedures. (1) Presumptive diagnostic test. The single cervical (SCT) test is the tuberculin test for routine use in individual cervids, and herds of such animals where the tuberculosis status of the animals is unknown.

(2) Supplemental diagnostic test. The comparative-cervical (CCT) test should be used for retesting of suspects. This test should not be used in known infected herds without the prior written consent of cooperating state-federal officials and should not be used as a primary test for animals of unknown status.

Other tests may be used as supplemental diagnostic tests for purposes other than interstate or international movement.

(3) Primary/diagnostic test. The single cervical test is the recommended primary test for use in herds affected with bovine tuberculosis. It should be applied only by a veterinarian employed in full time capacity by the state or federal government.

(4) Tuberculin test interpretation. Decisions will be based upon the professional judgment of the testing veteri-

narian, after observation and palpation of the injection site, in accordance with the policies established by the cooperating state and federal officials and the test requirements described in subsection (5) of this section, Classification of cervidae tested.

(5) Classification of cervidae tested.

(a) Single cervical tuberculin test:

(i) Herds of unknown status - all response should be recorded and the animals classified as suspects and quarantined for retest with the CCT, unless in the judgment of the testing veterinarian the reactor classification is indicated.

(ii) Known infected herds - all responses should be recorded and the animals classified as reactors.

(b) Comparative cervical test - animals having a response to bovine PPD which is 1mm or greater, and is 0.5mm greater than the response to avian PPD shall be classified as reactors. Animals having a bovine response greater than 2mm and that response is equal to the avian response shall be classified as suspects except when in the judgment of the testing veterinarian the reactor classification is indicated. Animals meeting the criteria for suspect classification on two successive CCT shall be classified as reactors.

(c) Suspect animals in cervid herds may be retested by the CCT. The CCT shall be applied within ten days following the SCT injection or after ninety days. Animals positive to the CCT should be classified as reactors.

(d) Suspects may be necropsied in lieu of retesting and if found without evidence of *Mycobacterium bovis* infection by histopathology and culture (including selected NGL specimens submitted from animals having no gross lesions indicative of tuberculosis) should be considered negative for tuberculosis.

(e) Other diagnostic tests will be classified in accordance with the specific criteria outlined by the test.

(6) Reporting of tests. A report of all tuberculin tests - including the individual identification of each animal by eartag number or tattoo, age, sex, and breed - and a record of the size of the response and test interpretation should be submitted, in accordance with state requirements, to the cooperating state-federal officials.

(7) Procedures in affected herds. Disclosure of tuberculosis in any herd must be followed by a complete epidemiologic investigation. All cervids in herds from which tuberculosis livestock originate and all cervids or other affected livestock should be tested promptly. The herd should be handled as outlined under subsection (8) of this section, Quarantine procedures (cervidae).

(8) Quarantine procedures (cervidae).

(a) All herds in which reactor animals are disclosed must be quarantined in accordance with state laws.

(b) Cervidae herds in which *Mycobacterium bovis* is confirmed will remain under quarantine and must pass three official tuberculosis tests in succession at ninety-day, one hundred eighty-day and one hundred eighty-day minimum intervals. Five annual complete herd tests of all eligible animals should be given following the release from quarantine.

(c) Reactors shall remain on the premises where they were disclosed until a state or federal permit for movement has been obtained. Movement for immediate slaughter will

be directed to a slaughtering establishment where approved state or federal inspection is maintained within fifteen days of classification. Alternatively, the animals may be destroyed and a postmortem conducted by or under the supervision of a veterinarian employed in a full-time capacity by state or federal government.

(9) Retest schedules for high risk herds (cervidae).

(a) In herds with a history of lesions compatible or suggestive for tuberculosis by histopathology, two complete annual herd tests should be given after release from quarantine. Herds with a bacteriologic isolation of a species other than *M. bovis* should be considered negative for bovine tuberculosis with no further testing requirements.

(b) Source herds of slaughter animals having lesions of tuberculosis should be tested.

(c) Source herds of lesioned animals found in infected herds should be tested.

(10) Cleaning and disinfection of premises, conveyances, and materials. Premises including structures, holding facilities, conveyances, and materials that are determined by the appropriate cooperating state-federal officials to constitute a health hazard to humans or animals because of tuberculosis should be properly cleaned and disinfected. This should be done in accordance with procedures approved by said officials.

(11) Identification. All cervidae tested must be individually identified. An official eartag is required for all interstate or international movements.

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-128 (Order 5012), § 16-88-020, filed 9/21/93, effective 10/22/93.]

WAC 16-88-030 Herd status plans. (1) Accredited herd plan for cervidae.

(a) Animals to be tested - testing of herds for accreditation or reaccreditation shall include all cervidae over six months of age and any animals other than natural additions under six months of age. All natural additions shall be individually identified by official eartag and recorded on the test charts as members of the herd at the time of the herd test.

(b) Qualifying standards - to meet the requirements for accredited herd status the herd must pass at least three consecutive official tests for tuberculosis conducted at ten to fourteen month intervals with no evidence of bovine tuberculosis disclosed. All animals must be bona fide members of the herd. Herds meeting these standards shall be issued a certificate by the cooperating state-federal officials.

(c) Additions - herd additions must originate directly from one of the following:

(i) An accredited herd.

(ii) A qualified or monitored herd: *Provided*, That the individual animals for addition were negative to an official tuberculosis test conducted within ninety days prior to entry and must be kept in isolation from all members of the accredited herd until negative to an official tuberculosis test conducted after ninety days following entry.

(iii) A herd not meeting the requirements of (c)(i) or (ii) of this subsection. Individual animals for addition must be isolated from all other members of the herd of origin and pass two negative official tests for tuberculosis conducted at least ninety days apart provided that the second test was

conducted within ninety days prior to movement to the premises of the accredited herd. The animals must then be kept in isolation from all members of the accredited herd until negative to an official tuberculosis test conducted at least ninety days following the date of entry.

Animals added under (c)(ii) and (iii) of this subsection shall not receive accredited herd status for sale purposes until they have entered the accredited herd from isolation following a negative retest ninety days after entry.

(d) Reaccreditation - to qualify for reaccreditation, the herd must pass a biannual test within a period of twenty-two to twenty-six months of the anniversary date. The accreditation period will be twenty-four months (seven hundred thirty days) from the anniversary date (not twenty-four months from the date of the reaccreditation test).

(2) Monitored herd plan for cervidae.

(a) Requirements - for a herd to be eligible for monitored herd status, the herd must be a herd on which identification records are maintained on animals slaughtered and inspected for tuberculosis at an approved slaughter facility. A monitored herd must identify animals at slaughter at a rate to detect infection at a two percent prevalence level with ninety-five percent confidence evenly distributed over a three-year period. This rate would require a maximum number of one hundred forty-eight animals.

(b) Maintenance of monitored herd status - for monitored herd status to be renewed, an annual report shall be submitted by the person, firm, or corporation responsible for the management of the herd to the cooperating state-federal officials prior to the anniversary date to give the number of animals identified and slaughtered at an approved slaughter facility during the preceding year, as well as all other information necessary to maintain herd status.

(c) Additions - herd additions must originate directly from one of the following:

(i) Accredited herd.

(ii) A qualified or monitored herd: *Provided*, That the individual animals for addition were negative to a tuberculosis test conducted within ninety days prior to entry.

(iii) A herd not meeting the requirements of (c)(i) or (ii) of this subsection. Individual animals for addition must be isolated from all other members of the herd of origin and pass two negative official test for tuberculosis conducted at least ninety days apart provided that the second test was conducted within ninety days prior to movement to the premises of the monitored herd. The animals must then be kept in isolation from all members of the monitored herd until negative to an official tuberculosis test conducted at least ninety days following the date of entry.

Animals added under (c)(iii) of this subsection shall not receive monitored herd status for sale purposes until they have entered the monitored herd from isolation following a negative retest ninety days after entry.

(3) Qualified herd plan for cervidae.

(a) Animals to be tested - testing of herds for qualification shall include all cervidae over six months of age and any animals other than natural additions under six months of age. All natural additions shall be individually identified by official eartag and recorded on the test charts as members of the herd at the time of the herd test.

(b) Qualifying standards - to meet the requirements for qualified herd status, the herd must pass one official test for

tuberculosis of all eligible animals with no evidence of bovine tuberculosis disclosed. The qualifying status remains in effect for twelve months following the qualifying test. All animals tested must be bona fide members of the herd.

(c) Additions - herd additions must originate directly from one of the following:

(i) An accredited herd.

(ii) A qualified or monitored herd: *Provided*, That the individual animals for addition were negative to a tuberculosis test conducted within ninety days prior to entry.

(iii) A herd not meeting the requirements of (c)(i) or (ii) of this subsection. Individual animals for addition must be isolated from all other members of the herd of origin and pass two negative official tests for tuberculosis conducted at least ninety days apart provided that the second test was conducted within ninety days prior to movement to the premises of the qualified herd. The animals must then be kept in isolation from all members of the qualified herd until negative to an official tuberculosis test conducted at least ninety days following the date of entry.

Animals added under (c)(iii) of this subsection shall not receive qualified herd status for sale purposes until they have entered the qualified herd from isolation following a negative retest ninety days after entry.

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-128 (Order 5012), § 16-88-030, filed 9/21/93, effective 10/22/93.]

WAC 16-88-040 Intrastate, interstate, or international movement—Tuberculosis testing requirements. (1) No animal with a response to any tuberculosis test is eligible for international movement into the state of Washington.

(2) No animal with a response to any tuberculosis test is eligible for intrastate or interstate movement unless said animal is subsequently classified "negative for tuberculosis" based upon an official tuberculosis test or is consigned directly to slaughter.

(3) Cervids that originate from accredited herds may be moved intrastate or interstate without further tuberculosis testing provided they are accompanied by a certificate stating such cervids have originated from an accredited free herd.

(4) Cervids not known to be affected with or exposed to tuberculosis that originate from qualified herds may be moved intrastate or interstate if they are accompanied by a certificate stating that such cervids originate from a qualified herd and have been classified negative to an official tuberculosis test which was conducted within ninety days prior to the date of movement. If the qualifying test was administered within ninety days of movement, the animal(s) do not require an additional test.

(5) Cervids not known to be affected with or exposed to tuberculosis that originate from monitored herds may be moved intrastate or interstate if they are accompanied by a certificate stating such cervids originate from a monitored herd and have been classified negative to an official tuberculosis test which was conducted within ninety days prior to the date of movement.

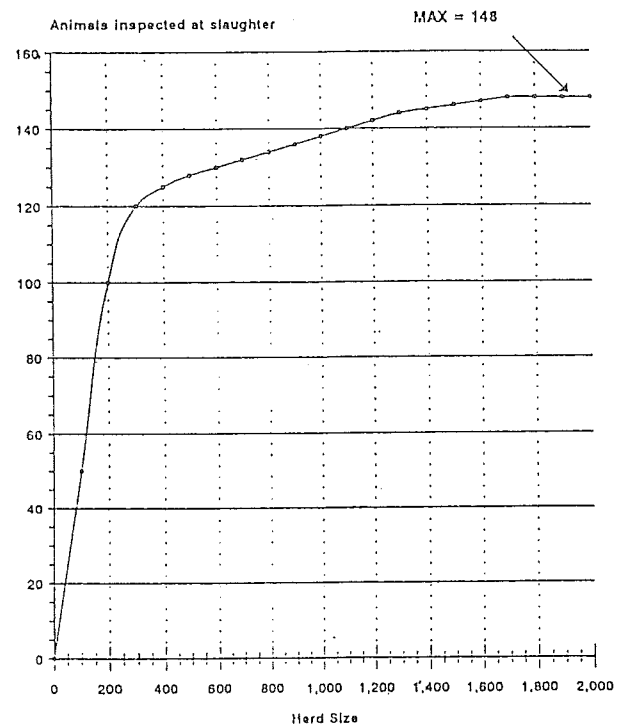
(6) Cervids not known to be affected with or exposed to tuberculosis that originate from all other herds may be moved intrastate or interstate if they are accompanied by a certificate stating that such cervids have been classified negative to two official tuberculosis tests which were

conducted no less than ninety days apart, that the second test was conducted within ninety days prior to the date of movement and that the animals were isolated from all other members of the herd during the testing period.

(7) This section shall not apply to domestically raised cervids moved intrastate, interstate or imported internationally for immediate slaughter as provided by RCW 16.36.050 for domestic animals.

Appendix 1:

Monitored Herd Plan for Cervidae requirements for herd eligibility*



* detection at a 2% prevalence level with 95% confidence

[Statutory Authority: RCW 16.36.096 and 16.36.040. 93-19-128 (Order 5012), § 16-88-040, filed 9/21/93, effective 10/22/93.]

Chapter 16-101 WAC MILK AND MILK PRODUCTS

WAC

16-101-700

Adoption of the pasteurized milk ordinance as the standard for production of milk and milk products.

WAC 16-101-700 Adoption of the pasteurized milk ordinance as the standard for production of milk and milk products. (1) The Grade "A" Pasteurized Milk Ordinance 1989 Recommendation of the United States Public Health Service/Food and Drug Administration is adopted by reference as additional Washington state standards for the production of milk and milk products under chapter 15.36 RCW with the exception of the following portions.

(a) Part 1. Grade A Pasteurized Milk Ordinance:

(i) Section 7. Table 1, line 1, Temperature. . . Cooled to 7°C (45°F) or less within two hours after milking, provided that the blend temperature after the first and subsequent milkings does not exceed 10°C (50°F); line 2, Bacterial Limits. . . Individual producer milk not to exceed 100,000 per ml prior to commingling with other producer milk, page 13.

(ii) Item 19r Cooling, page 17.

(b) Part II. Administrative Procedures:

(i) Section 3, paragraphs 3 and 4, page 31.

(ii) Section 7. Table 1, line 1, Temperature. . . Cooled to 7°C (45°F) or less within two hours after milking, provided that the blend temperature after the first and subsequent milkings does not exceed 10°C (50°F); line 2, Bacterial Limits. . . Individual producer milk not to exceed 100,000 per ml prior to commingling with other producer milk; page 42.

(iii) Section 7, Item 19r Cooling, paragraph 1, page 58.

(iv) Section 7, Item 19r Cooling, Administrative Procedures (1), page 58.

(v) Sections 9, page 105, 15, 16, and 17, page 108.

(vi) Appendix E, pages 171-172.

(vii) Appendix K, page 241-242.

(viii) Appendix N: (1/1/92 addition) Regulatory Agency Responsibilities, B. Enforcement: Penalties.

(2) In lieu of the penalties provided under Appendix N, the following penalties for the adulteration of milk found in tanker screening samples are adopted. These penalties shall not apply to samples taken under provisions of RCW 15.36.110.

Penalties. The regulatory agency shall immediately suspend the Grade A permit of the responsible producer for a minimum of two days or equivalent penalty as determined by the regulatory agency. On the second occurrence of violative drug residues in a twelve-month period, the producer's permit shall be suspended for a minimum of four days or equivalent penalty as determined by the regulatory agency. For a third occurrence of violative drug residues in a twelve-month period, the regulatory agency shall initiate administrative procedures pursuant to revocation of the producer's permit.

As the Grade "A" Pasteurized Milk Ordinance 1989 Recommendation of the United States Public Health Service/Food and Drug Administration will not be codified, it should be noted that it may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

[Statutory Authority: RCW 15.36.540 and [15.36.]550. 93-24-093 (Order 5021), § 16-101-700, filed 11/30/93, effective 12/31/93. Statutory Authority: Chapter 15.36 RCW. 80-06-125 (Order 1706), § 16-101-700, filed 6/2/80.]

Chapter 16-201 WAC

FERTILIZER BULK STORAGE AND OPERATIONAL AREA CONTAINMENT RULES

WAC

16-201-010	Definitions.
16-201-020	Secondary containment of liquid bulk fertilizers— General requirements.
16-201-025	Secondary containment of liquid bulk fertilizers— Capacity.

16-201-028	Secondary containment of liquid bulk fertilizers— Walls.
16-201-030	Secondary containment of liquid bulk fertilizers— Lining.
16-201-040	Secondary containment of liquid bulk fertilizers— Prefabricated facilities.
16-201-050	Secondary containment of liquid bulk fertilizers— Discharge outlets or valves.
16-201-060	Secondary containment of liquid bulk fertilizers— Storage with other commodities.
16-201-070	Secondary containment of liquid bulk fertilizers— Precipitation accumulations.
16-201-080	Secondary containment of liquid bulk fertilizers— Recovery of discharges.
16-201-100	Primary containment of liquid bulk fertilizers— Permanent storage facility.
16-201-110	Primary containment of liquid bulk fertilizers— Prohibition against underground storage.
16-201-120	Primary containment of liquid bulk fertilizers— Abandoned storage containers.
16-201-130	Primary containment of liquid bulk fertilizers— Anchoring of storage containers.
16-201-140	Primary containment of liquid bulk fertilizers—Filling storage containers.
16-201-150	Primary containment of liquid bulk fertilizers—Liquid level gauging device.
16-201-160	Primary containment of liquid bulk fertilizers— Security.
16-201-170	Primary containment of liquid bulk fertilizers— Labeling.
16-201-180	Primary containment of liquid bulk fertilizers—Field storage.
16-201-190	Operational area containment of liquid fertilizers— Permanent storage facility.
16-201-200	Operational area containment of liquid fertilizers— Field storage.
16-201-210	Dry bulk fertilizer storage and handling.
16-201-220	Backflow prevention.
16-201-230	Rinsate management.
16-201-240	Maintenance and inspection.
16-201-250	Recordkeeping requirements.
16-201-260	Spill response plan.
16-201-270	Compliance schedule.
16-201-280	Permits.
16-201-290	Penalties.

WAC 16-201-010 Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires.

(1) "**Appurtenances**" means all valves, pumps, fittings, pipes, hoses and metering devices which are connected to a storage container, or which are used to transfer a material into or out of such storage container.

(2) "**Bulk fertilizer**" means commercial fertilizer distributed in a nonpackage form such as, but not limited to, tote bags, tanks, trailers, spreader trucks, and railcars.

(3) "**Commercial fertilizer**" means any substance containing one or more recognized plant nutrients and which is used for its plant nutrient content and/or which is designated for use or claimed to have value in promoting plant growth, and shall include limes, gypsum, and manipulated animal and vegetable manures. It shall not include unmanipulated animal and vegetable manures and other products exempted by the department by rule: *Provided*, That for the purpose of this chapter calcium carbonate (lime) and anhydrous ammonia are exempt: *Provided further*, That this rule does not apply to materials (including but not limited to compost, biosolids, or municipal sewage sludge), or to products derived therefrom, which are regulated

pursuant to the provisions of chapter 70.95 or 70.95J RCW, or rules adopted thereunder.

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

(5) **"Discharge"** means a spill, leak, or release, accidental or otherwise, from a storage container, container or appurtenance. It does not include a fully contained transfer of fertilizer made pursuant to sale, storage, distribution or use.

(6) **"Dry fertilizer"** means fertilizer in solid form.

(7) **"Liquid fertilizer"** means fertilizer in liquid form, and includes solutions, emulsions, suspensions and slurries. Liquid fertilizer does not include anhydrous ammonia.

(8) **"Operational area"** means an area or areas at a fertilizer bulk storage facility where fertilizers are transferred, loaded, unloaded, mixed, repackaged, refilled or where fertilizers are cleaned, washed or rinsed from containers or application, handling, storage or transportation equipment.

(9) **"Operational area containment"** means any structure or system designed and constructed to intercept and contain discharges, including storage container or equipment wash water, rinsates, and rainwater from the operational area(s) of fertilizer bulk storage facilities.

(10) **"Permanent storage facility"** means a location at which liquid bulk fertilizer in excess of five hundred U.S. gallons or dry bulk fertilizer in undivided quantities exceeding fifty thousand pounds is held in storage: *Provided*, That temporary field storage is allowed. Effective March 1, 1999, **"temporary field storage"** shall mean a primary bulk fertilizer storage container of ten thousand gallons or less that remains in the same location for no more than twenty-one consecutive days in any six-month period. Effective March 1, 2004, **"temporary field storage"** shall mean a primary bulk fertilizer storage container of ten thousand gallons or less that remains in the same location for no more than fourteen consecutive days in any six-month period. Temporary field storage may be extended upon request by written permit. The department shall be notified in writing, upon request, of the physical location of all temporary field storage sites. Liquid bulk fertilizer storage containers directly attached to an apparatus for the purpose of fertigation are exempt from this chapter.

(11) **"Primary containment"** means the storage of liquid or dry bulk fertilizer in storage containers at a permanent storage facility.

(12) **"Rinsate"** means the liquid generated from the rinsing of any equipment or container that has come in direct contact with any fertilizer.

(13) **"Secondary containment"** means a device or structure designed, constructed, and maintained to hold or confine a discharge of a liquid fertilizer from a storage facility.

(14) **"Storage container"** means a container, including a railcar, nurse tank or other mobile container, that is used for the storage of bulk liquid or dry fertilizer. It does not include a mobile container at a storage facility for less than thirty days if this storage is incidental to the loading or unloading of a storage container at the bulk fertilizer storage facility.

(15) **"Washwater"** means the liquid generated from the rinsing of the exterior of any equipment, containers or secondary containment or operational areas which have or may have come in direct contact with any fertilizer.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-010, filed 11/2/93, effective 3/1/94.]

WAC 16-201-020 Secondary containment of liquid bulk fertilizers—General requirements. Primary storage of bulk liquid fertilizers at a storage facility shall be located within a secondary containment facility designed to prevent the release of discharged fertilizers. A secondary containment facility shall consist of:

(1) A wall and liner with a sloped floor as provided in WAC 16-201-028 and 16-201-030; or

(2) A prefabricated facility as provided in WAC 16-201-040.

(3) Secondary containment facilities in operation prior to March 1, 1994, which do not have sloped floors shall be exempt from this section: *Provided*, That upon alteration to the facility or increase of storage volume, the facility shall be brought into full compliance with this section.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-020, filed 11/2/93, effective 3/1/94.]

