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DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 16-09

RULES AND REGULATIONS RELATIVE TO THE EXECUTIVE CONFLICT OF INTEREST ACT

- 16-09-001 Promulgation. [Order 1420, § 16-09-001, filed 8/4/75.] Repealed by 96-18-104, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 42.18 RCW.
16-09-010 Purpose. [Order 1420, § 16-09-010, filed 8/4/75.] Repealed by 96-18-104, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 42.18 RCW.
16-09-020 Rules of conduct. [Order 1420, § 16-09-020, filed 8/4/75.] Repealed by 96-18-104, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 42.18 RCW.
16-09-030 Conflict of employment. [Order 1420, § 16-09-030, filed 8/4/75.] Repealed by 96-18-104, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 42.18 RCW.
16-09-040 Disciplinary action. [Order 1420, § 16-09-040, filed 8/4/75.] Repealed by 96-18-104, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 42.18 RCW.

Chapter 16-16

NONINSPECTED MEAT FOOD ANIMAL CARCASSES AT MEAT HANDLING ESTABLISHMENTS

- 16-16-001 through 16-16-030. [Order 803, effective 3/18/60.] Superseded by Order 1070, filed 9/28/67, effective 11/1/67. Later promulgation, see chapter 16-20 WAC.

Chapter 16-28

COMMERCIAL REGISTERED FEED LOTS

- 16-28-010 Definition. [Order 619, Regulation 73, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.
16-28-020 Licensed quarantined registered feed lots included. [Order 619, Regulation 75, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.
16-28-030 Applications for. [Order 619, Regulation 71, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.
16-28-040 Duration of licenses. [Order 619, Regulation 72, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.
16-28-050 Lot size. [Order 619, Regulation 74, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.
16-28-060 Drainage requirements. [Order 619, Regulation 76, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.
16-28-069 Screenings, screenings waste or screening refuse, defined—Established tolerances. [See WAC 16-200-512, Order 619, Regulations 69 and 70, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.

- 16-28-070 Destroying viable weed seeds. [Order 619, Regulation 77, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.

- 16-28-080 Transportation of screenings containing weed seeds. [Order 619, Regulation 78, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.

- 16-28-090 Sale of animal droppings. [Order 619, Regulation 79, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.

Chapter 16-38

HORSEMEAT, DECHARACTERIZATION

- 16-38-001 Promulgation. [Order 579, Promulgation, effective 4/15/50.] Repealed by 94-05-009 (Order 5031), filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 16.36.096 and [16.36.]040.
16-38-010 Proper decharacterization defined. [Order 579, Regulation 1, effective 4/15/50.] Repealed by 94-05-009 (Order 5031), filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 16.36.096 and [16.36.]040.
16-38-020 Penalty. [Order 579, Regulation 2, effective 4/15/50.] Repealed by 94-05-009 (Order 5031), filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 16.36.096 and [16.36.]040.

Chapter 16-49

REGULATIONS RELATING TO FAT STANDARDS FOR GROUND BEEF, HAMBURGER, LEAN GROUND BEEF, EXTRA LEAN GROUND BEEF, AND LABELING, ADVERTISING AND SALE OF NAMED GROUND MEAT

- 16-49-001 Promulgation. [Order 1349, § 16-49-001, filed 5/17/74.] Repealed by 96-18-105, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 16.49A RCW.
16-49-010 Standards—Ground beef and hamburger. [Order 1349, § 16-49-010, filed 5/17/74.] Repealed by 96-18-105, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 16.49A RCW.
16-49-020 Lean ground beef standards. [Order 1349, § 16-49-020, filed 5/17/74.] Repealed by 96-18-105, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 16.49A RCW.
16-49-030 Extra lean ground beef standards. [Order 1349, § 16-49-030, filed 5/17/74.] Repealed by 96-18-105, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 16.49A RCW.
16-49-040 Labeling, advertising, and sale. [Order 1349, § 16-49-040, filed 5/17/74.] Repealed by 96-18-105, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 16.49A RCW.

Chapter 16-58

LIVE POULTRY AND TURKEYS—SANITATION OF TRANSPORTATION EQUIPMENT

- 16-58-001 through 16-58-030. [Order 574, effective 4/10/50.] Superseded by Order No. 997, filed 1/21/66. Later promulgation, see chapter 16-59 WAC.

Chapter 16-62

CHICKENS—BACILLARY WHITE DIARRHEA

- 16-62-001 through 16-62-030. [Order 219, effective 10/9/37.] Superseded by Order No. 997, filed 1/21/66. Later promulgation, see chapter 16-59 WAC.

Chapter 16-66

CHICKENS—PULLORUM DISEASE

- 16-66-001 through 16-66-020. [Order 573, effective 4/10/50.] Superseded by Order No. 997, filed 1/21/66. Later promulgation, see chapter 16-59 WAC.

Chapter 16-78

HOG CHOLERA, SWINE PLAGUE, SWINE ERYSIPELAS AND VESICULAR EXANTHEMA

- 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.

Chapter 16-82

CALFHOOD VACCINATED ANIMALS—QUARANTINE, INDEMNITY AND CLASSIFICATION OF SUSPECTS AND REACTORS

- 16-82-001 Promulgation. [Order 644, effective 1/13/53.] Repealed by Order 1170, filed 12/15/70.
- 16-82-010 Quarantine. [Order 644, Regulation 1, effective 1/13/53.] Repealed by Order 1170, filed 12/15/70.
- 16-82-020 Retest. [Order 644, Regulation 2, effective 1/13/53.] Repealed by Order 1170, filed 12/15/70.
- 16-82-030 Indemnities. [Order 644, Regulation 3, effective 1/13/53.] Repealed by Order 1170, filed 12/15/70.
- 16-82-040 Tagging and branding. [Order 644, Regulation 4, effective 1/13/53.] Repealed by Order 1170, filed 12/15/70.

Chapter 16-114

EGG PRODUCTS

- 16-114-001 Promulgation. [Order 941, Promulgation, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-010 Definitions. [Order 941, Regulation 1, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-015 Plant requirements. [Order 941, Regulation 2, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-020 Equipment and utensils. [Order 941, Regulation 3, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-025 General operating procedures. [Order 941, Regulation 4, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-030 Candlering and transfer-room facilities. [Order 941, Regulation 5, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-040 Candlering and transfer-room operations. [Order 941, Regulation 6, filed 2/28/64.] Repealed by 96-18-110, filed

9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.

- 16-114-045 Egg washing area. [Order 941, Regulation 7, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-050 Egg cleaning operations. [Order 941, Regulation 8, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-055 Breaking room facilities. [Order 941, Regulation 9, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-060 Breaking room operations. [Order 941, Regulation 10, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-065 Liquid egg cooling facilities. [Order 941, Regulation 11, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-070 Liquid cooling operations. [Order 941, Regulation 12, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-075 Liquid egg holding. [Order 941, Regulation 13, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-080 Freezing facilities. [Order 941, Regulation 14, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-085 Freezing operations. [Order 941, Regulation 15, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-090 Defrosting facilities. [Order 941, Regulation 16, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-095 Defrosting operations. [Order 941, Regulation 17, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-100 Drying facilities and operation. [Order 941, Regulation 18, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-105 Washing and sanitizing room or area facilities. [Order 941, Regulation 19, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-110 Cleaning and sanitizing requirements. [Order 941, Regulation 20, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-115 Health and hygiene of personnel. [Order 941, Regulation 21, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-120 Pasteurization of liquid eggs. [Order 941, Regulation 22, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-125 Labeling. [Order 941, Regulation 23, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-130 Plant specifications and plant approval. [Order 941, Regulation 24, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.
- 16-114-135 Exemptions. [Order 941, Regulation 25, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.

16-114-140 Sale of egg products. [Order 941, Regulation 26, filed 2/28/64.] Repealed by 96-18-110, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 69.04 and 69.25 RCW.

Chapter 16-116

POULTRY AND RABBIT KILLING ESTABLISHMENTS

16-116-001 Promulgation. [Order 609, Promulgation, effective 8/7/51.] Repealed by 96-18-111, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 16.74 and 16.49A RCW.

16-116-010 Equipment—Sanitation. [Order 609, Regulation 1, effective 8/7/51.] Repealed by 96-18-111, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 16.74 and 16.49A RCW.

16-116-020 Slaughter and refrigeration. [Order 609, Regulation 2, effective 8/7/51.] Repealed by 96-18-111, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 16.74 and 16.49A RCW.

16-116-030 Unwholesome meat. [Order 609, Regulation 3, effective 8/7/51.] Repealed by 96-18-111, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 16.74 and 16.49A RCW.

16-116-040 Sale of wild rabbits forbidden. [Order 609, Regulation 4, effective 8/7/51.] Repealed by 96-18-111, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 16.74 and 16.49A RCW.

Chapter 16-120

CREAM BUYING STATIONS

16-120-001 Promulgation. [Order 449, Promulgation, effective 7/1/46.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

16-120-005 Definition. [Order 449, Definition, effective 7/1/46.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

16-120-010 Location. [Order 449, Regulation 1, effective 7/1/46.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

16-120-020 Floors. [Order 449, Regulation 2, effective 7/1/46.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

16-120-030 Walls and ceilings. [Order 449, Regulation 3, effective 7/1/46.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

16-120-040 Window space and artificial light. [Order 449, Regulation 4, effective 7/1/46.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

16-120-050 Ventilation. [Order 449, Regulation 5, effective 7/1/46.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

16-120-060 Screening. [Order 449, Regulation 6, effective 7/1/46.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

16-120-070 Floor space. [Order 449, Regulation 7, effective 7/1/46.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

16-120-080 Steam. [Order 449, Regulation 8, effective 7/1/46.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

16-120-090 Wash vats. [Order 449, Regulation 9, effective 7/1/46.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

16-120-100 Metal racks. [Order 449, Regulation 10, effective 7/1/46.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

16-120-110 Babcock testing equipment. [Order 449, Regulation 11, effective 7/1/46.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

16-120-120 Cream temperature. [Order 449, Regulation 12, effective 7/1/46.] Repealed by 96-18-112, filed 9/4/96, effective

10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

16-120-130 Penalty. [Order 449, Penalty, effective 7/1/46.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

Chapter 16-126

MILK AND CREAM—BUYING IN BULK

16-126-001 License to buy milk and cream in bulk. [Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.222, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-126-001, filed 7/25/91, effective 8/25/91.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.

Chapter 16-128

DRY MILK PRODUCTS

16-128-001 Promulgation. [Order 805, Promulgation, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.

16-128-010 Definition of terms. [Order 805, Regulation 1, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.

16-128-020 Manufacture and sale of Grade A dry milk products. [Order 805, Regulation 2, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.

16-128-030 Permits. [Order 805, Regulation 3, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.

16-128-040 Inspection of milk drying plants. [Order 805, Regulation 4, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.

16-128-050 Labeling of Grade A dry milk products. [Order 805, Regulation 5, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.

16-128-060 Milk and milk products used in the manufacture of Grade A dry milk products. [Order 805, Regulation 6, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.

16-128-070 Examination of dry milk products. [Order 805, Regulation 7, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.

16-128-080 Bacteriological, chemical, and physical requirements for Grade A dry milk products. [Order 805, Regulation 8, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.

16-128-090 Sanitation requirements for milk drying plants. [Order 805, Regulation 9, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.

16-128-100 Notification of disease. [Order 805, Regulation 10, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.

16-128-110 Procedure when infection is suspected. [Order 805, Regulation 11, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.

16-128-120 Sale of out-of-state dry milk products. [Order 805, Regulation 12, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.

- 16-128-130 Federal dry milk products code interpretations to govern. [Order 805, Regulation 13, effective 3/18/60.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- Chapter 16-132
CHEESE—BRANDING, TRADEMARKS**
- 16-132-001 Promulgation. [Order 504, Promulgation, effective 7/15/47.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.
- 16-132-010 Brand marks. [Order 504, Regulation 1, effective 7/15/47.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.
- 16-132-020 Registration. [Order 504, Regulation 2, effective 7/15/47.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.
- 16-132-030 Branding by manufacturers, wholesalers and jobbers. [Order 504, Regulation 3, effective 7/15/47.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.
- 16-132-040 Application. [Order 504, Regulation 4, effective 7/15/47.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.
- 16-132-050 Necessity of and effective date of order. [Order 504, effective 7/15/47.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.
- 16-132-060 Penalty. [Order 504, Penalty, effective 7/15/47.] Repealed by 96-18-112, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 43.23 and 15.32 RCW.
- Chapter 16-136
BUTTER SUBSTITUTES**
- 16-136-001 Promulgation. [Order 563, Promulgation, effective 3/29/50.] Repealed by 96-18-107, filed 9/4/96, effective 10/5/96. Statutory Authority: RCW 15.40.040.
- 16-136-010 Mandatory signs in restaurants. [Order 563, Regulation 1, effective 3/29/50.] Repealed by 96-18-107, filed 9/4/96, effective 10/5/96. Statutory Authority: RCW 15.40.040.
- 16-136-020 Penalty. [Order 563, Penalty, effective 3/29/50.] Repealed by 96-18-107, filed 9/4/96, effective 10/5/96. Statutory Authority: RCW 15.40.040.
- Chapter 16-140
PROCESSING LOW ACID FOODS**
- 16-140-001 Promulgation. [Order 1071, Promulgation, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-010 Definitions. [Order 1071, Regulation 1, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-020 Sterilizing food commercially—Required equipment. [Order 1071, Regulation 2, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-030 Sterilizing food commercially—Additional equipment. [Order 1071, Regulation 3, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-040 Safety valve. [Order 1071, Regulation 4, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-050 Venting of retorts for removal of air—General considerations. [Order 1071, Regulation 5, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-060 Venting of horizontal retorts for removal of air—Systems A-H. [Order 1071, Regulation 6, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-070 Venting of vertical retorts for removal of air—Systems I and J. [Order 1071, Regulation 7, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-080 Records. [Order 1071, Regulation 8, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-090 Process requirements. [Order 1071, Regulation 9, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- 16-140-100 Process requirements—Authority to establish—Process time, temperature, equipment standards. [Order 1071, Regulation 10, filed 10/23/67, effective 12/1/67.] Repealed by 96-18-113, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32, 15.36 and 69.04 RCW.
- Chapter 16-148
ABNORMAL MILK**
- 16-148-001 Promulgation. [Order 1068, Promulgation, filed 9/20/67, effective 10/1/67.] Repealed by 96-18-109, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-148-010 Definition of terms. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-075, § 16-148-010, filed 7/2/90, effective 8/2/90; Order 1068, Regulation 1, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-109, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-148-020 Examination of producer milk. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-075, § 16-148-020, filed 7/2/90, effective 8/2/90; Order 1068, Regulation 2, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-109, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-148-030 Enforcement procedures. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-075, § 16-148-030, filed 7/2/90, effective 8/2/90; Order 1068, Regulation 3, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-109, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- Chapter 16-166
STANDARDS AND CERTIFICATION FOR VENDORS OF
ORGANIC FOOD**
- 16-166-010 Purpose. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-010, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.
- 16-166-020 Definitions. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-020, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.
- 16-166-030 Organic certification of vendors. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-030, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.
- 16-166-040 Standards for vendors. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-040, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.
- 16-166-050 Recordkeeping requirements. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-050, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order

- 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.
- 16-166-060 Inspections. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-060, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.
- 16-166-070 Sampling. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-070, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.
- 16-166-080 Decertification. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-080, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.
- 16-166-090 Fee schedule. [Statutory Authority: Chapter 15.86 RCW. 92-17-017, § 16-166-090, filed 8/7/92, effective 9/7/92.] Repealed by 95-13-074 (Order 5069), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW.

Chapter 16-216**HOPS—CHEMICAL ANALYSES—FEES**

- 16-216-001 Promulgation. [Order 1094, Promulgation, § 16-216-001, filed 6/28/68, effective 8/1/68; Emergency Order 1092, § 16-216-001, filed 6/8/68; Order 995, Promulgation, filed 12/8/65.] Repealed by 78-07-074 (Order 1580), filed 6/30/78. Statutory Authority: Chapter 22.09 RCW.
- 16-216-010 Schedule of charges for chemical analyses of hops. [Order 1094, § 16-216-010, filed 6/28/68, effective 8/1/68; Emergency Order 1092, § 16-216-010, filed 6/28/68; Order 995, Regulation 2, filed 12/8/65; Order 780, Regulations 1 through 5, effective 9/1/58.] Repealed by 78-07-074 (Order 1580), filed 6/30/78. Statutory Authority: Chapter 22.09 RCW.
- 16-216-020 through 16-216-050. [Order 780, Regulations 3 through 5, effective 9/1/58.] Now codified within WAC 16-216-010.

Chapter 16-220**RODENT AND PREDATORY ANIMAL POISONS**

- 16-220-001 Promulgation. [Order 862, Promulgation, filed 8/14/61.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-002 Promulgation. [Order 1294, § 16-220-002, filed 2/15/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-220-010 Registration requirements. [Order 862, § 16-220-010, filed 8/14/61; Order 725, Regulation 1, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-015 Label requirements. [Order 862, Regulation 2, filed 8/14/61; Order 725, Regulation 725, Regulation 2, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-020 Artificial coloring. [Order 862, Regulation 3, filed 8/14/61; Order 725, Regulation 4, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-025 Certain arsenic uses prohibited. [Order 862, Regulation 4, filed 8/14/61; Order 725, Regulation 5, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-030 Foliage oils. [Order 862, Regulation 5, filed 8/14/61; Order 725, Regulation 6, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-035 Exemptions for experiment uses. [Order 862, Regulation 6, filed 8/14/61; Order 725, Regulation 7, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-040 Custom mixes. [Order 862, Regulation 7, filed 8/14/61; Order 725, Regulation 8, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-045 Adequate containers. [Order 862, Regulation 8, filed 8/14/61; Order 725, Regulation 9, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-050 Sale of thallium and sodium fluoracetate. [Order 862, Regulation 9, filed 8/14/61; Order 725, Regulation 10, effective 1/1/56.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-055 Dealer's responsibilities. [Order 862, Regulation 10, filed 8/14/61.] Superseded by Order 932, filed 9/20/63 and Order 998, filed 12/10/65, codified within chapter 16-222 WAC.
- 16-220-101 Rodent and predatory animal poisons—Promulgation. [Order 674, Promulgation, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-110 Definitions. [Order 674, § 1, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-115 Statement and agreement for purchase of pesticide poisons. [Order 674, § 2, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-120 Permit. [Order 674, § 3, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-125 Rodenticides. [Order 674, § 4, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-130 Exposure of poisons. [Order 674, § 5, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-135 Bait containers. [Order 674, § 6, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-140 Crumb-type baits. [Order 674, § 7, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-145 Use and records. [Order 674, § 8, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-150 Disposal of dead rodents. [Order 674, § 9, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-155 Use warnings—First aid treatment. [Order 674, § 10, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-160 Bait formulation. [Order 674, § 11, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-165 Use limitations. [Order 674, § 12, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-170 Warnings to manufacturers. [Order 674, § 13, effective 8/10/53.] Repealed by Order 1294, filed 2/15/73.
- 16-220-200 Definitions. [Order 1294, § 16-220-200, filed 2/15/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-010.
- 16-220-205 Pesticide applicator and public operator records. [Order 1294, § 16-220-205, filed 2/15/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-150.
- 16-220-210 Regulation of application of rodenticide baits. [Order 1294, § 16-220-210, filed 2/15/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-225.
- 16-220-215 Special restrictions on the use of compounds 1080 and 1081, and phosphorus paste. [Order 1294, § 16-220-215, filed 2/15/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-230.