WAC 16-201-025 Secondary containment of liquid bulk fertilizers—Capacity. (1) The secondary containment facility shall contain at least one hundred twenty-five percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances, and other items within the containment area: *Provided*, That storage facilities that have tanks of one hundred thousand gallons or greater capacity may use the following method to meet the capacity requirement: The facility shall contain at least one hundred ten percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances, and other items within the area plus sufficient volume to contain the precipitation from a twenty-five year, twenty-four hour storm event.

(2) If the secondary containment facility is located indoors or under a roof to prevent accumulation of rainfall, the area shall contain at least one hundred ten percent of the volume of the largest storage container plus the displacement of all other tanks, appurtenances and other items within the containment area.

(3) Secondary containment facilities in operation prior to March 1, 1994, and which have a capacity of at least one hundred ten percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances, and other items within the containment area shall be considered to be in compliance with this section: *Provided*, That upon alteration to the facility or increase of storage container volume the facility shall be brought into full compliance with the specific capacity requirement of this section.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-025, filed 11/2/93, effective 3/1/94.]

WAC 16-201-028 Secondary containment of liquid bulk fertilizers—Walls. (1) The walls of a secondary

containment facility shall be constructed of steel, poured reinforced concrete, precast concrete modules, solid masonry, or other materials that will provide similar protection. Walls constructed of earth shall be allowed at storage facilities which have tanks of one hundred thousand gallons or greater capacity and at other facilities when a synthetic liner is used. The wall shall be designed to withstand a full hydrostatic head of any discharged liquid, and shall be properly sealed to prevent leakage.

(2) Earthen walls shall have a horizontal to vertical slope of at least three to one, unless a steeper slope is consistent with good engineering practice, and shall be packed and protected from erosion. The top of earthen walls shall be no less than two feet six inches wide.

(3) Any piping through the outside walls of a secondary containment facility shall be installed and maintained such that the structural integrity of the wall is preserved and in such a manner as to prevent leaks.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-028, filed 11/2/93, effective 3/1/94.]

WAC 16-201-030 Secondary containment of liquid bulk fertilizers—Lining. The base of a secondary containment facility shall be lined with steel, concrete or a synthetic liner: *Provided*, That facilities with storage tanks of one hundred thousand gallons or greater may use clay soil liners. The secondary containment floor shall slope to a liquid tight collection point or sump that allows spilled or deposited materials to be easily removed.

(1) Concrete liners: Concrete liners shall be designed according to good engineering practices to withstand any foreseeable loading conditions, including a full hydrostatic head of discharged liquid, and shall be properly sealed to prevent leakage.

(2) Synthetic liners:

(a) Synthetic liners shall be chemically compatible with the materials being stored within the facility and have a minimum thickness of thirty mils +/- 1 mil. A written confirmation of compatibility and a written estimate of the life of the liner from the manufacturer shall be kept on file at the storage facility or the nearest local office from which the facility is administered.

(b) Synthetic liners shall be installed under the supervision of a qualified representative of the manufacturer, a contractor certified by the manufacturer, or a certified engineer. All field constructed seams shall be tested, and repaired if necessary, in accordance with the manufacturer's recommendations.

(3) Soil liners: The surface soil shall be sealed, including the berm of an earthen dike, with a sealing agent such as sodium bentonite, attapulgit or a similar clay material. The liner shall be constructed in accordance with reliable civil engineering practices, to achieve a coefficient of permeability not to exceed 1×10^{-6} cm/sec and shall be maintained at 1×10^{-5} cm/sec with a thickness of not less than six inches. The floor and internal walls of the containment area shall have a protective barrier to prevent desiccation, evaporation, freeze, thaw, or other physical damage.

(4) Exemptions. A liner need not be installed directly under a storage container having a capacity of one hundred thousand gallons or more which has been constructed on site

and put into use prior to March 1, 1994: *Provided*, That one of the following alternative procedures are complied with, certified to in writing by an official of the company which owns the storage container, and the certificate is filed with the department:

(a) Alternative 1 is as follows:

(i) A second bottom made of steel shall be constructed for the storage container. The second bottom shall be placed over the original bottom and separated from the original bottom by a support medium designed to provide for leak detection between the two bottoms and properly support the new bottom. This support layer may consist of gravel, sand, concrete (grooved to provide leak detection), steel or other grillage, wire mesh, etc. as dictated by good engineering practice.

(ii) The original bottom of the storage container shall be tested for leaks before the support layer and second bottom are installed. A record of the test shall be kept on file at the storage facility or at the nearest local office from which the storage facility is administered.

(iii) The newly constructed bottom shall be tested for leaks before any liquid fertilizer is stored on the newly constructed bottom. A record of the test shall be kept on file at the storage facility or at the nearest local office from which the storage facility is administered.

(iv) There shall be a system to readily detect leaks through the newly constructed bottom into the support layer. Leak tests should be conducted at not more than six-month intervals with a record of such tests to be kept at the storage facility or at the nearest local office from which the storage facility is administered.

(b) Alternative 2 is as follows:

(i) The storage container shall be emptied, cleaned, and tested for leaks. The walls and floor of the storage container shall be tested to assure that welds and thickness of steel plates are sound and adequate to contain the fertilizers. A record of the inspection, test results, and of any repairs made shall be submitted to the department and maintained by the owner or operator.

(ii) The interior floor and twelve inches up the wall of the storage container shall be coated with a liner to inhibit corrosion. A record of this procedure shall be submitted to the department and maintained by the owner or operator.

(iii) A test for leaks and liner deterioration or metal corrosion shall be conducted every five years thereafter. A record of the test findings and of indicated repairs and maintenance shall be maintained by the owner or operator.

(c) Alternative 3 is as follows:

(i) Monitoring devices shall be installed in angled borings under each tank. These monitoring devices shall constitute a leak detection system for each tank in advance of the point at which any leak would reach groundwater.

(ii) The number, length, and depth of each boring shall be determined on the basis of site characteristics. The array of monitoring devices under each tank shall constitute the best practical early warning detection system for tank leakage.

(iii) Each monitoring plan under alternative 3 shall be implemented only upon review and written approval of the department and shall include inspection/monitoring schedules.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-030, filed 11/2/93, effective 3/1/94.]

WAC 16-201-040 Secondary containment of liquid bulk fertilizers—Prefabricated facilities. (1) A prefabricated facility shall be composed of a rigid prefabricated basin having both a base and walls constructed of steel or synthetic materials which are resistant to corrosion, puncture or cracking. Materials used in the facility shall be chemically compatible with the products being stored within the facility. A written confirmation of compatibility from the basin manufacturer shall be kept on file at the storage facility or at the nearest local office from which the storage facility is administered.

(2) The prefabricated facility shall be designed and installed to withstand all foreseeable loading conditions, including the tank load and a full hydrostatic head of any discharged liquid. Multiple basins connected to provide the capacity required in WAC 16-201-025 shall be connected in a manner which assures an adequate transfer of discharged liquid between basins.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-040, filed 11/2/93, effective 3/1/94.]

WAC 16-201-050 Secondary containment of liquid bulk fertilizers—Discharge outlets or valves. Secondary containment facilities, including prefabricated facilities, shall not have discharge outlets or valves. Discharge outlets or valves on existing facilities shall be sealed. Secondary containment facilities may be interconnected.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-050, filed 11/2/93, effective 3/1/94.]

WAC 16-201-060 Secondary containment of liquid bulk fertilizers—Storage with other commodities. (1) No other commodity except fertilizer, fertilizer rinsate, recovered fertilizer discharges, or pesticide rinsate may be stored within a liquid fertilizer secondary containment facility.

(2) A liquid fertilizer secondary containment facility may share a wall or portion of a wall, with a liquid pesticide secondary containment facility.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-060, filed 11/2/93, effective 3/1/94.]

WAC 16-201-070 Secondary containment of liquid bulk fertilizers—Precipitation accumulations. Precipitation may not be allowed to accumulate in a secondary containment facility to the point where it may tend to:

(1) Reduce the capacity of the facility below one hundred ten percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances, and other items within the containment area.

(2) Increase corrosion of storage containers or appurtenances.

(3) Impair the stability of storage containers.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-070, filed 11/2/93, effective 3/1/94.]

WAC 16-201-080 Secondary containment of liquid bulk fertilizers—Recovery of discharges. Discharges within a secondary containment facility shall be immediately recovered.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-080, filed 11/2/93, effective 3/1/94.]

WAC 16-201-100 Primary containment of liquid bulk fertilizers—Permanent storage facility. Permanent storage facility general requirements:

(1) Storage containers and appurtenances shall be constructed, installed and maintained so as to prevent the discharge of liquid fertilizer.

(2) Storage containers and appurtenances shall be constructed of materials which are resistant to corrosion, puncture or cracking.

(3) Materials used in the construction or repair of storage containers and appurtenances may not be of a type which react chemically or electrolytically with stored liquid fertilizer in a way which may weaken the storage container or appurtenances, or create a risk of discharge.

(4) Metals used for valves, fittings and repairs on metal storage containers shall be compatible with the metals used in the construction of the storage container, so that the combination of metals does not cause or increase corrosion which may weaken the storage container or its appurtenances, or create a risk of discharge.

(5) Storage containers and appurtenances shall be designed to handle all operating stresses, taking into account static head, pressure build up from pumps and compressors, and any other mechanical stresses to which the storage containers and appurtenances may be subject in the foreseeable course of operations.

(6) Every fertilizer storage container connection, except a safety relief valve connection, shall be equipped with a manual shut-off valve located on the storage container or at a distance from the storage container dictated by standard engineering practice.

(7) Appurtenances shall be adequately supported to prevent sagging and possible breakage because of gravity and other forces encountered in the ordinary course of operation.

(8) Fertilizer storage containers and appurtenances shall be protected against reasonably foreseeable risks of damage by trucks and other moving vehicles or objects.

(9) Tanks designed as underground storage tanks shall not be used as above ground storage tanks for fertilizer unless they are designed and approved for above ground use or have been inspected and approved by a certified engineer. A record of the inspection and approval shall be maintained as a permanent record.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-100, filed 11/2/93, effective 3/1/94.]

WAC 16-201-110 Primary containment of liquid bulk fertilizers—Prohibition against underground storage. No person shall store liquid fertilizer in an underground storage container or a lined pit. A watertight catch basin or sump used for the temporary collection of rinsate or runoff from transfer and loading areas is exempt from this section.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-110, filed 11/2/93, effective 3/1/94.]

WAC 16-201-120 Primary containment of liquid bulk fertilizers—Abandoned storage containers. (1) Storage containers used at a storage facility to hold liquid bulk fertilizer or fertilizer rinsate are considered abandoned if they have been out of service for more than six consecutive months because of a weakness or leak, or have been out of service for any reason for more than two years without an integrity test having been performed.

(2) Abandoned underground storage containers containing fertilizer which meet the definition of hazardous substance underground storage tank system in chapter 173-360 WAC are subject to the applicable requirements in that chapter.

(3) Abandoned above ground storage containers shall be thoroughly cleaned. All hatches on the storage containers shall be secured and all valves or connections shall be severed or plugged with vents being left functional.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-120, filed 11/2/93, effective 3/1/94.]

WAC 16-201-130 Primary containment of liquid bulk fertilizers—Anchoring of storage containers. Storage containers shall be secured, as necessary, to prevent flotation or instability which might occur as a result of liquid accumulations within a secondary containment facility.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-130, filed 11/2/93, effective 3/1/94.]

WAC 16-201-140 Primary containment of liquid bulk fertilizers—Filling storage containers. Storage containers may not be filled beyond the capacity for which they are designed, taking into account the density of the liquid being stored and thermal expansion during storage.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-140, filed 11/2/93, effective 3/1/94.]

WAC 16-201-150 Primary containment of liquid bulk fertilizers—Liquid level gauging device. (1) Every storage container shall be equipped with a liquid level gauging device by which the level of liquid in the storage container can be readily and safely determined.

(2) A liquid level gauging device is not required if the level of fluid in a storage container can be readily and reliably measured by other means.

(3) Liquid level gauging devices shall be secured, in a safe manner, to protect against breakage or vandalism which may result in a discharge.

(4) External sight gauges are prohibited unless they are equipped with an automatic shut-off valve.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-150, filed 11/2/93, effective 3/1/94.]

WAC 16-201-160 Primary containment of liquid bulk fertilizers—Security. All bulk fertilizer storage containers and appurtenances shall be fenced or otherwise secured to provide reasonable protection against vandalism or unauthorized access. Valves on storage containers shall be closed and locked or otherwise secured when left unat-

tended. Locks on end valves shall be considered adequate security for containers and appurtenances. For purposes of this section, unattended means there is no employee on the property for a period of twelve hours or longer.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-160, filed 11/2/93, effective 3/1/94.]

WAC 16-201-170 Primary containment of liquid bulk fertilizers—Labeling. (1) All bulk fertilizer storage containers shall be clearly and conspicuously labeled to identify the contents.

(2) All bulk fertilizer storage containers shall bear a label or placard in accordance with Uniform Fire Code Standard No. 79-3, identifying the material therein.

(3) All bulk fertilizer storage containers used for field storage shall be labeled with the owner's name, the capacity of the tank, and an identifying number. Lettering shall be a minimum of two inches in height and in a color contrasting to the background.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-170, filed 11/2/93, effective 3/1/94.]

WAC 16-201-180 Primary containment of liquid bulk fertilizers—Field storage. (1) Storage containers used for field storage of liquid bulk fertilizer shall comply with the following sections: WAC 16-201-100, 16-201-110, 16-201-120, 16-201-140, 16-201-150, and 16-201-170.

(2) All bulk fertilizer storage containers and appurtenances used for field storage shall be inspected for leakage and soundness daily when in use.

(3) Valves on storage containers shall be closed and locked or otherwise secured when left unattended.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-180, filed 11/2/93, effective 3/1/94.]

WAC 16-201-190 Operational area containment of liquid fertilizers—Permanent storage facility. (1) All operational area activities shall take place on or within an operational area containment facility: *Provided*, That during the unloading or loading of railcars, marine vessels, or manned trucks when product is unloaded from direct shipments from manufacturers, individual basins or portable storage containers shall be used to recover spillage and leakage from transfer connections and pumps.

(2) The operational area containment facility shall be designed and constructed to contain fertilizers, rinsates, washwater and other materials spilled or deposited during mixing, loading, unloading, draining, rinsing and washing activities.

(3) The operational area containment facility shall be constructed of concrete or other material with similar permeability.

(4) If synthetic materials are used in construction they shall be chemically compatible with the products handled at the site. A written confirmation of compatibility from the manufacturer shall be kept on file at the site or the nearest location from which the site is administered.

(5) The facility shall be constructed to withstand the weight of any vehicles or storage containers which will be on the facility.

(6) The facility shall be constructed with sufficient surface area, using curbs or other means, to prevent any discharge from leaving the containment area. The facility shall have a capacity of at least fifteen hundred gallons of containment. If no storage container or mobile storage container used at the facility to transfer liquid bulk fertilizers has a capacity of more than one thousand gallons, the containment facility shall be of adequate size and design to contain one hundred twenty-five percent the capacity of the largest storage container, or mobile storage container used.

(7) The operational area containment facility shall slope to a liquid tight collection point or sump that allows spilled or deposited materials to be easily recovered. An above ground tank may be used in conjunction with the containment facility to meet the capacity requirement. If an above ground tank is used for temporary storage, the tank shall be located within secondary containment. The tank shall be clearly and conspicuously labeled "fertilizer rinsate."

(8) Any pump used for recovering material from the operational area containment facility shall be manually activated.

(9) The operational area containment facility shall not have a discharge outlet or valve. Discharge outlets or valves on existing facilities shall be sealed. Operational area containment facilities may be interconnected.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-190, filed 11/2/93, effective 3/1/94.]

WAC 16-201-200 Operational area containment of liquid fertilizers—Field storage. (1) During loading and unloading of liquid bulk fertilizer at field storage locations individual basins or portable storage containers shall be used to recover spillage and leakage from transfer connections and pumps.

(2) Liquid bulk fertilizer storage containers used for field storage shall be located at least one hundred feet from wells and surface water except, for purposes of this section, irrigation water flowing directly to a field, or on a field, is not considered surface water unless the water could be carried beyond the field being irrigated.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-200, filed 11/2/93, effective 3/1/94.]

WAC 16-201-210 Dry bulk fertilizer storage and handling. (1) Dry bulk fertilizer shall be stored inside a structure or device having a roof or cover, sidewalls, and a base sufficiently impermeable to prevent contact with precipitation and surface water; or

(2) If dry bulk fertilizer is stored outdoors, it shall be placed on a ground cover sufficiently impermeable to prevent seepage or runoff and shall be completely covered with a tarpaulin or other suitable covering to prevent contact with precipitation and surface water.

(3) All loading, unloading, mixing and handling of dry bulk fertilizer at the storage facility shall be conducted on a surface of a size and design that will allow for the collection of spilled materials.

(4) Operational areas shall be cleaned to prevent accumulation of dry bulk fertilizer spilled during loading and unloading.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-210, filed 11/2/93, effective 3/1/94.]

WAC 16-201-220 Backflow prevention. (1) If plumbing within a secondary containment facility or an operational area facility is directly connected to a well or public water supply system, a backflow prevention device shall be installed to protect the water source. All equipment shall be installed, operated and maintained per WAC 246-290-490 and manufacturer's recommendations. The safety equipment shall be one of the following:

(a) A reduced pressure principle backflow prevention assembly approved by the Washington state department of health.

(b) Air gap separation. Air gap is a physical separation between the free flowing discharge end of a water supply line and the fill opening of a water storage tank. The end of the discharge pipe shall be located a distance of at least two times the diameter of the supply line measured vertically above the flood rim of the tank. The gap should be increased if the fill pipe is located next to a wall. If the discharge pipe is located within a secondary containment or operational area facility the end of the pipe shall be at least two pipe diameters above the highest liquid holding capacity of the containment facility.

(2) Reduced pressure principle backflow prevention assemblies shall be inspected and tested once per year and air gap systems shall be inspected once per year by a Washington state department of health certified backflow assembly tester pursuant to WAC 246-290-490.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-220, filed 11/2/93, effective 3/1/94.]

WAC 16-201-230 Rinsate management. (1) Fertilizer products, rinsates or washwater spilled or accumulated within a secondary or operational area facility shall be immediately recovered. These materials may be applied at normal fertilizer rates or used in a liquid mixing operation. The materials may be stored for later use.

(2) Any liquid that accumulates at a collection point or in a sump shall be removed within twenty-four hours when the facility is in operation.

(3) Recovered spills, sedimentation, rinsates, washwater, contaminated precipitation or other contaminated debris shall be contained and used or properly disposed of. Fertilizer containing materials shall not be released to the environment unless the release is an agronomic application.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-230, filed 11/2/93, effective 3/1/94.]

WAC 16-201-240 Maintenance and inspection. (1) The operator of a fertilizer bulk storage facility shall inspect and maintain storage containers, appurtenances, secondary containment facilities and operational area facilities to minimize the risk of a fertilizer release. The inspection shall include a visual observation for any evidence of leaks, spills, cracks, solar decay or wear.

(2) Maintenance of the fertilizer bulk storage facilities shall be performed as needed to ensure that the integrity of the bulk fertilizer storage containers, secondary containment

facilities and operational area containment facilities is maintained.

(3) Bulk fertilizer storage containers and appurtenances shall be inspected at least once per month when in use. Secondary containment and operational area facilities shall be inspected at least once per month when in use.

(4) All secondary and operational area facilities shall be maintained free of debris and foreign matter.

(5) A written record of all inspections and maintenance shall be made on the day of the inspection or maintenance and kept at the storage site or at the nearest local office from which the storage site is administered.

(6) Inspection records shall contain the name of the person making the inspection, the date of the inspection, conditions noted and maintenance performed.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-240, filed 11/2/93, effective 3/1/94.]

WAC 16-201-250 Recordkeeping requirements.

Records required by this section and documents necessary to ensure compliance with this chapter shall be made available for inspection and copying by the department. The following records shall be maintained at fertilizer bulk storage facilities or at the nearest local office from which the storage facility is administered.

(1) A record of construction materials and methods of construction to show compliance with WAC 16-201-025, 16-201-028, 16-201-030, 16-201-040, 16-201-050, and 16-201-190. These records shall be maintained as permanent records.

(2) A record of the method(s) used to use or dispose of product or contaminated materials recovered from discharges outside secondary or operational area containment facilities. This record applies only to discharges required to be reported to the Washington state department of ecology by the Washington state Dangerous waste regulations, chapter 173-303 WAC. These records shall be maintained for a period of at least three years.

(3) Inspection and maintenance records required by WAC 16-201-240. These records shall be maintained for a period of at least three years.

(4) Manufacturer's compatibility statements required by WAC 16-201-030 and 16-201-040. These records shall be maintained as permanent records.

(5) A copy of the facility's spill response plan required by WAC 16-201-260. This record shall be maintained as a permanent document.

(6) Records required by WAC 16-201-100(9). These records shall be maintained as permanent records.

(7) Records required by WAC 16-201-220, Backflow prevention.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-250, filed 11/2/93, effective 3/1/94.]

WAC 16-201-260 Spill response plan. (1) The operator of a storage facility shall prepare a written spill response plan for the storage facility. If all or portions of the information required by the spill response plan have been prepared for plans required by other government agencies, they need not be prepared for this plan: *Provided*, That the information is readily accessible to emergency responders

and department personnel. However, when copies of the plan are distributed, all required information shall be provided.

The plan shall include the following elements:

(a) The identity and telephone numbers of the persons and agencies who are to be contacted in the event of a spill, including persons responsible for the stored fertilizer.

(b) For each fertilizer stored at the facility a complete copy of the storage container labeling required in WAC 16-201-170, and the labeling required to accompany sale of the fertilizer under the Washington Commercial Fertilizer Act, chapter 15.54 RCW.

(c) A material safety data sheet for each fertilizer stored at the facility.

(d) The procedures to be used for controlling and recovering, or otherwise responding to a spill for each type of bulk fertilizer stored at the facility.

(e) The procedures to be followed in using or disposing of a recovered spill.

(2) The plan shall be kept current at all times.

(3) A copy of the spill response plan shall be kept readily available for inspection and use at the storage facility or at the nearest local office from which the storage facility is administered and shall be available for inspection and copying by the department.

(4) A copy of the spill response plan shall be provided to the local fire department.

(5) Persons employed at bulk fertilizer storage facilities shall be trained in spill response procedures pursuant to the spill response plan.

(6) Emergency equipment and supplies. Every storage facility shall have access to pumps and recovery containers which can be used to control and recover spills. Pumps, recovery containers and persons capable of deploying and operating them shall be readily available in an emergency. Pumps and recovery containers may include those operated by a local fire department or other persons: *Provided*, That the use and availability of the pumps and recovery containers is arranged in advance as part of the spill response plan. Absorbent materials and other equipment suitable for the control and cleanup of smaller spills shall be available at the storage facility. The facility shall maintain a list showing the types and locations of clean-up supplies and equipment. The list shall be maintained at the storage facility or the nearest local office from which the facility is administered.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-260, filed 11/2/93, effective 3/1/94.]

WAC 16-201-270 Compliance schedule. (1) New permanent storage facilities placed in service after March 1, 1994, shall immediately comply with this chapter.

(2) Existing permanent storage facilities in operation prior to March 1, 1994, shall comply with the following schedule: *Provided*, That permanent storage facilities which have tanks of one hundred thousand gallons or greater shall have a period of seven years from March 1, 1994, to comply with WAC 16-201-020 through 16-201-080, and 16-201-190:

(a) Secondary containment
WAC 16-201-020 through 16-201-080
except as otherwise provided in
WAC 16-201-025(3) five years after March 1, 1994

(b) Primary containment
WAC 16-201-100 through
16-201-180 one year after March 1, 1994

(c) Operational area containment
WAC 16-201-190 five years after March 1, 1994

(d) Dry bulk fertilizer storage and handling
WAC 16-201-210 (1),
(2), (4) one year after March 1, 1994
WAC 16-201-210(3) five years after March 1, 1994

(e) Backflow prevention
WAC 16-201-220 immediate

(f) Rinsate management
WAC 16-201-230 one year after March 1, 1994

(g) Maintenance and inspection
WAC 16-201-240 one year after March 1, 1994

(h) Recordkeeping requirements
WAC 16-201-250 one year after March 1, 1994

(i) Spill response plan
WAC 16-201-260 one year after March 1, 1994.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-270, filed 11/2/93, effective 3/1/94.]

WAC 16-201-280 Permits. (1) The department may issue a permit exempting any person from a requirement under this chapter if compliance is not technically feasible in the judgment of the department and the department finds that alternative measures provide substantially similar protection. All information required to prove that substantially similar protection is possible shall be provided to the department by the person requesting the permit.

(2) An advisory group appointed by the director shall evaluate and advise the department on all requests for permits from this chapter.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-280, filed 11/2/93, effective 3/1/94.]

WAC 16-201-290 Penalties. Any person who fails to comply with any provisions of this chapter shall be subject to imposition of a civil penalty as provided in chapter 15.54 RCW.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-201-290, filed 11/2/93, effective 3/1/94.]

Chapter 16-218 WAC

HOPS—CERTIFICATION ANALYSES—FEES

WAC	
16-218-001	Promulgation.
16-218-010	Schedule of fees for physical grading.
16-218-02001	Schedule of charges for chemical analyses of hops, hop extract, hop pellets or hop powder.
16-218-030	Schedule of fees for certificates.

WAC 16-218-001 Promulgation. I, Peter J. Goldmark, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 22.09

RCW, promulgate the following regulations relating to schedule of fees for the certification analyses of hops.

[Statutory Authority: RCW 22.09.830(2). 93-15-069, § 16-218-001, filed 7/16/93, effective 8/16/93; Order 1156, § 16-218-001, filed 7/1/70; Order 1095, Promulgation, § 16-218-001, filed 6/28/68, effective 8/1/68; Emergency Order 1093, § 16-218-001, filed 6/28/68; Order 995, filed 12/8/65; Order 815, effective 7/1/60.]

WAC 16-218-010 Schedule of fees for physical grading. The schedule of fees, payable to the department for certification of hops pursuant to the standards established by the Federal Grain Inspection Service of the United States Department of Agriculture shall be as follows:

(1) Lot inspection. One dollar and twenty-five cents per bale in each lot, minimum charge shall be thirty dollars.

(2) Sample inspection. Thirty-five dollars per unofficial sample submitted.

(3) Supplemental certificates. Five dollars per certificate.

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

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

(6) Extra time and mileage charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages shall be charged at the current established sampler hourly rate and mileage shall be charged at the rate established by the state office of financial management.

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

[Statutory Authority: RCW 22.09.830(2). 93-15-069, § 16-218-010, filed 7/16/93, effective 8/16/93. Statutory Authority: Chapter 22.09 RCW, 86-17-032 (Order 1905), § 16-218-010, filed 8/15/86; 80-08-048 (Order 1710), § 16-218-010, filed 6/30/80; 79-04-077 (Order 1596), § 16-218-010, filed 3/30/79; 78-07-074 (Order 1580), § 16-218-010, filed 6/30/78; Order 1372, § 16-218-010, filed 7/5/74; Order 1156, § 16-218-010, filed 7/1/70, effective 8/1/70; Order 1095, § 16-218-010, filed 6/28/68, effective 8/1/68; Emergency Order 1093, § 16-218-010, filed 6/28/68; Order 995, Regulation 1, filed 12/8/65; Order 815, Regulations 1 and 2, effective 7/1/60.]

WAC 16-218-02001 Schedule of charges for chemical analyses of hops, hop extract, hop pellets or hop powder. The following is the schedule of charges for chemical analyses of hops, hop extract, hop pellets or hop powder:

(1) Official samples of hops drawn by department personnel shall be composited either from the cores drawn for grade analysis, or from cores specifically drawn on a schedule for brewing value only. Charges for analysis are: Thirty-five cents per bale, with a minimum charge of thirty dollars for the ASBC spectrophotometric, and ASBC or EBC conductometric methods. An official brewing value certificate shall be used.

(2) Extra time and mileage charges. If through no fault of the inspection service, lots of hops cannot be sampled at the time such sampling has been requested by the applicant or there is an undue delay in making a lot of hops available for sampling, extra time and mileage charges shall be assessed. Fees for hourly wages shall be charged at the current established sampler hourly rate and mileage shall be charged at the rate established by the state office of financial management.

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

(3) The following fees shall be charged by the department for samples submitted to the chemical and hop laboratory for analysis:

(a) ASBC spectro	\$30.00
(b) ASBC conducto	\$30.00
(c) EBC conducto	\$30.00
(d) EBC conducto (Wollmer, Zurich, Mebak, Verzele, Ganzlin and hard and/or soft resins)	\$60.00
(e) Spectro of tannins, Wollmer, etc.	\$55.00
(f) Methylene chloride	\$80.00
(g) Tannin	\$55.00
(h) Ash	\$20.00
(i) SO ₂	\$25.00
(j) H ₂ O	\$10.00
(k) HPLC	\$100.00
(l) Oil	\$25.00
(m) Wort test, particle size	\$10.00

(4) A fee shall be charged by the department for any other analysis not listed in this section such as isoconversion products from alpha and beta resins and possible adulterants such as residues. Fees shall be based on labor costs, laboratory equipment costs, chemical and material costs, administrative and overhead costs.

[Statutory Authority: RCW 22.09.830(2). 93-15-069, § 16-218-02001, filed 7/16/93, effective 8/16/93. Statutory Authority: Chapter 22.09 RCW. 86-17-032 (Order 1905), § 16-218-02001, filed 8/15/86; 79-04-077 (Order 1596), § 16-218-02001, filed 3/30/79; 78-07-074 (Order 1580), § 16-218-020 (codified as WAC 16-218-02001), filed 6/30/78.]

WAC 16-218-030 Schedule of fees for certificates.

The fees for issuance of certificates relating to hops or hop products shall be:

(1) State phytosanitary certificates	\$25.00
(2) Other certificates attesting to origin, compliance with standards of other states or nations or specifications of contracts, or conditions of production or processing	\$20.00

[Statutory Authority: RCW 22.09.830(2). 93-15-069, § 16-218-030, filed 7/16/93, effective 8/16/93.]

Chapter 16-219 WAC RESTRICTED USE PESTICIDES

WAC

16-219-010	Ziram—Bosc pears.
16-219-015	Restricted use pesticides—Mevinphos (Phosdrin).
16-219-020	Application requirements—Mevinphos (Phosdrin).

16-219-025	Restricted entry interval—Posting—Mevinphos (Phosdrin).
16-219-030	Training—Mevinphos (Phosdrin).

WAC 16-219-010 Ziram—Bosc pears. All dry formulations (such as wettable powders or water dispersible granules) of ziram labeled for use on pears are hereby declared state restricted use pesticides because of dermal effects to persons exposed while working in Bosc pear orchards.

(1) Growers shall observe the Environmental Protection Agency restricted entry interval or "re-entry interval" label requirements following any treatment with dry wettable formulations of ziram before entering or allowing persons to enter pear orchards without personal protective clothing.

(2) Any entry during the restricted entry interval shall follow the Environmental Protection Agency regulations that became effective October 20, 1992, regarding handler, farm worker safety, and early-entry handler requirements.

(3) After the restricted entry interval has passed, growers shall observe an additional period of time totalling fourteen days after an application before entering or allowing workers to enter Bosc pear orchards without personal protective clothing as defined below.

(4) For the purposes of this section, minimum personal protective clothing shall consist of: A long sleeved shirt; long-legged pants; socks; and chemical resistant gloves.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 93-16-017 (Order 3015), § 16-219-010, filed 7/23/93, effective 8/23/93.]

WAC 16-219-015 Restricted use pesticides—Mevinphos (Phosdrin). For the purposes of WAC 16-219-015 through 16-219-030, all formulations of mevinphos (Phosdrin) are declared to be restricted use pesticides due to its acute toxicity. If any restriction in WAC 16-219-015 through 16-219-030 is in conflict with restrictions on the pesticide label, the most restrictive statement will apply.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 93-16-017 (Order 3015), § 16-219-015, filed 7/23/93, effective 8/23/93.]

WAC 16-219-020 Application requirements—Mevinphos (Phosdrin). The following restrictions apply to any application of mevinphos (Phosdrin) to pears or apples:

(1) A maximum of one pound active ingredient may be applied per acre per application.

(2) A minimum of seven days between applications shall be observed.

(3) Do not apply within ninety-six hours of harvest.

(4) An observer shall be present during all mixing and loading activities in order to furnish assistance in the event of an accident. The observer shall not be involved in the mixing or loading operation.

(5) Do not apply within one hundred feet of any inhabited building or public road.

(6) Do not apply when wind speeds exceed ten miles per hour.

(7) Do not apply when air temperature exceeds 80 degrees Fahrenheit.

(8) Do not apply with hand equipment.

(9) Human flaggers are prohibited during aerial application.

(10) The pilot making the application may not assist in the mixing and loading operation, but may act as the observer as required in subsection (4) of this section.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 93-16-017 (Order 3015), § 16-219-020, filed 7/23/93, effective 8/23/93.]

WAC 16-219-025 Restricted entry interval—Posting—Mevinphos (Phosdrin). (1) Entry into a pear or apple orchard treated with mevinphos (Phosdrin) is prohibited for ninety-six hours after application: *Provided*, That entry into the treated area may occur within the ninety-six hour interval if the person is wearing all the protective clothing required on the pesticide label for an applicator.

(2) Any time mevinphos (Phosdrin) is applied to pears or apples, the area being treated shall be posted with warning signs.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 93-16-017 (Order 3015), § 16-219-025, filed 7/23/93, effective 8/23/93.]

WAC 16-219-030 Training—Mevinphos (Phosdrin). (1) Any company registering any formulation of mevinphos (Phosdrin) for use on apples or pears in Washington shall be responsible for ensuring that appropriate training in the safe use of mevinphos (Phosdrin), is made available. The training shall include, but not be limited to the following information: Storage, handling, disposal, enclosed cabs, closed mixing/loading systems, poisoning symptoms/first aid, personal protective equipment, reentry and posting.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 93-16-017 (Order 3015), § 16-219-030, filed 7/23/93, effective 8/23/93.]

Chapter 16-228 WAC PESTICIDE REGULATIONS

WAC

16-228-900	Repealed.
16-228-905	Statement of purpose—Penalty assignment.
16-228-910	Definitions—Penalty assignment.
16-228-915	Calculation of penalty.
16-228-920	Penalty assignment schedule—Table A.
16-228-925	Penalty assignment schedule—Table B.
16-228-930	Other dispositions of alleged violations.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-228-900	Penalties. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-900, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-900, filed 8/1/83.] Repealed by 93-10-047, filed 4/29/93, effective 5/30/93. Statutory Authority: RCW 15.58.260 and 17.21.315.
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WAC 16-228-900 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-228-905 Statement of purpose—Penalty assignment. For the purpose of fair, uniform determination of penalty as set forth in WAC 16-228-910 through 16-228-930, the director hereby declares:

(1) Regulatory action is necessary to deter violations of the pesticide laws and rules, and to educate persons about the consequences of such violation(s); and

(2) Any regulatory action taken by the department against any person who violates the provisions of chapter 17.21 RCW, chapter 15.58 RCW, and/or rules adopted thereunder shall be commensurate with the seriousness of the violation under the circumstances; and

(3) Each person shall be treated fairly in accordance with the rules set forth in this chapter.

[Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-905, filed 4/29/93, effective 5/30/93.]

WAC 16-228-910 Definitions—Penalty assignment. In addition to the definitions set forth in RCW 17.21.020, 15.58.030, and WAC 16-228-010, the following shall apply to WAC 16-228-905 through 16-228-930:

(1) "Adverse effect(s)" means a possibility of pesticide exposure that could cause damage or injury to humans, animals, plants, or the environment.

(2) "Knowingly" means that the alleged violator knew or should have known that conditions existed that would result in adverse effect(s) or knew that a violation would occur.

(3) "Level of violation" means that the alleged violation is a first, second, third, fourth, fifth, or more violation(s).

(a) First violation. This means the alleged violator has committed no prior incident(s) which resulted in a violation or violations within three years of committing the current alleged violation.

(b) Second violation. This means the alleged violator committed one prior incident which resulted in a violation or violations within three years of committing the current alleged violation.

(c) Third violation. This means the alleged violator committed two prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(d) Fourth violation. This means the alleged violator committed three prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(e) Fifth or more violation. This means the alleged violator committed at least four prior incidents which resulted in a violation or violations within three years of committing the current alleged violation.

(4) "Not probable" means that the alleged violator's conduct more likely than not would not have an adverse effect.

(5) "Probable" means that the alleged violator's conduct more likely than not would have an adverse effect.

(6) "Unknowingly" means that the alleged violator did not act knowingly.

(7) "Violation" means commission of an act or acts prohibited by chapter 17.21 RCW, chapter 15.58 RCW, and/or rules adopted thereunder.

[Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-910, filed 4/29/93, effective 5/30/93.]

WAC 16-228-915 Calculation of penalty. (1) Median penalty selection. In the disposition of administra-

tive cases, the department shall determine the penalty by first determining the penalty assignment schedule table listed in either WAC 16-228-920 or 16-228-925 that is applied based on the type of violation alleged. The department shall then determine the penalty range based on the level of violation, adverse effect(s) at the time of the incident(s) giving rise to the violation, and the knowledge of the alleged violator. The median penalty is then selected as the penalty unless a proportionate adjustment is required and/or there are aggravating or mitigating factors as provided herein. The median penalty under Table A listed in WAC 16-228-920 may be proportionately adjusted and/or aggravated to a level more than the maximum penalty listed for the violation in the penalty assignment schedule table. The median penalty under Table B listed in WAC 16-228-925 may be proportionately adjusted and/or aggravated to a level more than the maximum penalty listed for the violation. The median penalty under Table A and B may not be proportionately adjusted and/or mitigated to a level less than the minimum penalty listed for the violation.

(2) Proportionate adjustment of median penalty. The department reserves the right to proportionately increase the civil penalty and proportionately decrease the licensing action when circumstances in the particular case demonstrate the ineffectiveness of the licensing action as a deterrent including but not limited to violations by persons who are not licensed and violations by certified private applicator(s), or proportionately decrease the civil penalty and proportionately increase the licensing action when circumstances in the particular case demonstrate the ineffectiveness of a civil penalty action as a deterrent.

(3) Aggravating factors. The department may consider circumstances enhancing the seriousness of the violation, including, but not limited to, the following:

(a) Each separate additional incident of violation(s) alleged within a single notice of intent to have been committed by the alleged violator within the same calendar year.

(b) The high magnitude of the harm, or potential harm, including quantity and/or degree, caused by the violation.

(c) The similarity of the current alleged violation to previous violations that occurred within three years of the current alleged violation.

(d) The extent to which the alleged violation is part of a pattern of the same or substantially similar conduct by others which necessitates a greater deterrent factor.

(4) Mitigating factors. The department may consider circumstances reducing the seriousness of the violation including, but not limited to, the following:

(a) A voluntary disclosure of a violation by the alleged violator.

(b) The low magnitude of the harm, or potential harm, including quantity and/or degree, caused by the violation.

[Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-915, filed 4/29/93, effective 5/30/93.]

WAC 16-228-920 Penalty assignment schedule— Table A.

WAC 16-228-920 Penalty Assignment Schedule— TABLE A

Pesticide use, application, disposal, licensing, distribution, recommendation, and label violations (See WAC 16-228-930 for other dispositions of alleged violations, including warning letters.)

LEVEL OF VIOLATION	ADVERSE EFFECT(S)	UNKNOWNLY			KNOWINGLY		
		MINIMUM	MEDIAN	MAXIMUM	MINIMUM	MEDIAN	MAXIMUM
First	Ia. Not probable	\$100	\$200	\$300	\$200	\$300	\$400
		1 day	3 days and	5 days	3 days	5 days and	7 days
	Ib. Probable	\$150	\$250	\$350	\$250	\$350	\$450
		1 day	3 days and	5 days	3 days	5 days and	7 days
Second	Ia. Not probable	\$200	\$300	\$400	\$300	\$400	\$500
		3 days	5 days and	7 days	5 days	7 days and	9 days
	Ib. Probable	\$300	\$350	\$450	\$350	\$450	\$550
		3 days	5 days and	7 days	5 days	7 days and	9 days
Third	Ia. Not probable	\$400	\$700	\$1000	\$500	\$1000	\$1500
		10 days	15 days and	20 days	10 days	20 days and	30 days
	Ib. Probable	\$500	\$1000	\$1500	\$600	\$1300	\$2000
		10 days	15 days and	20 days	10 days	20 days and	30 days
Fourth	Ia. Not probable	\$600	\$1800	\$3000	\$700	\$2100	\$3500
		15 days	20 days and	25 days	20 days	30 days and	40 days
	Ib. Probable	\$700	\$2100	\$3500	\$800	\$2400	\$4000
		20 days	30 days and	40 days	30 days	40 days and	50 days
Fifth or More	Ia. Not probable	\$800	\$3400	\$6000	\$900	\$3700	\$6500
		20 days	40 days and	60 days	50 days	60 days and	70 days
	Ib. Probable	\$900	\$3700	\$6500	\$1000	\$4250	\$7500
		50 days	60 days and	70 days	50 days	70 days and	90 days
			SUSPENSION OR			SUSPENSION OR	
			DENIAL OR REVOCATION			DENIAL OR REVOCATION	

[Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-920, filed 4/29/93, effective 5/30/93.]

WAC 16-228-925 Penalty assignment schedule— Table B.

WAC 16-228-925 Penalty Assignment Schedule—
TABLE B

Records, posting of storage for category one pesticides, removal of examination material, and impersonating state official other violations not listed in Table A (See WAC 16-228-930 for other dispositions of alleged violations, including warning letters.)

LEVEL OF VIOLATION	ADVERSE EFFECT(S)	UNKNOWNLY			KNOWINGLY		
		MINIMUM	MEDIAN	MAXIMUM	MINIMUM	MEDIAN	MAXIMUM
First	1a. Not probable	\$100	\$150 and 1 day	\$200	\$150	\$200	\$250
			2 days SUSPENSION	3 days	2 days	3 days SUSPENSION	4 days
	1b. Probable	\$150	\$200 and 1 day	\$250	\$200	\$250	\$300
			2 days SUSPENSION	3 days	2 days	3 days SUSPENSION	4 days
Second	2a. Not probable	\$200	\$250 and 2 days	\$300	\$250	\$300	\$350
			3 days SUSPENSION	4 days	3 days	4 days SUSPENSION	5 days
	2b. Probable	\$250	\$300 and 2 days	\$350	\$300	\$350	\$400
			3 days SUSPENSION	4 days	3 days	4 days SUSPENSION	5 days
Third	3a. Not probable	\$300	\$350 and 3 days	\$400	\$350	\$400	\$450
			4 days SUSPENSION	5 days	4 days	5 days SUSPENSION	6 days
	3b. Probable	\$350	\$400 and 3 days	\$450	\$400	\$450	\$500
			4 days SUSPENSION	5 days	4 days	5 days SUSPENSION	6 days
Fourth	4a. Not probable	\$400	\$450 and 4 days	\$500	\$450	\$500	\$550
			5 days SUSPENSION	6 days	5 days	6 days SUSPENSION	7 days
	4b. Probable	\$450	\$500 and 4 days	\$550	\$500	\$550	\$600
			5 days SUSPENSION	6 days	5 days	6 days SUSPENSION	7 days
Fifth or more	5a. Not probable	\$500	\$550 and 5 days	\$600	\$550	\$600	\$650
			6 days SUSPENSION	7 days	6 days	7 days SUSPENSION	8 days
	5b. Probable	\$550	\$600 and 5 days	\$650	\$600	\$650	\$750
			6 days SUSPENSION	7 days	6 days	7 days SUSPENSION	8 days

[Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-925, filed 4/29/93, effective 5/30/93.]