Chapter 16-221**RESTRICTIONS ON LINDANE PRODUCTS**

- 16-221-001 Promulgation. [Order 1127, § 16-221-001, filed 11/28/69, effective 12/31/69.] Repealed by 94-03-024 (Order 5027), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-221-010 Definition. [Order 1127, § 16-221-010, filed 11/28/69, effective 12/31/69.] Repealed by 94-03-024 (Order 5027), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-221-020 Declaration. [Order 1127, § 16-221-020, filed 11/28/69, effective 12/31/69.] Repealed by 94-03-024 (Order 5027),

- filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-221-030 Registration requirements. [Order 1127, § 16-221-030, filed 11/28/69, effective 12/31/69.] Repealed by 94-03-024 (Order 5027), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-221-040 Distribution requirements. [Order 1127, § 16-221-040, filed 11/28/69, effective 12/31/69.] Repealed by 94-03-024 (Order 5027), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- Chapter 16-222**
RESTRICTED USE PESTICIDES
- 16-222-001 Promulgation. [Order 1296, § 16-222-001, filed 2/20/73; Order 1272, § 16-222-001, filed 6/7/72; Order 1222, § 16-222-001, filed 12/1/71, effective 1/1/72; Order 1161, § 16-222-001, filed 8/28/70, effective 9/28/70; Order 998, Promulgation, filed 12/10/65; Order 932, filed 9/20/63; Order 862, filed 8/14/61.] Repealed by Order 1470, filed 5/14/76.
- 16-222-00101 Promulgation. [Order 1346, § 16-222-00101, filed 2/5/74.] Repealed by Order 1470, filed 5/14/76.
- 16-222-002 Promulgation. [Order 1128, § 16-222-002, filed 11/28/69, effective 12/31/69.] Repealed by Order 1161, filed 8/28/70, effective 9/28/70.
- 16-222-010 Definitions. [Order 1222, § 16-222-010, filed 12/1/71, effective 1/1/72; Order 1161, § 16-222-010, filed 8/28/70, effective 9/28/70; Order 998, Regulation 1, filed 12/10/65.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-222-020 Registration requirements—Disinfectants and sterilizers. [Order 998, Regulation 2; filed 12/10/65; Order 862, Regulation 1, filed 8/14/61; Order 725, Regulation 1, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-222-030 Label requirements. [Order 1222, § 16-222-030, filed 12/1/71, effective 1/1/72; Order 1161, § 16-222-030, filed 8/28/70, effective 9/28/70; Order 998, Regulation 3, filed 12/10/65; Order 862, Regulation 2, filed 8/14/61; Order 725, Regulation 2, effective 1/1/56, subsection (3)(c) from prior Order 932, filed 9/20/63.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-115.
- 16-222-040 Artificial coloring. [Order 1161, § 16-222-040, filed 8/28/70, effective 9/28/70; Order 998, Regulation 4, filed 12/10/65; Order 862, Regulation 3, filed 8/14/61; Order 725, Regulation 4, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-120.
- 16-222-050 Certain arsenic uses prohibited. [Order 1161, § 16-222-050, filed 8/28/70, effective 9/28/70; Order 998, Regulation 5, filed 12/10/65; Order 862, Regulation 4, filed 8/14/61; Order 725, Regulation 5, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-222-060 Spray oils. [Order 998, Regulation 6, filed 12/10/65; Order 862, Regulation 5, filed 8/14/61; Order 725, Regulation 6, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-222-070 Exemptions for experimental uses. [Order 1161, § 16-222-070, filed 8/28/70, effective 9/28/70; Order 998, Regulation 7, filed 12/10/65; Order 862, Regulation 6, filed 8/14/61; Order 725, Regulation 7, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-125.
- 16-222-080 Custom mixes. [Order 998, Regulation 4, filed 12/10/65; Order 862, Regulation 3, filed 8/14/61; Order 725, Regulation 4, effective 1/1/56.] Repealed by Order 1161, filed 8/28/70, effective 9/28/70.
- 16-222-090 Pesticide-fertilizer restriction and labeling. [Order 1161, § 16-222-090, filed 8/28/70, effective 9/28/70; Order 998, Regulation 9, filed 12/10/65.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-130.
- 16-222-100 Pesticide-fertilizer mix restrictions. [Order 998, Regulation 10, filed 12/10/65.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-140.
- 16-222-110 Adequate containers. [Order 1161, § 16-222-110, filed 8/28/70, effective 9/28/70; Order 998, Regulation 11, filed 12/10/65; Order 862, Regulation 8, filed 8/14/61; Order 725, Regulation 9, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-145.
- 16-222-120 Sales or possession of sodium fluoracetate, fluoracetamide, and phosphorus pastes. [Order 1296, § 16-222-120, filed 2/20/73; Order 1161, § 16-222-120, filed 8/28/70, effective 9/28/70; Order 998, Regulation 12, filed 12/10/65; Order 862, Regulation 9, filed 8/14/61; Order 725, Regulation 10, effective 1/1/56.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-145 (codified as WAC 16-228-14501).
- 16-222-130 Responsibilities of pesticide dealers and pest control consultants in sales of highly toxic and restricted use pesticides and in recommendations. [Order 1296, § 16-222-130, filed 2/20/73; Order 1161, § 16-222-130, filed 8/28/70, effective 9/28/70; Order 998, Regulation 13, filed 12/10/65; Order 862, Regulation 10, filed 8/14/61.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-150.
- 16-222-140 Restricted use pesticides and labeling requirements. [Order 1128, § 16-222-140, filed 11/28/69, effective 12/31/69; Order 998, Regulation 14, filed 12/10/65; Order 932, Regulation 1, filed 9/20/63.] Repealed by Order 1161, filed 8/28/70, effective 9/28/70.
- 16-222-145 Restricted use pesticides—For commercial and government agency use only. [Order 1296, § 16-222-145, filed 2/20/73; Order 1222, § 16-222-145, filed 12/1/71, effective 1/1/72; Order 1161, § 16-222-145, filed 8/28/70, effective 9/28/70.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-155.
- 16-222-150 Restriction on distribution, transportation, storage, and disposal. [Order 1222, § 16-222-150, filed 12/1/71, effective 1/1/72; Order 1161, § 16-222-150, filed 8/28/70, effective 9/28/70.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-160.
- 16-222-160 User permits. [Order 1346, § 16-222-160 (1)(n) and (9), filed 2/5/74; Order 1296, § 16-222-160, filed 2/20/73; Order 1272, § 16-222-160, filed 6/7/72; Order 1222, § 16-222-160, filed 12/1/71, effective 1/1/72; Order 1161, § 16-222-160, filed 8/28/70, effective 11/26/70.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-165.
- 16-222-170 Pesticide dealers' licenses. [Order 1222, § 16-222-170, filed 12/1/71, effective 1/1/72; Order 1161, § 16-222-170, filed 8/28/70, effective 9/28/70.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-170.
- 16-222-180 Highly toxic list. [Order 1296, § 16-222-180, filed 2/20/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-185.
- 16-222-190 Distribution requirements for growth regulating herbicides to be used in counties located east of the crest of the Cascade Mountains. [Order 1346, § 16-222-190, filed 2/5/74.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see WAC 16-228-175.
- Chapter 16-223**
REGISTRATION, DISTRIBUTION AND USE OF DDT AND DDD
- 16-223-001 Promulgation. [Order 1220, § 16-223-001, filed 12/28/71; Order 1137, § 16-223-001, filed 12/29/69.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-002 Promulgation. [Order 1157, § 16-223-002, filed 6/30/70, effective 8/1/70.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-004 Promulgation. [Order 1281, § 16-223-004, filed 12/1/72; Order 1271, § 16-223-004, filed 6/7/72.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-005 Promulgation. [Order 1353, § 16-223-005, filed 4/17/74.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.

- 16-223-010 Definition. [Order 1137, § 16-223-010, filed 12/29/69.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-020 Declaration. [Order 1137, § 16-223-020, filed 12/29/69.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-030 Renewal of 1969 registrations. [Order 1137, § 16-223-030, filed 12/29/69.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-040 Registration requirements. [Order 1137, § 16-223-040, filed 12/29/69.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-050 Distribution requirements. [Order 1137, § 16-223-050, filed 12/29/69.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-060 Prohibiting use and application. [Order 1137, § 16-223-060, filed 12/29/69.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-070 Disposal of restricted use pesticides and their containers. [Order 1137, § 16-223-070, filed 12/29/69.] Repealed by 94-03-023 (Order 5025), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.58 RCW.
- 16-223-200 Definition. [Order 1353, § 16-223-200, filed 4/17/74; Order 1220, § 16-223-200, filed 12/28/71; Order 1157, § 16-223-200, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see chapter 16-228 WAC.
- 16-223-210 Declaration. [Order 1353, § 16-223-210, filed 4/17/74; Order 1271, § 16-223-210, filed 6/7/72, effective 7/16/72; Order 1220, § 16-223-210, filed 12/28/71; Order 1157, § 16-223-210, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see chapter 16-228 WAC.
- 16-223-220 Essential uses of DDT for 1974. [Order 1353, § 16-223-220, filed 4/17/74; Order 1281, § 16-223-220, filed 12/1/72; Order 1271, § 16-223-220, filed 6/7/72, effective 7/16/72; Order 1220, § 16-223-220, filed 12/28/71; Order 1157, § 16-223-220, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see chapter 16-228 WAC.
- 16-223-221 Essential users of DDD for 1973. [Order 1281, § 16-223-221, filed 12/1/72; Order 1271, § 16-223-221, filed 6/7/72, effective 7/16/72; Order 1220, § 16-223-221, filed 12/28/71.] Repealed by Order 1353, filed 4/17/74.
- 16-223-230 Pesticide user permits and pesticide applicator exemption. [Order 1353, § 16-223-230, filed 4/17/74; Order 1281, § 16-223-230, filed 12/1/72; Order 1271, § 16-223-230, filed 6/7/72, effective 7/16/72; Order 1220, § 16-223-230, filed 12/28/71; Order 1157, § 16-223-230, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see WAC 16-228-165.
- 16-223-240 Dealer and applicator reports required. [Order 1353, § 16-223-240, filed 4/17/74; Order 1281, § 16-223-240, filed 12/1/72; Order 1271, § 16-223-240, filed 6/7/72; Order 1220, § 16-223-240, filed 12/28/71; Order 1157, § 16-223-240, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see chapter 16-228 WAC.
- 16-223-250 Restricted distribution. [Order 1353, § 16-223-250, filed 4/17/74; Order 1281, § 16-223-250, filed 12/1/72; Order 1220, § 16-223-250, filed 12/28/71; Order 1157, § 16-223-250, filed 6/30/70, effective 8/1/70.] Repealed by Order 1481, filed 7/15/76. Later promulgation, see chapter 16-228 WAC.

Chapter 16-225
FIELD-STORED HAY

- 16-225-001 Promulgation. [Order 1206, § 16-225-001, filed 6/30/71.] Repealed by 89-11-092 (Order 2007), filed 5/24/89. Statutory Authority: Chapter 22.09 RCW.
- 16-225-010 License fee. [Order 1206, § 16-225-010, filed 6/30/71.] Repealed by 89-11-092 (Order 2007), filed 5/24/89. Statutory Authority: Chapter 22.09 RCW.
- 16-225-020 Bond. [Order 1206, § 16-225-020, filed 6/30/71.] Repealed by 89-11-092 (Order 2007), filed 5/24/89. Statutory Authority: Chapter 22.09 RCW.
- 16-225-030 Storage requirements. [Order 1206, § 16-225-030, filed 6/30/71.] Repealed by 89-11-092 (Order 2007), filed 5/24/89. Statutory Authority: Chapter 22.09 RCW.
- 16-225-040 Warehouse receipts. [Order 1206, § 16-225-040, filed 6/30/71.] Repealed by 89-11-092 (Order 2007), filed 5/24/89. Statutory Authority: Chapter 22.09 RCW.
- 16-225-050 Reports. [Order 1206, § 16-225-050, filed 6/30/71.] Repealed by 89-11-092 (Order 2007), filed 5/24/89. Statutory Authority: Chapter 22.09 RCW.

Chapter 16-226
COMMERCIAL SPRAYERS AND DUSTERS

- 16-226-001 Promulgation. [Order 944, Promulgation, filed 3/26/64; Order 863, Promulgation, effective 9/13/61.] Repealed by Order 1470, filed 5/14/76.
- 16-226-010 Commercial applicators—Equipment, timing, records, caution, duty to director. [Order 944, Regulation 1, filed 3/26/64; Order 863, Regulation 1, effective 9/13/61; Order 726, Regulation 1, effective 1/18/56.] Repealed by Order 1470, filed 5/14/76.
- 16-226-015 Use of aircraft. [Order 944, Regulation 2, filed 3/26/64; Order 863, Regulation 2, effective 9/13/61; Order 726, Regulation 3, effective 1/18/56.] Repealed by Order 1470, filed 5/14/76.
- 16-226-020 Unlawful recommendations. [Order 944, Regulation 3, filed 3/26/64; Order 863, Regulation 3, effective 9/13/61.] Repealed by Order 1470, filed 5/14/76.
- 16-226-025 Handling, loading, and storage. [Order 944, Regulation 4, filed 3/26/64; Order 863, Regulation 4, effective 9/13/61.] Repealed by Order 1470, filed 5/14/76.
- 16-226-030 Loading and storage near airline passenger terminals. [Order 944, Regulation 5, filed 3/26/64; Order 863, Regulation 5, effective 9/13/61.] Repealed by Order 1470, filed 5/14/76.
- 16-226-035 Sale of thallium and sodium fluoracetate. [Order 944, Regulation 6, filed 3/26/64; Order 863, Regulation 6, effective 9/13/61.] Repealed by Order 1470, filed 5/14/76.
- 16-226-040 Financial responsibility insurance certificate. [Order 944, Regulation 7, filed 3/26/64.] Repealed by Order 1470, filed 5/14/76.

Chapter 16-227
PEST CONTROL CONSULTANTS AND
PESTICIDE DEALER MANAGERS

- 16-227-001 Promulgation. [Order 1314, § 16-227-001, filed 5/11/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-316 WAC.
- 16-227-010 License denied, revoked or suspended. [Order 1314, § 16-227-010, filed 5/11/73.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-316 WAC.

Chapter 16-235
DISPOSING OF PESTICIDES AND
THEIR CONTAINERS—RESTRICTIONS

- 16-235-001 Promulgation. [Order 1219, § 16-235-001, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-235-002 Promulgation. [Order 1231, § 16-235-002, filed 2/14/72, effective 3/15/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-235-010 Definitions. [Order 1219, § 16-235-010, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

- 16-235-020 Restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers. [Order 1231, § 16-235-020, filed 2/14/72, effective 3/15/72; Order 1219, § 16-235-020, filed 12/1/71.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-235-030 Licensing requirements. [Order 1219, § 16-235-030, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-235-040 Compliance with federal requirements. [Order 1219, § 16-235-040, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-235-050 Low flying prohibitions. [Order 1219, § 16-235-050, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-235-060 Requirements for pesticide recommendations. [Order 1219, § 16-235-060, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-235-070 Sale or possession of sodium fluoracetate, fluoracetamide, thallium, and phosphorus pastes. [Order 1219, § 16-235-070, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-235-080 Financial responsibility insurance certificate (FRIC). [Order 1219, § 16-235-080, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-235-090 Application and fee. [Order 1219, § 16-235-090, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.
- 16-235-100 Examination requirements. [Order 1219, § 16-235-100, filed 12/1/71, effective 1/1/72.] Repealed by Order 1470, filed 5/14/76. Later promulgation, see chapter 16-228 WAC.

Chapter 16-308
FLOORSTOCK AND CAR SAMPLING—
CHECK LOADING—CHECK WEIGHING—FEES

- 16-308-001 Promulgation. [Order 651, Promulgation, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.
- 16-308-010 Floor stock sampling. [Order 651, § 1, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.
- 16-308-020 Car sampling. [Order 651, § 2, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.
- 16-308-030 Check loading. [Order 651, § 3, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.
- 16-308-040 Check weighing. [Order 651, § 4, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.
- 16-308-050 Miscellaneous charges. [Order 651, § 5, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.
- 16-308-060 Additions to sample lots. [Order 651, § 6, effective 4/10/53.] Repealed by Order 1452, filed 5/13/76. Later promulgation, see chapter 16-316 WAC.

Chapter 16-312
STANDARDS FOR BLENDING CERTIFIED SEED OF
ALFALFA AND RED CLOVER

- 16-312-010 Approval prior to blending. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.
- 16-312-020 Miscellaneous content—Percentage. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.
- 16-312-030 Objectionable weed limitation. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.

- 16-312-040 Sweet clover limitation. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.
- 16-312-050 Germination and hard seed percentage. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.
- 16-312-060 Tests prior to tagging. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.
- 16-312-070 Registered blends. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.
- 16-312-080 Supervision of blending. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.
- 16-312-090 Fees. [Order 709, effective 1/1/55.] Repealed by Order 979, filed 4/15/65. Later promulgation, see chapter 16-313 WAC.

Chapter 16-320
INTERSTATE CERTIFICATION OF SEEDS

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

Chapter 16-329
GRADES AND STANDARDS—
CERTIFIED STRAWBERRY PLANTS

- 16-329-001 Promulgation. [Order 1217, § 16-329-001, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.
- 16-329-010 Washington No. 1. [Order 1217, § 16-329-010, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.
- 16-329-015 Washington No. 2. [Order 1217, § 16-329-015, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.

- 16-329-020 Tolerances. [Order 1217, § 16-329-020, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.
- 16-329-025 Definitions. [Order 1217, § 16-329-025, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.
- 16-329-030 Effective date. [Order 1217, § 16-329-030, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.

Chapter 16-332
RASPBERRY PLANTS—CERTIFICATION

- 16-332-001 Promulgation. [Order 924, filed 6/25/63.] Repealed by Order 1398, filed 4/16/75.
- 16-332-010 Fees. [Order 924, Regulation 1, filed 6/25/63; Order 647 (part), effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.
- 16-332-020 Definitions. [Order 924, filed 6/25/63; Order 647 (part), effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.
- 16-332-030 Requirements for production of foundation and registered stock. [Order 924, Regulation 2, filed 6/25/63; Order 647 (part), effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.
- 16-332-035 Certified planting stock. [Order 924, Regulation 3, filed 6/25/63.] Repealed by Order 1398, filed 4/16/75.
- 16-332-040 Handling the crop prior to inspection. [Order 647, effective 2/24/53.] Omitted from Order No. 924 which superseded Order No. 647. Repealed by Order 1398, filed 4/16/75.
- 16-332-050 Field inspections. [Order 924, Regulation 4, filed 6/25/63; Order 647, effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.
- 16-332-060 Field standards. [Order 924, Regulation 5, filed 6/25/63; Order 647 (part), effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.
- 16-332-070 Classes of certified plants. [Order 647, effective 2/24/53.] Now codified within WAC 16-332-060. Repealed by Order 1398, filed 4/16/75.
- 16-332-080 Tagging and plant inspection. [Order 924, Regulation 7, filed 6/25/63; Order 647 (part), effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.
- 16-332-090 Additional information. [Order 924 (part), filed 6/25/63; Order 647, effective 2/24/53.] Repealed by Order 1398, filed 4/16/75.

Chapter 16-332A
RULES AND STANDARDS FOR
CERTIFICATION OF CANEBERRY PLANTS

- 16-332A-001 Promulgation. [Order 1398, § 16-332A-001, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-010 Fees. [Order 1398, § 16-332A-010, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-020 Definitions. [Order 1398, § 16-332A-020, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-030 Requirements for production of foundation and registered stock. [Order 1398, § 16-332A-030, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-040 Requirements for production of certified planting stock. [Order 1398, § 16-332A-040, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-050 Field inspection. [Order 1398, § 16-332A-050, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-060 Field standards. [Order 1398, § 16-332A-060, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- 16-332A-070 Tagging or stamping and plant inspection. [Order 1398, § 16-332A-070, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.

- 16-332A-080 Effective date. [Order 1398, § 16-332A-080, filed 4/16/75.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.

Chapter 16-415
HOLLY, CUT SPRAY—STANDARDS

- 16-415-010 Grades. [Order 238, Grades, effective 11/17/37.] Repealed by 94-03-026 (Order 5024), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-415-020 Marking requirements. [Order 238, effective 11/17/37.] Repealed by 94-03-026 (Order 5024), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-415-030 Definition of terms. [Order 238, effective 11/17/37.] Repealed by 94-03-026 (Order 5024), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-415-040 Compliance with U.S. and state laws. [Order 238, effective 11/17/37.] Repealed by 94-03-026 (Order 5024), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.

Chapter 16-418
STANDARDS FOR BULBOUS IRIS

- 16-418-010 Grades and tolerances. [Order 413, effective 3/1/44.] Repealed by Order 413, filed 4/1/70.
- 16-418-020 Minimum size. [Order 413, effective 3/1/44.] Repealed by Order 413, filed 4/1/70.
- 16-418-030 Definition of terms. [Order 413, effective 3/1/44.] Repealed by Order 413, filed 4/1/70.
- 16-418-040 Marking requirements. [Order 413, effective 3/1/44.] Repealed by Order 413, filed 4/1/70.

Chapter 16-421
NARCISSUS BULB STANDARDS

- 16-421-010 Grades. [Order 414, effective 2/25/44.] Repealed by Order 414, filed 4/1/70.
- 16-421-020 Tolerances—Measure. [Order 414, effective 2/25/44.] Repealed by Order 414, filed 4/1/70.
- 16-421-030 Definition of terms. [Order 414, effective 2/25/44.] Repealed by Order 414, filed 4/1/70.
- 16-421-040 Marking requirements. [Order 414, effective 2/25/44.] Repealed by Order 414, filed 4/1/70.
- 16-421-050 Minimum sizes. [Order 414, effective 2/25/44.] Repealed by Order 414, filed 4/1/70.

Chapter 16-425
GRADES AND STANDARDS FOR
DORMANT CERTIFIED GRAPE PLANTING STOCK

- 16-425-001 Promulgation. [Order 1194, § 16-425-001, filed 4/19/71.] Repealed by 86-08-078 (Order 1883), filed 4/2/86. Statutory Authority: Chapter 15.14 RCW.
- 16-425-010 Grades and standards. [Order 1194, § 16-425-010, filed 4/19/71.] Repealed by 86-08-078 (Order 1883), filed 4/2/86. Statutory Authority: Chapter 15.14 RCW.
- 16-425-015 Effective date. [Order 1194, § 16-425-015, filed 4/19/71.] Repealed by 86-08-078 (Order 1883), filed 4/2/86. Statutory Authority: Chapter 15.14 RCW.

Chapter 16-426
GRADES AND STANDARDS
FOR HOP ROOTSTOCK

- 16-426-001 Promulgation. [Order 1265, § 16-426-001, filed 5/10/72.] Repealed by 85-15-047 (Order 1868), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW.
- 16-426-005 Washington No. 1. [Order 1265, § 16-426-005, filed 5/10/72.] Repealed by 85-15-047 (Order 1868), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW.
- 16-426-010 Tolerances. [Order 1265, § 16-426-010, filed 5/10/72.] Repealed by 85-15-047 (Order 1868), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW.
- 16-426-015 Specific requirements. [Order 1265, § 16-426-015, filed 5/10/72.] Repealed by 85-15-047 (Order 1868), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW.

- 16-426-020 Definitions. [Order 1265, § 16-426-020, filed 5/10/72.] Repealed by 85-15-047 (Order 1868), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW.
- 16-426-025 Effective date. [Order 1265, § 16-426-025, filed 5/10/72.] Repealed by 85-22-053 (Order 1876), filed 11/5/85. Statutory Authority: Chapter 15.14 RCW.
- Chapter 16-427**
ORNAMENTAL DECIDUOUS PLANTS,
NURSERY STOCK STANDARDS
- 16-427-001 Promulgation. [Order 1229, § 16-427-001, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 15-432 WAC.
- 16-427-010 Grades and standards. [Order 1229, § 16-427-010, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-010, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-015 Tolerance. [Order 1229, § 16-427-015, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-020 Size terms. [Order 1229, § 16-427-020, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-020, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-025 Balled and burlapped and container grown. [Order 1229, § 16-427-025, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-030 Marking requirements. [Order 1229, § 16-427-030, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-030, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-040 Definition of terms. [Order 1229, § 16-427-040, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-040, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-050 Compliance with federal and state law. [Order 1229, § 16-427-050, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-050, filed 4/17/68, effective 5/17/68; Order 240, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-060 Collected plants. [Order 1229, § 16-427-060, filed 1/24/72, effective 2/24/72; Order 1085, § 16-427-060, filed 4/17/68, effective 5/17/68.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-427-070 Effective date. [Order 1229, § 16-427-070, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- Chapter 16-428**
NURSERY STOCK STANDARDS
FOR FRUIT TREES
- 16-428-001 Promulgation. [Order 1321, § 16-428-001, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 16-432 WAC.
- 16-428-010 Grades and standards. [Order 1321, § 16-428-010, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-428-020 Measurement. [Order 1321, § 16-428-020, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-428-030 Marking. [Order 1321, § 16-428-030, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-428-040 Compliance with federal and state law. [Order 1321, § 16-428-040, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-428-050 Container grown. [Order 1321, § 16-428-050, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-428-060 Size terms. [Order 1321, § 16-428-060, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-428-070 Effective date. [Order 1321, § 16-428-070, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- Chapter 16-429**
NURSERY STOCK STANDARDS
FOR GROUND COVERS, YOUNG PLANTS,
VINES AND SEEDLINGS
- 16-429-001 Promulgation. [Order 1322, § 16-429-001, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 16-432 WAC.
- 16-429-010 Grades and standards. [Order 1322, § 16-429-010, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-020 Tolerance. [Order 1322, § 16-429-020, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-030 Marking requirements. [Order 1322, § 16-429-030, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-040 Compliance with federal and state law. [Order 1322, § 16-429-040, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-050 Collected plants. [Order 1322, § 16-429-050, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-060 Size terms. [Order 1322, § 16-429-060, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-070 Condition of root system. [Order 1322, § 16-429-070, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-080 Definition of terms. [Order 1322, § 16-429-080, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-090 Measurement of types. [Order 1322, § 16-429-090, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-429-100 Effective date. [Order 1322, § 16-429-100, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- Chapter 16-430**
ORNAMENTAL EVERGREEN PLANTS,
NURSERY STOCK STANDARDS
- 16-430-001 Promulgation. [Order 1230, § 16-430-001, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 16-432 WAC.
- 16-430-010 Grades and standards. [Order 1230, § 16-430-010, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-010, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-015 Tolerance. [Order 1230, § 16-430-015, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-020 Size terms. [Order 1230, § 16-430-020, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-020, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-025 Balled and burlapped and container grown. [Order 1230, § 16-430-025, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

- 16-430-030 Measurement. [Order 1086, § 16-430-030, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by Order 1230, filed 1/24/72.
- 16-430-040 Marking requirements. [Order 1230, § 16-430-040, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-040, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-050 Definition of terms. [Order 1230, § 16-430-050, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-050, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-060 Measurement of types. [Order 1230, § 16-430-060, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-060, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-070 Compliance with federal and state law. [Order 1230, § 16-430-070, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-070, filed 4/17/68, effective 5/17/68; Order 239, effective 6/30/34.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-080 Noxious weeds. [Order 1086, § 16-430-080, filed 4/17/68, effective 5/17/68.] Repealed by Order 1230, filed 1/24/72.
- 16-430-090 Ground covers. [Order 1086, § 16-430-090, filed 4/17/68, effective 5/17/68.] Repealed by Order 1230, filed 1/24/72.
- 16-430-100 Collected plants. [Order 1230, § 16-430-100, filed 1/24/72, effective 2/24/72; Order 1086, § 16-430-100, filed 4/17/68, effective 5/17/68.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-430-110 Effective date. [Order 1230, § 16-430-110, filed 1/24/72, effective 2/24/72.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-432-090 Coniferous evergreens. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-090, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-100 Broadleaf evergreen shrubs. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-100, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-110 Fruit trees. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-110, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-120 Understock for grafting and budding. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-120, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-130 Nursery stock standard for roses. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-130, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.