WAC 16-228-930 Other dispositions of alleged violations. Nothing herein shall prevent the department from:

- (1) Choosing not to pursue a case administratively.
- (2) Issuing a warning letter in lieu of pursuing administrative action.
- (3) Negotiating settlement(s) of cases on such terms and for such reasons as it deems appropriate. Prior violation(s) covered by a prior settlement agreement may be used by the department for the purpose of determining the appropriate penalty for the current alleged violation(s) if not prohibited by the agreement.

[Statutory Authority: RCW 15.58.260 and 17.21.315. 93-10-047, § 16-228-930, filed 4/29/93, effective 5/30/93.]

Chapter 16-229 WAC

SECONDARY AND OPERATIONAL AREA CONTAINMENT FOR BULK PESTICIDES

WAC

16-229-010	Definitions.
16-229-015	Penalties.

16-229-020

16-229-025

16-229-030

16-229-040

16-229-050

16-229-060

16-229-070

16-229-080

16-229-090

16-229-100

16-229-110

16-229-120

16-229-130

16-229-140

16-229-150

16-229-160

16-229-170

16-229-180

16-229-200

16-229-210

16-229-220

16-229-230

16-229-240

16-229-250

16-229-260

16-229-270

16-229-280

16-229-300

16-229-310

16-229-400

16-229-410

16-229-420

16-229-430

16-229-440

16-229-450

16-229-470

16-229-480

Secondary containment of liquid bulk pesticides—
General requirements.

Secondary containment of liquid bulk pesticides—
Capacity.

Secondary containment of liquid bulk pesticides—
Walls.

Secondary containment of liquid bulk pesticides—
Lining.

Secondary containment of liquid bulk pesticides—
Prefabricated facilities.

Secondary containment of liquid bulk pesticides—
Discharge outlets or valves.

Secondary containment of liquid bulk pesticides—
Storage with other commodities.

Secondary containment of liquid bulk pesticides—
Precipitation accumulations.

Secondary containment of liquid bulk pesticides—
Recovery of discharges.

Primary containment of bulk liquid pesticides—
Permanent storage facility.

Primary containment of bulk liquid pesticides—
Prohibition against underground storage.

Primary containment of bulk liquid pesticides—
Abandoned storage containers.

Primary containment of bulk liquid pesticides—
Anchoring of storage containers.

Primary containment of bulk liquid pesticides—Filling
storage containers.

Primary containment of bulk liquid pesticides—Liquid
level gauging device.

Primary containment of bulk liquid pesticides—
Venting requirements.

Primary containment of bulk liquid pesticides—
Security.

Primary containment of bulk liquid pesticides—
Labeling.

Primary containment of bulk liquid pesticides—Field
storage.

Operational area containment of liquid pesticides—
Permanent storage facility.

Operational area containment of liquid pesticides—
Field storage.

Dry bulk pesticide storage and handling.

Backflow prevention.

Rinsate management.

Maintenance and inspection.

Recordkeeping requirements.

Spill response plan.

Compliance schedule.

Permits.

Operational area containment at permanent mixing/
loading sites.

Backflow prevention.

Rinsate management.

Maintenance and inspection.

Recordkeeping requirements.

Spill response plan.

Compliance.

Permits.

WAC 16-229-010 Definitions. The definitions set forth in this section shall apply throughout this chapter unless the context otherwise requires:

(1) "**Appurtenances**" means all valves, pumps, fittings, pipes, hoses, metering devices, and mechanical devices which are connected to a storage container, or which are used to transfer a material into or out of such container.

(2) "**Bulk pesticide**" means any registered pesticide which is transported or held in an individual container in undivided quantities of greater than fifty-five U.S. gallons liquid measure or one hundred pounds net dry weight.

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

(4) "**Discharge**" means a spill, leak, or release, accidental or otherwise, from a storage container, container or appurtenance. It does not include a fully contained transfer of pesticide which is made pursuant to sale, storage, distribution or use.

(5) "**Dry pesticide**" means pesticide which is in solid form prior to any application or mixing for application, and includes formulations such as dusts, wettable powders, dry flowable powders, granules, and water dispersible granules.

(6) "**Liquid pesticide**" means pesticide in liquid form, and includes solutions, emulsions, suspensions, slurries, and pesticide rinsates.

(7) "**Mini-bulk pesticide**" means an amount of liquid pesticide greater than fifty-five gallons but not exceeding five hundred gallons which is held in a single container designed for ready handling and transport, which has been filled by the original pesticide manufacturer or repackager, and to which no substance has been added by any person.

(8) "**Operational area**" means an area or areas where pesticides are transferred, loaded, unloaded, mixed, repackaged, refilled or where pesticides are cleaned, or rinsed from containers or application, handling, storage or transportation equipment.

(9) "**Operational area containment**" means any structure or system designed and constructed to intercept and contain discharges, including storage container or equipment wash water, rinsates, and rainwater from the operational area(s).

(10) "**Permanent mixing/loading site**" means a site (location) at which more than three hundred gallons of liquid pesticide (formulated product) or three thousand pounds of dry pesticide or at which a total of fifteen hundred pounds of pesticides as active ingredients are being mixed, repackaged or transferred from one container to another within a calendar year: *Provided*, That wood preservative application systems already regulated by 40 CFR, Parts 264.570-575 and Parts 265.440-445 shall be exempt.

(11) "**Permanent storage facility**" means a location at which liquid bulk pesticide in a single container or aggregate quantities in excess of five hundred U.S. gallons or dry bulk pesticide in undivided quantities in excess of two thousand pounds is held in storage: *Provided*, That mini-bulk containers are exempt from this chapter: *Provided further*, That temporary field storage of up to two thousand five hundred gallons of bulk liquid pesticide is allowed for a period of no more than fourteen days in a six-month period at any one location. Temporary field storage may be extended upon written permit by the department: *Provided further*, That liquid bulk pesticide containers directly attached to an apparatus for the purpose of chemigation are exempt from this chapter.

(12) "**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, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person 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; and

(c) Any spray adjuvant.

(d) For the purpose of establishing permanent mixing/loading site threshold values petroleum oils are exempt from this chapter.

(13) "**Primary containment**" means the storage of liquid or dry bulk pesticide in storage containers at a permanent storage facility.

(14) "**Rinsate**" means the liquid generated from the rinsing of any equipment or container that has come in direct contact with any pesticide.

(15) "**Secondary containment**" means a device or structure designed, constructed, and maintained to hold or confine a discharge of a liquid pesticide from a storage facility.

(16) "**Storage container**" means a container, including a rail car, nurse tank or other mobile container, that is used for the storage of bulk liquid or dry pesticide. It does not include a mobile container at a storage facility for less than fifteen days if this storage is incidental to the loading or unloading of a storage container at the bulk pesticide storage facility.

(17) "**Washwater**" means the liquid generated from the rinsing of the exterior of any equipment, containers or secondary containment or operational areas which have or may have come in direct contact with any pesticide.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-010, filed 11/2/93, effective 3/1/94.]

WAC 16-229-015 Penalties. Any person who fails to comply with any provisions of this chapter shall be subject to denial, suspension, or revocation of any license, registration, or permit provided for in chapters 15.58 and 17.21 RCW and/or imposition of a civil penalty as provided therein.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-015, filed 11/2/93, effective 3/1/94.]

WAC 16-229-020 Secondary containment of liquid bulk pesticides—General requirements. Primary storage of bulk liquid pesticides at a storage facility shall be located within a secondary containment facility designed to prevent the release of discharged pesticides. A secondary containment facility shall consist of:

(1) A wall and liner with a sloped floor as provided in WAC 16-229-030 and 16-229-040; or

(2) A prefabricated facility as provided in WAC 16-229-050.

(3) Secondary containment facilities in operation prior to March 1, 1994, which do not have sloped floors shall be exempt from this section: *Provided*, That upon alteration to the facility or increase of storage volume, the facility shall be brought into full compliance with this section.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-020, filed 11/2/93, effective 3/1/94.]

WAC 16-229-025 Secondary containment of liquid bulk pesticides—Capacity. (1) The secondary containment facility shall contain at least one hundred twenty five percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances, and other items within the containment area.

(2) If the secondary containment facility is located indoors or under a roof to prevent accumulation of rainfall, the area shall contain at least one hundred ten percent of the volume of the largest storage container plus the displacement of all other tanks, appurtenances and other items within the containment area.

(3) Secondary containment facilities in operation prior to March 1, 1994, and which have a minimum capacity of one hundred ten percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances and other items within the containment area shall be considered to be in compliance with this section: *Provided*, That upon alteration to the facility or increase of storage container volume the facility shall be brought into full compliance with the specific capacity requirements of this section.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-025, filed 11/2/93, effective 3/1/94.]

WAC 16-229-030 Secondary containment of liquid bulk pesticides—Walls. (1) The walls of a secondary containment facility shall be constructed of steel, poured reinforced concrete, precast concrete modules, solid masonry, or other materials that will provide similar protection. The wall shall be designed to withstand a full hydrostatic head of any discharged liquid, and shall be properly sealed to prevent leakage.

(2) Any piping through the outside walls of a secondary containment facility shall be installed and maintained such that the structural integrity of the wall is preserved and in such a manner as to prevent leaks.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-030, filed 11/2/93, effective 3/1/94.]

WAC 16-229-040 Secondary containment of liquid bulk pesticides—Lining. The base of a secondary containment facility shall be lined with steel, concrete or synthetic liner. The secondary containment floor shall slope to a liquid tight collection point or sump that allows spilled or deposited materials to be easily removed.

(1) Concrete liners: Concrete liners shall be designed according to good engineering practices to withstand any foreseeable loading conditions, including a full hydrostatic head of discharged liquid, and shall be properly sealed to prevent leakage.

(2) Synthetic liners:

(a) Synthetic liners shall be chemically compatible with the materials being stored within the facility and have a minimum thickness of 30 mils +/- 1 mil. A written confirmation of compatibility and a written estimate of the life of the liner from the manufacturer shall be kept on file at the storage facility or the nearest local office from which the facility is administered.

(b) Synthetic liners shall be installed under the supervision of a qualified representative of the manufacturer, a contractor certified by the manufacturer, or a certified engineer. All field constructed seams shall be tested, and repaired if necessary, in accordance with the manufacturers recommendations.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-040, filed 11/2/93, effective 3/1/94.]

WAC 16-229-050 Secondary containment of liquid bulk pesticides—Prefabricated facilities. (1) A prefabricated facility shall be composed of a rigid prefabricated basin having both a base and walls constructed of steel or synthetic materials which are resistant to corrosion, puncture or cracking. Materials used in the facility shall be chemically compatible with the products being stored within the facility. A written confirmation of compatibility from the basin manufacturer shall be kept on file at the storage facility or at the nearest local office from which the storage facility is administered.

(2) The prefabricated facility shall be designed and installed to withstand all foreseeable loading conditions, including the tank load and a full hydrostatic head of any discharged liquid. Multiple basins connected to provide the capacity required in WAC 16-229-025 shall be connected in a manner which assures an adequate transfer of discharged liquid between basins.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-050, filed 11/2/93, effective 3/1/94.]

WAC 16-229-060 Secondary containment of liquid bulk pesticides—Discharge outlets or valves. Secondary containment facilities, including prefabricated facilities, shall not have discharge outlets or valves. Discharge outlets or valves on existing facilities shall be sealed. Secondary containment facilities may be interconnected.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-060, filed 11/2/93, effective 3/1/94.]

WAC 16-229-070 Secondary containment of liquid bulk pesticides—Storage with other commodities. (1) No other commodity except pesticide, pesticide rinsate, recovered pesticide discharges, or fertilizer rinsate may be stored within a pesticide secondary containment facility.

(2) A pesticide secondary containment facility may share a wall or portion of a wall, with a fertilizer secondary containment facility.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-070, filed 11/2/93, effective 3/1/94.]

WAC 16-229-080 Secondary containment of liquid bulk pesticides—Precipitation accumulations. Precipitation may not be allowed to accumulate in a secondary containment facility to the point where it may tend to:

(1) Reduce the capacity of the facility below one hundred ten percent of the volume of the largest storage container within the area plus the displacement of all other tanks, appurtenances and other items within the containment area.

(2) Increase corrosion of storage containers or appurtenances.

(3) Impair the stability of storage containers.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-080, filed 11/2/93, effective 3/1/94.]

WAC 16-229-090 Secondary containment of liquid bulk pesticides—Recovery of discharges. Discharges within a secondary containment facility shall be immediately recovered.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-090, filed 11/2/93, effective 3/1/94.]

WAC 16-229-100 Primary containment of bulk liquid pesticides—Permanent storage facility. Permanent storage facility general requirements:

(1) Storage containers and appurtenances shall be constructed, installed and maintained so as to prevent the discharge of liquid pesticide.

(2) Storage containers and appurtenances shall be constructed of materials which are resistant to corrosion, puncture or cracking.

(3) Materials used in the construction or repair of storage containers and appurtenances may not be of a type which react chemically or electrolytically with stored liquid pesticide in a way which may weaken the storage container or appurtenances, or create a risk of discharge.

(4) Metals used for valves, fittings and repairs on metal containers shall be compatible with the metals used in the construction of the storage container, so that the combination of metals does not cause or increase corrosion which may weaken the storage container or its appurtenances, or create a risk of discharge.

(5) Storage containers and appurtenances shall be designed to handle all operating stresses, taking into account static head, pressure build up from pumps and compressors, and any other mechanical stresses to which the storage containers and appurtenances may be subject in the foreseeable course of operations.

(6) Every pesticide storage container connection, except a safety relief valve connection, shall be equipped with a manual shut-off valve located on the storage container or at a distance from the storage container dictated by standard engineering practice.

(7) Appurtenances shall be adequately supported to prevent sagging and possible breakage because of gravity and other forces encountered in the ordinary course of operation.

(8) Pesticide storage containers and appurtenances shall be protected against reasonably foreseeable risks of damage by trucks and other moving vehicles or objects.

(9) Tanks designed as underground storage tanks shall not be used as above ground storage tanks for pesticide unless they are designed and approved for above ground use or have been inspected and approved by a certified engineer. A record of the inspection and approval shall be maintained as a permanent record.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-100, filed 11/2/93, effective 3/1/94.]

WAC 16-229-110 Primary containment of bulk liquid pesticides—Prohibition against underground storage. No person shall store liquid pesticide in an underground storage container or a lined pit. A watertight catch basin or sump used for the temporary collection of rinsate or runoff from transfer and loading areas is exempt from this section.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-110, filed 11/2/93, effective 3/1/94.]

WAC 16-229-120 Primary containment of bulk liquid pesticides—Abandoned storage containers. (1) Storage containers used at a storage facility to hold liquid bulk pesticide or pesticide rinsate are considered abandoned if they have been out of service for more than six consecutive months because of a weakness or leak, or have been out of service for any reason for more than two years without an integrity test having been performed.

(2) Abandoned underground storage containers containing pesticides which meet the definition of hazardous substance underground storage tank system in chapter 173-360 WAC are subject to the applicable requirements in that chapter.

(3) Abandoned above ground storage containers shall be thoroughly cleaned. All hatches on the storage containers shall be secured and all valves or connections shall be severed or plugged with vents being left functional.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-120, filed 11/2/93, effective 3/1/94.]

WAC 16-229-130 Primary containment of bulk liquid pesticides—Anchoring of storage containers. Storage containers shall be secured, as necessary, to prevent flotation or instability which might occur as a result of liquid accumulations within a secondary containment facility.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-130, filed 11/2/93, effective 3/1/94.]

WAC 16-229-140 Primary containment of bulk liquid pesticides—Filling storage containers. Storage containers may not be filled beyond the capacity for which they are designed, taking into account the density of the liquid being stored and thermal expansion during storage.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-140, filed 11/2/93, effective 3/1/94.]

WAC 16-229-150 Primary containment of bulk liquid pesticides—Liquid level gauging device. (1) Every storage container shall be equipped with a liquid level gauging device by which the level of liquid in the storage container can be readily and safely determined.

(2) A liquid level gauging device is not required if the level of liquid in a storage container can be reliably measured by other means.

(3) Liquid level gauging devices shall be secured, in a safe manner, to protect against breakage or vandalism which may result in a discharge.

(4) External sight gauges are prohibited unless they are equipped with an automatic shut-off valve.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-150, filed 11/2/93, effective 3/1/94.]

WAC 16-229-160 Primary containment of bulk liquid pesticides—Venting requirements. Storage containers used for liquid bulk pesticide shall be equipped with a conservation vent which opens and closes within the designed pressure limits of the container.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-160, filed 11/2/93, effective 3/1/94.]

WAC 16-229-170 Primary containment of bulk liquid pesticides—Security. All bulk pesticide storage containers and appurtenances shall be fenced or otherwise secured to provide reasonable protection against vandalism or unauthorized access. Valves on storage containers shall be closed and locked or otherwise secured when left unattended. Locks on end valves shall be considered adequate security for containers and appurtenances. For purposes of this section, unattended means there is no employee on the property for a period of twelve hours or longer.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-170, filed 11/2/93, effective 3/1/94.]

WAC 16-229-180 Primary containment of bulk liquid pesticides—Labeling. (1) All bulk pesticide storage containers shall be labeled in accordance with the Washington Pesticide Control Act (chapter 15.58 RCW) and the Federal Insecticide, Fungicide and Rodenticide Act. The registered product label shall be attached to the bulk storage container in a prominent location. The label shall be designed to remain intact and legible through active use of the container.

(2) All bulk pesticide storage containers shall bear a label or placard in accordance with Uniform Fire Code Standard No. 79-3, identifying the materials therein.

(3) All bulk pesticide storage containers used for field storage shall be labeled with the owner's name, the capacity of the tank, and an identifying number. Lettering shall be a minimum of two inches in height and in a color contrasting to the background.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-180, filed 11/2/93, effective 3/1/94.]

WAC 16-229-200 Primary containment of bulk liquid pesticides—Field storage. (1) Containers used for field storage of liquid bulk pesticide shall comply with the following sections: WAC 16-229-100, 16-229-110, 16-229-120, 16-229-140, 16-229-150, 16-229-160, and 16-229-180.

(2) All bulk pesticide storage containers and appurtenances used for field storage shall be inspected for leakage and soundness daily when in use.

(3) Valves on storage containers shall be closed and locked or otherwise secured when left unattended.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-200, filed 11/2/93, effective 3/1/94.]

WAC 16-229-210 Operational area containment of liquid pesticides—Permanent storage facility. (1) All operational area activities shall take place on or within an operational area containment facility: *Provided*, That during the unloading or loading of railcars, marine vessels, or manned trucks when product is unloaded from direct shipments from manufacturers, individual basins or portable storage containers shall be used to recover spillage and leakage from transfer connections and pumps.

(2) The operational area containment facility shall be designed and constructed to contain pesticides, rinsates, and other materials spilled or deposited during mixing, loading, unloading, draining, and rinsing activities.

(3) The operational area containment facility shall be constructed of concrete or other material with similar permeability.

(4) If synthetic materials are used in construction they shall be chemically compatible with the products handled at the site. A written confirmation of compatibility from the manufacturer shall be kept on file at the site or the nearest location from which the site is administered.

(5) The facility shall be constructed to withstand the weight of any vehicles or storage containers which will be on the facility.

(6) The facility shall be constructed with sufficient surface area, using curbs or other means, to prevent any discharge from leaving the containment area.

(7) The facility shall have a capacity of at least fifteen hundred gallons of containment. If no storage container or mobile storage container used at the facility to transfer liquid bulk pesticides has a capacity of more than one thousand gallons, the containment facility shall be of adequate size and design to contain one hundred twenty-five percent the capacity of the largest storage container, or mobile storage container used.

(8) The operational area containment facility shall slope to a liquid tight collection point or sump that allows spilled or deposited materials to be easily recovered. An above ground tank may be used in conjunction with the containment facility to meet the capacity requirement. If an above ground tank is used for temporary storage the tank shall be located within secondary containment. The tank shall be clearly and conspicuously labeled "pesticide rinsate" followed by the major category of pesticide such as insecticide, herbicide, fungicide.

(9) Any pump used for recovering material from the operational area containment facility shall be manually activated.

(10) The operational area containment facility shall not have a discharge outlet or valve. Discharge outlets or valves on existing facilities shall be sealed. Operational area containment facilities may be interconnected.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-210, filed 11/2/93, effective 3/1/94.]

WAC 16-229-220 Operational area containment of liquid pesticides—Field storage. (1) During loading and unloading of liquid bulk pesticide at field storage locations individual basins or portable storage containers shall be used to recover spillage and leakage from transfer connections and pumps.

(2) Liquid bulk pesticide storage containers used for field storage shall be located at least one hundred feet from wells and surface water, except, for purposes of this section, irrigation water flowing directly to a field, or on a field, is not considered surface water unless the water could be carried beyond the field being irrigated.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-220, filed 11/2/93, effective 3/1/94.]

WAC 16-229-230 Dry bulk pesticide storage and handling. (1) Dry bulk pesticides shall be stored in storage containers designed and constructed to hold dry bulk pesticide and shall be compatible with the stored pesticide.

Storage containers shall be constructed of materials which are resistant to corrosion, puncture or cracking and shall be properly maintained.

(2) Dry bulk pesticide storage containers shall be placed on pallets or a raised platform which is drained.

(3) Stored dry bulk pesticide shall be covered by a roof or tarpaulin except during loading or unloading operations.

(4) All loading, unloading, mixing and handling of dry bulk pesticide at the storage facility shall be done on a paved surface of a size and design that will contain the pesticide and allow for collection of spilled materials.

(5) Any spills of dry bulk pesticide onto the containment area shall be promptly cleaned up and recovered.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-230, filed 11/2/93, effective 3/1/94.]

WAC 16-229-240 Backflow prevention. (1) If plumbing within a secondary containment facility or an operational area facility is directly connected to a well or public water supply system a backflow prevention device shall be installed to protect the water source. All equipment shall be installed, operated and maintained per WAC 246-290-490 and manufacturer's recommendations. The minimum safety equipment shall be one of the following:

(a) A reduced pressure principle backflow prevention assembly approved by the Washington state department of health.

(b) Air gap separation. Air gap is a physical separation between the free flowing discharge end of a water supply line and the fill opening of a water storage tank. The end of the discharge pipe shall be located a distance of at least two times the diameter of the supply line measured vertically above the flood rim of the tank. The gap should be increased if the fill pipe is located next to a wall. If the discharge pipe is located within a secondary containment or operational area facility the end of the pipe shall be at least two pipe diameters above the highest liquid holding capacity of the containment facility.

(2) Reduced pressure principle backflow prevention assemblies shall be inspected and tested once per year and air gap systems shall be inspected once per year by a Washington state department of health certified backflow assembly tester pursuant to WAC 246-290-490.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-240, filed 11/2/93, effective 3/1/94.]

WAC 16-229-250 Rinsate management. (1) Pesticide products, or rinsates spilled, or accumulated within a secondary or operational area facility, shall be immediately recovered. Any use of these materials shall be at labeled rates consistent with labeled end uses for the product(s). The materials may be stored for later use or as make-up water for pesticide applications.

(2) Any liquid that accumulates at a collection point or in a sump shall be removed within twenty-four hours when the facility is in operation.

(3) Recovered spills, sedimentation, rinsates, contaminated precipitation or other contaminated debris shall be contained and used per product label or properly disposed of. Pesticide containing materials shall not be released to the environment unless the release is an application per product

label direction. Any disposal of these materials or captured washwater shall be consistent with the Hazardous Waste Management Act, chapter 70.105 RCW and the Water Pollution Control Act, chapter 90.48 RCW and shall be enforced by the Washington state department of ecology accordingly.

(4) If storage tanks are used to store rinsate, washwater or contaminated precipitation for later use the following records shall be kept.

(a) The date and amount of water put into the tank.

(b) The brand name(s) or active ingredient(s) of the pesticides contained in the water.

(c) A method to identify the specific application(s) it was used for.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-250, filed 11/2/93, effective 3/1/94.]

WAC 16-229-260 Maintenance and inspection. (1) The operator of a pesticide bulk storage facility shall inspect and maintain storage containers, appurtenances, secondary containment facilities and operational area facilities to minimize the risk of a pesticide release. The inspection shall include a visual observation for any evidence of leaks, spills, cracks, solar decay or wear.

(2) Maintenance of the pesticide bulk storage facilities shall be performed as needed to ensure that the integrity of the bulk pesticide storage containers, secondary containment facilities and operational area containment facilities is maintained.

(3) Bulk pesticide storage containers and appurtenances shall be inspected at least once per month when in use. Secondary containment and operational area facilities shall be inspected at least once per month when in use.

(4) All secondary and operational area facilities shall be maintained free of debris and foreign matter.

(5) A written record of all inspections and maintenance shall be made on the day of the inspection or maintenance and kept at the storage site or at the nearest local office from which the storage site is administered.

(6) Inspection records shall contain the name of the person making the inspection, the date of the inspection, conditions noted and maintenance performed.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-260, filed 11/2/93, effective 3/1/94.]

WAC 16-229-270 Recordkeeping requirements. The following records shall be maintained at pesticide bulk storage facilities or at the nearest local office from which the storage facility is administered:

(1) A record of construction materials and methods of construction to show compliance with WAC 16-229-025, 16-229-030, 16-229-040, 16-229-050, 16-229-060, and 16-229-210. These records shall be maintained as permanent records.

(2) A record of the method(s) used to use or dispose of product or contaminated materials recovered from discharges outside secondary or operational area containment facilities. This record applies only to discharges required to be reported to the Washington state department of ecology by the Washington state Dangerous waste regulations, chapter

173-303 WAC. These records shall be maintained for a period of at least three years.

(3) A monthly inventory reconciliation showing the amount of liquid bulk pesticide from each storage container which is lost or unaccounted for at the end of each monthly period during which pesticide is stored in the container. These records shall be maintained for a period of at least three years.

(4) Inspection and maintenance records required by WAC 16-229-260. These records shall be maintained for a period of at least three years.

(5) Manufacturer's compatibility statements required by WAC 16-229-040 and 16-229-050. These records shall be maintained as permanent records.

(6) A copy of the facility's spill response plan required by WAC 16-229-280. This record shall be maintained as a permanent document.

(7) Records required in WAC 16-229-250 for use or disposal of rinsate, washwater and contaminated precipitation. These records shall be maintained for a period of at least three years.

(8) Inspection records required by WAC 16-229-100(9). These records shall be maintained as permanent records.

(9) Records required by WAC 16-229-240, Backflow prevention.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-270, filed 11/2/93, effective 3/1/94.]

WAC 16-229-280 Spill response plan. (1) The operator of a storage facility shall prepare a written spill response plan for the storage facility. If all or portions of the information required by the spill response plan have been prepared for plans required by other government agencies, they need not be prepared for this plan: *Provided*, That the information is readily accessible to emergency responders and department personnel. However, when copies of the plan are distributed all the required information must be provided.

The plan shall include the following elements:

(a) The identity and telephone numbers of the persons and agencies who are to be contacted in the event of a spill including persons responsible for the stored pesticide.

(b) For each pesticide stored at the facility a complete copy of the storage container labeling required in WAC 16-229-180 and the labeling required to accompany sale of the pesticide under the Washington Pesticide Control Act, chapter 15.58 RCW.

(c) A material safety data sheet for each pesticide stored at the facility.

(d) The procedures to be used for controlling and recovering, or otherwise responding to a spill for each type of bulk pesticide stored at the facility.

(e) The procedures to be followed in using or disposing of a recovered spill.

(2) The spill response plan shall be kept current at all times.

(3) A copy of the spill response plan shall be kept readily available for inspection and use at the storage facility or at the nearest local office from which the storage facility is administered and shall be available for inspection and copying by the department.

(4) A copy of the spill response plan shall be provided to the local fire department.

(5) Persons employed at bulk pesticide storage facilities shall be trained in spill response procedures pursuant to the spill response plan.

(6) Emergency equipment and supplies: Every storage facility shall have access to pumps and recovery containers which can be used to control and recover spills. Pumps, recovery containers and persons capable of deploying and operating them shall be readily available in an emergency. Pumps and recovery containers may include those operated by a local fire department or other persons: *Provided*, That the use and availability of the pumps and recovery containers is arranged in advance as part of the spill response plan. Absorbent materials and other equipment suitable for the control and cleanup of smaller spills shall be available at the storage facility. The facility shall maintain a list showing the types and locations of clean-up supplies and equipment. The list shall be maintained at the storage facility or the nearest local office from which the facility is administered.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-280, filed 11/2/93, effective 3/1/94.]

WAC 16-229-300 Compliance schedule. (1) New permanent storage facilities placed in service after March 1, 1994, shall immediately comply with this chapter.

(2) Existing permanent storage facilities in operation prior to March 1, 1994, shall comply with the following schedule:

(a) Secondary containment

WAC 16-229-020 through 16-229-090,

except as otherwise provided

in WAC 16-229-025(3) . . . three years after March 1, 1994

(b) Primary containment

WAC 16-229-100 through

16-229-200 one year after March 1, 1994

(c) Operational area containment

WAC 16-229-210 three years after March 1, 1994

(d) Dry bulk pesticide storage and handling

WAC 16-229-230 (1), (2),

(3), and (5) one year after March 1, 1994

WAC 16-229-230(4) . . . three years after March 1, 1994

(e) Backflow prevention

WAC 16-229-240 immediate

(f) Rinsate management

WAC 16-229-250 one year after March 1, 1994

(g) Maintenance and inspection

WAC 16-229-260 one year after March 1, 1994

(h) Recordkeeping requirements

WAC 16-229-270 one year after March 1, 1994

(i) Spill response plan

WAC 16-229-280 one year after March 1, 1994.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-300, filed 11/2/93, effective 3/1/94.]

WAC 16-229-310 Permits. (1) The department may issue a permit exempting any person from a requirement

under Part 2 of this chapter if compliance is not technically feasible in the judgment of the department and the department finds that alternative measures provide substantially similar protection. All information required to prove that substantially similar protection is possible shall be provided to the department by the person requesting the permit.

(2) An advisory group appointed by the director shall evaluate and advise the department on all requests for permits from the rule.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-310, filed 11/2/93, effective 3/1/94.]

WAC 16-229-400 Operational area containment at permanent mixing/loading sites. (1) All operational area activities occurring at a permanent mixing/loading site shall take place on or within an operational area containment facility.

(2) The operational area containment facility shall be designed and constructed to contain pesticides, rinsates, and other materials spilled or deposited during mixing, loading, unloading, draining, and rinsing activities.

(3) The operational area containment facility shall be constructed of concrete or other material with similar permeability. If synthetic materials are used in construction they shall be chemically compatible with the products mixed and loaded at the site. A written confirmation of compatibility from the manufacturer shall be kept on file at the site or the nearest location from which the site is administered.

(4) The facility shall be constructed to withstand the weight of any vehicles or storage containers which will be on the facility.

(5) The facility shall be constructed with sufficient surface area, using curbs or other means, to prevent any discharge from leaving the containment area.

(6) The containment facility shall be of adequate size and design to contain one hundred twenty-five percent the capacity of the largest storage container, or application equipment used at the facility up to a maximum of fifteen hundred gallons.

(7) Operational area facilities constructed prior to March 1, 1994, and which have been constructed to contain one hundred ten percent of the capacity of the largest storage container or application equipment used at the facility shall be considered to be in compliance with this chapter.

(8) The operational area containment facility shall slope to a liquid tight collection point or sump that allows spilled or deposited materials to be easily recovered. An above ground tank may be used in conjunction with the containment facility to meet the capacity requirement. If an above ground tank or tanks are used for temporary storage, the tank(s) shall be located within operational area or secondary containment. The tank shall be clearly and conspicuously labeled "pesticide rinsate" followed by the major category of pesticide such as insecticide, herbicide, fungicide.

(9) Any pump used for recovering material from the operational area containment facility shall be manually activated.

(10) The operational area containment facility shall not have a discharge outlet or valve. Discharge outlets or valves on existing facilities shall be sealed. Operational area containment facilities may be interconnected.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-400, filed 11/2/93, effective 3/1/94.]

WAC 16-229-410 Backflow prevention. (1) If plumbing within a permanent mixing/loading site is directly connected to a well or public water supply system a backflow prevention device shall be installed to protect the water source. All equipment shall be installed, operated and maintained per WAC 246-290-490 and manufacturer's recommendations. The safety equipment shall be one of the following:

(a) A reduced pressure principle backflow prevention assembly approved by the Washington state department of health.

(b) Air gap separation. Air gap is a physical separation between the free flowing discharge end of a water supply line and the fill opening of a water storage tank. The end of the discharge pipe shall be located a distance of at least two times the diameter of the supply line measured vertically above the flood rim of the tank. The gap should be increased if the fill pipe is located next to a wall. If the discharge pipe is located within a secondary containment or operational area facility the end of the pipe shall be at least two pipe diameters above the highest liquid holding capacity of the containment facility.

(2) Reduced pressure principle backflow prevention assemblies shall be inspected and tested once per year and air gap systems shall be inspected once per year by a Washington state department of health certified backflow assembly tester pursuant to WAC 246-290-490.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-410, filed 11/2/93, effective 3/1/94.]

WAC 16-229-420 Rinsate management. (1) Pesticide products or rinsates spilled or accumulated within an operational area containment facility shall be immediately recovered. Any use of these materials must be at labeled rates consistent with labeled end uses for the product(s). The materials may be stored for later use or as make-up water for pesticide applications.

(2) Any liquid that accumulates at a collection point or in a sump shall be removed within twenty-four hours when the facility is in operation.

(3) Recovered spills, sedimentation, rinsates, contaminated precipitation or other contaminated debris shall be contained and used per product label or properly disposed of. Pesticide containing materials shall not be released to the environment unless the release is an application per product label direction. Any disposal of these materials or captured washwater shall be consistent with the Hazardous Waste Management Act, chapter 70.105 RCW and the Water Pollution Control Act, chapter 90.48 RCW and shall be enforced by the Washington state department of ecology accordingly.

(4) If storage tanks are used to store rinsate, washwater or contaminated precipitation for later use the following records shall be kept.

(a) The date and amount of water put into the tank.

(b) The brand name(s) or active ingredient(s) of the pesticides contained in the water.

(c) A method to identify the specific application it was used for.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-420, filed 11/2/93, effective 3/1/94.]

WAC 16-229-430 Maintenance and inspection. (1) The operator of a permanent mixing/loading site shall inspect and maintain storage containers, appurtenances, and operational area facilities to minimize the risk of a pesticide release. The inspection shall include a visual observation for any evidence of leaks, spills, cracks, solar decay or wear.

(2) Maintenance of the facilities shall be performed as needed to ensure that the integrity of the operational area containment facilities is maintained.

(3) Operational area facilities shall be inspected at least once per month when in use.

(4) Operational area facilities shall be maintained free of debris and foreign matter.

(5) A written record of all inspections and maintenance or repairs shall be made on the day of the inspection or maintenance and kept at the site or at the nearest local office from which the site is administered.

(6) Inspection records shall contain the name of the person making the inspection, the date of the inspection, conditions noted and maintenance performed.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-430, filed 11/2/93, effective 3/1/94.]

WAC 16-229-440 Recordkeeping requirements. The following records shall be maintained at the permanent mixing/loading site or at the nearest local office from which the site is administered:

(1) A record of construction materials and methods of construction to show compliance with WAC 16-229-400. These records shall be maintained as permanent records.

(2) A record of the method(s) used to use or dispose of product or contaminated materials recovered from discharges outside the operational area containment facility. This record applies only to discharges required to be reported to the Washington state department of ecology by the Washington state Dangerous waste regulations, chapter 173-303 WAC. These records shall be maintained for a period of at least three years.

(3) Inspection and maintenance records required by WAC 16-229-430. These records shall be maintained for a period of at least three years.

(4) Manufacturer's compatibility statements required by WAC 16-229-400 if synthetic materials are used in the construction of the facility. These records shall be maintained as permanent records.

(5) A copy of the spill response plan required in WAC 16-229-450. This record shall be maintained as a permanent document.

(6) Records required by WAC 16-229-420 for use or disposal of rinsate and contaminated precipitation. These records shall be maintained for a period of at least three years.

(7) Records required by WAC 16-229-240, Backflow prevention.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-440, filed 11/2/93, effective 3/1/94.]

WAC 16-229-450 Spill response plan. (1) The operator of a permanent mixing/loading site shall prepare a written spill response plan for the facility. If all or portions of the information required by the spill response plan have been prepared for plans required by other government agencies they need not be prepared for this plan: *Provided*, That the information is readily accessible to emergency responders and department personnel. However, when copies of the plan are distributed all the required information shall be provided.

The plan shall include the following elements:

(a) The identity and telephone numbers of the persons and agencies who are to be contacted in the event of a spill.

(b) For each pesticide stored at the facility a complete copy of the storage container labeling required under this rule and the labeling required to accompany sale of the pesticide under the Washington Pesticide Control Act, chapter 15.58 RCW.

(c) A material safety data sheet for each pesticide stored at the facility.

(d) The procedures to be used for controlling and recovering, or otherwise responding to a spill for each type of pesticide stored at the facility.

(e) The procedures to be followed in using or disposing of a recovered spill.

(2) The spill response plan shall be kept current at all times.

(3) A copy of the spill response plan shall be kept readily available for inspection and use at the facility or at the nearest local office from which the facility is administered and shall be available for inspection and copying by the department.

(4) Persons employed at permanent mixing/loading sites shall be trained in spill response procedures pursuant to the spill response plan.

(5) Emergency equipment and supplies: Absorbent materials and other equipment suitable for the control and cleanup of smaller spills shall be available at the facility. A list showing the types and locations of clean-up supplies and equipment shall be maintained at the permanent mixing/loading site or the nearest local office from which the site is administered.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-450, filed 11/2/93, effective 3/1/94.]

WAC 16-229-470 Compliance. (1) New permanent mixing/loading sites placed in service after March 1, 1994, shall immediately comply with this chapter.

(2) Existing permanent mixing/loading sites in operation prior to March 1, 1994, shall have four years from March 1, 1994, to be in full compliance.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-470, filed 11/2/93, effective 3/1/94.]

WAC 16-229-480 Permits. (1) The department may issue a permit exempting any person from a requirement under Part 3 of this chapter if compliance is not technically feasible in the judgment of the department and the department finds that alternative measures provide substantially similar protection. All information required to prove that

substantially similar protection is possible shall be provided to the department by the person requesting the permit.

(2) An advisory group appointed by the director shall evaluate and advise the department on all requests for permits from this chapter.

[Statutory Authority: RCW 15.54.800 and 15.58.040. 93-22-093 (Order 5018), § 16-229-480, filed 11/2/93, effective 3/1/94.]

Chapter 16-230 WAC

USE OF CHEMICALS AND CHEMICALLY TREATED MATERIALS IN CERTAIN COUNTIES

WAC

16-230-250	Microencapsulated methyl parathion—Area under order.
16-230-260	Microencapsulated methyl parathion—Definitions.
16-230-270	Microencapsulated methyl parathion—Restrictions.
16-230-280	Repealed.
16-230-281	Microencapsulated methyl parathion—Emergency clause—Permits.
16-230-290	Microencapsulated methyl parathion—Distribution.
16-230-300	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-230-280	Six-mile radius. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-280, filed 4/21/78.] Repealed by 93-17-041 (Order 5002), filed 8/11/93, effective 9/11/93. Statutory Authority: Chapter 17.21 RCW.
16-230-300	Superseded. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-300, filed 4/21/78.] Repealed by 93-17-041 (Order 5002), filed 8/11/93, effective 9/11/93. Statutory Authority: Chapter 17.21 RCW.

WAC 16-230-250 Microencapsulated methyl parathion—Area under order. WAC 16-230-260 through 16-230-290 shall be in effect in all counties of the state of Washington.

[Statutory Authority: Chapter 17.21 RCW. 93-17-041 (Order 5002), § 16-230-250, filed 8/11/93, effective 9/11/93. Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-250, filed 4/21/78.]

WAC 16-230-260 Microencapsulated methyl parathion—Definitions. (1) "Blossoming plants" as used in WAC 16-230-270 through 16-230-290 shall mean:

(a) When there are five or more blooms per square yard on the average in a given field; or

(b) When there are one or more open blooms per tree or vine in an orchard or vineyard; or

(c) When there are five or more open weed blooms per square yard on the average for the area being measured for ground cover in orchards or vineyards, fence lines, ditch banks, or field, vineyard or orchard edges: *Provided*, That this definition shall not apply to blossoming plants that are not attractive to bees such as barley, lentils, white blossomed peas, second bloom of pears, potatoes, and wheat.

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

(3) "Properly marked honey bee apiaries" shall mean apiaries marked in accordance with RCW 15.60.030 and rules adopted thereunder. See WAC 16-602-040.

(4) "Full bloom" shall mean when there are three open blooms per spur cluster on the north side of an apple tree or when eighty percent of the king blossoms are open.

[Statutory Authority: Chapter 17.21 RCW. 93-17-041 (Order 5002), § 16-230-260, filed 8/11/93, effective 9/11/93. Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-260, filed 4/21/78.]

WAC 16-230-270 Microencapsulated methyl parathion—Restrictions. (1) Microencapsulated methyl parathion is hereby declared to be a restricted use pesticide and the use or application of the formulation, either directly or through drift, shall be prohibited on all blossoming plants and on pollen shedding corn.

(2) Applications of microencapsulated methyl parathion shall be prohibited on orchards until thirty days after full bloom of red delicious apples in each year in all fruit growing districts: *Provided*, That applications of microencapsulated methyl parathion shall be further prohibited on orchards until fifty days after full bloom of red delicious apples in each year in all fruit growing districts located in Yakima and Benton counties.

[Statutory Authority: Chapter 17.21 RCW. 93-17-041 (Order 5002), § 16-230-270, filed 8/11/93, effective 9/11/93. Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-04-018 (Order 1595), § 16-230-270, filed 3/16/79; 78-05-042 (Order 1573), § 16-230-270, filed 4/21/78.]

WAC 16-230-280 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-230-281 Microencapsulated methyl parathion—Emergency clause—Permits. (1) In the event of an emergency, as declared by the director, the department may issue permits for the use of microencapsulated methyl parathion that are otherwise prohibited in WAC 16-230-270. An emergency under this section may be declared if the director determines that the risk and amount of economic harm to any agricultural crop substantially outweighs the risk and amount of damage likely to occur if a permit is issued.

(2) Application for a permit may be made by mail or in person to the Washington State Department of Agriculture, Pesticide Management Division, 2015 S. 1st Street, Yakima, WA 98903-2231. Applications may also be by facsimile ((509) 575-2210). Permits will not be granted by telephone.

(3) Any permit issued shall be subject to terms and conditions as prescribed by the director to prevent damage to apiaries. Conditions may include but not be limited to on-site monitoring by the department and locations of properly marked honey bee apiaries. A representative of the department may condition, deny, or revoke a permit at any time if the representative determines that the situation at the application site creates an unreasonable risk. Any denial or revocation of a permit is subject to provisions outlined in RCW 34.05.479.

[Statutory Authority: Chapter 17.21 RCW. 93-17-041 (Order 5002), § 16-230-281, filed 8/11/93, effective 9/11/93.]

WAC 16-230-290 Microencapsulated methyl parathion—Distribution. (1) Microencapsulated methyl parathion shall not be distributed unless the purchaser has obtained a written recommendation: *Provided*, That this shall not apply to applications performed by a licensed commercial applicator or public operator.