Chapter 16-433

STANDARDS FOR ORNAMENTAL LINING OUT STOCK

- 16-433-010, 16-433-020, 16-433-030, 16-433-040, 16-433-050. [Order 241, effective 6/30/34.] Repealed by Order 241, filed 6/26/73.

Chapter 16-446

GRADES AND STANDARDS FOR CERTIFIED SEED POTATOES

- 16-446-001 Promulgation. [Order 1200, § 16-446-001, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW.
- 16-446-100 Tuber inspection—Diseases and grades. [Order 1200, § 16-446-100, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-445.
- 16-446-110 Specific requirements (percentage tolerances). [Order 1200, § 16-446-110, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-450.
- 16-446-120 Washington No. 1 certified seed potatoes (blue tag stock). [Order 1200, § 16-446-120, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-120.
- 16-446-130 Washington No. 2 certified seed potatoes (red tag stock). [Order 1200, § 16-446-130, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-470.
- 16-446-140 Washington single drop certified seed potatoes (white tag stock). [Order 1200, § 16-446-140, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-480.
- 16-446-150 Washington buff certified seed potatoes (buff tag stock). [Order 1200, § 16-446-150, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-490.
- 16-446-160 Marking requirements. [Order 1200, § 16-446-160, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-500.
- 16-432-010 General. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-010, filed 3/21/79. Formerly chapters 16-427, 16-428, 16-429, 16-430, and 16-454 WAC (part).] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-020 Marking requirements. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-020, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-030 Tolerance. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-030, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-040 Container specifications. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-040, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-050 Terminology. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-050, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-060 Plant specifications. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-060, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-070 Young plants specifications. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627), § 16-432-070, filed 3/21/79.] Repealed by 94-03-025 (Order 5026), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.13 RCW.
- 16-432-080 Deciduous flowering shrubs and shade trees. [Statutory Authority: Chapter 15.13 RCW. 79-04-026 (Order 1627),

- 16-446-170 Tolerances. [Order 1200, § 16-446-170, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-510.
- 16-446-180 Definition of terms. [Order 1200, § 16-446-180, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-520.
- 16-446-190 Definition—Damage. [Order 1200, § 16-446-190, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-530.
- 16-446-200 Definition—Serious damage. [Order 1200, § 16-446-200, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. Later promulgation, see WAC 16-324-540.
- 16-446-210 Effective date. [Order 1200, § 16-446-210, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW.

Chapter 16-454**NURSERY STOCK STANDARDS FOR ROSES**

- 16-454-010 Tea, hybrid tea and everblooming; rugosa and rugosa hybrids; hybrid perpetuals, moss and miscellaneous bush roses. [Order 593, effective 2/26/51.] Repealed by Order 1320, filed 6/26/73.
- 16-454-020 Floribunda roses. [Order 593, effective 2/26/51.] Repealed by Order 1320, filed 6/26/73.
- 16-454-030 Polyantha—Baby roses. [Order 593, effective 2/26/51.] Repealed by Order 1320, filed 6/26/73.
- 16-454-040 Climbing roses. [Order 593, effective 2/26/51.] Repealed by Order 1320, filed 6/26/73.
- 16-454-050 Promulgation. [Order 1320, § 16-454-050, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW. Later promulgation, see chapter 16-432 WAC.
- 16-454-055 Grades and standards. [Order 1320, § 16-454-055, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-454-060 Tolerance. [Order 1320, § 16-454-060, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-454-065 Marking requirements. [Order 1320, § 16-454-065, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-454-070 Compliance with federal and state law. [Order 1320, § 16-454-070, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-454-075 Collected plants. [Order 1320, § 16-454-075, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-454-080 Measurement. [Order 1320, § 16-454-080, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-454-085 Size terms. [Order 1320, § 16-454-085, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-454-090 Container grown roses. [Order 1320, § 16-454-090, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-454-095 Effective date. [Order 1320, § 16-454-095, filed 6/26/73.] Repealed by 79-04-026 (Order 1627), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

Chapter 16-457**STRAWBERRY PLANTS**

- 16-457-001 Promulgation. [Order 820, effective 3/4/61.] Repealed by Order 1110, filed 3/31/69.
- 16-457-010 Washington No. 1—Definitions. [Order 700 (part), filed 3/22/60.] Repealed by Order 1110, filed 3/31/69.
- 16-457-015 Washington No. 1—Types. [Order 700 (part), filed 3/22/60.] Repealed by Order 1110, filed 3/31/69.

- 16-457-020 Washington No. 1—Application of tolerances. [Order 700 (part), filed 3/22/60.] Repealed by Order 1110, filed 3/31/69.
- 16-457-030 Washington No. 1—Tolerances. [Order 700 (part), filed 3/22/60.] Repealed by Order 1110, filed 3/31/69.
- 16-457-040 Washington No. 1—Packing. [Order 700 (part), filed 3/22/60.] Repealed by Order 1110, filed 3/31/69.
- 16-457-050 Washington No. 2—Definitions. [Order 820, Regulation 1, §§ 1 and 5, effective 3/4/61.] Repealed by Order 1110, filed 3/31/69.
- 16-457-060 Washington No. 2—Application of tolerances. [Order 820, Regulation 1, § 2, effective 3/4/61.] Repealed by Order 1110, filed 3/31/69.
- 16-457-070 Washington No. 2—Tolerances. [Order 820, Regulation 2, § 3, effective 3/4/61.] Repealed by Order 1110, filed 3/31/69.
- 16-457-080 Washington No. 2—Packing. [Order 820, Regulation 1, § 4, effective 3/4/61.] Repealed by Order 1110, filed 3/31/69.

Chapter 16-469**AZALEA FLOWER SPOT**

- 16-469-010 Infested territory—Carriers of disease. [Order 704, effective 11/23/54.] Repealed by 92-13-050 (Order 2095), filed 6/11/92, effective 7/12/92. Statutory Authority: Chapter 17.24 RCW.
- 16-469-020 Establishing quarantine—Promulgation. [Order 704, effective 11/23/54.] Repealed by 92-13-050 (Order 2095), filed 6/11/92, effective 7/12/92. Statutory Authority: Chapter 17.24 RCW.
- 16-469-030 Advance notice of nursery shipments. [Order 704, effective 11/23/54.] Repealed by 92-13-050 (Order 2095), filed 6/11/92, effective 7/12/92. Statutory Authority: Chapter 17.24 RCW.
- 16-469-040 Markings on shipments. [Order 704, effective 11/23/54.] Repealed by 92-13-050 (Order 2095), filed 6/11/92, effective 7/12/92. Statutory Authority: Chapter 17.24 RCW.
- 16-469-050 Entrance into state upon certification. [Order 704, effective 11/23/54.] Repealed by 92-13-050 (Order 2095), filed 6/11/92, effective 7/12/92. Statutory Authority: Chapter 17.24 RCW.
- 16-469-060 Dispositions and penalties. [Order 704, effective 11/23/54.] Repealed by 92-13-050 (Order 2095), filed 6/11/92, effective 7/12/92. Statutory Authority: Chapter 17.24 RCW.

Chapter 16-475**CLUB ROOT DISEASE OF CRUCIFERS**

- 16-475-001 Promulgation—Establishing quarantine. [Order 718, Promulgation, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.
- 16-475-010 Pest. [Order 718, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.
- 16-475-020 Area under quarantine. [Order 718, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.
- 16-475-030 Regulated products. [Order 718, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.
- 16-475-040 Conditions governing shipments. [Order 718, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.
- 16-475-050 Violations and penalty. [Order 718, effective 5/11/55.] Repealed by Order 718, filed 7/2/76.

Chapter 16-485**EUROPEAN CRANE FLY QUARANTINE**

- 16-485-001 Promulgation. [Order 1163, § 16-485-001, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.
- 16-485-002 Promulgation. [Order 1163, § 16-485-002, filed 12/3/71, effective 1/3/72.] Repealed by Order 1163, filed 4/10/73.
- 16-485-010 Definitions. [Order 1163, § 16-485-010, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.
- 16-485-015 Quarantine area. [Order 1163, § 16-485-015, filed 12/3/71, effective 1/3/72; Order 1163, § 16-485-015, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.

- 16-485-020 Regulated articles. [Order 1163, § 16-485-020, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.
- 16-485-025 Condition governing the movement of regulated articles. [Order 1163, § 16-485-025, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.
- 16-485-030 Inspection and disposal. [Order 1163, § 16-485-030, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.
- 16-485-035 Violation and penalty. [Order 1163, § 16-485-035, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.
- 16-485-040 Effective date. [Order 1163, § 16-485-040, filed 12/3/71, effective 1/3/72; Order 1163, § 16-485-040, filed 9/15/70.] Repealed by Order 1163, filed 4/10/73.

Chapter 16-486**AUSTRALIA AND TASMANIA APPLE QUARANTINE**

- 16-486-001 Promulgation—Establishing quarantine. [Order 1292, § 16-486-001, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-486-010 Quarantine area. [Order 1292, § 16-486-010, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-486-015 Commodity covered. [Order 1292, § 16-486-015, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-486-020 Regulation. [Order 1292, § 16-486-020, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-486-025 Fumigation requirements. [Order 1292, § 16-486-025, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-486-030 Proof of fumigation. [Order 1292, § 16-486-030, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-486-035 Disposition of apples shipped in violation of this quarantine. [Order 1292, § 16-486-035, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-486-040 Violation and penalty. [Order 1292, § 16-486-040, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-486-045 Effective date. [Order 1292, § 16-486-045, filed 2/7/73.] Repealed by 91-11-054 (Order 2085), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.

Chapter 16-490**PEA MOTH**

- 16-490-010 Infested territory. [Order 926 (part), filed 6/25/63; Order 375, effective 12/28/42.] Repealed by Order 926, filed 11/16/70, effective 12/17/70.
- 16-490-020 Promulgation—Quarantine. [Order 926 (part), filed 6/25/63; Order 375, effective 12/28/42.] Repealed by Order 926, filed 11/16/70, effective 12/17/70.
- 16-490-030 Definitions. [Order 926 (part), filed 6/25/63; Order 712, effective 2/17/55; Order 375, effective 12/28/42.] Repealed by Order 926, filed 11/16/70, effective 12/17/70.
- 16-490-040 Regulated products and conditions governing shipments from infested areas. [Order 375, effective 12/28/42.] Omitted from Order 926, which superseded Order 375.
- 16-490-050 Regulations for control areas. [Order 926, Regulation 1, filed 6/25/63; Order 712, effective 2/17/55; Order 375, effective 12/28/42.] Repealed by Order 926, filed 11/16/70, effective 12/17/70.
- 16-490-060 Penalties. [Order 375, effective 12/28/42.] Now codified within WAC 16-490-070.
- 16-490-070 Enforcement and violations. [Order 926, Regulation 2, filed 6/25/63; Order 375, effective 12/28/42.] Repealed by Order 926, filed 11/16/70, effective 12/17/70.

Chapter 16-492**EUROPEAN PINE SHOOT MOTH**

- 16-492-001, 16-492-010, 16-492-015, 16-492-020, 16-492-025, 16-492-030, 16-492-035, 16-492-040, 16-492-045, 16-492-050. [Order 841 (part), filed 8/13/62, 4/14/61.] Repealed by Order 1022, filed 7/18/73.

Chapter 16-496**MINT WILT QUARANTINE**

- 16-496-001 Promulgation. [Order 1088, § 16-496-001, Promulgation, filed 4/26/68; Quarantine Order 1054, filed 6/6/67; Order 1043, filed 3/13/67; Order 1001, filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-010 Definitions. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-020 Restricted areas. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-030 Quarantine area. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-040 Regulated areas. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-045 Regulated articles. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043, filed 3/13/67.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-050 Conditions governing restricted areas. [Order 1088, § 16-496-050, filed 4/26/68; Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-060 Conditions governing movement of regulated articles. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-070 Applications for inspection. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-080 Violations and penalty. [Quarantine Order 1054 (part), filed 6/6/67; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.
- 16-496-090 Effective date. [Order 1088, § 16-496-090, filed 4/26/68; Order 1043 (part), filed 3/13/67; Order 1001 (part), filed 1/27/66; Order 962, filed 3/29/65; Emergency Order 961, filed 3/3/65; Order 856, filed 9/6/61.] Repealed by Order 1088, filed 6/16/75, effective 8/1/75.

Chapter 16-605**LICENSING REQUIREMENTS OF COMMERCIAL FEED LOTS**

- 16-605-001 Promulgation. [Order, § 16-605-001, filed 10/21/71.] Repealed by 90-23-088 (Order 2060), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.58.030 and chapter 16.58 RCW.

- 16-605-010 Facilities. [Order, § 16-605-010, filed 10/21/71.] Repealed by 90-23-088 (Order 2060), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.58.030 and chapter 16.58 RCW.
- 16-605-020 Audits. [Order, § 16-605-020, filed 10/21/71.] Repealed by 90-23-088 (Order 2060), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.58.030 and chapter 16.58 RCW.
- 16-605-030 Audit fees. [Order, § 16-605-030, filed 10/21/71.] Repealed by 90-23-088 (Order 2060), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.58.030 and chapter 16.58 RCW.
- 16-605-040 Approval for cattle transferred to an unlicensed feed lot. [Order, § 16-605-040, filed 10/21/71.] Repealed by 90-23-088 (Order 2060), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.58.030 and chapter 16.58 RCW.

Chapter 16-658**WEIGHTS AND MEASURES—LIQUID FUEL**

- 16-658-001 Promulgation. [Order 792, effective 3/1/60.] Repealed by Order 1135, filed 12/29/69, effective 2/1/70. See WAC 16-650-001.
- 16-658-010 Liquid fuel. [Order 792, Regulation 4, effective 3/1/60.] Repealed by Order 1135, filed 12/29/69, effective 2/1/70.

Reviser's note: Department of Agriculture Order No. 17, filed July 2, 1976, and effective August 2, 1976, purports to repeal Quarantine Order No. 17. The adoption of such quarantine order was never filed with the code reviser.

Chapter 16-678**CONTAINERS—MARKING REQUIREMENTS—SWEET CHERRIES**

- 16-678-001 Promulgation. [Order 929, Promulgation, filed 8/6/63; Emergency Order 920, effective 6/4/63; Order 813, Promulgation, effective 5/2/60.] Repealed by 94-03-022 (Order 5023), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.17 RCW.
- 16-678-010 Marking containers. [Order 929, Regulation 1, filed 8/6/63; Emergency Order 920, effective 6/4/63; Order 813, Regulation 1, effective 5/2/60.] Repealed by 94-03-022 (Order 5023), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.17 RCW.

Chapter 16-680**"GIFT GRADE" FOR FRUIT—MARKING REQUIREMENTS**

- 16-680-001 Promulgation. [Order 893, Promulgation, filed 8/31/62.] Repealed by 94-03-021 (Order 5022), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.17 RCW.
- 16-680-010 Definition. [Order 893, Regulation 12 (part), filed 8/31/62; Order 871, Regulation 1 (part), filed 11/13/61.] Repealed by 94-03-021 (Order 5022), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.17 RCW.
- 16-680-015 Container marking. [Order 893, Regulation 12 (part), filed 8/31/62; Order 871, Regulation 1 (part), filed 11/13/61.] Repealed by 94-03-021 (Order 5022), filed 1/10/94, effective 2/10/94. Statutory Authority: Chapter 15.17 RCW.

Chapter 16-693**COMMISSION MERCHANT STANDARD CONTRACT FORMAT**

- 16-693-001 Promulgation. [Order 1399, § 16-693-001, filed 5/8/75.] Repealed by 87-18-009 (Order 1949), filed 8/21/87. Statutory Authority: 1987 c 393 § 13.
- 16-693-010 Commission merchant standard contract format. [Order 1399, § 16-693-010, filed 5/8/75.] Repealed by 87-18-009 (Order 1949), filed 8/21/87. Statutory Authority: 1987 c 393 § 13.
- 16-693-020 Standard contract format—Title. [Order 1399, § 16-693-020, filed 5/8/75.] Repealed by 87-18-009 (Order 1949), filed 8/21/87. Statutory Authority: 1987 c 393 § 13.

Chapter 16-05 WAC**PROCEDURAL RULES FOR LISTS OF ORGANIZATIONS****WAC**

- 16-05-001 Statement of purpose.
- 16-05-005 How will the lists be developed?
- 16-05-010 What does an organization, company or individual have to do to get on the applicable list?
- 16-05-015 Will the department of agriculture approve organizations, companies or individuals who request listing?
- 16-05-020 How often are lists changed or updated?
- 16-05-025 Does an applicant have to reapply each year to stay on the list?
- 16-05-030 How do I take my name off the list?
- 16-05-035 Each list will include consumer information.
- 16-05-040 The department of agriculture is completely held harmless and not liable.
- 16-05-045 Who to contact for inclusion, exclusion and copies of the list within the department.

WAC 16-05-001 Statement of purpose. This chapter establishes procedures for fulfilling the Washington department of agriculture requirements under RCW 43.05.020 to compile and maintain lists of individuals, organizations, both public and private, who provide technical assistance.

[Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-001, filed 6/18/96, effective 7/19/96.]

WAC 16-05-005 How will the lists be developed?

Information concerning the opportunity to be on the department's list of technical assistance providers will be sent to interested parties and organizations identified using current mailing lists and information obtained by department staff. The department will also advertise in select publications, furnishing information on the opportunity to get on the list. Interested companies, individuals and organizations who wish placement on the list will be able to submit their names for inclusion by following the format provided in this chapter.

[Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-005, filed 6/18/96, effective 7/19/96.]

WAC 16-05-010 What does an organization, company or individual have to do to get on the applicable list? An organization, company or individual must write to the Washington state department of agriculture, provide the name of the organization, company or individual, address and telephone number, unified business identifier (UBI) number, authorized agent, a brief description of the type of technical assistance provided, and identify the department program. The document must include the signature of the person requesting his/her name be put on the list or the signature of the authorized agent of the company or organization who requests listing.

[Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-010, filed 6/18/96, effective 7/19/96.]

WAC 16-05-015 Will the department of agriculture approve organizations, companies or individuals who request listing? No, the department will not perform any testing or background checks on requesters for inclusion on the department's technical assistance list.

[Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-015, filed 6/18/96, effective 7/19/96.]

WAC 16-05-020 How often are lists changed or updated? The department will update its technical assistance lists once a year on or around July 1. A new list will be available at that time that reflects any changes requested prior to the annual cutoff date of May 15 for receiving new information. The department will exercise reasonable care in preparing the list, but the accuracy of the information on the list will be solely the responsibility of the company, organizations and individuals providing the information.

[Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-020, filed 6/18/96, effective 7/19/96.]

WAC 16-05-025 Does an applicant have to reapply each year to stay on the list? No, names will remain on the list until the department receives a written request for change or deletion with the signature of the person who requested his/her name be put on the list or the signature of the authorized agent of the company or organization who requested listing. The department may on a periodic basis contact those companies, organizations, or individuals listed in order to update the list.

[Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-025, filed 6/18/96, effective 7/19/96.]

WAC 16-05-030 How do I take my name off the list? The department will remove names of organizations, companies or individuals from the next list upon written request. The request must include complete information the department is to remove including name, address, individuals or any other relevant information. The request must bear the signature of the person who requested his/her name be put on the list or the signature of the authorized agent of the company or organization who requested listing.

[Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-030, filed 6/18/96, effective 7/19/96.]

WAC 16-05-035 Each list will include consumer information. The department shall provide on each list consumer information which indicates that customers using the list for referral are encouraged to contact the Better Business Bureau or the office of the attorney general, consumer protection unit, to determine whether a name selected is the subject of a complaint. Also, persons utilizing the list are encouraged to check references of those on the list before they select an organization, company or individual to perform technical assistance.

[Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-035, filed 6/18/96, effective 7/19/96.]

WAC 16-05-040 The department of agriculture is completely held harmless and not liable. (1) The department will exercise reasonable care to include or delete names upon request if received by the department by May 15 of each year. The list will be published annually on or around July 1st of each year. The department is not responsible for errors on the list. In addition, the inclusion of a name of an individual, company or organization on the list should not be construed as an endorsement by the department.

(2) Any person who is on the list is prohibited from holding themselves out as an employee or agent of the Washington state department of agriculture or suggesting that the department endorses the services provided.

[Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-040, filed 6/18/96, effective 7/19/96.]

WAC 16-05-045 Who to contact for inclusion, exclusion and copies of the list within the department. All requests for inclusion, exclusion and copies of the list should be forwarded to the Washington State Department of Agriculture, Attention: Administrative Regulations Unit, P.O. Box 42560, Olympia, Washington 98504-2560. Telephone inquiries should be directed to (360) 902-1806.