(2) A written recommendation shall be prepared by a licensed commercial pest control consultant, or public pest control consultant, and shall include the following information:

- (a) Customer name;
- (b) Crop or site to be treated;
- (c) Number of acres to be treated;
- (d) Legal description (to the nearest quarter/quarter section) or other clearly identifiable description of physical location;
- (e) Tentative date of application;
- (f) Pest(s) to be controlled;
- (g) Rate per acre and dilution of microencapsulated methyl parathion to be used;
- (h) Special precautions to be followed (e.g., bloom removal, drift control); and
- (i) Name and license number of the person making the recommendation.

(3) Pesticide dealers shall keep a copy of the written recommendation on file for a period of three years from the date of distribution. Written recommendations shall be available to the director immediately upon request.

(4) Pesticide dealers shall provide a copy of the microencapsulated methyl parathion rules to the purchaser at the time of distribution.

[Statutory Authority: Chapter 17.21 RCW. 93-17-041 (Order 5002), § 16-230-290, filed 8/11/93, effective 9/11/93. Statutory Authority: Chapters 15.58 and 17.21 RCW. 78-05-042 (Order 1573), § 16-230-290, filed 4/21/78.]

WAC 16-230-300 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-316 WAC SEED CERTIFICATION

WAC

16-316-470	Buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains seed certification standards.
16-316-474	Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Application and fees.
16-316-525	Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Eligible variety and stock seed.
16-316-572	Certifying agency issuance of certificate.
16-316-701	Definitions of terms for standards.
16-316-715	Miscellaneous field and seed inspection standards.
16-316-717	Field pea standards.
16-316-719	Lentil standards.
16-316-721	Soybean standards.
16-316-722	Hybrid sorghum standards.
16-316-723	Open pollinated sorghum standards.
16-316-724	Small grains standards.
16-316-727	Chickpea standards.
16-316-729	Open pollinated millet standards.
16-316-731	Buckwheat standards.

WAC 16-316-470 Buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains seed certification standards. The general seed certification standards are basic and together with the following specific standards constitute the standards for seed certification of buckwheat, chickpea (garbanzo beans), field pea, lentil, millet, soybean, sorghum, and small grains.

[Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-470, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-470, filed 6/9/92, effective 7/10/92; 81-15-032 (Order 1744), § 16-316-470, filed 7/10/81; 79-05-074 (Order 1600), § 16-316-470, filed 4/30/79; Order 1458, § 16-316-470, filed 5/13/76; Order 1254, § 16-316-470, filed 4/13/72, effective 5/14/72.]

WAC 16-316-474 Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Application and fees. (1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field shall be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of buckwheat, chickpea (garbanzo beans), field pea, lentil, millet, soybean, sorghum and small grains.

- (2) Due dates:
 - (a) Buckwheat - June 1
 - (b) Field pea - June 1
 - (c) Chickpea - June 1
 - (d) Lentil - June 1
 - (e) Millet - June 1
 - (f) Soybean - July 1
 - (g) Sorghum - July 15
 - (h) Small grains - June 1 for both winter varieties and spring varieties.
- (i) After due date, an application with late application fee may be accepted for service.

(3) Fees:

- (a) Application fee per variety per grower . . . \$15.00
 - (b) Field inspection fee per acre
 - except millet and hybrid sorghum \$ 2.10
 - (c) Millet - first acre \$25.00
 - each additional acre \$ 5.00
 - (d) Hybrid sorghum - first acre \$25.00
 - each additional acre \$10.00
 - (e) Special field inspection fee per acre \$ 2.00
 - (f) Late application fee \$15.00
 - (g) Reinspection fee \$30.00
- minimum for each field which did not pass field inspection plus \$ 0.40 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is \$30.00.

(h) Final certification fee \$ 0.19
per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee \$ 0.10
per cwt. of production from fields inspected which is utilized for seed, which shall be charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.

- (i) Sampling fee \$ 0.10

per cwt. of clean seed sampled, with minimum charge of ten dollars per sample, which shall be charged to conditioning plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

[Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-474, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-474, filed 6/9/92, effective 7/10/92; 90-12-098 (Order 2041), § 16-316-474, filed 6/5/90, effective 7/6/90; 89-11-078 (Order 2005), § 16-316-474, filed 5/22/89; 85-11-004 (Order 1851), § 16-316-474, filed 5/2/85. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-474, filed 5/16/83. Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-474, filed 7/10/81; 78-03-110 (Order 1563), § 16-316-474, filed 3/1/78, effective 4/1/78; Order 1458, § 16-316-474, filed 5/13/76; Order 1366, § 16-316-474, filed 6/12/74; Order 1312, § 16-316-474, filed 4/24/73; Order 1254, § 16-316-474, filed 4/13/72, effective 5/14/72.]

WAC 16-316-525 Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Eligible variety and stock seed.

Kind	Variety
Barley, spring	Belford, Camelot (P), Columbia (P), Cougar, Crest, Crystal, Exel, Gallatin, Harrington, Klages, Horsford, Menuet (P), Melody (P), Meltan (P), Nancy (P), Russell, Steptoe, Baronesse (P), WestBred Gustoe (P), WestBred Medallion (P), WestBred Sprinter (P), Whitford (P)
Chickpea	Sara
Barley, winter	Boyer, Hundred, Kamiak, Showin
Buckwheat, spring	Manor, Mancan
Field pea	Garfield, Latah
Lentil	Brewer, Crimson, Red Chief
Oat, spring	Monida, Otana, Park,
Rye, winter	Puma, Rymin
Wheat, spring	Butte 86, Centenial, Dirkwin, Edwall, Fielder, Nomad (P), Owens, Penawawa, Spillman, Treasure, Wadual, Wakanz, Wampum, WestBred 906R (P), WestBred 911 (P), WestBred 926 (P), WestBred Express (P), WestBred Sprite, Yecora Rojo
Wheat, winter	Andrews, Basin (P), Batum, Blizzard, Buchanan, Cashup (P), Daws, Eltan, Hatton, Hill-81, Hyak, John, Kmor, Lewjain, Madsen, Malcolm, Moro, Nugaines, Rely, Rod, Sprague, Stephens, Syringa, Tres, Tyee, Weston

Triticale, spring

Juan, Victoria, Grace

Triticale, winter

Flora, XR066A (P), Stan I (P), Whitman

(P) means proprietary

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

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

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

[Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-525, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-525, filed 6/9/92, effective 7/10/92; 90-12-098 (Order 2041), § 16-316-525, filed 6/5/90, effective 7/6/90; 89-11-078 (Order 2005), § 16-316-525, filed 5/22/89; 88-11-042 (Order 1976), § 16-316-525, filed 5/13/88; 87-15-030 (Order 1941), § 16-316-525, filed 7/10/87; 86-13-014 (Order 1889), § 16-316-525, filed 6/9/86; 80-06-106 (Order 1694), § 16-316-525, filed 5/30/80; 79-09-095 (Order 1646), § 16-316-525, filed 8/31/79; 79-05-056 (Order 1622), § 16-316-525, filed 4/30/79; 78-03-113 (Order 1562), § 16-316-525, filed 3/1/78, effective 4/1/78; Order 1493, § 16-316-525, filed 3/31/77; Order 1459, § 16-316-525, filed 5/13/76; Order 1415, § 16-316-525, filed 8/15/75; Order 1367, § 16-316-525, filed 6/12/74; Order 1313, § 16-316-525, filed 4/24/73; Order 1255, § 16-316-525, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-525, filed 4/16/71.]

WAC 16-316-572 Certifying agency issuance of certificate. The issuance by Washington State Crop Improvement Association, the certifying agency, of a certified seed label or certificate for a lot of seed affirms solely that such seed properly identified by a dealer, grower, or distributor, has been subjected to the seed certification standards and procedures implemented by the certifying agency, and that the certifying agency has acted in accordance with such standards and procedures.

The standards and procedures do not provide for inspection of each plant or all areas in a grower's field. Therefore, seed that is certified may contain contaminants, even though the certifying agency has properly subjected the seed to the officially accepted standards and procedures. Furthermore, during harvest, storage, transportation, and the conditioning process, activities beyond the control of the certifying agency may interfere with the seeds' purity.

The seed grower is required to have knowledge of the officially accepted standards and procedures for certification. The seed grower is responsible to maintain the purity and identity of seed harvested and/or farm stored.

The seed conditioner is responsible for and required to have knowledge of the officially accepted standards and procedures, including the standards and procedures for conditioning, sampling, and final certification. It is the conditioner's responsibility to maintain the purity and identity of seed conditioned, stored, transhipped, or labeled.

The issuance of a certified seed label or certificate for a lot of seed neither warrants that any other person or entity has acted in accordance with such standards and procedures, nor constitutes any other warranty, express or implied, with respect to yield, quality, incidence of off-types or other contaminating seeds, or tolerance to diseases, insects, or growing conditions, or any other characteristics of the seed.

[Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-572, filed 11/23/93, effective 12/24/93; 81-15-032 (Order 1744), § 16-316-572, filed 7/10/81.]

WAC 16-316-701 Definitions of terms for standards. (1) "Land standards" means the number of years that must elapse between the destruction of a stand of a kind, and establishment of a stand of a specified class of a variety of the same kind (i.e., number of years out of production of same crop kind).

(2) "Isolation standards" means the distance in feet from any contaminating source (i.e., distance from other fields of same crop kind).

(3) "Field standards" means the tolerances permitted as determined by established field inspection procedures.

(4) "Seed standards" means the tolerances permitted as determined by established seed inspection procedures.

(5) "Tolerances stated as 'none found', or 'no' or 'zero'" means none found as determined by established inspection procedures.

[Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-701, filed 11/23/93, effective 12/24/93; 81-15-032 (Order 1744), § 16-316-701, filed 7/10/81.]

WAC 16-316-715 Miscellaneous field and seed inspection standards. (1) The field inspection will be made:

(a) For field pea and chickpea (garbanzo bean) - when seedcrop is in full bloom and at maturity;

(b) For lentil - when seedcrop is in full bloom and at maturity;

(c) For soybean - when seedcrop is in full bloom and/or of mature color;

(d) For open pollinated sorghum - when seedcrop is in full bloom, and optionally again when seedcrop begins to show mature color;

(e) For hybrid sorghum - two inspections during bloom and one inspection after seed begins to show mature color.

(f) For small grains - when seedcrop is fully headed and of mature color.

(g) For millet - one inspection during bloom and one inspection after seed begins to show mature color.

(h) For buckwheat - one inspection when seedcrop is in full bloom.

(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.

(7) Concerning wild oat, isolated patches and borders must be removed or clearly marked so as to avoid harvesting with the rest of the field. If rejected, a reinspection will be necessary to assure clean-up efforts have been satisfactory. Spot checks will occur on fields where heavy patches or contaminated borders were noted. Harvesting these areas with the rest of the field will be cause for rejection of the entire field.

[Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-715, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-715, filed 6/9/92, effective 7/10/92; 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 16-316-717 Field pea standards. (1) Field pea - land, isolation, and field standards:

CLASS	LAND	ISOLATION	FIELD	
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	5*	100**	None found	None found***
Registered	3*	100**	10	None found***
Certified	2*	25**	20	None found***

** Reduce to three feet from fields producing a certified class of the same variety. In addition, each field pea field for certification must be isolated from small grain fields by three feet. To prevent mechanical field mixing of swathed field pea seedcrop, the planting of small grain between field pea fields, except for three feet of isolation, is recommended.

* Also required is minimum number of years the following crop kinds were out of production.

	NUMBER OF YEARS MINIMUM Austrian pea
Foundation	10
Registered	10
Certified	10

*** No Austrian pea or rye is permitted.

(2) Field pea - seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None found	99.00	1.00	None found	None found	85
Registered	None found	99.00	1.00	None found	0.25**	85
Certified	1	99.00	1.00	3*	0.25**	85

* No Austrian pea or rye is permitted.

** Other tolerance for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM
Registered	1/lb
Certified	2/lb

[Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-717, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-717, filed 6/9/92, effective 7/10/92; 81-15-032 (Order 1744), § 16-316-717, filed 7/10/81.]

WAC 16-316-719 Lentil standards. (1) Lentil - land, isolation, and field standards.

CLASS	LAND	ISOLATION	FIELD	
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE
Foundation	5	100*	None found	None found
Registered	4	100*	10	10**
Certified	3	25*	20	20**

* Reduce to three feet from fields producing a certified class of the same variety. In addition, each lentil field for certification must be isolated from small grain fields by three feet. To prevent mechanical field mixing of swathed lentil seedcrop, the planting of small grain between lentil fields, except for three feet of isolation, is recommended.

** Refers to barley and vetch, each.

(2) Lentil - seed standards:

Seed Certification

16-316-719

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None found	99.00*	1.00*	None found	None found	85.00
Registered	1	99.00*	1.00*	0.05**	0.05***	85.00
Certified	4	99.00*	1.00*	0.10**	0.05**	85.00

* A total of three percent inert matter will be allowed in samples containing decorticated seed provided total of all other inert matter does not exceed one percent.

** No vetch is permitted.

*** Other tolerance for weed seed:

OBJECTIONABLE WEED SEED
MAXIMUM

Registered
Certified

1/lb
2/lb

[Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-719, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-719, filed 6/9/92, effective 7/10/92; 81-15-032 (Order 1744), § 16-316-719, filed 7/10/81.]

WAC 16-316-721 Soybean standards. (1) Soybean - land, isolation, and field standards:

CLASS	LAND STANDARDS MINIMUM YEARS	ISOLATION STANDARDS MINIMUM FEET	FIELD STANDARDS	
			OFF-TYPE MAXIMUM %	OTHER CROP MAXIMUM NO STANDARD
Foundation	1*	3	0.10	—
Registered	1*	3	0.01	—
Certified	1*	3	0.20	—

* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

(2) Soybean - seed standards:

CLASS	OFF-TYPE MAXIMUM %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM SEEDS/LB	GERMINATION MINIMUM %
Foundation	0.10	98.00	2.00	None found	None found	85.00
Registered	0.20	98.00	2.00	None found	1	85.00
Certified	0.20	98.00	2.00	1 per 2 lb.	2	85.00

[Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-721, filed 11/23/93, effective 12/24/93; 81-15-032 (Order 1744), § 16-316-721, filed 7/10/81.]

WAC 16-316-722 Hybrid sorghum standards. (1) Hybrid sorghum - land, isolation, and field standards:

Class	Land Standards Minimum Years (b)	Isolation Standards Minimum Feet	Field Standards	
			Pollen Shedding By Seed Parent Maximum At Any One Inspection	Other Varieties And/Or Off-Type (a) Definite Doubtful
Foundation	1	990	1:3,000	1:50,000
Certified	1	660	1:1,500	1:20,000

(2) Hybrid sorghum seed standards:

Class	Off-Type Max. Seeds/Lb.	Pure Seed Min. %	Inert Max. %	Other Crop Max. Seeds/Lb.	Weed Max. %	Germination Min. %
Foundation	2	98.00	2.00	2	0.10	85
Certified	10	98.00	2.00	10	0.10	85

(**) Pollinator Lines: B = Maintainer, R = Restorer

(a) If off-type plants are found at the time of inspection, all seed heads within a radius of five feet of these plants shall be removed from the field before the field is approved.

(b) Hybrid sorghum will not be eligible for certification if planted on land which grew sorghum the previous year unless:

(i) The preceding sorghum crop was the same variety and was inspected and approved for the same or higher certification classification; or

(ii) The preceding sorghum crop was a variety which differs substantially in plant growth characteristics from the variety planted. However, grain type sorghum or sweet sorghum will not be eligible for certification if planted on land which grew grass type sorghum the previous year.

[Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-722, filed 11/23/93, effective 12/24/93.]

WAC 16-316-723 Open pollinated sorghum standards. (1) Open pollinated sorghum - land, isolation and field standards:

CLASS	LAND STANDARDS	ISOLATION STANDARDS	FIELD STANDARDS***	
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM RATIO	OTHER CROP MAXIMUM NO STANDARD
Foundation	1*	1,000**	None found	—
Registered	1*	1,000**	1 head/50,000	—
Certified	1*	1,000**	1 head/20,000	—

* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

** Refers to fields of other varieties or same variety which does not meet tolerance of off-types.

*** Other tolerances for field standards:

	JOHNSONGRASS MAXIMUM	HEAD SMUT MAXIMUM	KERNEL SMUT MAXIMUM
Foundation	None found	None found	None found
Registered	None found	None found	None found
Certified	None found	1 head/10,000	1 head/2,500

(2) Open pollinated sorghum - seed standards:

CLASS	OFF-TYPE MAXIMUM %	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None found	97.00	3.00**	None found	0.10	80.00
Registered	None found	97.00	3.00**	0.03	0.10	80.00
Certified	0.01*	97.00	3.00**	0.07***	0.10	80.00

* Or two seeds per pound.

** Where two percent or more is cracked.

*** Or ten seeds per pound.

[Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-723, filed 11/23/93, effective 12/24/93; 81-15-032 (Order 1744), § 16-316-723, filed 7/10/81.]

WAC 16-316-724 Small grains standards. (1) Small grains (barley, oat, rye, triticale, wheat) - land, isolation, and field standards:

CLASS	LAND STANDARDS	ISOLATION STANDARDS	FIELD STANDARDS		
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM HEAD RATIO	OTHER CROP MAXIMUM HEAD RATIO	WILD OAT MAXIMUM PLANTS/ACRE
Foundation	1*	90**	None found	None found***	None found
Registered	1*	3**	1/148,000	1/148,000***	5
Certified	1*	3**	1/49,000	1/49,000***	5

* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

** Refers to distance from other small grain fields. In addition, each rye field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet. Each triticale field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet for foundation and registered class, and three feet for certified class, unless otherwise stated by plant breeder.

*** Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

(2) Small grains - seed standards:

CLASS	OTHER SMALL GRAINS AND/OR OFF-TYPE MAXIMUM (1) SEEDS/LB	PURE SEED MINIMUM (2) %	INERT MAXIMUM %	OTHER CROP MAXIMUM (3) %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None found	98.00	2.00	None found	0.01**	85.00
Registered	2	98.00	2.00	0.03	0.01**	85.00
Certified	4	98.00	2.00	0.05	0.03**	85.00

No rye, vetch, or triticale is permitted in barley, oat or wheat; no rye or vetch is permitted in triticale; no vetch or triticale is permitted in rye.

(1) Based on 500 grams examined.

(2) Based on 100 grams examined.

(3) Excluding off-types and other small grains.

Note: For all classes the purity analysis shall be based on 100 grams examined. For Registered and Certified classes, noxious weed, vetch, off-type, and other small grain determinations shall be based on 500 grams examined. For Foundation class, noxious weed, vetch, off-type, and other small grain determinations shall be based on two pounds examined.

** Other tolerances for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM	WILD OAT MAXIMUM
Foundation	None found	None found
Registered	None found	None found
Certified	1/lb	None found, except 1/lb in oat

[Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-724, filed 11/23/93, effective 12/24/93; 90-12-098 (Order 2041), § 16-316-724, filed 6/5/90, effective 7/6/90; 88-11-042 (Order 1976), § 16-316-724, filed 5/13/88; 87-15-030 (Order 1941), § 16-316-724, filed 7/10/87; 85-11-004 (Order 1851), § 16-316-724, filed 5/2/85; 81-15-032 (Order 1744), § 16-316-724, filed 7/10/81.]

WAC 16-316-727 Chickpea standards. (1) Chickpea - land, isolation, and field standards:

CLASS	LAND MINIMUM YEARS***	ISOLATION MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE	ASCOCHYTA BLIGHT
Foundation	3	100*	None found	None found**	None found
Registered	3	100*	10	10**	None found
Certified	1	25*	20	20**	None found

* Reduce to three feet isolation from fields producing a class of certified seed of the same variety. In addition, field must be isolated from small grain fields by three feet. To prevent mechanical mixing of swathed chickpea seedcrops, the planting of small grains between fields, except for three feet isolation, is recommended.

** Refers to vetch except that no Austrian pea or rye is permitted

*** Field must not have grown Austrian pea for ten years.

(2) Chickpea - seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None found	99.00	1.00	None found	None found	85.00
Registered	None found	99.00	1.00	None found	0.25**	85.00
Certified	1	99.00	1.00	3*	0.25**	85.00

* No vetch, Austrian pea or rye is permitted.

** Other tolerance for weed seed:

OBJECTIONABLE WEED SEED
MAXIMUM

Registered
Certified

1/lb
2/lb

[Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-727, filed 11/23/93, effective 12/24/93; 92-13-027 (Order 2093), § 16-316-727, filed 6/9/92, effective 7/10/92. Statutory Authority: RCW 15.49.370. 82-08-034 (Order 1758), § 16-316-727, filed 3/31/82, effective 5/1/82.]

WAC 16-316-729 Open pollinated millet standards. (1) Open pollinated millet - land, isolation, and field standards:

CLASS	LAND MINIMUM YEARS	ISOLATION MINIMUM FEET	FIELD OFF-TYPE MAXIMUM	OTHER CROP MAXIMUM
Foundation	1*	1,320	1:3,000	None found
Registered	1*	1,320	1:2,000	1:30,000
Certified	1*	660	1:1,000	1:10,000

* = Waived if previous crop was the same variety and equal or higher class of certified seed.

(2) Open pollinated millet - seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	0.5	99.00	1.0	0.5	0.05	85
Registered	1	99.00	1.0	1	0.05	85
Certified	3	99.00	1.0	3	0.10	85

[Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-729, filed 11/23/93, effective 12/24/93.]

WAC 16-316-731 Buckwheat standards. (1) Buckwheat - land, isolation, and field standards:

CLASS	LAND	ISOLATION	FIELD	OTHER CROP MAXIMUM
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM	
Foundation	2*	2,640	1:10,000	None found
Registered	1*	1,320	1: 5,000	1:30,000
Certified	1*	660	1: 2,000	1:10,000

* = Waived if previous crop was the same variety and equal or higher class of certified seed.