[Statutory Authority: Chapter 43.05 RCW. 96-13-082 (Order 5098), § 16-05-045, filed 6/18/96, effective 7/19/96.]

**Chapter 16-06 WAC
PUBLIC RECORDS**

WAC

- 16-06-150 The reason for the rule.
- 16-06-155 Definitions.
- 16-06-160 Description of agency organization, address and telephone number of Olympia administrative offices.
- 16-06-165 Agency organization description by division and program.
- 16-06-170 For assistance with disclosure of agency documents, you may contact a public records designee.
- 16-06-175 You may also contact an agency public records coordinator for assistance.
- 16-06-180 The agency's public records officer is available for assistance, appeals of denial of disclosure and information about the agency's index.
- 16-06-185 Availability of public records.
- 16-06-190 Request public records in writing using a department-issued form or the format provided in this rule.
- 16-06-195 Disclosure procedure.
- 16-06-200 Costs of disclosure.
- 16-06-205 Protection of public records.
- 16-06-210 Exemptions.
- 16-06-215 Qualifications on nondisclosure.
- 16-06-220 Review of denial of request for inspection for copying of public records.
- 16-06-225 Records index.
- 16-06-230 Interagency disclosure.
- 16-06-235 Request for public records disclosure form.

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

- 16-06-010 Purpose. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-010, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-020 Definitions. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-020, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-030 Description of organization. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-030, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-040 Operations and procedures. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-040, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-050 Public records designees. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-050, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.

- 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-060 Availability of public records. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-060, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-070 Requests for public records. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-070, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-080 Fees. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-080, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-090 Protection of public records. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-090, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-100 Exemptions. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-100, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-110 Denial of request. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-110, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-120 Review of denial of request for inspection or copying of public records. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-120, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-130 Records index. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-130, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.
- 16-06-140 Public records request form. [Statutory Authority: RCW 42.17.250 - 42.17.340. 83-01-098 (Order 1779), § 16-06-140, filed 12/20/82.] Repealed by 96-14-086, filed 7/2/96, effective 8/2/96. Statutory Authority: Chapters 42.17 and 43.23 RCW.

WAC 16-06-150 The reason for the rule. The reason for this chapter is to ensure compliance by the Washington state department of agriculture with the provisions of the Public Records Disclosure Act, RCW 42.17.250 through 42.17.340, and RCW 34.05.220 through 34.05.240 and RCW 34.05.330.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-150, filed 7/2/96, effective 8/2/96.]

WAC 16-06-155 Definitions. (1) "Denial of disclosure" denotes any exempting from disclosure of any public record.

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

(3) "Disclosure" means inspection and/or copying.

(4) "Public records" include any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the department regardless of physical form or characteristics.

(5) "Writing" means handwriting, typewriting, printing, photostating, telefaxing, photographing, and every other means of recording any form of communication or representation including letters, words, pictures, sounds or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-155, filed 7/2/96, effective 8/2/96.]

WAC 16-06-160 Description of agency organization, address and telephone number of Olympia administrative offices. The administrative offices of the department are located in the Natural Resources Building, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2560. The information telephone number is (360) 902-1800. The department is organized into six divisions:

- (1) Agency operations division;
- (2) Commodity inspection division;
- (3) Consumer and producer protection division;
- (4) Food safety and animal health division;
- (5) Laboratory services division; and
- (6) Pesticide management division.

The department maintains service locations or major field offices around the state. Several of these offices are headed by a supervisor or chief. The administrative offices located in Olympia will assist in determining office locations around the state. An organization chart of the department is available upon request from the Public Records Officer, Washington State Department of Agriculture, P.O. Box 42560, Olympia, Washington 98504-2560.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-160, filed 7/2/96, effective 8/2/96.]

WAC 16-06-165 Agency organization description by division and program. An organizational description by division and program is as follows:

Director's office:

- Legislative affairs
- Internal program review
- Policy development and review

Agency operations division:

- Accounting, budget, payroll, forms and records, adjudicative proceedings, public disclosure, Washington administrative code filings, personnel office, data processing services, information office, international marketing and commodity commission and fairs commission activities

Commodity inspection division:

- Fruit and vegetable inspection program for quality, grade, condition, size and pack
- Conducts state-wide grain inspection

Consumer and producer protection division:

- Commission merchants program
- Livestock identification, brand registration and inspection
- Establishment of livestock markets
- Grain warehouse audit
- Weights and measures program
- Seed program regulates the quality and labeling of various crop seeds in Washington

Food safety and animal health division:

- Dairy inspection program
- Food processing program
- Organic food program
- Egg inspection program
- Animal health program

Laboratory services division:

- Performs chemical and micro-biological analyses in support of the food safety and pesticide management programs
- Administers hop inspection and analyses
- Pest management program is responsible for nonnative insect detection and control, and plant pest and disease identification; develops and enforces plant quarantines
- Apiary program provides education and registration over Washington apiarists
- Nursery program certifies nursery stock and issues phytosanitary certificates for materials moving out-of-state

Pesticide management division:

- Administers the regulations of pesticides, animal feeds and fertilizer laws, and waste disposal program broken down into three units of the division
- The compliance unit enforces state and federal pesticide laws, animal feed laws and fertilizer laws; investigates complaints of pesticide misuse
- The registration unit registers pesticides, fertilizers and animal feeds sold and used in the state
- The program development and certification unit conducts the waste pesticide disposal program; provides interagency coordination on pesticide-related issues; provides safety training on the use of pesticides, which includes public outreach and new program development; licenses pesticide application equipment, pesticide dealers, and commercial, public and private pesticide applicators, operators and consultants; approves recertification courses and tracks educational credits on pesticide licensees

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-165, filed 7/2/96, effective 8/2/96.]

WAC 16-06-170 For assistance with disclosure of agency documents, you may contact a public records designee. The department shall designate in each departmental administrative unit including each office of the department located around the state, a public records designee from among its employees, who shall have the responsibility to respond to written requests for disclosure of the department's public records located in that office; or refer the person requesting disclosure to any other office where the record is located.

If you need help locating a department office in your location, please consult your local telephone directory; call the Olympia administrative office at (360) 902-1800; or write to the public records officer at the Olympia administrative offices at: Department of Agriculture, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2560.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-170, filed 7/2/96, effective 8/2/96.]

WAC 16-06-175 You may also contact an agency public records coordinator for assistance. (1) Each assistant director of the department's divisions is designated a public records coordinator who shall have the authority to:

- (a) Respond to written requests for disclosure of the department's public records located in their division;

- (b) Provide input to the public records officer in cases where nondisclosure of a record is an issue;

- (c) Waive the requirement that a records request shall be made in written form.

(2) The address for the public records coordinator is: Department of Agriculture, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2560; or you may also contact the information number of the Olympia administrative offices at (360) 901-1800 for assistance.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-175, filed 7/2/96, effective 8/2/96.]

WAC 16-06-180 The agency's public records officer is available for assistance, appeals of denial of disclosure and information about the agency's index. (1) The department shall designate one public records officer, located in the agency operations division who shall:

- (a) Be responsible for implementing the department's process regarding disclosure of public records;

- (b) Coordinate departmental staff in this regard, generally ensuring the compliance of the staff with public records disclosure requirements;

- (c) Make the final decision if a records request has been denied and a petition for review is filed under the procedures in WAC 16-06-220;

- (d) Have the option of waiving the requirement that a records request be in written form;

- (e) Maintain the agency's index as required under chapter 42.17 RCW.

(2) The address of the public records officer is: Department of Agriculture, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2560; or call the Olympia administrative office at (360) 902-1809.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-180, filed 7/2/96, effective 8/2/96.]

WAC 16-06-185 Availability of public records. (1) All public records of the department are available for disclosure except as otherwise provided by law. Requests for public record may be initiated at any department office during customary business hours, Monday through Friday, excluding legal holidays.

(2) The department shall respond promptly to requests for disclosure. Within five business days of receiving a public record request, the department shall respond by:

- (a) Providing the record;

- (b) Acknowledging the department has received the request and providing a reasonable estimate of the time the department will require to respond to the request; or

- (c) Deny the public record request.

(3) Additional time for the department to respond to a request may be based on the need to:

- (a) Clarify the intent of the request;

- (b) Locate and assemble the information requested;

- (c) Notify third persons or agencies affected by the request; or

- (d) Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(4) In acknowledging receipt of a public record request that is unclear, the department may ask the requestor to

clarify what information the requestor is seeking. If the requestor fails to clarify the request, the department need not respond to it.

(5) If the department does not respond in writing within five business days of receipt of the request for disclosure, the person seeking disclosure shall be entitled to:

(a) Consider the request denied; and

(b) Petition the public records officer under WAC 16-06-180.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-185, filed 7/2/96, effective 8/2/96.]

WAC 16-06-190 Request public records in writing using a department-issued form or the format provided in this rule. (1) All requests for the disclosure of a public record shall be in writing on a department of agriculture disclosure form as prescribed by WAC 16-06-235, or a format which substantially complies with WAC 16-06-235, and identifies the record being sought with reasonable certainty. The written request shall include but is not limited to:

(a) The name, address and telephone number of the person requesting the record;

(b) The calendar date on which the request is made; and

(c) Sufficient information to readily identify documents being requested.

(2) A request for disclosure shall be made during customary office hours.

(3) In all cases in which a member of the public is making the request, it shall be the obligation of department staff to assist the member of the public to appropriately identify the public record being requested.

(4) A form for requesting department documents can be obtained from any administrative office of the department or a person can format a request in a similar format as prescribed in WAC 16-06-235.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-190, filed 7/2/96, effective 8/2/96.]

WAC 16-06-195 Disclosure procedure. (1) The public records designee and the public records coordinator shall review file materials prior to disclosure.

(2) If the file does not contain materials exempt from disclosure, the public records designee or coordinator shall proceed with full disclosure.

(3) If the record is not maintained in the office directly contacted, the public records designee or public records coordinator records officer will retrieve the record processing or will forward the request to the appropriate office for processing.

(4) Responses to requests for public records shall be made promptly by agencies, following RCW 42.17.320 and WAC 16-06-185.

(5) A denial of a request for disclosure shall be accompanied by a written statement of the specific exemption authorizing the withholding of the record, or part of the record, and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-195, filed 7/2/96, effective 8/2/96.]

WAC 16-06-200 Costs of disclosure. (1) No fee shall be charged for the inspection of public records.

(2) The department shall charge a fee of fifteen cents per page of copy when copy charges exceed ten dollars for providing copies of public records. This charge is the amount necessary to reimburse the department for its costs incident to such copying and shall be payable at the time copies are furnished.

(3) The department may charge the actual cost involved for the duplication of tape recordings, video tapes, photographs, slides, postage, delivery, if these costs exceed ten dollars.

(4) The public records officer or the public records coordinator may waive any of the foregoing costs.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-200, filed 7/2/96, effective 8/2/96.]

WAC 16-06-205 Protection of public records. In order to adequately protect the public records of the department, the following will apply:

(1) No public record shall be removed from the department's premises.

(2) Inspection of any public record shall be conducted in the presence of a designated department employee.

(3) No public record may be marked or altered in any manner during inspection.

(4) Public records that are maintained in a file or jacket, or in chronological order, may not be dismantled except by a designated department employee for purposes of copying.

(5) Upon request of a member of the public to examine an entire file or group of documents, as distinguished from a request to examine certain individual documents, the department shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure by chapter 42.17 RCW is contained therein.

(6) When copying public documents, the copy machine will be operated by staff persons of the department only.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-205, filed 7/2/96, effective 8/2/96.]

WAC 16-06-210 Exemptions. The department reserves the right to determine if a requested public record is exempt or nondisclosable under RCW 42.17.250 et seq. Nondisclosable records include, but are not limited to:

(1) Personal information in any files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy pursuant to RCW 42.17.310 (1)(b).

(2) Investigative material pursuant to RCW 42.17.310 (1)(d) and (e).

(3) Test questions, scoring keys and other examination data used to administer a license, pursuant to RCW 42.17.310 (1)(f).

(4) Preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with action (RCW 42.17.310 (1)(i)).

(5) Records which are relevant to a controversy to which an agency is a party but which records would not be

available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(6) Lists of individuals requested for commercial purposes. The department shall not disclose such records unless specifically authorized or directed to do so by law: *Provided*, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: *Provided further*, That such recognition may be refused only for a good cause pursuant to a hearing under the provisions of chapter 34.05 RCW.

(7) Information on commercial fertilizer distribution, pursuant to RCW 42.17.317.

(8) Information on commercial feed pursuant to RCW 15.53.9018.

(9) Confidential information regarding individual company operations or production found in the Washington State Seed Act, RCW 15.49.370(8).

(10) Business related information obtained under the Organic Food Products Act concerning an entity certified under that act or an applicant for such certification, which is found under RCW 15.86.110.

(11) Privileged or confidential information or data required under the Washington Pesticide Control Act which contains trade secrets, commercial or financial information, which is found under RCW 15.58.065.

(12) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(13) Pursuant to chapter 43.23 RCW, except for release of statistical information not descriptive of any readily identifiable person or persons, all financial and commercial information and records supplied by persons to the department with respect to export market development projects shall be kept confidential unless confidentiality is waived by the party supplying the information. For purposes of this section, persons include any natural person, joint venture, firm, partnership or association, private or public corporation, or governmental entity.

(14) The following agricultural business and commodity commission records are exempt from the disclosure requirements of chapter 42.17 RCW:

(a) Production or sales records required to determine assessment levels and actual assessment payments to commodity commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88 and 16.67 RCW or required by the department of agriculture under RCW 15.13.310(4) or 15.49.370(6);

(b) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49 and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States Department of Agriculture or on applications for phytosanitary certification required by the department of agriculture; and

(c) Financial and commercial information and records supplied by persons to commodity commissions formed

under chapters 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88 and 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-210, filed 7/2/96, effective 8/2/96.]

WAC 16-06-215 Qualifications on nondisclosure.

(1) To the extent that nondisclosable information can be deleted from the specific record sought, the remainder of the record shall be disclosed.

(2) No exemptions shall be construed to require nondisclosure of statistical information not descriptive of identifiable persons, as required by RCW 42.17.310(2).

(3) Inspection and copying of any specific records otherwise nondisclosable is permissible pursuant to an order of a superior court.

(4) Denial of disclosure of a public record will be in writing accompanied by a written statement of the reason the document was withheld.

(5) A person who is denied a request for a public record shall have the right to appeal the denial to the public records officer of the department in the manner prescribed by WAC 16-06-220.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-215, filed 7/2/96, effective 8/2/96.]

WAC 16-06-220 Review of denial of request for inspection for copying of public records.

(1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by submitting a written request for review to the department's public records officer located in the Olympia administrative office. The written request shall specifically refer to the written statement that constituted or accompanied the denial of disclosure.

(2) Immediately after receiving a petition for review of a decision denying a public record, the public records designee or public records coordinator denying the request shall refer it to the public records officer. The public records officer shall review decisions denying disclosure in the most prompt fashion possible, and such review shall be deemed completed at the end of the second business day following receipt by the department of the petition for review. This shall constitute final agency action for the purposes of judicial review, pursuant to RCW 42.17.320. If the public records officer neither approves nor disapproves the denial of the request before the end of the second business day following the denial of inspection, the denial of inspection shall be deemed approved by the department, and constitutes a final agency action pursuant to RCW 42.17.320.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-220, filed 7/2/96, effective 8/2/96.]

WAC 16-06-225 Records index. The public records officer of the department, located in the Olympia administrative office, shall develop and maintain an agency index of:

(1)(a) Records issued prior to July 1, 1990, by relying on agency records retention schedules;

(b) Final orders;

(c) Declaratory orders entered after June 30, 1990;

- (d) Interpretative statements;
- (e) Policy statements;
- (f) Agency rule docket; and
- (g) Other agency information as required.

The schedule for revising and/or updating the index will occur annually on June 30 of each year.

(2) Information on obtaining or viewing the department's index should be directed to the public records officer at the department's headquarters office located at: Department of Agriculture, 1111 Washington Street, SE, P.O. Box 42560, Olympia, Washington 98504-2560.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-225, filed 7/2/96, effective 8/2/96.]

WAC 16-06-230 Interagency disclosure. (1) Unless prohibited by law, information may be disclosed by the department to outside agencies, including other state of Washington agencies or other states.

(2) Outside agencies receiving information pursuant to subsection (1) of this section shall be subject to the same standards of disclosure as are required of the department.

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-230, filed 7/2/96, effective 8/2/96.]

WAC 16-06-235 Request for public records disclosure form. The department adopts the following "request for public records disclosure form" for use by all persons requesting inspection and/or copying of department public records. The form may be secured from any office of the department by contacting the office in or near your area; calling the Olympia administrative office at (360) 902-1800; or writing to the public records officer in Olympia at: Department of Agriculture, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2460.



Washington State Department of Agriculture
P.O. Box 42560
Olympia, WA 98504-2560

REQUEST FOR PUBLIC RECORDS DISCLOSURE

Name of Requester: _____

Mailing Address of Requester: _____

Telephone Number of Requester: (_____) _____

Date of Request: _____ Time of Request: _____

Identification of record(s) requested: _____

AGREEMENT TO PROTECT RECORDS FROM USE FOR COMMERCIAL PURPOSES

I hereby agree that the list of individuals and/or information provided to me by the:

shall not be used for any commercial purpose by myself or by any organizations I represent. I will protect the list of individuals and/or information from access by anyone who may use it for purposes of contacting the individuals named therein or otherwise personally affecting them in furtherance of any profit-seeking activity.

I also understand that I may be charged for each page copied, or in the case of copied tape recordings and video tapes, the actual cost of duplication.

I understand the contents of the above provisions and will comply with the terms thereof.

Requester's Signature _____

AGR 1006 (R/6/95)

[Statutory Authority: Chapters 42.17 and 43.23 RCW. 96-14-086, § 16-06-235, filed 7/2/96, effective 8/2/96.]

Chapter 16-08 WAC

PRACTICE AND PROCEDURE

WAC

- 16-08-002 Definitions.
- 16-08-011 Adoption of model rules of procedure.
- 16-08-021 Presiding officer.
- 16-08-022 Consolidation of proceedings.
- 16-08-031 Application for adjudicative proceeding.
- 16-08-041 Settlement.
- 16-08-051 Discovery—Authority of presiding officer.
- 16-08-061 Depositions in adjudicative proceedings—Right to take.
- 16-08-071 Depositions in adjudicative proceedings—Scope.
- 16-08-081 Depositions in adjudicative proceedings—Officer before whom taken.
- 16-08-091 Depositions in adjudicative proceedings—Notice.
- 16-08-101 Depositions and interrogatories in adjudicative proceedings—Protection of parties and deponents.
- 16-08-111 Depositions in adjudicative proceedings—Use and effect.
- 16-08-121 Depositions in adjudicative proceedings—Fees of officers and deponents.
- 16-08-131 Adjudicative proceedings—Petition for review and replies.
- 16-08-141 Brief adjudicative proceedings.
- 16-08-151 Emergency adjudicative proceedings.
- 16-08-161 Conversion of proceedings.
- 16-08-171 Documents—Filing.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

- 16-08-001 Promulgation. [Order 793, Promulgation, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-010 Appearance and practice before department of agriculture—Who may appear. [Order 793, Regulation .08.010, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-020 Appearance and practice before department of agriculture—Appearance in certain proceedings may be limited to attorneys. [Order 793, Regulation .08.020, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-040 Appearance and practice before department of agriculture—Standards of ethical conduct. [Order 793, Regulation .08.040, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-050 Appearance and practice before department of agriculture—Appearance by former employee of agency or former member of attorney general's staff. [Order 793, Regulation .08.050, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-060 Appearance and practice before department of agriculture—Former employee as expert witness. [Order 793, Regulation .08.060, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-070 Computation of time. [Order 793, Regulation .08.070, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-080 Notice and opportunity for hearing in contested cases. [Order 793, Regulation .08.080, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-090 Service of process—By whom served. [Order 793, Regulation .08.090, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-100 Service of process—Upon whom served. [Order 793, Regulation .08.100, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-110 Service of process—Service upon parties. [Order 793, Regulation .08.110, effective 9/29/59.] Repealed by 91-23-051, filed

- 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-120 Service of process—Method of service. [Order 793, Regulation .08.120, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-130 Service of process—When service complete. [Order 793, Regulation .08.130, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-140 Service of process—Filing with agency. [Order 793, Regulation .08.140, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-150 Subpoenas—Form. [Order 793, Regulation .08.150, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-160 Subpoenas—Issuance to parties. [Order 793, Regulation .08.160, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-170 Subpoenas—Service. [Order 793, Regulation .08.170, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-180 Subpoenas—Fees. [Order 793, Regulation .08.180, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-190 Subpoenas—Proof of service. [Order 793, Regulation .08.190, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-200 Subpoenas—Quashing. [Order 793, Regulation .08.200, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-210 Subpoenas—Enforcement. [Order 793, Regulation .08.210, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-220 Subpoenas—Geographical scope. [Order 793, Regulation .08.220, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-230 Depositions and interrogatories in contested cases—Right to take. [Order 793, Regulation .08.230, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-240 Depositions and interrogatories in contested cases—Scope. [Order 793, Regulation .08.240, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-250 Depositions and interrogatories in contested cases—Officer before whom taken. [Order 793, Regulation .08.250, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-260 Depositions and interrogatories in contested cases—Authorization. [Order 793, Regulation .08.260, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents. [Order 793, Regulation .08.270, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination. [Order 793, Regulation .08.280, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-290 Depositions and interrogatories in contested cases—Recordation. [Order 793, Regulation .08.290, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-300 Depositions and interrogatories in contested cases—Signing attestation and return. [Order 793, Regulation .08.300, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-310 Depositions and interrogatories in contested cases—Use and effect. [Order 793, Regulation .08.310, effective 9/29/59.]

- Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents. [Order 793, Regulation .08.320, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-330 Depositions upon interrogatories—Submission of interrogatories. [Order 793, Regulation .08.330, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-340 Depositions upon interrogatories—Interrogation. [Order 793, Regulation .08.340, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-350 Depositions upon interrogatories—Attestation and return. [Order 793, Regulation .08.350, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-360 Depositions upon interrogatories—Provisions of deposition rule. [Order 793, Regulation .08.360, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-370 Official notice—Matters of law. [Order 793, Regulation .08.370, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-380 Official notice—Material facts. [Order 793, Regulation .08.380, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-390 Presumptions. [Order 793, Regulation .08.390, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-400 Stipulations and admissions of record. [Order 793, Regulation .08.400, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-410 Form and content of decisions in contested cases. [Order 793, Regulation .08.410, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-420 Definition of issues before hearing. [Order 793, Regulation .08.420, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-430 Prehearing conference rule—Authorized. [Order 793, Regulation .08.430, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-440 Prehearing conference rule—Record of conference action. [Order 793, Regulation .08.440, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-450 Submission of documentary evidence in advance. [Order 793, Regulation .08.450, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-460 Excerpts from documentary evidence. [Order 793, Regulation .08.460, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Order 793, Regulation .08.470, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. [Order 793, Regulation .08.480, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. [Order 793, Regulation .08.490, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 16-08-470 or 16-08-480. [Order 793, Regulation .08.500, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-510 Continuances. [Order 793, Regulation .08.510, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-520 Rules of evidence—Admissibility criteria. [Order 793, Regulation .08.520, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-530 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. [Order 793, Regulation .08.530, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-540 Petitions for rule making, amendments or repeal—Who may petition. [Order 793, Regulation .08.540, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-550 Petitions for rule making, amendments or repeal—Requisites. [Order 793, Regulation .08.550, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-560 Petitions for rule making, amendments or repeal—Agency must consider. [Order 793, Regulation .08.560, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-570 Petitions for rule making, amendments or repeal—Notice of disposition. [Order 793, Regulation .08.570, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-580 Declaratory rulings. [Order 793, Regulation .08.580, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.
- 16-08-590 Forms. [Order 793, Regulation .08.590, effective 9/29/59.] Repealed by 91-23-051, filed 11/15/91, effective 12/16/91. Statutory Authority: Chapter 34.05 RCW.

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

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

[Statutory Authority: Chapter 34.05 RCW. 95-18-008 (Order 5081), § 16-08-002, filed 8/23/95, effective 9/23/95; 91-23-051, § 16-08-002, filed 11/15/91, effective 12/16/91.]

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

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

WAC 16-08-021 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, the assistant director, agency operations division; the assistant director, laboratory services division; or the administrative regulations analyst of the department;

(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: Chapter 34.05 RCW. 95-18-008 (Order 5081), § 16-08-021, filed 8/23/95, effective 9/23/95. 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 16-08-031 Application for adjudicative proceeding. An application for an adjudicative proceeding shall be made on a form provided by the department. Written application for an adjudicative proceeding shall be received at the address designated on the application form within twenty days of notice of the proposed department

action giving rise to the application unless provided for otherwise by statute or rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WAC 16-08-101 Depositions and interrogatories in adjudicative proceedings—Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the director or his/her designated presiding officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the director, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the director, or the director may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the director or his/her designated presiding officer may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

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

WAC 16-08-111 Depositions in adjudicative proceedings—Use and effect. Subject to rulings by the

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

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

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

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

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

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

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

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

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

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

WAC 16-08-141 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.]

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

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

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

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

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

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

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 reinstating 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 16-12 WAC MEAT INSPECTION

WAC

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WAC 16-12-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 204, Laws of 1959 (chapter 16.49 RCW) after due notice as provided under chapter 42.32 RCW and a public hearing held in Olympia on February 25, 1960, do promulgate the following regulations:

[Order 801, Promulgation, effective 3/22/60.]

PART 1 - DEFINITIONS

WAC 16-12-010 Definitions. For purposes of regulations contained in this chapter the following definitions as they appear in chapter 204, Laws of 1959 shall apply:

(1) "Carcass" means all or any parts, including viscera, of a slaughtered meat food animal capable of being used for human food;

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

(3) "Director" means the director of the department or his duly appointed representative;

(4) "Equipment" means all machinery, fixtures, containers, vessels, tools, implements, apparatus used in and about an establishment and vehicles used to transport meat;

(5) "Lay inspector" means a layman having training and knowledge of meat inspection, working under the direct supervision of a veterinarian;

(6) "Meat" means the carcass, parts of carcass, meat and meat food products derived in whole or in part from meat food animals;

(7) "Meat by-product" means any edible part other than meat which has been derived from one or more meat food animals;

(8) "Meat food product" shall mean any article of food which is processed by salting, drying, smoking, or cooking and prepared in whole or in part of meats stamped by the United States government or by the state;

(9) "Meat food product establishment" means an establishment manufacturing meat food products from meat stamped inspected and passed by the state or the United States Department of Agriculture: *Provided*, That it does not include a retail meat dealer preparing or manufacturing meat food products at his place of business for sale only at such place of business to a consumer;

(10) "Official establishment" hereinafter known as establishment, means any slaughtering, or meat food product manufacturing establishment at which inspection is maintained by the director or his agents;

(11) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be;

(12) "Products" includes any part or all meat, meat by-products and meat food products;

(13) "Stamped" means the affixing by or under the supervision of an inspector of the United States Department of Agriculture or the director, on meat food animals, meat or meat food products, a tag, label, mark, stamp, or brand denoting that such meat food animals, meat or meat food products were inspected;

(14) "State inspected" means inspected by the state or agents of the state;

(15) "Veterinary inspector" hereinafter known as inspector, means a veterinarian authorized by the department to conduct sanitary inspection and meat inspection;

(16) "Washington condemned" means that the animal so marked has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of the carcass;

(17) "Washington inspected and condemned" means that the meat so marked is unsound, unhealthful, unwholesome or otherwise unfit for human food;

(18) "Washington inspected and passed" means that the meat so marked has been inspected and passed under this act and/or rules and regulations adopted hereunder, and that at the time it was inspected, passed and so marked the meat was found to be sound, healthful, and wholesome and fit for human food;

(19) "Washington retained" means that the meat so marked is held for further examination by a veterinary inspector to determine its disposal;

(20) "Washington suspect" means that the meat food animal so marked is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered and is subject to further examination by an inspector to determine its disposal;

For the purposes of this chapter the following additional definitions shall apply:

(21) "Inspection legend" means the Washington "inspected and passed" mark or stamp;

(22) "Meat food animal" hereinafter known as animal means live cattle, sheep, swine, goats, horses, mules or burros;

(23) "Operator" includes any owner, lessee, or manager of an establishment;

(24) "Unwholesome" includes meat products which may be diseased, contaminated, putrid, unsound, unhealthful, or otherwise unfit for human food and meat animals which may be unfit for slaughter for any reason which would make meat products from them unfit for human food;

(25) "Washington passed for cooking" means that the carcass or products so marked have been found to be fit for human food only after cooking at a temperature sufficient to effectively destroy harmful agents which it might contain;

(26) "Washington retained for refrigeration" means that the carcass or products so marked have been found to be suitable for human food only after proper refrigeration.

[Order 801, Regulation 1.01, effective 3/22/60.]

PART 2 - SCOPE OF INSPECTION

WAC 16-12-015 Animals entering inspected establishments. All animals entering an establishment subject to or operating under state meat inspection shall be inspected, handled, prepared and marked as required by this chapter.

[Order 801, Regulation 2.01, effective 3/22/60.]

WAC 16-12-020 Products entering inspected establishments. All products prepared or processed in an establishment subject to or operating under state meat inspection shall be handled, prepared, processed and marked as required by this chapter.

[Order 801, Regulation 2.02, effective 3/22/60.]

WAC 16-12-025 Only products bearing inspection legend to be received at establishment. Only products bearing the state meat inspection legend or the federal meat inspection legend, shall be received at establishments.

[Order 801, Regulation 2.03, effective 3/22/60.]

WAC 16-12-030 All products received to be handled, stored, and prepared so as to prevent contamination of other meat. The department shall examine and seize any products which are unwholesome or which create an insanitary condition on the premises and/or which may make unwholesome other meat or meat food products being handled, stored or prepared on such premises.

[Order 801, Regulation 2.04, effective 3/22/60.]

WAC 16-12-035 Carcasses or parts of animals of species other than meat food animals. Carcasses or parts of animals of species other than those included in WAC 16-12-010(22) intended for food purposes may be brought into an establishment operating under state meat inspection providing they are identified, handled, stored and prepared so as to prevent the contamination of other food products handled, stored, or prepared at the establishment. The inspector shall deny entry into, or cause to be removed from the establishment, carcasses or parts of such animals when they are unwholesome, or create an insanitary condition on the premises and/or are likely to make unwholesome other food products being handled, stored or prepared thereat.

[Order 801, Regulation 2.05, effective 3/22/60.]

PART 3 - ORGANIZATION OF FORCE

WAC 16-12-040 State meat inspection conducted under director of agriculture. State meat inspection is conducted under the direction of the director of the state department of agriculture.

[Order 801, Regulation 3.01, effective 3/22/60.]

WAC 16-12-045 Meat inspection personnel—Qualifications, assignments, duties. Meat inspection personnel are assigned by the department for work in connection with state meat inspection. They are classed as follows:

(1) Veterinary field supervisors are responsible for the inspection work at establishments in one or more areas assigned to them. They supervise the inspection work of inspectors and lay inspectors assigned to establishments in their area.

(2) Inspectors are graduates of recognized colleges of veterinary medicine, properly trained and qualified to do meat inspection.

(3) Lay inspectors are properly trained and qualified laymen who make ante mortem and post mortem examinations, perform meat food product inspection, enforce the sanitary requirements in their assigned plants, and perform various other duties as required. They work under the direct supervision of an inspector.

[Order 801, Regulation 3.02, effective 3/22/60.]

PART 4 - APPLICATION FOR INSPECTION

WAC 16-12-050 Determination if licensed establishment in compliance with order—Submission of plan for correction of deficiencies. Upon adoption of this chapter, a representative of the department shall determine if each

currently licensed establishment is in compliance. If not in compliance, the establishment will be advised of the necessary changes to meet the minimum requirements. Each establishment shall subsequently submit to the department in writing, a plan for correction of deficiencies, indicating the order in which correction will be made, and the interval of time which will elapse before correction. Renewal of license will be contingent upon submission of an acceptable plan and its approval by the department. An applicant for transfer and assignment of a license shall be responsible for completion of any correction plan initiated by the transferor as herein provided.

[Order 801, Regulation 4.01, effective 3/22/60.]

WAC 16-12-055 Application for inspection submitted after effective date of chapter. Application for inspection submitted after the effective date of this chapter shall be accompanied by triplicate copies of complete drawings of floor plans showing the locations of such features as the principal pieces of equipment, floor drains, principal drainage lines, hand washing basins, and hose connections for clean-up purposes; roof plans; elevations; cross and longitudinal sections of the various buildings showing such features as principal pieces of equipment, heights of ceilings, conveyors or rails, and character of floors and ceilings; and a plot plan showing such features as the limits of the plant premises, locations in outline of buildings on the premises, cardinal points of the compass, and roadways and railroads serving the plant properly drawn to scale: *Provided*, That such drawings shall not be required when application is submitted to transfer the license of a currently licensed establishment: *Provided further*, That such drawings need not be submitted with application for inspection at an establishment constructed prior to the effective date of this chapter but not licensed on the effective date of this chapter, except as required for remodeling such establishments as provided in WAC 16-12-340.

[Order 801, Regulation 4.02, effective 3/22/60.]

WAC 16-12-060 Establishment applying after effective date of chapter to be in compliance before approved. Application for inspection submitted after the effective date of this chapter shall be approved only after it has been determined that the establishment meets the requirements of the law and this chapter.

[Order 801, Regulation 4.03, effective 3/22/60.]

WAC 16-12-065 Assignment of official number. An official number shall be assigned to each establishment. Such numbers shall be used to identify all products inspected and passed at that establishment.

[Order 801, Regulation 4.04, effective 3/22/60.]

PART 5 - PERSONNEL

WAC 16-12-070 Identification card or badge as identification of personnel. Each person assigned by the department to conduct state meat inspection will be furnished by the department with an official identification card which

he shall keep on his person when he is on duty. Inspection personnel may be issued an official badge which shall serve as further identification.

[Order 801, Regulation 5.01, effective 3/22/60.]

WAC 16-12-075 Personnel to have access to establishment at all times. For the purpose of any examination or inspection necessary to enforce any of the provisions of this chapter, properly identified meat inspection personnel shall have access, at all times, to any portion of the establishment.

[Order 801, Regulation 5.02, effective 3/22/60.]

WAC 16-12-080 No interference with inspector in discharge of duty. No person shall intimidate, obstruct, hamper, abuse or interfere with any personnel assigned by the department in the discharge of his duties.

[Order 801, Regulation 5.03, effective 3/22/60.]

WAC 16-12-085 Designation of inspectors and assistants. An inspector shall be designated by the department as the veterinarian responsible for the inspection at each establishment. Such assistants as may be necessary will be assigned to work under his direct supervision provided that as a temporary measure, when an inspector is not available a lay inspector may be assigned until an inspector becomes available.

[Order 801, Regulation 5.04, effective 3/22/60.]

WAC 16-12-090 Assignment of inspectors where members of family employed. No inspector or lay inspector will be assigned to an establishment where any member of his family is employed by or is the owner of the establishment.

[Order 801, Regulation 5.05, effective 3/22/60.]

PART 6 - FACILITIES AND FEES FOR INSPECTION

WAC 16-12-095 Facilities for inspection personnel. Unless determined by the department to be unnecessary, an office and dressing room at least 7'0" x 9'0" in size shall be furnished by establishments without cost to the department for the exclusive use for official purposes of inspectors. These facilities shall be conveniently located, properly ventilated, lighted and heated; and shall be provided with the following: A suitable writing desk or table and chair; storage lockers equipped with facilities for locking for protection and storage of clothing; inspection brands and supplies; toilet, shower and lavatory; and janitor service.

[Order 801, Regulation 6.01, effective 3/22/60.]

WAC 16-12-100 Hours of operation of establishments. Each operator shall inform the inspector, or in his absence the lay inspector responsible for conducting the inspection work at the establishment, when work in each department has been concluded for the day and of the day and hour when work will be resumed therein. In the event

of change of the scheduled starting time of operation, the operator shall give the assigned inspector reasonable advanced notice of such change which should not be less than one hour.

[Order 801, Regulation 6.02, effective 3/22/60.]

WAC 16-12-105 Operation to be done within reasonable hours. All slaughtering of animals and preparation of products shall be done within reasonable hours and with reasonable speed.

[Order 801, Regulation 6.03, effective 3/22/60.]

WAC 16-12-110 Facilities and conditions to be provided by establishment. Unless determined by the department to be unnecessary, the following facilities and conditions, and such others as may be essential to efficient conduct of inspection and maintenance of sanitary conditions shall be provided by each establishment:

(1) Satisfactory pens, equipment, and assistants for conducting ante mortem inspection and for separating, marking and holding apart from passed animals those marked "Washington suspect" and those marked "Washington condemned."

(2) Not less than 50 foot candles of overall intensity of light at all places where animals, meat or products are regularly inspected. Rooms shall be kept sufficiently free of steam and vapors for inspection to be properly made. Equipment or substances which generate gases or odors shall not be used except as specifically permitted. Sufficient heat to protect the health and comfort of inspectors in the slaughter department.

(3) Racks, receptacles, or other suitable devices for retaining parts and blood to be used in the preparation of meat food products or medical products, until after the post mortem examination is completed, in order that they may be identified in case of condemnation of the carcass; a two level viscera inspection truck for the handling of viscera, so as to prevent its contact with the floor; equipment for the separate and sanitary handling of carcasses or parts for cooking.

(4) Equipment on which inspection is performed designed and constructed so as to enable inspectors to conduct inspection properly and efficiently. The equipment shall include: A standard head flushing cabinet; head inspection rack with removable head loops of proper size for both beef and calf head inspection; a hopped metal stand with two removable inspection pans for examination of hog, sheep and calf viscera.

(5) Sanitary, water-tight metal trucks or receptacles for holding and handling diseased carcasses and parts, so constructed as to be readily cleaned; such trucks or receptacles to be marked in a conspicuous manner with the phrase "Washington condemned" in letters not less than two inches high, and when required by the department, to be equipped with facilities for locking or sealing.

(6) Adequate facilities including approved denaturing materials, for the proper disposal of condemned articles. Tanks which must be sealed shall be properly equipped for sealing.

(7) Docks and receiving rooms, for the receipt and inspection of all products as provided in WAC 16-12-880.

(8) Adequate space and proper arrangement for efficient performance of post mortem inspection of carcasses and parts and for sanitary conduct of operations in the slaughtering department. The slaughtering operation shall be arranged so as to enable the inspector to examine the carcasses and parts without interference from any source.

(9) The following facilities for adequate inspection and control of retained carcasses, parts and other products:

(a) Compartments, and receptacles in which carcasses and meat products may be held for further inspection. These shall be equipped for secure locking and shall be held under locks furnished by the department. Every such compartment, or receptacle shall be conspicuously marked with the phrase, "Washington retained," in letters not less than two inches high.

(b) Rooms, compartments, or specially prepared open places, to be known as "final inspection places" at which the final inspection of retained carcasses are conducted. Competent assistants for handling retained carcasses and parts. Final inspection places shall be adequate in size and their rail arrangement and other equipment shall be sufficient to prevent carcasses and parts, passed for food or cooking, from being contaminated by contact with condemned carcasses or parts. They shall be equipped with hot water, lavatory, sterilizer, tables and other equipment required for ready, efficient and sanitary conduct of the inspection. The floors shall have proper drainage connections, and when the final inspection place is part of a larger floor, it shall be separated by a curb, railing, or otherwise.

[Order 801, Regulation 6.04, effective 3/22/60.]

WAC 16-12-115 Designation of days and hours where required to furnish efficient and economical inspection of two or more establishments. Whenever the director shall deem it necessary, in order to furnish proper, efficient and economical inspection of two or more establishments and the proper inspection of animals or meat, the director, after a hearing on written notice to the licensee of each such establishment affected, may designate days and hours for the slaughter of animals and the preparation or processing of meat at such establishments. The director in making such designation of days and hours shall give consideration to recommendations of the meat inspection advisory board and the existing practices at the affected establishment fixing the time for slaughter of animals and the preparation or processing of meat thereof.

[Order 801, Regulation 6.05, effective 3/22/60.]

WAC 16-12-120 Designation of new permanent slaughter schedule—Designation of temporary change in slaughter schedule. (1) If determined by the department to be necessary, a hearing will be used where there is a designation of a new permanent slaughter schedule or a major change in an existing schedule of days, half days or hours during which the department is to regularly provide meat inspection services in an establishment. Where such hearing is determined to be necessary, the department will complete such procedure at and within such time as to permit the establishment to continue its operations in an efficient and economical manner, or for the department to

make the most practical and efficient use of its available meat inspection personnel.

(2) No hearing shall be held if the department determines that a change or adjustment in an existing slaughter schedule of days, half days or hours is not a major change, but is only an adjustment or procedure necessary to adequately serve the needs of an establishment such as providing meat inspection personnel on an "overtime" basis on any particular regular scheduled day or furnishing temporary additional inspection service on an unscheduled day. Such changes may also be made by the department without hearing, if it verifies that due to unforeseen conditions adequate inspection personnel is not available and it is therefore impossible for the department to furnish meat inspection services as scheduled.

[Order 801, Regulation 6.06, effective 3/22/60.]

WAC 16-12-125 "Straight-time" monthly, full-day and half-day fees—Starting time subject to department approval—Minimum charge of four hours. The department shall establish a uniform state-wide "straight-time" fee for monthly, full-day or half-day inspection service. The monthly fee shall apply to a "full-time" inspection schedule limited to inspection during the periods not classed as overtime as provided in WAC 16-12-135. The full-day fee shall apply to a "part-time" inspection schedule of one or more days of continuous inspection in excess of four hours and not exceeding eight hours on any one day and excluding time off not to exceed one hour for a meal. The half-day fee shall apply to a part-time inspection schedule of one or more part days of continuous inspection not exceeding four hours in any one day. The starting time of days and part days of inspection shall be subject to department approval. The half-day fee based on four hours or less inspection shall be the minimum fee charge regardless of whether or not less than four hours of inspection is used. In applying the uniform state-wide "straight-time" fee, consideration shall be given to the location of the nearest qualified, available inspector in respect to location of the establishment. If necessary, because of excessive distance of the inspector from the establishment an additional charge may be made to compensate an inspector for mileage and travel time to the establishment and return to his office.

[Order 801, Regulation 6.07, effective 3/22/60.]

WAC 16-12-130 Schedule of fees at meat food product manufacturing establishments. Notwithstanding the provisions of WAC 16-12-125, a special schedule of fees may be established for inspection at meat food product manufacturing establishments.

[Order 801, Regulation 6.08, effective 3/22/60.]

WAC 16-12-135 Overtime—Overtime rate. (1) "Overtime" for the purposes of this chapter means any time when meat inspection personnel are requested or required to work in an establishment:

(a) On Sunday.

(b) On a legal holiday.

(c) After the expiration of a regular continuous eight hour day as provided by WAC 16-12-140.

(d) After 5 p.m.

(e) In excess of 40 hours of "straight time" in any calendar week.

(2) "Overtime" costs allocated to each establishment shall be at the rate of one and one-half times the amount established for "straight time" during the same period for the persons performing such meat inspection services in the establishment.

[Order 801, Regulation 6.09, effective 3/22/60.]

WAC 16-12-140 Overtime work of inspectors. The management of an establishment desiring to operate during a period designated as overtime shall sufficiently in advance of the period of overtime, request the overtime period, and shall reimburse the department for the cost of such overtime inspection service.

[Order 801, Regulation 6.10, effective 3/22/60.]

WAC 16-12-145 Change in slaughter—Advance notice. (1) If the operator of an establishment requests meat inspection service during any time of day, other than that which is a part of the regular slaughter schedule for such establishment, the department shall not be required to provide inspection service to such establishment for the period requested unless a request in writing is submitted by the person requesting the change to the assigned inspector at least seven days in advance of the desired change.

(2) If by reason of a regular slaughter schedule the department is required to furnish meat inspection services in an establishment for a half day or full day, and if the establishment finds that meat inspection services are not required for such periods, the department shall still allocate the minimum charge for service as provided by WAC 16-12-125 unless a request for a change is submitted in writing by the person requesting the change to the assigned inspector at least seven days in advance of the desired change. If because of an emergency beyond the control of the establishment, slaughter is *not* conducted on a scheduled day or half day, the minimum charge for service will not be allocated even though a request for change is not submitted in writing seven days in advance.

[Order 801, Regulation 6.11, effective 3/22/60.]

WAC 16-12-150 Statement for services to be submitted. Each month the department shall forward to each slaughter establishment operator an itemized statement showing the computation of the cost of inspection service for the previous month.

[Order 801, Regulation 6.12, effective 3/22/60.]

WAC 16-12-155 Payment for inspection to be made upon receipt of itemized statement—Director may withdraw inspection if payment not made within 30 days.

(1) Upon receipt of the itemized statement for meat inspection service used during the previous month, the operator of the establishment shall pay to the department the cost as shown on the statement. The department may require advance payment for subsequent inspection service if an operator fails to pay for services within the time specified in subsection (2) of this section.

(1997 Ed.)

(2) The director may withdraw inspection from an establishment should the operator fail to pay for the cost of meat inspection as shown on the statement within thirty days after such meat inspection has been performed at such establishment.

[Order 801, Regulation 6.13, effective 3/22/60.]