(2) Buckwheat - seed standards:

CLASS	OFF-TYPE	PURE SEED	INERT	OTHER CROP	WEED	GERMINATION
	MAXIMUM SEEDS/LB	MINIMUM %	MAXIMUM %	MAXIMUM SEEDS/LB	MAXIMUM %	MINIMUM %
Foundation	0.5	99.0	1.0	0.5	0.05	85
Registered	1	99.0	1.0	1	0.05	85
Certified	3	99.0	1.0	3	0.10	85

[Statutory Authority: Chapter 15.49 RCW. 93-24-043 (Order 5019), § 16-316-731, filed 11/23/93, effective 12/24/93.]

Chapter 16-354 WAC HOP ROOTSTOCKS—CERTIFICATION

WAC

16-354-020 Field standards for production of certified hop rootstock.

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. Provided that greenhouse grown certified plants may be planted the same year of site approval, with planting starting on or after August 15th. 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: Chapter 15.14 RCW. 93-17-019 (Order 5000), § 16-354-020, filed 8/10/93, effective 9/10/93. 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.]

Chapter 16-400 WAC HORTICULTURAL INSPECTION FEES

WAC

16-400-210 Other charges.

WAC 16-400-210 Other charges. Other miscellaneous charges are listed below:

(1) Charges for platform inspection shall be:

(a) Platform inspections, time taking samples, extra time, phytosanitary and/or quarantine inspection, and all

other services, shall be charged at the hourly rate of twenty dollars.

(b) Time allowance - Where a platform inspector is working full time at one house and also doing certification inspection, the inspector shall allow credit for the time according to limits outlined in the schedule for such certification at the hourly rate of twenty dollars.

Should the certificate charges divided by the respective hourly rates equal or exceed the number of hours worked, no platform charge shall be assessed. Should the certificate charges divided by the respective hourly rates be less than the number of hours worked, the platform charge shall be made to bring the total to the appropriate charge.

(2) Fumigation charges—The minimum charge for supervision of fumigation shall be eighteen dollars. Additional or unnecessary stand-by time shall be charged as specified in subsection (1)(a) of this section. In temporary, nonpermanent facilities or those lacking adequate devices for maintenance of acceptable treatment temperatures, no fumigations shall be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from June 1 to September 30.

(3) Field or orchard inspections made at the applicant's request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of two dollars fifty cents per acre or fraction thereof or at the rate specified in subsection (1)(a) of this section except as otherwise provided in subsection (13) of this section.

(4) Seed sampling fees shall be arranged with the plant services division for services performed.

(5) Extra charges on services provided shall be assessed according to provisions listed below.

(a) The minimum inspection charge for each commodity and requested form shall be at the rate specified in subsection (1)(a) of this section.

(b) If, through no fault of the inspection service, time over the maximum allowance as supported by unit rates for each commodity and requested form is required, such excess time shall be at the rate as specified in subsection (1)(a) of this section.

(c) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, an hourly charge shall be made equivalent to twenty-seven dollars.

These charges shall be made for actual hours spent in performance of duties. This shall include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

The following are state legal holidays: New Year's Day, Veteran's Day, Memorial Day (the last Monday of May), Independence Day, Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November) and the day following Thanksgiving Day, Christmas Day, Martin Luther King, Jr. Day (third Monday in January), and Presidents' Day (third Monday in February).

(d) When the per unit charge for inspection in any one day equals or exceeds the basic hourly and/or overtime charge, no additional hourly or overtime charges shall be assessed.

(6) Mileage—Whenever necessary, mileage shall be charged at the rate established by the state office of financial management.

(7) Electronic transmission of documents—Telegrams, facsimile, or electronic transmission of inspection documents shall be charged at the rate of four dollars per transmission in addition to Western Union charges made directly to the applicant.

(8) Services provided to other agencies—Services provided to other agencies, commissions, and organizations shall be charged at the rate specified in subsection (1)(a) of this section.

(9) Timely payment—Payment of fees and charges is due within thirty days after date of statement, provided:

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

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

(c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance.

(10) USDA positive lot identification—Certification utilizing positive lot identification shall be charged at the rates specified in this section and WAC 16-400-010, 16-400-040, and 16-400-100 with an additional charge of ten percent. The minimum shall be twelve dollars per inspection. Service will be provided first in those instances in which positive lot identification is a mandatory condition of the sales transaction. Other requests for positive lot identification will be serviced upon adequate notification to the inspection service and availability of inspection personnel.

(11) Controlled atmosphere license fee—The application for an annual license to engage in the business of operating a controlled atmosphere storage warehouse or warehouses shall be accompanied by an annual license fee of five dollars per room, with a minimum fee established at twenty-five dollars for five rooms or less.

(12) Inspection fees may be waived on inspections of fruits and vegetables when donated to bona fide nonprofit organizations: *Provided*, That shipping containers shall be conspicuously labeled or marked as "not for resale."

(13) For apple pest certification by survey method; \$.0075 per cwt. or fraction thereof, on all fresh apples produced in the state of Washington or marketed under Washington state grades and standards. Such fee shall apply from February 1 to May 31, 1993.

[Statutory Authority: Chapters 15.17 and 17.24 RCW. 93-07-105 (Order 4019), § 16-400-210, filed 3/23/93, effective 4/23/93; 92-06-022, § 16-400-210, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapter 15.17 RCW. 90-09-031 (Order 2031), § 16-400-210, filed 4/11/90, effective 5/12/90; 89-08-040 (Order 2001), § 16-400-210, filed 3/31/89; 86-08-081 (Order 1884), § 16-400-210, filed 4/2/86; 85-02-033 (Order 1845), § 16-400-210, filed 12/31/84, effective 2/1/85. Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-210, filed 5/17/78; Order 1377, § 16-400-210, filed 9/12/74; Order 1355, § 16-400-210, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-210, filed 5/30/73; Order 1121, § 16-400-210, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-210, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 9, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 9, filed 5/12/67; Order 989, Regulation 9, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

Chapter 16-403 WAC
STANDARDS FOR APPLES MARKETED WITHIN
WASHINGTON

WAC

16-403-220 Marking requirements—Open or closed containers.

WAC 16-403-220 Marking requirements—Open or closed containers. (1) The containers shall bear the correct name of the variety or "variety unknown," the name of the grower, packer, or distributor, and his address, the grade, the numerical count or the minimum diameter of apples packed in a closed container, and the net contents either in terms of dry measure or weight. The minimum weight of individual apples within the container may be stated in lieu of, in combination with, or in addition to, minimum diameter as a declaration of size. All open containers and consumer packages must bear statement of net weight or volume.

(a) When the numerical count is not shown, the minimum diameter or minimum weight of individual apples shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, or whole inches and not less than eight inch fractions thereof or in terms of whole grams.

(b) When used in combination with minimum diameter as a size designation, the following minimum fruit weights shall be used:

Red Delicious	Golden Delicious
2 1/8 in. or 65 grams	63 grams
2 1/4 in. or 75 grams	70 grams
2 3/8 in. or 84 grams	82 grams
2 1/2 in. or 100 grams	95 grams
2 5/8 in. or 115 grams	109 grams
2 3/4 in. or 139 grams	134 grams

(c) The word "minimum," or its abbreviation, when following a diameter size or weight size marking, means that the apples are of the size marked or larger.

(2) Over-wrapped consumer units may be marked with count, if all specimens can be counted.

(3) Any of these marks may be placed on either the end or side of the container. (California requires end markings.)

(4) When containers are marked as to number, each container shall contain the correct number of apples designated by the markings.

(5) Grade markings on consumer-type packages must be at least one-fourth inch in height.

(6) Apples which were produced outside of the state of Washington and which are graded, packed, or repacked in the state of Washington, shall be correctly labeled as to the state or country of origin, e.g., "Product of Oregon," "Grown in Oregon," "Produced in Canada."

Such marking shall be placed on the same end or side panel of the container as other markings related to grade, variety, net contents, and name and address of the grower, packer, or distributor, and shall be of similar print size. Consumer type packages shall not be required to bear a statement as to origin when such marking has been placed on the master shipping container.

[Statutory Authority: Chapter 15.17 RCW. 93-18-065 (Order 5005), § 16-403-220, filed 8/30/93, effective 9/30/93; 92-15-056, § 16-403-220, filed

7/13/92, effective 8/13/92; Order 1374, § 16-403-220, filed 7/26/74, effective 9/1/74.]

Chapter 16-462 WAC
GRAPEVINES—REGISTRATION AND
CERTIFICATION

WAC

16-462-030 Certified grape nursery stock—Application and fees.

WAC 16-462-030 Certified grape nursery stock—Application and fees. (1) Application.

(a) The applicant shall furnish information requested and shall give his consent to the department to take plants or plant parts from any planting for inspection or testing purposes.

(b) Application for inspection shall be filed with the department by January 1 of each year accompanied by a one hundred seventy-five dollar application fee.

(c) Inspection fees established shall be payable upon completion of the work to be done and shall be for the sole purpose of defraying expenses incurred in the inspection, approval, registration, and certification procedures provided.

(d) Payment for inspection of mother blocks and nursery stock for registration and certification shall be made upon completion of the inspection. Billing to the applicant to be made by the chemical and plant division, seed branch.

(2) Inspection fees.

(a) The inspection tags shall be furnished by the department of agriculture.

(b) The mother block and nursery stock inspection fee shall be twenty-five dollars per hour, and mileage shall be charged at a rate established by the state office of financial management.

[Statutory Authority: Chapter 15.14 RCW. 93-17-022 (Order 5001), § 16-462-030, filed 8/11/93, effective 9/11/93; 86-08-078 (Order 1883), § 16-462-030, filed 4/2/86; 78-10-072 (Order 1583), § 16-462-030, filed 9/27/78; Order 1397, § 16-462-030, filed 4/7/75; Order 1193, § 16-462-030, filed 4/19/71; Order 1084, § 16-462-030, filed 4/2/68.]

Chapter 16-532 WAC
HOPS

WAC

16-532-120 Labeling.

WAC 16-532-120 Labeling. (1) Each lot of hops must be identified by the crop year produced, grower number and lot designation, and variety stenciled on each bale.

(a) A three-digit grower number will be assigned by the Washington hop commodity board (commission) prior to the annual harvest.

(b) The first marking will consist of the last digit of the crop year, the letter "G" and a hyphen, followed by the three-digit grower number and lot designation (example: 8G-000-01).

(c) The first marking shall be affixed on the head or top of the bale and shall be in characters approximately two inches high.

(d) The second marking will consist of the hop variety, utilizing the following abbreviations:

AQ - Aquila
 BA - Banner
 BG - Brewer's Gold
 CA - Cascade
 CN - Centennial
 CH - Chinook
 CL - Cluster
 ER - Eroica
 EX - Experimental
 FU - Fuggle
 GA - Galena
 HA - Hallertauer
 HE - Hersbrucker
 MH - Mt. Hood
 LI - Liberty
 NB - Northern Brewer
 NU - Nugget
 OL - Olympic
 OT - Other
 SA - Saaz
 SP - Spalter
 PE - Perle
 TE - Tettnanger
 WI - Willamette

(e) The second marking shall be affixed immediately below the first marking on the head or top of the bale, and shall be in characters approximately two inches high.

(2) In addition to any other brands, labels, stencils or other marks customarily used by hop handlers to identify their own trademarks, labels or firm names, all baled hops shall be branded, labeled, stenciled or marked with one distinctive identifying marking, defined or designated by the hop commodity board (commission), which shall identify the hops as having been grown in the state of Washington.

(a) This mark or identification shall be stenciled in letters at least one inch in height and shall read: "WASHINGTON," or "GROWN IN WASHINGTON," as prescribed by the hop commodity board (commission).

(b) This mark or identification shall be affixed in a suitable position on the head or top of the bale, in the area generally used by the federal/state inspectors to stencil their own identification mark and in the same general area where the grower's "G" number and variety identification are applied.

(c) At no time shall the said identification marking appear on the face or sides of the bales, as these areas are considered to be for the use of the dealer or handler for trademarks, shipping markings, bale numbers, firm insignias, etc.

(d) The approved identification marking shall be affixed by the federal/state inspector prior to the drawing of samples for federal/state inspection, and, no hops may be sampled for this purpose unless said markings have been affixed thereto in compliance with the regulations prescribed by the hop commodity board (commission).

(e) Handlers who offer hops for sale in foreign countries where only shipping markings are permitted on the bales or containers, may apply to the hop commodity board (commission) for permission to blot out or remove the identifying marking.

[Statutory Authority: RCW 15.65.280 and WAC 16-532-020 10K [(10)(k)]. 93-09-014, § 16-532-120, filed 4/13/93, effective 5/14/93. Statutory Authority: RCW 15.65.380. 88-13-050 (Resolution No. 88-01), § 16-532-120, filed 6/10/88; Regulation 2, filed 10/16/64.]

Chapter 16-555 WAC

WASHINGTON STRAWBERRY COMMISSION

WAC

16-555-010 Definition of terms.
 16-555-020 Strawberry commodity board.

WAC 16-555-010 Definition of terms. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or the director's duly appointed representative.

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

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces strawberries in commercial quantities in the state of Washington, for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any strawberries produced for a market, by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, storing, freezing, or distributing strawberries not produced by him.

(8) "Strawberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-555-020.

(9) "Strawberries" means and includes all kinds, varieties, and hybrids of "FRAGARIA-X-ANANASSA" grown and marketed in the state of Washington.

(10) "Marketing season" or "fiscal year" means the twelve-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to strawberries. A producer-handler shall be deemed to be a producer with respect to the strawberries which he/she produces and a handler with respect to the strawberries which he/she handles, including those produced by himself/herself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means one pound net of strawberries.

[Statutory Authority: Chapter 15.65 RCW. 93-10-063, § 16-555-010, filed 5/3/93, effective 6/3/93. Statutory Authority: RCW 15.65.050. 90-11-001 (Order 2038), § 16-555-010, filed 5/3/90, effective 6/3/90. Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-010, filed 5/14/85.]

WAC 16-555-020 Strawberry commodity board.

(1) **Administration.** The provisions of this marketing order

and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of seven members. Six members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the state of Washington, and shall be divided into four representative districts as follows:

(i) District I shall have two board members, being Positions 1 and 2, and shall include the counties of Island, San Juan, Skagit, and Whatcom.

(ii) District II shall have two board members, being Positions 3 and 4, and shall include the counties of King, Clallam, Jefferson, Kitsap, Pierce, and Snohomish.

(iii) District III shall have one board member, being Position 5, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum, Grays Harbor, Mason, and Thurston.

(iv) District IV shall have one board member, being Position 6, and shall include the remaining counties in the state of Washington.

(3) Board membership qualifications. The affected producer members of the board shall be practical producers of strawberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing strawberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) Term of office.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six and the member appointed by the director, position seven.

(c) The term of office for the initial board members shall be as follows:

Position one - shall terminate on August 31, 1986;

Positions three and five - shall terminate on August 31, 1987;

Positions two and four - shall terminate on August 31, 1988.

(d) The term of office for the initial board member in Position 6, shall terminate on August 31, 1995.

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such

meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

When only one nominee is nominated for any position on the board, the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of May under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) Vacancies prior to election. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to

carry out the purpose of the marketing order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments, contributions, or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the marketing order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in marketing order to defray the costs of formulating the marketing order.

(f) To establish a "strawberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, shall be deposited each day or as often as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each calendar year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each calendar year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 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 marketing order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the marketing order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To authorize the members of the 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 15.58.030(1) or any agricultural chemical which is of use or potential use in producing strawberries, and may authorize the expenditure of commission funds for this purpose.

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular news services.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

[Statutory Authority: Chapter 15.65 RCW. 93-10-063, § 16-555-020, filed 5/3/93, effective 6/3/93. Statutory Authority: RCW 15.65.050. 92-12-006, § 16-555-020, filed 5/21/92, effective 6/21/92. Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-020, filed 5/14/85.]

Chapter 16-561 WAC

WASHINGTON RED RASPBERRY COMMISSION

WAC

16-561-100	Purpose.
16-561-110	Definitions.
16-561-120	Implementation.

WAC 16-561-100 Purpose. The laws set forth in section 1, chapter 26, Laws of 1985, of the state of Washington (RCW 15.04.200) enacted under the authority of Article VIII section 11 of the Washington state Constitution as amended, authorized the expenditure of agricultural commodity commission assessments for agricultural development or trade promotion and promotional hosting and provides that agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners.

The purpose of these rules is to set forth the parameters governing promotional hosting expenditures for the Washington red raspberry commission.

[Statutory Authority: RCW 15.04.200 and 15.65.380. 93-20-088 (Order 5016), § 16-561-100, filed 10/5/93, effective 11/5/93.]

WAC 16-561-110 Definitions. "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, promoting sales of red raspberries, developing industry unity, and furthering the objectives of the commission.

"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: RCW 15.04.200 and 15.65.380. 93-20-088 (Order 5016), § 16-561-110, filed 10/5/93, effective 11/5/93.]

WAC 16-561-120 Implementation. The implementation of the rules governing promotional hosting expenditures for the Washington red raspberry 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 regular meetings held to review such matters.

(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;
- (c) Marketing director;
- (d) Contractors, as specifically authorized by the commission.

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 may be supplied by the commission, and shall require the following information:

- (a) Name and position of each person hosted, provided that in case of a group of twenty-five or more persons, then only the name of the group hosted shall be required;
- (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 and vice-chairman-treasurer of the commission and the administrator 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, promote sales of red raspberries, or develop industry unity, provided that such hosting shall not violate federal or state conflict of interest laws:

- (a) Individuals from private business;
- (b) Foreign government officials;
- (c) Federal and state officials, provided lodging, meals and transportation will not be provided when such officials may obtain 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, promote sales of red raspberries, or further the objectives of the commission;

(f) Spouses of the persons listed in (a), (b), (c), and (e) of this subsection when attendance of such spouse will serve to cultivate trade relations, promote the sale of red raspberries or develop industry unity.

[Statutory Authority: RCW 15.04.200 and 15.65.380. 93-20-088 (Order 5016), § 16-561-120, filed 10/5/93, effective 11/5/93.]

Chapter 16-570 WAC

RAPESEED PRODUCTION AND ESTABLISHMENT OF DISTRICTS

WAC

16-570-040 Rules of rapeseed production districts.

WAC 16-570-040 Rules of rapeseed production districts. (1) Established production districts. Duly established rapeseed production districts within the state of Washington, under procedures outlined in WAC 16-570-020, include Districts 3, 4, 5, 6, 8, 9, 10, 11, and 12. Districts 1, 2, and 7 are not currently organized, and production of rapeseed is prohibited in accordance with WAC 16-570-020(1).

(2) Dominant type rapeseed. The dominant type of rapeseed for duly established production Districts 3, 4, 5, 6, 8, 9, 10, 11, and 12 shall be canola, low erucic acid rapeseed - low glucosinolates (lear-1g): *Provided*, That off-type rapeseed production may be allowed if conditions outlined in WAC 16-570-030 (1)(f) are met. Production of rapeseed in Districts 1, 2, and 7 by any person for any purpose is prohibited as per WAC 16-570-020.

(3) District 6 shall be divided into two subdistricts. Subdistrict A shall consist of all lands within Kittitas County, and production of all types of rapeseed shall be prohibited. Subdistrict B shall consist of all the remaining lands within District 6 within the defined areas of Yakima County and Benton County as defined in WAC 16-570-020(2), District 6. Production of all types of rapeseed shall be authorized in accordance with subsection (2) of this section.

[Statutory Authority: Chapters 15.65 and 15.66 RCW. 93-11-032 (Order 4020), § 16-570-040, filed 5/10/93, effective 6/10/93; 90-07-013 (Order 2029), § 16-570-040, filed 3/13/90, effective 4/13/90. Statutory Authority: Chapter 15.65 RCW. 88-07-071 (Order 1970), § 16-570-040, filed 3/18/88.]

Chapter 16-602 WAC

APIARIES

WAC

16-602-020 Apiary inspection fees.
16-602-040 Apiary marking.

WAC 16-602-020 Apiary inspection fees. Fees for inspection of honeybees are as follows:

(1) Certification of honeybees for out-of-state movement - \$28.00 per hour.

(2) Colony strength inspection - \$28.00 per hour.

(3) All other inspections or services requested by persons or those performed by the department as required by chapter 15.60 RCW - \$28.00 per hour.

(4) For all inspection services performed after 5:00 p.m. or on Saturdays, or Sundays, or state legal holidays, an hourly rate of \$42.00 per hour for actual hours spent in performance of duties shall be charged by the department. For purposes of this section, state legal holidays are those set forth in RCW 1.16.050.

(5) No service will be performed on Thanksgiving Day, Christmas Day or New Years Day, beginning at 5:00 p.m. on the previous day.

(6) Mileage and per diem shall be charged at the rate established by the state office of financial management.

[Statutory Authority: Chapter 15.60 RCW. 93-19-082 (Order 5006), § 16-602-020, filed 9/15/93, effective 10/16/93; 88-07-018 (Order 1967), § 16-602-020, filed 3/7/88; 78-10-071 (Order 1582), § 16-602-020, filed 9/27/78.]

WAC 16-602-040 Apiary marking. Each person owning or having bees in their possession shall identify their apiary(ies) by placing a sign so it is visible to passersby. Sign lettering shall be a minimum of two inches in height and shall include the name (first and middle initial, and last name may be used), assigned apiarist identification number and telephone number. The lettering shall be in a color which contrasts with the color of the sign. Signs shall be placed as to make them conspicuous to anyone approaching the apiary location.

In lieu of signs, the apiary(ies) may be identified by displaying the assigned apiarist identification number and telephone number in at least two-inch characters on the side and top of some hives in each apiary. The lettering shall be in a color contrasting with the hive color, and shall be conspicuous to anyone approaching the apiary location.

Apiaries located at the bee keeper's residence are exempt from these marking requirements.

[Statutory Authority: Chapter 15.60 RCW. 93-19-081 (Order 5014), § 16-602-040, filed 9/15/93, effective 10/16/93.]

Chapter 16-620 WAC RELATING TO BRAND INSPECTION

WAC

16-620-150	Brand registration and renewal fee.
16-620-270	Actual costs established.

WAC 16-620-150 Brand registration and renewal fee. The fee for initial registration and subsequent renewal of livestock brands shall be thirty-five dollars for each two-year period of brand ownership.

[Statutory Authority: 1993 c 354. 93-22-013, (Order 5017), § 16-620-150, filed 10/25/93, effective 11/25/93.]

WAC 16-620-270 Actual costs established. For the purpose of these regulations actual costs to the department shall be ten dollars an hour, and mileage costs at the current OFM rates, Schedule A.

[Statutory Authority: 1993 c 354. 93-22-013, (Order 5017), § 16-620-270, filed 10/25/93, effective 11/25/93. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. 90-23-087 (Order 2059), § 16-620-270, filed 11/21/90, effective 12/22/90. Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-270, filed 6/29/79; Order 1379, § 16-620-270, filed 11/6/74.]

Chapter 16-674 WAC

WEIGHTS AND MEASURES—SEALING, MARKING, RETESTING DEVICES

WAC

16-674-002	Repealed.
16-674-010	Exemptions and definitions.
16-674-020	Repealed.
16-674-060	Inspection and testing fees.
16-674-070	Late fees.
16-674-080	Fees for federal grain elevator scales.
16-674-090	Fees for railroad track scales.
16-674-100	City sealers report forms prescribed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-674-002	Promulgation. [Order 1145, § 16-674-002, filed 2/27/70, effective 4/1/70. Formerly WAC 16-650-001.] Repealed by 93-03-079, filed 1/19/93, effective 2/19/93. Statutory Authority: 1992 c 237.
16-674-020	Disposition of condemned and confiscated weights and measures. [Order 1145, § 16-674-020, filed 2/27/70, effective 4/1/70; Order 897, Regulation 3, filed 1/14/63.] Repealed by 93-03-079, filed 1/19/93, effective 2/19/93. Statutory Authority: 1992 c 237.

WAC 16-674-002 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-674-010 Exemptions and definitions. (1) The weighing or measuring instruments or devices listed below shall be specifically exempted from the sealing or marking inspection and testing requirements of RCW 19.94.250 because they are of such character or size that such sealing or marking inspection and testing would be inappropriate, impractical, or damaging to the apparatus in question:

- (a) Measure containers
- (b) Milk bottles
- (c) Lubricating oil bottles
- (d) Berry baskets and boxes.

(2) The classes of weighing or measuring instruments or devices listed below shall be specifically exempted from section 6, of chapter 237, Laws of 1992 because they are of such character that periodic testing is unnecessary to ensure continued accuracy:

- (a) Vehicle tanks used as measures*
- (b) Farm milk tanks*
- (c) Liquid measures*
- (d) Glass graduates
- (e) Measures containers
- (f) Milk bottles
- (g) Lubricating oil bottles
- (h) Linear measures*
- (i) Dry measures*
- (j) Berry baskets and boxes.

*Whenever an item of this class is damaged, repaired or modified in any way that affects the accuracy of measurement, it shall not thereafter be used for measurement until it has been officially inspected and reapproved.

(3) Unless the context clearly requires otherwise, the definitions provided for in chapter 19.94 RCW shall apply to this chapter.

[Statutory Authority: 1992 c 237. 93-03-079, § 16-674-010, filed 1/19/93 effective 2/19/93; Order 1145, § 16-674-010, filed 2/27/70, effective 4/1/70; Order 792, Regulation 3, effective 3/1/60.]

WAC 16-674-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-674-060 Inspection and testing fees. The following fees shall be charged for the inspection and testing of weighing or measuring instruments or devices included in this fee schedule:

- (1) Weighing devices:
 - (a) Small scales "zero to four hundred pounds capacity" \$ 12.00
 - (b) Intermediate scales "four hundred and one pounds to five thousand pounds capacity" \$ 50.00
 - (c) Large scales "over five thousand pounds capacity" \$ 105.00
 - (d) Large scales with supplemental devices \$ 125.00
 - (e) Railroad track scales \$ 800.00
- (2) Liquid fuel metering devices:
 - (a) Motor fuel meters with flows of less than twenty gallons per minute \$ 12.00
 - (b) Motor fuel meters with flows of more than twenty but not more than one hundred and fifty gallons per minute \$ 40.00
 - (c) Motor fuel meters with flows over one hundred and fifty gallons per minute .. \$ 50.00
- (3) Liquid petroleum gas meters:
 - (a) With one inch diameter or smaller dispensers that are not compensated for temperature variations \$ 50.00
 - (b) With one inch diameter or smaller dispensers that are compensated for temperature variations \$ 50.00
 - (c) With greater than one inch diameter dispensers that are not compensated for temperature variations \$ 75.00
 - (d) With greater than one inch diameter dispensers that are compensated for temperature variations \$ 75.00
- (4) Fabric meters \$ 12.00
- (5) Cordage meters \$ 12.00
- (6) Mass flow meters \$ 35.00
- (7) Taxi meters \$ 12.00

The fees in this schedule shall only be paid once every two years, except for railroad track scales for which the fee will be paid annually if an annual inspection is performed. The fees to be charged for the inspection of any device used in an agency or institution to which moneys are appropriated by the legislature or of the federal government shall be the

same fees as those that are listed above for commercial devices.

[Statutory Authority: 1992 c 237. 93-03-079, § 16-674-060, filed 1/19/93 effective 2/19/93.]

WAC 16-674-070 Late fees. Payment of inspection fees is due and payable thirty days after billing. A late penalty of one and one half percent per month will be assessed on the unpaid balance of any unpaid billing more than thirty days in arrears after billing.

[Statutory Authority: 1992 c 237. 93-03-079, § 16-674-070, filed 1/19/93, effective 2/19/93.]

WAC 16-674-080 Fees for federal grain elevator scales. Scales in use in grain elevators which are licensed by the Federal Grain Inspection Service shall be subject to random and necessary inspections. The fees for such inspections shall be thirty-one dollars fifty cents per hour, as adopted under WAC 16-212-060 (15)(d), and shall be payable to the commodity inspection division of the state department of agriculture, which has entered into a cooperative agreement with the Weights and Measures Program.

[Statutory Authority: 1992 c 237. 93-03-079, § 16-674-080, filed 1/19/93, effective 2/19/93.]

WAC 16-674-090 Fees for railroad track scales. All railroad track scale owners in this state shall provide suitable facilities for testing track scales. Track scale owners shall provide a suitable car or other device or facility to be used in testing track scales. The cost of providing the car, device, or facility shall be equitably and reasonably apportioned by the department among all track scale owners. The car, device, or facility shall be used by the department to test the accuracy of all track scales and the railroad companies shall, without charge, move the car, device, or facility to locations designated by the department.

[Statutory Authority: 1992 c 237. 93-03-079, § 16-674-090, filed 1/19/93, effective 2/19/93.]

WAC 16-674-100 City sealers report forms prescribed. City sealers are required, as provided in RCW 19.94.280(3), to adopt the fee schedule for weighing or measuring instruments or devices established by the director pursuant to section 6, chapter 237, Laws of 1992. On the thirtieth day of each month, city sealers shall remit ten percent of the total fees collected by the city during the preceding month. The fees that the cities must charge are set forth in WAC 16-674-020. These fees shall only be charged once every two years for each device inspected and approved. The following form shall be completed and returned with the city's payment.

City	Month	Year			
WEIGHING AND MEASURING DEVICES INSPECTED AND APPROVED					
	No.	Fees Collected	10% to State		
Small scales zero to 400 lbs. capacity		
Intermediate scales 401 to 5,000 lbs.		
Large scales over 5,000 lbs. capacity		
Large scales with supplemental devices		
Railroad track scales		

Motor fuel meters w/flow < 20 gal./min.	
Motor fuel meters w/flow > 20 gal./min. and < 100 gal./min.	
Motor fuel meters w/flow >100 gal./min	
LPG meters w/ 1 inch or smaller disp. not compensated for temperature var.	
LPG meters w/ 1 inch or smaller disp. that are compensated for temp. var.	
LPG meters w/> 1 inch disp. not compensated for temperature var.	
LPG meters w/> 1 inch dis. that are compensated for temperature var.	
Fabric meters	
Cordage meters	
Mass flow meters	
Taxi meters	
TOTAL TO BE PAID TO STATE	

Please make your check payable to the State Department of Agriculture and mail it to P.O. Box 42560, Olympia, WA, 98504-2560. Thank you.

[Statutory Authority: 1992 c 237. 93-03-079, § 16-674-100, filed 1/19/93, effective 2/19/93.]

Chapter 16-750 WAC

STATE NOXIOUS WEED LIST AND SCHEDULE OF MONETARY PENALTIES

WAC

16-750-011	State noxious weed list—Class B noxious weeds.
16-750-015	State noxious weed list—Class C noxious weeds.

WAC 16-750-011 State noxious weed list—Class B noxious weeds.

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 County of region 7.
(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.
(3) broom, Scotch <i>Cytisus scoparius</i>	(a) regions 1,2,3,4,5,6,8,9
(4) bryony, white <i>Bryonia alba</i>	(b) region 7 except Whitman County (c) Franklin County of region 10.

(5) bugloss, common <i>Anchusa officinalis</i>	(a) regions 1,2,3,5,6,8,9,10 (b) region 4 except Stevens and Spokane counties (c) Lincoln, Adams, and Whitman counties of region 7.
(6) bugloss, annual <i>Anchusa arvensis</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.
(7) camelthorn <i>Alhagi pseudalhagi</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) Franklin, Columbia, Garfield, and Asotin counties of region 10 (d) 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 section 15, R36E, T6N, at the Washington — Oregon border, then west along the Washington — Oregon border to the point of beginning.
(8) catsear, common <i>Hypochaeris radicata</i>	(a) 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.
(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.
(11) daisy, oxeeye <i>Chrysanthemum leucanthemum</i>	(a) regions 7,10 (b) region 9 except those areas lying within Klickitat and Yakima counties west of Range 13 East (c) region 6 except those areas lying within Yakima and Kittitas counties west of Range 13 E.
(12) deadnettle, hybrid <i>Lamium hybridum</i>	(a) regions 1,3,4,5,6,7,8,9,10 (b) region 2 except Skagit County.
(13) elodea, Brazilian <i>Egeria densa</i>	(a) regions 3,4,6,7,9,10.
(14) fieldcress, Austrian <i>Rorippa austriaca</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.
(15) gorse <i>Ulex europaeus</i>	(a) regions 3,4,6,7,9,10 (b) Skagit County of region 2 (c) Thurston and Pierce counties of region 5 (d) Wahkiakum and Cowlitz counties of region 8.
(16) hawkweed, orange <i>Hieracium aurantiacum</i>	(a) regions 3,6,9,10 (b) Ferry County of region 4 (c) Thurston County of region 5 (d) Lincoln and Adams counties of region 7.
(17) hawkweed, yellow <i>Hieracium pratense</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) hedge parsley <i>Torilis arvensis</i>	(a) regions 1,2,3,4,5,6,7,8,10 (b) Yakima, Benton, Franklin counties (c) Klickitat County except those lands lying within T4N, R10E, R11E, R12E, R13E, R14E; T3N, R10E, R11E, R12E, R13E; T2N, R12E, R13E.
(19) indigobush <i>Amorpha fruticosa</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.
(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.

Noxious Weed List

16-750-011

- (21) knapweed, brown
Centaurea jacea
- (22) knapweed, diffuse
Centaurea diffusa
- (23) knapweed, meadow
Centaurea jacea x nigra
- (24) knapweed, Russian
Acroptilon repens
- (25) knapweed, spotted
Centaurea maculosa
- (26) lepyrodiclis
Lepydodictis holsteoides
- (27) loosestrife, garden
Lysimachia vulgaris
- (28) loosestrife, purple
Lythrum salicaria
- (29) loosestrife, wand
Lythrum virgatum
- (30) nutsedge, yellow
Cyperus esculentus
- (31) oxtongue, hawkweed
Picris hieracioides
- (32) parrot feather
Myriophyllum brasiliense
- (33) pepperweed, perennial
Lepidium latifolium
- (34) ragwort, tansy
Senecio jacobaea
- (35) sandbur, longspine
Cenchrus longispinus
- (36) skeletonweed, rush
Chondrilla juncea
- (a) regions 1,2,3,4,5,7,9,10
(b) region 6 except Kittitas County
(c) region 8 except Clark County.
(a) regions 1,2,5,8
(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 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 E; 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.
(c) Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22,26,27,28,31,32,33 and 34; T15N, R37E, western half of Sections 23, 24 and 25; T15N, R38E, Sections 2,10, 11,14,15,19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6
(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 of region 6
(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.
(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.
(a) regions 1,2,3,4,6,7,8,9,10
(b) region 5 except King County.
(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
(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
(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 those areas lying between State Highway 26 and State Highway 28, and westerly of Dodson Road in Grant County, and except S 1/2, Sec. 2, T20N, R25E., W.M.
(c) region 9 except:
(i) except those areas lying within the following boundary description within Yakima County: Beginning at the intersection of Highway 12 and Parker Heights Road and continuing easterly to Konnowac Pass Road follow said road north to the intersection of Konnowac Pass Road and Nightingale Road. The northern boundary shall be the Roza Canal, continuing from the established point at Nightingale Road. The boundaries will follow the Roza Canal easterly to the County Line Road. The east boundaries will be the Yakima/Benton County Line from a point beginning at the County Line and Highway 22 (near Byron) continuing westerly along Highway 22 (to near the city of Mabton) to the intersection of Highway 22 and the Reservation Boundary (Division Road) and continuing north to the Yakima River. Then it will follow the river northwest to the Wapato-Donald Road continuing north along said road to Highway 12 then Highway 12 to Parker Heights Road.
(ii) an area lying southerly of State Route 4 and within T2N, Ranges 13 and 14 E of Klickitat County.
(d) region 10 except Walla Walla County.
(a) regions 1,2,3,4,5,6,7,9,10
(b) region 8 except Skamania County.
(a) regions 1,2,3,4,5,6,7,9,10
(b) region 8 except Clark, Cowlitz, and Wahkiakum counties.
(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
(b) region 5, that portion of Pierce County lying south or east of a boundary beginning at the White River and State Highway 410, then west along State Highway 410 to intersection with State Highway 162 (Orting) to intersection with Orville Road, then south along Orville Road to intersection with Kapowsin Highway (304th Street East), then west following Kapowsin Highway to intersection with State Route 7, then south along State Route 7 to intersection with State Route 702, then west along State Route 702 to intersection with State Route 507, then southwest along State Route 507 to intersection with the Nisqually River.
(a) regions 1,2,3,4,5,7,8
(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
(c) Adams County except those areas lying west of a line running north from

- Franklin County along the western boundary of Range 36 East to State Highway 26 then north on Sage Road until it intersects Lee Road, then due north until intersection with Providence Road, then east to State Highway 261, then north along State Highway 261 to its intersection with Interstate 90, henceforth on a due north line to intersection with Bauman Road, then north along Bauman Road to its terminus, then due north 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. regions 1,2,3,4,5,7,8,9,10.
- (a) regions 1,2,3,4,5,6,8,9,10
- (b) 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 1,2,3,5,6,8
- (b) region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State Highway 25, then north to intersection with Pinkston Creek Road, then east along Pinkston Creek Road to intersection with Highland Loop Road, then south along Highland Loop Road to intersection with State Highway 20, then west along State Highway 20 to intersection with State Highway 25
- (c) 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
- (d) Franklin County
- (e) region 9 except Klickitat County
- (f) 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; 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.
- (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. 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, and 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.
- (41) thistle, musk
Carduus nutans
- (42) thistle, plumeless
Carduus acanthoides
- (43) thistle, Scotch
Onopordum acanthium
- (44) toadflax, Dalmatian
Linaria genistifolia
spp. dalmatica
- (45) watermilfoil,
Eurasian
Myriophyllum spicatum
- (37) sowthistle, perennial
Sonchus arvensis arvensis
- (38) spurge, leafy
Euphorbia esula
- (39) starthistle, yellow
Centaurea solstitialis
- (40) Swainsonpea
Sphaerophysa salsula
- [Statutory Authority: Chapter 17.10 RCW. 94-01-076, § 16-750-011, filed 12/10/93, effective 1/10/94; 93-01-004, § 16-750-011, filed 12/2/92, effective 1/2/93; 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	<i>Gypsophila paniculata</i>
bindweed, field	<i>Convolvulus arvensis</i>
carrot, wild	<i>Daucus carota</i>
chervil, wild	<i>Anthriscus sylvestris</i>
cinquefoil, sulphur	<i>Potentilla recta</i>
cockle, white	<i>Lychnis alba</i>
cocklebur, spiny	<i>Xanthium spinosum</i>
cress, hoary	<i>Cardaria draba</i>
dodder, smoothseed alfalfa	<i>Cuscuta approximata</i>
garden rocket	<i>Eruca vesicaria</i> spp. <i>sativa</i>
goatgrass, jointed	<i>Aegilops cylindrica</i>
henbane, black	<i>Hyoscyamus niger</i>
houndstongue	<i>Cynoglossum officinale</i>
kochia	<i>Kochia scoparia</i>
mayweed, scentless	<i>Matricaria maritima</i> var. <i>agrestis</i>
mullein, common	<i>Verbascum thapsus</i>
nightshade, bitter	<i>Solanum dulcamara</i>
poison-hemlock	<i>Conium maculatum</i>
puncturevine	<i>Tribulus terrestris</i>
rye, cereal	<i>Secale cereale</i>
saltcedar	<i>Tamarix species</i>
snapdragon, dwarf	<i>Chaenorrhinum minus</i>
spikeweed	<i>Hemizonia pungens</i>
St. Johnswort, common	<i>Hypericum perforatum</i>
tansy, common	<i>Tanacetum vulgare</i>
toadflax, yellow	<i>Linaria vulgaris</i>

thistle, bull
thistle, Canada
whitetop, hairy
wormwood, absinth

Cirsium vulgare
Cirsium arvense
Cardaria pubescens
Artemisia absinthium

[Statutory Authority: Chapter 17.10 RCW. 94-01-076, § 16-750-015, filed 12/10/93, effective 1/10/94; 93-01-004, § 16-750-015, filed 12/2/92, effective 1/2/93; 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.]

Title 44 WAC

ATTORNEY GENERAL'S OFFICE

Chapters

44-01 Regulations for the administration of charitable trusts in the state of Washington.

Chapter 44-01 WAC

REGULATIONS FOR THE ADMINISTRATION OF CHARITABLE TRUSTS IN THE STATE OF WASHINGTON

WAC

44-01-010 Repealed.
44-01-020 Repealed.
44-01-030 Repealed.
44-01-040 Repealed.
44-01-050 Repealed.
44-01-060 Repealed.
44-01-070 Repealed.
44-01-080 Repealed.
44-01-090 Repealed.
44-01-100 Repealed.
44-01-110 Repealed.
44-01-120 Repealed.
44-01-130 Repealed.
44-01-150 Repealed.
44-01-160 Repealed.
44-01-170 Repealed.
44-01-180 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

44-01-010 Promulgation. [Order 101, Promulgation, § 44-01-010, filed 12/8/67, effective 1/8/68.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
44-01-020 General duties of the attorney general and of charitable trustees. [Order 103, § 44-01-020, filed 12/8/71; Order 101, § 44-01-020, filed 12/8/67, effective 1/8/68.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
44-01-030 Creation of charitable trust division—Register of trustees. [Order 101, § 44-01-030, filed 12/8/67, effective 1/8/68.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
44-01-040 To whom rules apply. [Order 103, § 44-01-040, filed 12/8/71; Order 101, § 44-01-040, filed 12/8/67, effective 1/8/68.]

Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
44-01-050 Definitions. [Order 103, § 44-01-050, filed 12/8/71; Order 101, § 44-01-050, filed 12/8/67, effective 1/8/68.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
44-01-060 Exemptions and exclusions. [Order 103, § 44-01-060, filed 12/8/71; Order 101, § 44-01-060, filed 12/8/67, effective 1/8/68.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
44-01-070 Trustees exempt from RCW 19.10.070—Reports required. [Order 103, § 44-01-070, filed 12/8/71; Order 101, § 44-01-070, filed 12/8/67, effective 1/8/68.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
44-01-080 Registration—Time for registration. [Order 103, § 44-01-080, filed 12/8/71; Order 102, § 44-01-080, filed 5/8/69; Order 101, § 44-01-080, filed 12/8/67, effective 1/8/68.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
44-01-090 Annual reports. [Order 101, § 44-01-090, filed 12/8/67, effective 1/8/68.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
44-01-100 Annual reports—Substance—Form. [Order 103, § 44-01-100, filed 12/8/71; Order 102, § 44-01-100, filed 5/8/69; Order 101, § 44-01-100, filed 12/8/67, effective 1/8/68.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
44-01-110 Annual or periodic reports—Time for filing. [Order 103, § 44-01-110, filed 12/8/71; Order 101, § 44-01-110, filed 12/8/67, effective 1/8/68.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
44-01-120 Registration and reports—Executing and filing. [Order 101, § 44-01-120, filed 12/8/67, effective 1/8/68.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
44-01-130 Notice of application for tax exemption. [Order 101, § 44-01-130, filed 12/8/67, effective 1/8/68.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
44-01-150 Duty to furnish information—In general. [Order 101, § 44-01-150, filed 12/8/67, effective 1/8/68.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
44-01-160 Register—Inspection. [Order 101, § 44-01-160, filed 12/8/67, effective 1/8/68.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
44-01-170 When trust becomes subject to act—Vested remainders. [Order 103, § 44-01-170, filed 12/8/71; Order 101, § 44-01-170, filed 12/8/67, effective 1/8/68.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
44-01-180 Regulations—Amendments. [Order 101, § 44-01-180, filed 12/8/67, effective 1/8/68.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471