PART 7 - SANITATION

WAC 16-12-160 Establishments—Sanitary conditions—Requirements. Establishments or premises on or in which animals are slaughtered or held or in which products are prepared or handled shall be maintained in a sanitary condition. Compliance with the requirements specified in WAC 16-12-165 to 16-12-330 will be deemed necessary for minimum sanitary conditions.

[Order 801, Regulation 7.01, effective 3/22/60.]

WAC 16-12-165 Sufficient light. There shall be sufficient light consisting of not less than 20 foot candles of overall intensity of artificial illumination in all operating rooms except that not less than 50 foot candles of overall intensity of artificial illumination is required at places where meat or meat products are regularly inspected.

[Order 801, Regulation 7.02, effective 3/22/60.]

WAC 16-12-170 Adequate ventilation. There shall be adequate ventilation for all rooms and compartments to prevent condensation of moisture and to carry off odors and vapors.

[Order 801, Regulation 7.03, effective 3/22/60.]

WAC 16-12-175 Adequate drainage. There shall be a sufficient number of drains to carry off waste accumulations and water according to the volume of slaughter and other relevant factors. Each, including blood drains, shall be equipped with a deep seal (P-, U- or S- shaped) trap; shall be a minimum inside diameter of 4 inches and shall be provided with rodent screens and be properly vented to the outside air. Such drains shall be located in slaughter rooms, inedible storage and handling rooms, hide storage rooms, curing rooms, boning and cutting rooms, rendering rooms, sausage manufacturing rooms, coolers, except those in which flushing of floors with water is not required, and in other work rooms or places where needed. Unless otherwise specified in this chapter, all plumbing shall conform to applicable requirements of the plumbing codes effective within the particular jurisdiction, or, in their absence, to the requirements of recognized plumbing codes such as the National Plumbing Code ASA A40.8, or the Western Plumbing Official's Association, Uniform Plumbing Code. Waste disposal facilities shall conform to the requirements of the pollution control commission. Domestic sewage shall be disposed of in conformity with the requirements of the jurisdictional health department. Toilet soil lines shall be separate from slaughterhouse drainage lines to a point outside the buildings and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

[Order 801, Regulation 7.04, effective 3/22/60.]

WAC 16-12-180 Water supply. There shall be sufficient water to meet all operating demands. The water shall pass the test prescribed for potability in the "drinking water standards" promulgated by the United States Public Health Service, Department of Health, Education and Welfare, dated February 6, 1946. The turbidity of the water shall not exceed 10 (silica scale) and the color shall not exceed 20 (platinum-cobalt scale). The water shall contain no odor caused by chemicals or microorganisms. Water shall be delivered from plant outlets at a minimum flow pressure of 45 pounds per square inch. The water supply shall be effectively protected against contamination and pollution. Equipment using potable water shall be so installed as to prevent back siphonage into the potable water system. Nonpotable water is permitted only in those parts of establishments where no edible product is handled or prepared, and then only for limited purposes such as on ammonia condensers not connected with the potable water supply, in vapor lines serving inedible product rendering tanks, in connection with equipment used for hashing and washing inedible products preparatory to tanking, and in sewer lines to move along heavy sewage. Nonpotable water is not permitted for washing floor areas, or equipment involved in trucking materials to and from edible products departments, nor is it permitted in hog scalding vats, dehairing machines, vapor lines serving edible product rendering equipment, or for cleanup of shackling pens, bleeding areas, or runways within the slaughtering department. In all cases nonpotable water lines shall be clearly identified and shall not be cross-connected with the potable water supply unless this is necessary for adequate fire protection and such connection is of a type with an adequate break to assure against accidental contamination, and is approved by local authorities and by the department.

[Order 801, Regulation 7.05, effective 3/22/60.]

WAC 16-12-185 Hot water. The following shall be provided:

(1) Hot water of at least 180°F. at hose outlets, sufficient in amount to thoroughly clean all surfaces and equipment which are subject to contamination by the dressing or handling of diseased carcasses, their viscera and parts.

(2) Hot water of at least 140°F. at hose outlets sufficient in amount to assure thorough cleaning of all rooms and equipment in addition to those mentioned in subsection (1) of this section.

(3) Hose connections for cleanup purposes at such places as are necessary to assure thorough cleaning of all rooms and equipment. Suitable racks or reels for storing the hose when not in use.

[Order 801, Regulation 7.06, effective 3/22/60.]

WAC 16-12-190 Impervious surfaces. Floors in operating rooms must be constructed of impervious material susceptible to proper cleaning such as concrete, tile or paving brick. They must be finished so as to enable proper cleaning but not so smooth as to cause accidents. A wood float finish for concrete floors is recommended.

Walls in operating departments must be surfaced with a material which is susceptible to being properly cleaned to the height which the surface becomes soiled under normal

operating conditions and which does not absorb moisture. Walls must be surfaced with such material to at least rail beam height in the slaughter department, offal department, chill coolers and other work rooms where necessitated by operating conditions. Smooth Portland cement plaster walls should not be painted. A suitable sealer is recommended for plastered walls. Sheet material such as cement asbestos board must be installed so that all joints are tightly sealed.

Wooden structures are absorbent and difficult to keep clean, hence their use should be kept at a minimum. Wooden doors and door frames between the slaughter room and other operating rooms and in other departments where operating conditions necessitate use of impervious material must be metal clad. The metal cladding should be done with suitable material such as No. 22 gauge or heavier galvanized iron or stainless steel with seams folded, welded, soldered or otherwise effectively sealed. The juncture of the metal coverings at jambs and walls must be sealed with a flexible type sealing compound. The cattle knocking box must be metal or concrete and the knocking box door metal.

Ceilings must be smooth finished and capable of being properly cleaned. All coolers must be ceiled. The ceiling of the slaughter room roof frame should be insulated to prevent condensation of moisture from the warm vapors below. Exposed joists, rafters, or posts in the slaughter room and other work rooms must be of dressed lumber or rust resistant metal. All exposed wood surfaces must be painted or properly sealed.

[Order 801, Regulation 7.07, effective 3/22/60.]

WAC 16-12-195 Carcass rails—Distance from walls. Carcass rails throughout the establishment must be spaced at least 2 feet from walls, columns, refrigerating equipment or other fixed equipment or parts of the building to prevent contact of the carcasses with these items.

[Order 801, Regulation 7.08, effective 3/22/60.]

WAC 16-12-200 Doorways—Width. Doorways through which product is transferred on rails or in hand trucks must be at least 4 feet wide.

[Order 801, Regulation 7.09, effective 3/22/60.]

WAC 16-12-205 Slaughtering facilities and minimum dimensions. Slaughtering departments must have adequate floor space for the rate of slaughter and be arranged to assure sanitary conduct of operations and efficient performance of post mortem inspection. Truckways over which products are conveyed from the slaughtering department to other rooms must be located so that the material is not trucked beneath or in contact with dressed carcasses and products. A rail or traveling hoist shall be provided for bleeding all animals: *Provided*, That animals may be bled in a prone position on tables and conveyors where necessitated for compliance with the requirements of chapter 16.50 RCW, the humane slaughter law and regulations promulgated thereunder. The height of the bleed rail above the floor should be at least 16 feet for cattle; 11 feet for calves, 9 feet for sheep (when bled on separate rail from calves); 8 feet 6 inches above the scalding vat at drop-off end for hogs; and 18 feet for horses. Rails are also required for dressing all

animal carcasses. Their height above the floor should be at least 11 feet for calves and cattle; 9 feet for hogs and sheep and 12 feet 6 inches for horses. In any case, there must be clearance of at least 8 inches from the lowest point of all carcasses suspended from the dressing rail to the floor. The hog shaving rail must be of sufficient length to assure that carcasses are properly cleaned.

[Order 801, Regulation 7.10, effective 3/22/60.]

WAC 16-12-210 Cooler facilities. Adequate refrigerated facilities for the chilling and storage of carcasses and products shall be provided. A chill cooler and separate holding coolers may be provided, or both may be combined in one room. The carcass chill cooler and holding coolers must have mechanical refrigeration capable of maintaining a temperature of 35°F. or lower, when loaded to capacity. When overhead refrigerating facilities are provided, insulated drip pans must be installed beneath them, and the pans properly connected to the drainage system. If wall coils are installed, a drip gutter of impervious material and connected with the drainage system must be installed beneath the coils. Cooler rails should be at least the following heights above the floor: Cattle 11 feet 0 inches; calves 11 feet 0 inches (gambrel to be 7 feet 0 inches or more from floor); sheep 11 feet 0 inches; hogs 9 feet 0 inches; jobbing coolers for beef quarters, etc., 7 feet 6 inches. In no event shall the clearance between a hanging carcass and the floor be less than eight inches.

[Order 801, Regulation 7.11, effective 3/22/60.]

WAC 16-12-215 Sterilizing facilities. Properly located sterilizing receptacles constructed of rust resistant metal and of sufficient size for complete immersion of butcher tools, other implements and inspection pans shall be provided in the slaughter room, and at other places where operations are likely to result in the contamination of such equipment and utensils. Such receptacles shall be provided with a means of heating the water contained therein to 180°F. and maintaining it at that temperature during the entire operation. The sterilizers must be constructed so that they may be drained for daily cleaning.

[Order 801, Regulation 7.12, effective 3/22/60.]

WAC 16-12-220 Lavatory facilities. Lavatory facilities for the use and convenience of employees and inspectors shall be maintained in or near toilet facilities and slaughtering facilities, sausage manufacturing facilities and at such other places as necessary to assure cleanliness for all persons handling meat products. Such facilities must include hot and cold running water, liquid soap and towels and must be maintained in a clean and sanitary condition. Foot or knee operated lavatory facilities, properly trapped and drained, with a minimum bowl size of 16" x 16" x 9" and with a combination mixing faucet with outlet about 12 inches above the rim of the bowl to facilitate washing arms as well as hands shall be provided in slaughter rooms, sausage kitchen and other work rooms where necessary to assure cleanliness of all persons handling meat products.

[Order 801, Regulation 7.13, effective 3/22/60.]

WAC 16-12-225 Equipment cleanup facilities. A separate washroom or area shall be required for cleaning curing vats, hand trucks, utensils and containers such as boxes and trays where operations are of such nature that proper cleaning of this equipment cannot otherwise be done in a sanitary manner. The room or area shall have adequate light and ventilation, impervious, well drained floor, impervious walls and ceiling and an exhaust fan for dispelling steam vapors.

[Order 801, Regulation 7.14, effective 3/22/60.]

WAC 16-12-230 Flush toilet and dressing room facilities. Modern conveniently located flush type toilet and dressing room facilities shall be furnished for the use and convenience of employees. Such facilities must be fly tight, properly ventilated, and heated. The toilet room must not open directly into any room where products are prepared, processed, stored or handled. The doorway between the toilet room and intervening room must have a tight full-height self-closing door. If the toilet room is not an outside room, it must be properly vented to the outside and forced ventilation provided. Floors of toilet rooms must be of impervious material pitched to floor drains. Shower facilities shall be provided in or near the dressing rooms. At establishments where slaughtering operations are conducted, dressing rooms shall have a minimum of 75 cubic feet of space in the locker room for each employee using the room. A metal locker shall be provided for each employee. The lockers should be approximately 15 inches by 18 inches by 60 inches in size with a sloping top. They should be raised 16 inches off the floor to facilitate cleaning the floor.

[Order 801, Regulation 7.15, effective 3/22/60.]

WAC 16-12-235 Inedible and condemned storage and handling facilities. (1) Adequate facilities for the sanitary handling and storage of inedible offal and condemned meat products and for sterilizing equipment in which inedible and condemned materials are transported shall be provided. These shall include one or more properly located enclosed rooms. Hot and cold water shall be provided at outlets in the inedible handling room. The area adjacent to the load-out door of the inedible offal storage and/or handling rooms shall be hard surfaced and properly drained, and of sufficient size to accommodate the largest truck used. The necessary doors communicating inedible storage rooms with rooms where edible products are handled shall be metal clad, self-closing and tight fitting. Vertical hide, pelt, inedible viscera and condemned product chutes connecting edible product departments with inedible product departments must be covered with a hood with a self-closing door and vented to the outside with a vent stack at least 10" in diameter.

(2) A separate refrigerated room capable of maintaining a temperature of 40°F. or less shall be provided for the storage of inedible and condemned material at plants which store such material for a period longer than 24 hours. Such rooms shall be of sanitary construction and shall have impervious floors, walls, and ceilings. The floors shall be water tight and shall be properly sloped and provided with drains leading to the plant sewage disposal system.

(3) Rooms and compartments in which inedible products are rendered, shall be fly-tight, and shall be separated from other rooms wherein products are handled by walls equipped with a tight, self-closing door.

(4) All tanks and equipment used for rendering or preparing inedible products shall be in rooms or compartments separate from those used for rendering or preparing edible products.

(5) Tanks, fertilizers, driers and other equipment used in the preparation of inedible products shall be properly equipped with condensers and other appliances which will acceptably suppress odors incident to such preparations.

[Order 801, Regulation 7.16, effective 3/22/60.]

WAC 16-12-240 Dry storage facilities. Adequate dry storage space must be provided for holding packaging and labeling material. Such supplies should be stored in locations convenient to the department where used. Racks approximately 12" in height should be provided upon which to store such supplies as cartons, boxes, etc.

[Order 801, Regulation 7.17, effective 3/22/60.]

WAC 16-12-245 Rooms, compartments, etc., to be clean and sanitary. Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any products, and all other parts of the establishment, shall be kept clean and in sanitary condition. All equipment must be thoroughly cleaned following each day's operations. The use of a clear, colorless, odorless, tasteless, edible mineral oil is recommended for use on metal equipment, such as choppers, grinders, mixers, tables, meat trucks, offal racks, hooks, and trolleys. Scale must not be permitted to accumulate on metal equipment; the formation of scale usually indicates improper cleaning. There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or places where meat products are prepared, stored, or otherwise handled.

Sawdust, if used in coolers, must be changed whenever soiled.

[Order 801, Regulation 7.18, effective 3/22/60.]

WAC 16-12-250 Operations and procedures to be clean and sanitary. Operations and procedures involving the preparation, storing or handling of any product shall be strictly in accord with clean and sanitary methods.

(1) Slaughtering operations. The slaughter floor shall be kept reasonably free of blood, fat, scraps, etc. Water shall not be permitted to splash from the floor upon unprotected carcasses on the bed or on the half hoist. The bed shall be reasonably clean before the carcass is lowered. Clean, water-tight metal containers, in good repair and free from objectionable odors, shall be provided at convenient locations for the reception of feet, tails, ears, pizzles, or other inedible material. Evisceration must be performed in such manner as to avoid contamination of the carcass with ingesta or fecal material.

Carcasses must be washed with water under pressure from a spray nozzle. Warm water at 110°F. - 120°F. is recommended for washing carcasses. A high pressure system (250 - 500 pounds) is also recommended for carcass

washing. Towels, rags, cloths, brushes of any kind, or water dipped out of a drum or containers are not permissible. Metal drums or containers of water shall not be used for washing hands, tools, or parts of carcasses, nor for flushing the floor. Retained carcasses must not be washed or trimmed unless authorized by the inspector. A carcass which has been contaminated by manure (in excessive quantities) or by pus must have the contaminated portion removed by trimming before being washed.

(a) Cattle must be bled while suspended from an overhead rail. The head should be removed while the carcass is hanging on the bleeding rail, and in such a manner as to avoid soiling with paunch contents. Skinned heads must not be permitted to come in contact with the floor. The horns, hornbutts, muzzles, and all pieces of hide must be removed before the head is washed or inspected. The head must be thoroughly washed individually and flushed in a head flushing cabinet. This must include a thorough flushing of the mouth, nostrils, and pharynx while the head is hanging in an inverted position.

In removing front feet of cattle and calves, care should be taken to expose as little of the flesh of the foreshank as possible.

The washing of beef carcasses must be deferred until after the post mortem examination has been completed, the hide dropped, and the carcass railed off. Hindquarters should be washed first, followed by the washing of the forequarters.

(b) Except as provided in WAC 16-12-205, calves and vealers must be bled, cleaned, and dressed while suspended from an overhead rail. Calf and vealer heads must be washed individually and flushed (nostrils, mouth, pharynx) in an inverted position in a head flushing booth after all horn and hide have been removed from the head. Calves which are of such size that there is not a clearance of at least 8" above the floor, or whose viscera cannot be transferred manually and unaided to the inspection stand, must be skinned and eviscerated as cattle. Calves dressed hide-on must be thoroughly washed and cleaned prior to making any incision into the carcass, other than the sticking wound, except that the heads of calves and vealers slaughtered by the "Kosher" method should be skinned prior to washing the carcasses. Calves, the hides of which have not been thoroughly cleaned, or are infested with parasites, or show evidence of extensive dermatitis, must be skinned before the carcass enters the cooler.

(c) Except as provided in WAC 16-12-205, all bleeding and dressing of lamb and sheep carcasses must be performed while the carcasses are suspended from overhead rails.

The pelt must be removed and the carcass thoroughly washed and cleaned before any incision is made for evisceration. Adequate precautions must be taken to prevent soilage of the carcass when removing the pelt.

(d) Except as provided in WAC 16-12-205, the bleeding and dressing of hogs (with the exception of the scalding and dehairing operations) must be performed while the carcasses are suspended from an overhead rail. Large hog carcasses must be bled upon the bleeding rail but may be skinned on the killing floor.

Hog carcasses must be thoroughly washed, cleaned, and singed (when necessary) to remove all hair, scale, scurf, dirt

and toenails on the slaughtering floor before any incision is made, other than the stick wound.

The forefeet when discarded in the slaughtering department need not be cleaned. Hog heads left on the carcass or sold intact must be thoroughly washed and flushed (nostrils, mouth and pharynx) and have ear tubes and eyelids removed.

Inedible material must not be placed on the floor and must be placed in suitable water-tight containers or vehicles until removed from the slaughter room.

(2) Inedible products handling operation.

(a) Paunches shall not be opened in the slaughtering department, except when a power-operated paunch lift table is provided for this purpose.

(b) Except under conditions approved by the department, no inedible offal shall be stored in rooms where edible meat products are handled.

(c) Receptacles used for inedible products in rooms in which edible products are handled must be in good repair and must be properly sanitized before being used. Inedible and condemned material not rendered at the plant must be held in water-tight metal containers in the inedible offal storage room pending removal to a rendering plant.

(d) Openings between edible and inedible departments must be kept closed at all times, except when in actual use, to prevent the entrance of undesirable odors to the slaughtering department.

(3) Carcass chilling operation. Carcasses must be removed from the slaughter room to the chill cooler immediately after dressing and washing is completed. Improperly washed or unclean carcasses may not be brought into the coolers.

Coolers must not be loaded beyond their capacity to properly chill the carcasses and edible offal. Maximum cooler capacity for carcass chilling and holding purposes is based on available rail space in the coolers. Thirty inches of rail space should be allowed for each beef carcass and 18 inches of rail space allowed for each hog carcass.

[Order 801, Regulation 7.19, effective 3/22/60.]

WAC 16-12-255 Rooms and compartments free from dust and odors. The rooms and compartments in which any meat or meat product is prepared or handled shall be free from dust and odors from dressing and toilet rooms, catch basins, hide cellars, casing rooms, inedible tank and fertilizer rooms and livestock shackling and holding pens.

[Order 801, Regulation 7.20, effective 3/22/60.]

WAC 16-12-260 Rooms and compartments free of steam and vapors. Rooms and compartments in which inspections are made and those in which animals are slaughtered or any product is processed or prepared shall be kept sufficiently free of steam and vapors to enable inspectors to make inspections properly and to insure clean operations. The walls, ceiling, and overhead structures of rooms and compartments in which products are prepared, handled, or stored shall be kept reasonably free from moisture.

[Order 801, Regulation 7.21, effective 3/22/60.]

WAC 16-12-265 Equipment susceptible to cleaning—That for inedible products marked. Equipment and utensils used for preparing, processing, and otherwise handling products shall be of such materials and construction as will make them susceptible to being readily and thoroughly cleaned. Cutting boards may be of hardwood or synthetic material, but equipment, such as the framework of boning or cutting tables, scalding vats, hog gambreling tables, offal racks, and trees, product storage racks, and product trucks must be of rust resisting metal or other impervious material. Trucks and receptacles used for inedible materials shall be of similar construction and shall bear some conspicuous and distinctive mark, and shall not be used for handling edible meat products.

[Order 801, Regulation 7.22, effective 3/22/60.]

WAC 16-12-270 Scabbards for knives. Scabbards and similar devices for the temporary retention of knives, steels, triers, etc., shall be constructed of rust-resisting metal or other impervious materials, shall be of a type that may be readily cleaned and shall be kept clean.

[Order 801, Regulation 7.23, effective 3/22/60.]

WAC 16-12-275 Tagging insanitary equipment, etc. When necessary, an inspector or lay inspector shall attach a "Washington rejected" tag to any equipment or utensil which is unclean, or the use of which would be in violation of this chapter. No equipment or utensils so tagged shall again be used until made acceptable. Such tag so placed shall not be removed by anyone other than an inspector or lay inspector.

[Order 801, Regulation 7.24, effective 3/22/60.]

WAC 16-12-280 Persons keeping hands and implements clean. Persons who dress or handle diseased carcasses or parts shall, before handling or dressing other carcasses or parts, cleanse their hands with soap and hot water, and rinse them in clean water. Implements used in dressing diseased carcasses shall be thoroughly cleansed in boiling water or in a prescribed disinfectant, followed by rinsing in clean water. The persons who handle products shall keep their hands clean and after visiting the toilet rooms or urinals shall wash their hands before handling any products or implements used in the preparation of products.

[Order 801, Regulation 7.25, effective 3/22/60.]

WAC 16-12-285 Clothing clean. Shrouds, aprons, frocks, and other outer clothing worn by persons who handle any products shall be of cleanable material. Only clean garments shall be worn. Cattle shrouds must be laundered after each use.

[Order 801, Regulation 7.26, effective 3/22/60.]

WAC 16-12-290 Insanitary practices prohibited. Such practices as spitting on whetstones; spitting on the floor; placing skewers, tags, or knives in the mouth; inflating lungs or casings or testing with air from the mouth receptacles intended as containers of any products, are prohibited. Care shall be taken to prevent the contamination of products with perspiration, hair, cosmetics, medicaments, or other

material. All persons working in departments where exposed edible products are handled must wear head coverings.

[Order 801, Regulation 7.27, effective 3/22/60.]

WAC 16-12-295 Protective coverings for products.

Products shipped from establishments shall be wrapped or otherwise adequately protected against contamination or soilage from harmful chemicals, dust, dirt, insects, and the like. No vehicle which has been used for transporting material likely to soil or contaminate products shall be used to transport products unless first thoroughly cleaned and if necessary disinfected.

[Order 801, Regulation 7.28, effective 3/22/60.]

WAC 16-12-300 Burlap wrapping for meat—Meat wrapped in, to be previously wrapped in paper or cloth. The use of burlap as a wrapping for meat will not be permitted unless the meat is first wrapped with a good grade of moisture resistant paper or cloth of a kind which will prevent contamination with lint or other foreign matter.

[Order 801, Regulation 7.29, effective 3/22/60.]

WAC 16-12-305 Slack barrels and similar containers and vehicles and cars for products, paper in contact with product. (1) When necessary to avoid contamination of products with wood splinters, slack barrels and similar containers and vehicles shall be lined with suitable material of good quality before packing.

(2) Slack barrels and similar containers in which products are transported shall be kept in a clean and sanitary condition.

(3) Paper used for covering or lining slack barrels and similar containers and vehicles shall be of a kind which does not tear during use, but remains intact when moistened by the products and does not disintegrate.

[Order 801, Regulation 7.30, effective 3/22/60.]

WAC 16-12-310 Second hand containers. Second hand containers may be used as containers of meat or products providing:

(1) If of nonpervious material such as wood and cardboard, they are clean and properly lined and show no evidence of contamination from decomposed material, harmful chemicals, vermin excreta and the like: *Provided*, That such containers used for product which is properly wrapped need not be lined. Those showing evidence of contamination may not be used even though reconditioned.

(2) If of impervious material such as steel drums they are capable of being maintained in a sanitary condition and are thoroughly cleaned before being used.

[Order 801, Regulation 7.31, effective 3/22/60.]

WAC 16-12-315 Flies, rats, other vermin—Bait poisons. Every practicable precaution shall be taken to keep establishments free of flies, rats, mice and other vermin.

All windows and doors opening to the outside shall be screened with No. 16 mesh or finer screen. Louvers should be screened only on the top of the baffle so that debris will not collect.

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Sprays containing DDT or other approved residual-acting chemicals must not be used in edible products departments.

The use of poisons for any purpose in rooms or compartments where any unpacked meat or products are stored or handled is forbidden, except under such restrictions and precautions as the department may prescribe. The use of bait poisons in hide cellars, inedible compartments, outbuildings, or similar places, or in storerooms containing canned or tierced products is not forbidden, but only those approved by the department may be used. So-called rat viruses shall not be used in any part of an establishment or the premises thereof.

[Order 801, Regulation 7.32, effective 3/22/60.]

WAC 16-12-320 Animals excluded from rooms where edible products handled, stored or prepared. Animals other than those in the process of slaughter shall be excluded from rooms in which edible products are handled, stored or prepared.

[Order 801, Regulation 7.33, effective 3/22/60.]

WAC 16-12-325 Outer premises, docks, driveways, approaches, pens, alleys, etc.—Fly breeding material, nuisances. The outer premises of every establishment, embracing docks and areas where cars and vehicles are loaded, and the driveways, approaches, yards, pens, and alleys shall be kept in a clean and orderly condition. Catch basins for the recovery of grease should be suitably located and not placed near edible products departments or areas where edible products are unloaded from or loaded onto vehicles. To facilitate ready cleaning, such basins should have inclined bottoms and should be without covers. They should be constructed so they can be completely emptied of their contents for cleaning. Hose connections for furnishing hot water for cleanup purposes must be provided at convenient locations near the basins. The area surrounding an outside catch basin must be hard surfaced and provided with suitable drainage facilities.

The accumulation on the premises of establishments of any material in which flies may breed, such as hog hair, bones, paunch contents, or manure is forbidden. No nuisance shall be allowed in any establishment or on its premises. Livestock pens, alleys, runways and areas where vehicles are cleaned shall be hard surfaced, curbed, sloped to a suitable drain, and provided with adequate hose connections for cleanup purposes. Feeding pens should be located at least 300 feet from the plant. Pens should not be located in front of the plant.

[Order 801, Regulation 7.34, effective 3/22/60.]

WAC 16-12-330 Employee health. (1) Employment of diseased persons. No person shall work, nor shall any operator permit any person to work, in any room or rooms where meat products are processed, stored or sold, when such person is infected with any disease or condition, transmissible to or through food: *Provided further*, The department may require any person so working to be examined by a physician licensed to practice medicine in this state for the existence of any such disease or condition and

provide a statement signed by such physician reciting freedom therefrom.

(2) Every person employed in a slaughterhouse or meat food product establishment who may contribute to the transmission of infectious diseases through the nature of his contact with meat or meat products and/or equipment and facilities shall obtain and place on file with the person in charge of such establishment, a food and beverage service workers' permit as prescribed by chapter 69.06 RCW and the rules and regulations promulgated pursuant thereto.

[Order 801, Regulation 7.35, effective 3/22/60.]

PART 8 - REQUIREMENTS FOR NEW CONSTRUCTION AND REMODELING

WAC 16-12-335 Remodeling and new construction.

In addition to the construction and facility requirements in Part 7, the applicable requirements in Part 8 must be complied with when remodeling currently licensed establishments and when constructing or remodeling establishments not licensed on the effective date of this chapter.

[Order 801, Regulation 8.01, effective 3/22/60.]

WAC 16-12-340 Drawings and specifications to be submitted in advance of new construction and remodeling. Triplicate copies of complete drawings and specifications showing all features included in WAC 16-12-060 shall be submitted to the department for approval in advance of construction of new establishments. The same shall be submitted for approval prior to remodeling currently licensed establishments and prior to remodeling establishments constructed prior to the effective date of this chapter but not licensed on the effective date of this chapter: *Provided*, That drawings and specifications need be submitted only for the parts of the plant which are to be remodeled.

[Order 801, Regulation 8.02, effective 3/22/60.]

WAC 16-12-345 Floors and drains. Newly constructed floors in the work rooms listed in WAC 16-12-175 shall be a minimum of 2-3/4" thick at the thinnest point and reinforced to prevent cracking. They must be pitched 1/4" to 3/4" to the foot toward drains. The junction of the floors and walls must be coved. They shall be provided with a properly trapped and vented drain for every 1,000 square feet of floor area. A drain shall be located within 16 feet of any point on the floor. A separate drain shall be provided for the dry landing, bleeding, siding, splitting, washing and dehairing stations on the slaughter floor; and for the edible offal storage area in coolers. The beef carcass washing and shrouding area must be curbed or in lieu of being curbed, it may be sloped at approximately 1/2" to the foot to the drain.

[Order 801, Regulation 8.03, effective 3/22/60.]

WAC 16-12-350 Slaughter facilities. The following slaughter facilities are required except that the horizontal dimensions for cattle slaughter are required only for simultaneous slaughter and dressing of cattle on one bed; that is, on the bleeding rail; in the flooring position; on the hoist; and

on the hide dropping rails. Bleeding rails are required except as provided in WAC 16-12-205.

(1) Cattle:

(a) Dry landing area at least 5 feet wide in front of the knocking box.

(b) Curbed-in bleeding area at least 8 feet wide and 7 feet long, so located that blood will not splash upon stunned animals lying in the dry landing area or upon carcasses being skinned on the siding bed. Curbing shall be at least 6 inches high and 6 inches wide.

(c) A distance of at least 5 feet from the curbed-in bleeding area to the siding bed.

(d) A distance of at least 14 feet from the vertical of the drop-off to the vertical of the hoist where carcasses are eviscerated. For multiple bed plants, this distance should be increased to 16 feet.

(e) A distance of at least 14 feet between the vertical of the hoist where carcasses are eviscerated and the header rail leading to the cooler. This distance may be somewhat shortened where a single rail hang-off is used.

(f) A distance of at least 3 feet from the header rail to the adjacent wall.

(g) An area for washing and shrouding carcasses.

(h) A bleeding rail or traveling hoist at least 16 feet above the floor.

(i) Dressing rails at least 11 feet above the floor.

(2) Calves and sheep:

(a) A bleeding and dressing rail at least 11 feet in height above the floor for calves and 9 feet for sheep.

(3) Hogs:

(a) A separately drained curbed-in bleeding area.

(b) A bleeding rail at least 8 feet 6 inches in height above the scalding vat at the drop-off end.

(4) Horses: Same as cattle with the following exceptions:

(a) A distance of at least 6 feet from the curbed-in bleeding area to the siding bed.

(b) A distance of at least 17 feet from the vertical of the drop-off to the vertical of the hoist where carcasses are eviscerated.

(c) A bleeding rail with its top at least 18 feet above the floor.

(d) A distance of at least 3 feet between walls, posts, etc., and adjoining rails in slaughtering rooms and coolers.

(e) Dressing rails at least 12 feet 6 inches in height above the floor.

[Order 801, Regulation 8.04, effective 3/22/60.]

WAC 16-12-355 Cooler facilities. The following rail heights are required for chilling and storage of carcasses:

(1) Cattle, calves and sheep: 11 feet 0 inches (gambrel for calves to be 7 feet 3 inches above the floor). (Hooks of sheep carcass logs to be 6 feet 6 inches above the floor.)

(2) Hogs: 9 feet 0 inches above the floor.

(3) Horses: 12 feet 6 inches above the floor.

Rails in jobbing coolers for beef quarters must be 7 feet 6 inches in height above the floor.

[Order 801, Regulation 8.05, effective 3/22/60.]

PART 9 - ANTE MORTEM INSPECTION

WAC 16-12-360 Ante mortem inspection in pens of official establishments—Suspects. (1) An ante mortem examination and inspection shall be made of all animals on the day of slaughter.

(2) Such ante mortem inspection shall be made in pens on the premises of the establishment.

(3) Every animal required to be marked as a suspect on ante mortem inspection or every reactor to the official tuberculin test shall be set apart, and except as hereinafter provided, shall be slaughtered separately from other animals at that establishment unless disposed of as otherwise provided in this chapter.

[Order 801, Regulation 9.01, effective 3/22/60.]

WAC 16-12-365 Animals suspected of being diseased—Disposition of on post mortem inspection or otherwise—Marking suspects—Temperatures where disease suspected. (1) All animals which, on ante mortem inspection, do not plainly show, but are suspected of being affected with, any disease or condition that, under this section, may cause condemnation, in whole or in part on post mortem inspection, shall be so tagged as to retain their identity as suspects until final post mortem inspection, or until disposed of as otherwise provided for in this chapter. Upon final post mortem the carcasses shall be tagged and disposed of as provided elsewhere in this chapter.

(2) All animals required by this chapter to be treated as suspects, shall be tagged by or under the supervision of an inspector "suspect." No such tag shall be removed until an inspector has made a final ante mortem inspection of the animal or animals so tagged. No animals tagged suspect shall be removed from the premises until released by an inspector.

(3) Any swine having a temperature of 106°F. or higher and any cattle, sheep or goats having a temperature of 105°F. or higher shall be marked "condemned." Any such animal may be held for a reasonable time, under the supervision of an inspector for further observation and taking of temperature before final disposition of such animals is determined.

(4) When any animal tagged "suspect" is released the tag shall be removed by an inspector and his action reported to the department.

[Order 801, Regulation 9.02, effective 3/22/60.]

WAC 16-12-370 Marking animals "Washington condemned" found diseased or in dying condition. (1) Animals plainly showing on ante mortem inspection any disease or condition that under this chapter would cause condemnation of their carcasses on post mortem inspection shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425.

(2) Animals found in a dying condition on the premises of an establishment shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425.

(3) Any animal found on the premises of an establishment affected with any condition not otherwise covered in this part which would warrant release of the animal for

slaughter for food shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425, except that such animal may be set apart and held for further observation or treatment under department or other responsible official supervision.

[Order 801, Regulation 9.03, effective 3/22/60.]

WAC 16-12-375 Cripples and downers—Boars and stags. (1) All seriously crippled animals and animals commonly referred to as "downers" if not tagged "condemned" as required elsewhere in this part shall be marked and treated as suspects in accordance with WAC 16-12-365.

(2) All boars and male goats which are sexually mature, and swine and goat stags which show evidence of recent castration shall be tagged and treated as suspects in accordance with WAC 16-12-365.

[Order 801, Regulation 9.04, effective 3/22/60.]

WAC 16-12-380 Immature animals. Animals offered for ante mortem inspection which are regarded as immature, shall be tagged "suspect," and if slaughtered, the disposition of their carcasses shall be determined by the post mortem findings in connection with the ante mortem conditions. If not slaughtered as suspects, such animals shall be held under department or other responsible official supervision, and after sufficient development may be released for slaughter, or may be released for any other purpose, provided they have not been exposed to any infectious or contagious disease.

[Order 801, Regulation 9.05, effective 3/22/60.]

WAC 16-12-385 Animals showing symptoms of anaplasmosis, leptospirosis, listerellosis, parturient paresis, rabies, transport tetany, or tetanus. Animals showing on ante mortem inspection symptoms of anaplasmosis, leptospirosis, listerellosis, rabies, tetanus, parturient paresis or transport tetany shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425, except that cattle showing symptoms of anaplasmosis, leptospirosis, listerellosis, parturient paresis or transport tetany may be set apart and held for treatment under department or other responsible official supervision. If, at the expiration of the treatment period, the animal is found to be free from disease, it may be released upon approval of the department.

[Order 801, Regulation 9.06, effective 3/22/60.]

WAC 16-12-390 Hog cholera—Swine infected with hog cholera virus. (1) All hogs plainly showing on ante mortem inspection that they are affected with hog cholera shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425.

(2) Hogs, which are of lots from which one or more have been condemned or marked as suspects for hog cholera, shall be slaughtered separately from all other animals passed on ante mortem inspection.

(3) A hog suspected of being affected with hog cholera may be set apart and held for further observation and treatment under department or other responsible official supervision. If at the expiration of the treatment or observa-

tion period the animal, is found to be free from disease, it may be released for any purpose.

(4) Swine, other than hyperimmune swine, shall be condemned on ante mortem inspection if offered for slaughter within 28 days after injection with hog cholera virus.

(5) Swine, other than hyperimmune swine, offered for slaughter after 28 days following injection with hog cholera virus shall be given ante mortem inspection in conformity with this chapter without reference to the injected virus.

[Order 801, Regulation 9.07, effective 3/22/60.]

WAC 16-12-395 Epithelioma of the eye of cattle.

(1) Any animal found on ante mortem inspection to be affected with epithelioma of the eye and of the orbital region in which the eye has been destroyed or obscured by neoplastic tissue and which shows extensive infection, suppuration, and necrosis, usually accompanied with foul odor, or any animal affected with epithelioma of the eye or of the orbital region, which regardless of extent, is accompanied with cachexia shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425.

(2) Any animal found on ante mortem inspection to be affected with epithelioma of the eye of the orbital region to a lesser extent than in subsection (1) of this section shall be tagged "suspect" and disposed of as provided in this chapter.

[Order 801, Regulation 9.08, effective 3/22/60.]

WAC 16-12-400 Animals affected with anthrax—Cleaning and disinfection of livestock pens and driveways. (1) Any animal found on ante mortem inspection to be affected with anthrax shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425.

(2) No animal of a lot in which anthrax is found on ante mortem inspection shall be presented for post mortem inspection until it has been determined by a careful ante mortem inspection that no infected animal remains in the lot. Apparently healthy animals other than hogs shall be held as provided for in subsection (3) of this section. If desired, all apparently healthy animals of the lot may be segregated and held for treatment by a competent veterinarian under department or other responsible official supervision. No anthrax vaccine (live organisms) shall be used on the premises of an establishment.

(3) Apparently healthy animals of a lot of cattle, calves, sheep, or goats in which anthrax is detected, and animals which have been treated with anthrax biologicals which do not contain living anthrax organisms, shall not be presented for post mortem inspection in less than 21 days following the last treatment or the last death. Treatment with anthrax vaccine (live organisms) must be elsewhere than on the premises and subject to the conditions stated in subsection (4) of this section.

(4) Animals which have been injected with anthrax vaccines (live organisms) within six weeks, and those bearing evidence of reaction to such treatment, such as inflammation, tumefaction, or edema at the site of the injection, shall be condemned on ante mortem inspection, or such animals may be held under department supervision until the expiration of the six week period and the disappearance of any reaction to the treatment.

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(5) When animals are found on ante mortem inspection to be affected with anthrax, the cleaning and disinfection of exposed livestock pens and driveways of the establishment shall consist of promptly and thoroughly removing and burning all straw, litter, and manure. This must be followed immediately by a thorough disinfection of the exposed material with a five percent solution of sodium hydroxide or commercial lye prepared as outlined in WAC 16-12-470(5), or other disinfectant approved by the department specifically for this purpose.

[Order 801, Regulation 9.09, effective 3/22/60.]

WAC 16-12-405 Animals affected with anasarca or generalized edema. (1) All cattle found on ante mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive and generalized edema shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425.

(2) Cattle found on ante mortem inspection to be affected with anasarca to a lesser extent than in subsection (1) of this section shall be tagged "suspect" and disposed of as provided elsewhere in this chapter.

(3) An animal suspected of being affected with anasarca may be set apart and held for treatment under department or other responsible official supervision. If at the expiration of the treatment period the animal upon examination is found to be free from disease, it may be released for any purpose.

[Order 801, Regulation 9.10, effective 3/22/60.]

WAC 16-12-410 Swine erysipelas. (1) All hogs plainly showing on ante mortem inspection that they are affected with acute swine erysipelas shall be tagged "condemned" and disposed of in accordance with WAC 16-12-425.

(2) All hogs suspected on ante mortem inspection of being affected with swine erysipelas shall be tagged and treated as suspects and disposed of in accordance with this chapter.

(3) A hog suspected of being affected with swine erysipelas may be set apart and held under department or other responsible official supervision for treatment. If at the expiration of the treatment period the animal upon examination is found to be free from disease, it may be released for any purpose.

[Order 801, Regulation 9.11, effective 3/22/60.]

WAC 16-12-415 Pregnancy or recent parturition. Slaughter is not required of an animal which has been tagged as a suspect because of advanced pregnancy or of having recently given birth to young, if it has not been exposed to an infectious or contagious disease. Such animal, together with its young, may be released, with department approval for breeding or dairy purposes, and when released shall be removed promptly from the premises where inspected. Such animals must be held at the establishment for a period of not less than ten days. At the completion of this holding period if the animals appear normal and have not been exposed to contagious or infectious disease, they may be released with department approval for slaughter or for any other purpose.

[Order 801, Regulation 9.12, effective 3/22/60.]

WAC 16-12-420 Emergency slaughter—Inspection prior to. In all cases of emergency slaughter, the animals shall be inspected immediately before slaughter on the premises of the establishment in which the animals are to be slaughtered, whether theretofore inspected or not. When the necessity for emergency slaughter exists, the establishment shall notify the inspector or his assistant so that such inspection may be made. When the regularly assigned inspector cannot be obtained, a licensed veterinarian may be employed to conduct the inspection.

[Order 801, Regulation 9.13, effective 3/22/60.]

WAC 16-12-425 Disposition of condemned animals. Except as otherwise provided in this part, animals tagged "condemned" shall be killed if not already dead, and shall not be taken into an establishment to be slaughtered or dressed; nor shall they be conveyed into any department used for edible products; but they shall be disposed of in the manner provided for condemned carcasses in part 12 of this chapter. The "condemned" tag shall not be removed from the carcass until it goes into the tank or receptacle used for condemned products. Any animal condemned for hog cholera, swine erysipelas, transport tetany, parturient paresis, anasarca, anaplasmosis, leptospirosis, listerellosis, enteritis, peritonitis, or inflammatory condition may be set apart and held for treatment under department or other responsible official supervision. The "condemned" tag shall be removed by an inspector either when the animal is released to a responsible official for treatment, or following treatment under department supervision if the animal is found to be free from disease.

[Order 801, Regulation 9.14, effective 3/22/60.]

WAC 16-12-430 Brucellosis—Reactor goats. Goats which have reacted to a test for brucellosis shall not be slaughtered in an establishment.

[Order 801, Regulation 9.15, effective 3/22/60.]

WAC 16-12-435 Vesicular disease. (1) Immediate notification shall be given the department when an animal is found to be affected with a vesicular disease.

(2) No animal under quarantine by the state of Washington or federal livestock sanitary officials on account of a vesicular disease will be given ante mortem inspection.

(3) If no quarantine is invoked, or if a quarantine is invoked and later lifted, ante mortem inspection shall be as follows:

(a) Any animal affected with vesicular exanthema or vesicular stomatitis in the acute stages, as evidenced by acute and active lesions or an elevated temperature, shall be marked "Wash. condemned" and disposed of in accordance with WAC 16-12-425.

(b) Any animal affected with vesicular exanthema, or vesicular stomatitis, but which has recovered to the extent that the lesions are in process of healing, the temperature is within normal range, and the animal shows a return to normal appetite and activity shall be marked "Washington suspect" and disposed of in accordance with WAC 16-12-415, except that if desired, such animal may be set apart and held under official supervision for treatment. If the animal

is set aside for treatment, the "Washington suspect" tag shall be removed by a department inspector following treatment if the animal is found to be free from disease. Such animal, if found to be free from disease, may be released for slaughter or for purposes other than slaughters: *Provided*, That in the latter instance, the establishment or the owner of the animal shall first obtain permission from the department.

[Order 801, Regulation 9.16, effective 3/22/60.]

PART 10 - POST MORTEM INSPECTION

WAC 16-12-440 Extent and time of post mortem inspection. A careful post mortem examination and inspection shall be made at the time of slaughter of the carcasses and parts of all cattle, sheep, swine, goats, and horses slaughtered at establishments. A final post mortem inspection shall be made of all carcasses by an inspector.

The routine post mortem examination of meat food animals must consist of at least the following procedures:

(1) Cattle.

(a) Incise repeatedly and examine the two mandibular, two suprathyroid, and two parotid lymph glands.

(b) Incise and examine the external and internal masseter muscles in such a manner as to split the muscles in their entirety on a plane parallel with the lower jaw bone. Palpate and examine the tongue. The inspection of the head should be completed before the corresponding carcasses [carcass] has been eviscerated.

(c) Incise repeatedly and examine the anterior and posterior mediastinal and bronchial (right and left) lymph glands. Palpate the lungs.

(d) Examine the external and internal surfaces of the heart; incise the heart so as to completely expose its internal surfaces, and incise the septum longitudinally. When the heart is inspected by eversion, deep lengthwise incisions shall be made into the muscles of the septum and left ventricular wall.

(e) Incise repeatedly and examine the hepatic lymph glands; open the bile duct longitudinally and palpate the liver.

(f) Examine and incise if necessary the paunch, intestines, mesenteric lymph glands and spleen.

(g) Examine the exposed surfaces of the carcasses, linings of the thoracic, abdominal, and pelvic cavities, and palpate the kidneys.

Carcasses must be eviscerated into a paunch truck. The heart, liver, and lungs must be inspected in the pan of the paunch truck adjacent to the point where the carcass is being eviscerated, unless a moving top viscera inspection table is used.

(2) Calves and vealers.

Calves and vealers which are of such size that the paunch and intestines cannot be handled satisfactorily by one man, unaided, must be slaughtered and inspected in the manner prescribed for beef.

The routine post mortem examination of calves and vealers must consist of at least the following procedures:

(a) Incise repeatedly and examine the two suprathyroid lymph glands.

(b) Examine the external surface of the heart.

(c) Examine and palpate the two mediastinal and bronchial (right and left) lymph glands and the lungs.

(d) Palpate the hepatic lymph glands and the liver.

(e) Examine the spleen, paunch, and intestines.

(f) Examine the exposed surfaces of the carcass, linings of the thoracic, abdominal, and pelvic cavities, and palpate the kidneys.

(3) Lambs and sheep.

The routine post mortem examinations must consist of at least the following procedures:

(a) Examine and palpate the external surface of the heart.

(b) Palpate the mediastinal and bronchial lymph glands and palpate the lungs.

(c) Examine and palpate the liver. Open the bile duct transversely.

(d) Examine the spleen, paunch and intestines.

(e) Examine the exposed surfaces of the carcass, the linings of the thoracic, abdominal, and pelvic cavity, and palpate the kidneys. Palpate the prefemoral, superficial inguinal, and prescapular lymph glands.

(4) Hogs.

The routine post mortem examination must consist in at least the following procedures:

(a) Incise repeatedly and examine the two mandibular lymph glands.

(b) Palpate the mediastinal and bronchial (right and left) lymph glands and palpate the lungs.

(c) Examine and palpate the external surface of the heart.

(d) Examine the liver and palpate the hepatic lymph glands.

(e) Examine the spleen, stomach and intestines.

(f) Palpate the mesenteric lymph glands.

(g) Examine the exposed surfaces of the split carcass, the joints, the lining of the thoracic, abdominal, and pelvic cavities, and palpate the kidneys.

[Order 801, Regulation 10.01, effective 3/22/60.]

WAC 16-12-445 Organs and parts to be held pending final inspection of carcasses. The head, tongue, tail thymus gland and all viscera, and all parts and blood to be used in the preparation of meat food products or medical products, shall be held in such manner as to preserve their identity until after post mortem examination has been completed, in order that they may be identified in case the carcass is condemned, passed for cooking or held for refrigeration.

[Order 801, Regulation 10.02, effective 3/22/60.]

WAC 16-12-450 Carcasses and parts in certain instances to be retained—Identification of carcasses and parts—Tagging. (1) Each carcass, including all parts and organs, in which any lesions of disease or other condition is found that might render the meat or any organ unfit for food purposes, and which for that reason would require a subsequent inspection, shall be retained by the inspector at the time of inspection. The identity of every such retained carcass detached part, and detached organ thereof shall be maintained until the final inspection has been completed.

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Retained carcasses shall not be washed or trimmed unless authorized by the inspector.

(2) Such devices and methods as may be approved by the department may be used for the temporary identification of retained carcasses, parts or organs. In all cases, the identification shall be further established by affixing "retained" tags as soon as practicable and before final inspection. These tags shall not be removed except by an inspector.

[Order 801, Regulation 10.03, effective 3/22/60.]

WAC 16-12-455 Condemned carcasses and parts to be so marked—Separation. Each carcass or part which is found on final inspection to be unsound, unhealthful, unwholesome, or otherwise unfit for human food shall be conspicuously marked on the surface tissue thereof by an inspector at the time of inspection "Washington inspected and condemned" in letters not less than one inch high. Condemned detached organs and parts of such character that they cannot be so marked shall be placed immediately in trucks or receptacles plainly marked "condemned" in letters not less than two inches high. All condemned carcasses and parts shall be disposed of under the supervision of an inspector in the manner prescribed in Part 12 of this chapter.

[Order 801, Regulation 10.04, effective 3/22/60.]

WAC 16-12-460 Carcasses and parts passed for cooking—Marking—Disposal of parts showing localized lesions—Removal of spermatic cords and pizzles. (1) Carcasses and parts passed for cooking shall be marked conspicuously on the surface tissue thereof by an inspector at the time of inspection, "Washington passed for cooking." All such carcasses and parts shall be cooked in accordance with Part 13 and until so cooked shall remain in the custody of a department employee.

(2) In all cases where carcasses showing localized lesions are passed for food or for cooking the diseased parts shall be removed before the "Washington retained" tag is taken from the carcass, and such parts shall be condemned.

(3) Spermatic cords shall be removed from hog carcasses, and pizzles from all carcasses.

[Order 801, Regulation 10.05, effective 3/22/60.]

WAC 16-12-465 Passing and marking of carcasses and parts. Carcasses and parts found to be sound, healthful, wholesome and fit for human food shall be marked "Washington inspected and passed."

[Order 801, Regulation 10.06, effective 3/22/60.]

WAC 16-12-470 Anthrax—Carcasses not to be eviscerated—Carcasses affected to be tanked immediately—Hides, hoofs, horns, hair, viscera and contents and fat to be tanked—Handling of blood and scalding vat water—General cleanup and disinfection. (1) Carcasses found before evisceration to be affected with anthrax shall not be eviscerated, but shall be retained, condemned, and immediately tanked or otherwise disposed of as provided in Part 12 of this chapter.

(2) All carcasses and all parts, including hides, hoofs, horns, hair, viscera and contents, blood and fat, found to be

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affected with anthrax shall be condemned and immediately disposed of as provided in Part 12 of this chapter, except that the blood may be handled through the usual blood cooking and drying equipment.

(3) The part of any carcass contaminated with anthrax-infected material through contact with soiled instruments, or otherwise shall be immediately condemned and disposed of as provided in Part 12 of this chapter.

(4) The scalding vat water through which hog carcasses affected with anthrax passed shall be immediately drained into the sewer and all parts of the scalding vat shall be cleaned and disinfected as provided in subsection (5) of this section.

(5)(a) That portion of the slaughtering department (bleeding area, scalding vat, gambrelling bench, floors, walls, posts, platforms, saws, cleavers, knives, hooks, and the like), as well as employees' boots and aprons contaminated through contact with anthrax-infected material, shall, except as provided in subsection (5)(b) of this section be cleaned immediately and disinfected with one of the following disinfectants or other disinfectant approved specifically for this purpose by the department.

(i) A five percent sodium hydroxide or commercial lye containing at least 94 percent of sodium hydroxide. The solution shall be prepared freshly immediately before use by dissolving 2 1/2 pounds of sodium hydroxide or lye in 5 1/2 gallons of hot water and should be applied as near scalding hot as possible to be most effective. (Owing to the extreme caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves and boots to protect the hands and feet, and goggles to protect the eyes, should be taken by those engaged in the disinfection job. It is also advisable to have an acid solution, such as vinegar, in readiness in case of any of the sodium hydroxide solution should come in contact with any part of the body.)

(ii) A solution of sodium hypochlorite containing approximately one-half of one percent (5,000 parts per million) of available chlorine. The solution should be freshly prepared.

(iii) When a disinfectant solution has been applied to equipment which will afterwards contact meat, the equipment shall be rinsed with clean water before again being used.

(b) In case anthrax infection is found in the hog slaughtering department, an immediate preliminary disinfection shall extend from the head-dropper's station to the point where the disease is detected, and the affected carcasses shall be cut down and removed from the room. Upon completion of the slaughtering of the lot of hogs of which the anthrax-infected animals were a part, slaughtering operations cease, and a thorough cleanup and disinfection shall be made, as provided in subsection (5)(a) of this section. If the slaughter of the lot has not been completed by the close of the day, the cleanup and disinfection shall not be deferred beyond the close of the day on which anthrax was detected.

(c) The first and indispensable precautionary step for persons who have handled the anthrax material is thorough cleansing of the hands and arms with liquid soap and running hot water. It is important that this step be taken immediately after exposure, before vegetative anthrax organisms have had time to form spores. In the cleansing, a brush or other appropriate appliance should be used to

insure the removal of all contaminating material from under and about the fingernails. This process of cleansing is most effective when performed in repeated cycles of lathering and rinsing, rather than in spending the same amount of time in scrubbing with a single lathering. After the hands have been cleansed thoroughly and rinsed free of soap, they may, if desired, be immersed for about one minute in a 1:1,000 solution of bichloride of mercury, followed by a thorough rinsing in clean running water. Supplies of bichloride of mercury for the purpose must be held in custody of the inspector in charge. As a precautionary measure, all persons exposed to anthrax infection should report promptly any suspicious condition (sore or carbuncle) or symptom to a physician, in order that anti-anthrax serum or other treatment may be administered as indicated.

[Order 801, Regulation 10.07, effective 3/22/60.]

WAC 16-12-475 Sternum to be split—Abdominal and thoracic viscera to be removed. The sternum of each carcass shall be split and spread apart at the time of slaughter, so as to expose the lungs, heart, liver and thoracic cavity, in order to allow proper inspection and drainage.

[Order 801, Regulation 10.08, effective 3/22/60.]

WAC 16-12-480 Carcasses or part thereof not to be inflated—Transferring caul or fat. Carcasses or part of carcasses shall not be inflated with air. Transferring the caul or other fat from a fat to a lean carcass is prohibited.

[Order 801, Regulation 10.09, effective 3/22/60.]

WAC 16-12-485 Handling of bruised parts. When only a portion of a carcass is to be condemned on account of bruises, either the bruised portion shall be removed immediately and disposed of in accordance with Part 12 of this chapter, or in lieu of this the carcass may be placed in a chill room and kept until chilled and the bruised portion then removed under department supervision and disposed of as provided above.

[Order 801, Regulation 10.10, effective 3/22/60.]

WAC 16-12-490 Skins from diseased swine—Removal from establishment—Disinfection—Separate compartments. The skins from swine condemned for tuberculosis or any disease communicable to man or other animal may be removed from the establishment, except as provided in WAC 16-12-470 for tanning or other industrial use; but they shall be removed for these uses only after they have been disinfected as follows: Each skin shall be treated as prescribed by the department. The process of skinning and disinfecting shall be conducted under supervision of an inspector.

[Order 801, Regulation 10.11, effective 3/22/60.]

WAC 16-12-495 Inspection of cattle—Calf and sheep lungs—Hog lungs not to be saved as edible. (1) All cattle, calf and sheep lungs intended for food purposes shall be inspected to determine whether foreign matter is present in the air passages. The main bronchi and branches shall be slit by an employee of the establishment as required by the

inspector, and if ingesta or other objectionable foreign matter has entered these passages, the lungs shall be condemned.

(2) Hog lungs shall not be saved as edible meat products.

[Order 801, Regulation 10.12, effective 3/22/60.]

WAC 16-12-500 Inspection of mammary glands.

(1) Lactating mammary glands and diseased mammary glands of cattle, sheep, swine and goats shall be removed without opening the milk ducts or sinuses. If pus or other objectionable material is permitted to come in contact with the carcass, the parts of the carcass thus contaminated shall be removed and condemned.

(2) Cows udders may be saved for food purposes, provided suitable facilities for handling and inspecting them are provided.

(3) The inspection of udders from cows which have been kept for breeding purposes only shall consist of examination by palpation, and when necessary, by incision. The inspection of udders from cows which have been used for dairy purposes shall include slicing in sections about two inches in thickness. This slicing shall be done by establishment employees. The udders in the sliced condition shall be given careful examination by inspectors. The inspector will designate the udders which are to be sliced. When there is any doubt as to whether the udder is from a cow which has been used for breeding purposes only, then the udder shall be sliced and inspected as provided for udders from cows used for dairy purposes. Each udder shall be properly identified with its respective carcass and kept separate and apart from other udders until its disposal has been determined, when it may be further handled as the conditions warrant.

(4) The udders from cows officially designated as "bangs disease reactor" shall not be utilized for edible purposes.

(5) Lactating mammary glands of swine intended for edible purposes shall be handled and inspected in the same manner as provided in subsection (3) of this section for the udders of cows used for dairy purposes, except that the sliced sections shall be about one inch in thickness. Glands that are passed may be distributed as such, but their use in meat food products is limited to the preparation of rendered pork fat.

[Order 801, Regulation 10.13, effective 3/22/60.]

WAC 16-12-505 Tonsils to be condemned. Tonsils, because of frequency of infection, are inedible and should be removed and condemned during the dressing operations.

[Order 801, Regulation 10.14, effective 3/22/60.]

WAC 16-12-510 Grubs to be removed before carcass split. Grubs and associative infiltrative material must be removed before the carcass is split.

[Order 801, Regulation 10.15, effective 3/22/60.]

PART 11 - DISPOSITION OF DISEASED CARCASSES AND PARTS

WAC 16-12-515 Disposal of diseased carcasses and parts—General. (1) The carcasses or parts of carcasses of animals found at the time of slaughter or at any subsequent inspection to be affected with any of the diseases or conditions named in this chapter shall be disposed of according to the sections pertaining to the disease or condition. Since it is impracticable to formulate rules covering every case and to designate at just what stage a process becomes loathsome or a disease noxious, the decision as to the disposal of all carcasses, parts or organs not specifically covered by this chapter shall be left to the inspector.

(2) In cases of doubt as to a condition, a disease, or the cause of a condition, or to confirm a diagnosis, representative specimens of the affected tissues properly prepared and packaged should be sent to the department pathological laboratory for examination.

[Order 801, Regulation 11.01, effective 3/22/60.]

WAC 16-12-520 Tuberculosis—Principles for guidance in passing on carcasses affected. (1) The following principles are declared for guidance in passing on carcasses affected with tuberculosis:

Principle A. No meat should be passed for food if it contains tubercle bacilli, or if there is a reasonable possibility that it may contain tubercle bacilli, or it is impregnated with toxic substance of tuberculosis or associated septic infections.

Principle B. Meat should not be destroyed if the lesions are localized and not numerous, if there is no evidence of distribution of tubercle bacilli through the blood or by other means to the muscles or to parts that may be eaten with the muscles, and if the animal is well nourished and in good condition, since in this case there is no proof, or even reason to suspect, that the flesh is unwholesome.

Principle C. Evidence of generalized tuberculosis are to be sought in such distribution and number of tuberculosis lesions as can be explained only upon the supposition of the entrance to tubercle bacilli in considerable number into the systemic circulation. Significant of such generalization is the presence of numerous uniformly distributed tubercles throughout both lungs, also tubercles in the spleen, kidneys, bones, joints, sexual glands, and in the lymph glands connected with these organs and parts, or in the splenic, renal, prescapular, popliteal, and inguinal glands, when several of these organs and parts are coincidentally affected.

Principle D. Localized tuberculosis is tuberculosis limited to single or several parts or organs of the body without evidence of recent invasion of numerous bacilli into the systemic circulation.

(2) The carcasses of animals affected with tuberculosis shall be disposed of as follows:

(a) The entire carcass shall be condemned if any of the following conditions occur:

(i) When it was observed before the animal was killed that it was suffering with fever.

(ii) When there is a tuberculosis or other cachexia.

(iii) When the lesions of tuberculosis are generalized, as shown by their presence not only at the usual seats of

primary infection, but also in parts of the carcass or in the organs that may be reached by the bacilli of tuberculosis only when they are carried in the systemic of circulation. Tuberculosis lesions in any two of the following mentioned organs are to be accepted as evidence of generalization when they occur in addition to local tuberculosis lesions in the digestive or respiratory tracts including the lymph glands connected therewith: Spleen, kidney, uterus, udder, ovary, testicle, adrenal gland, and brain or spinal cord or their membranes. Numerous tubercles uniformly distributed throughout both lungs also afford evidence of generalization.

(iv) When the lesions of tuberculosis are found in the muscles or intermuscular tissue or bones or joint, or in the body lymph glands as a result of draining the muscles, bones or joints.

(v) When the lesions are extensive in one or both body cavities.

(vi) When the lesions are multiple, acute, and actively progressive. (Evidence of active progress consists of signs of acute inflammation about the lesions, or liquefaction necrosis, or the presence of young tubercles.)

(b) An organ or part of a carcass shall be condemned under any of the following conditions:

(i) When it contains lesions of tuberculosis.

(ii) When the lesion is localized but immediately adjacent to the flesh as in the case of tuberculosis of the parietal pleura or peritoneum. In this case not only the membrane or part affected but also the adjacent thoracic or abdominal wall is to be condemned.

(iii) When it has been contaminated by tuberculous material through contact with the floor or a soiled knife or otherwise.

(iv) Heads showing lesions of tuberculosis shall be condemned, except that when a head is from a carcass passed for food or for cooking and lesions are slight, or calcified, or encapsulated, and are confined to lymph glands in which not more than two glands are involved, the head may be passed for cooking after the diseased tissues have been removed and condemned.

(v) An organ shall be condemned when the corresponding lymph gland is tuberculous.

(vi) Intestines and mesenteries showing lesions of tuberculosis shall be condemned, except that when the lesions are slight and confined to the lymph glands and the carcass is passed without restriction, the intestines may be passed for use as casings and the fat passed for rendering after the corresponding lymph glands have been removed and condemned: *Provided*, That the fat and intestines have not been contaminated with tuberculous material.

(c) Carcasses showing lesions of tuberculosis should be passed for food when the lesions are slight, localized, and calcified or encapsulated, or are limited to a single or several parts or organs of the body (except as noted in subsection (2)(a), of this section), and there is no evidence of recent invasion of tubercle bacilli into the systemic circulation. Under this rule carcasses showing such lesions as the following examples may be passed, after the parts containing the lesions are removed and condemned in accordance with subsection (b) of this section.

(i) In the cervical lymph glands and two groups of visceral lymph glands in a single body cavity, such as the

cervical, bronchial, and mediastinal glands, or the cervical, hepatic, and mesenteric glands.

(ii) In the cervical lymph glands and one group of visceral lymph glands and one organ in a single body cavity such as the cervical and bronchial glands and the lungs, or in the cervical and hepatic glands.

(iii) In two groups of visceral lymph glands and one organ in a single body cavity, such as the bronchial and mediastinal glands and the lungs, or the hepatic and mesenteric glands and the liver.

(iv) In two groups of visceral lymph glands in the thoracic cavity and one group in the abdominal cavity, or in one group of visceral lymph glands in the thoracic cavity and two groups in the abdominal cavity such as the bronchial, mediastinal, and hepatic glands, or the bronchial, hepatic and mesenteric glands.

(v) In the cervical lymph glands and one group of visceral lymph glands in each body cavity, such as the cervical, bronchial and hepatic glands.

(vi) In the cervical lymph glands and one group of visceral lymph glands in each body cavity, together with the liver when the latter contains but few localized foci. In this class of carcasses which will be chiefly those of hogs the lesions of the liver are considered to be primary, as the disease is practically always of alimentary origin.

(d) Carcasses which reveal lesions more severe or more numerous than those described for carcasses to be passed, subsection (2)(c) of this section, but not so severe, nor so numerous as the lesions described for carcasses to be condemned, subsection (2)(a) of this section, may be rendered into lard, rendered pork fat, or tallow, or otherwise cooked in accordance with Part 13, if the distribution of the lesions is such that all parts containing tuberculous lesions can be removed.

[Order 801, Regulation 11.02, effective 3/22/60.]

WAC 16-12-525 Hog cholera—Disposition of hog carcasses on account of. (1) The carcasses of all hogs affected with acute hog cholera shall be condemned.

(2) Inconclusive but suspicious symptoms of hog cholera observed during the ante mortem inspection shall be duly considered in connection with post mortem findings and when the carcass of such a "suspect" shows lesions in the kidneys and the lymph glands which resemble lesions of hog cholera, they shall be regarded as those of hog cholera and the carcass shall be condemned.

(3) Inasmuch as lesions resembling lesions of hog cholera occur in the kidneys and lymph glands of hogs not affected with hog cholera, carcasses of hogs in the kidneys or lymph glands of which appear any lesions resembling lesions of hog cholera shall be carefully further inspected for corroborative lesions. If on such further inspection the carcass shows such lesions in the kidneys or in the lymph glands, or in both, accompanied by characteristic lesions in some organ or tissue, then all lesions shall be regarded as those of hog cholera and the carcass shall be condemned.

[Order 801, Regulation 11.03, effective 3/22/60.]

WAC 16-12-530 Carcasses of swine injected with hog cholera virus. Carcasses of swine, other than hyperimmune swine, if presented for inspection after 28 days

following injection with hog cholera virus shall be given post mortem inspection in conformity with this part without reference to the injected virus.

[Order 801, Regulation 11.04, effective 3/22/60.]

WAC 16-12-535 Swine erysipelas. Carcasses affected with swine erysipelas which is acute or generalized, or which shows systemic changes, shall be condemned.

[Order 801, Regulation 11.05, effective 3/22/60.]

WAC 16-12-540 Diamond-skin disease. Carcasses of hogs affected with diamond-skin disease when localized and not associated with systemic changes may be passed for food after removal and condemnation of the affected parts, provided such carcasses are otherwise in good condition.

[Order 801, Regulation 11.06, effective 3/22/60.]

WAC 16-12-545 Arthritis and polyarthritis. (1) Carcasses affected with arthritis or polyarthritis when localized and not associated with systemic change may be passed for food after removal and condemnation of all affected parts, provided the carcasses are otherwise in good condition. Affected joints with corresponding lymph glands shall be removed and condemned. In order to avoid contamination of the meat which is passed a joint capsule shall not be opened until after the affected joint is removed.

(2) Carcasses affected with arthritis or polyarthritis characterized by the presence of periarticular abscesses which may or may not be connected with similar suppurative foci within the epiphyses of the bones shall be condemned in cases manifesting suppurative lesions in more than one joint. Otherwise, the condemnations shall be restricted to the affected parts if such carcasses are otherwise in good condition.

[Order 801, Regulation 11.07, effective 3/22/60.]

WAC 16-12-550 Cattle carcasses affected with anasarca or generalized edema. (1) Carcasses of cattle found on post mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive or well-marked generalized edema shall be condemned.

(2) Carcasses of cattle, including their detached parts and organs, found on post mortem inspection to be affected with anasarca to a lesser extent than in subsection (1) of this section may be passed for food after removal and condemnation of the affected tissues provided the lesions are localized.

[Order 801, Regulation 11.08, effective 3/22/60.]

WAC 16-12-555 Actinomycosis and actinobacillosis—Disposition of carcasses and parts. (1) The definition of generalization as outlined for tuberculosis in WAC 16-12-520(1) shall apply for actinomycosis and actinobacillosis, and carcasses of animals so affected shall be condemned.

(2) Carcasses of animals in a well-nourished condition showing uncomplicated localized lesions of actinomycosis or actinobacillosis may be passed after the infected organs or parts have been removed and condemned, except as provided in subsections (3) and (4) of this section.

(3) Heads affected with actinomycosis or actinobacillosis, including the tongue shall be condemned, except that when the disease of the jaw is slight, strictly localized and without suppuration, fistulous tracts or lymph gland involvement, the tongue, if free from disease, may be passed, or when the disease is slight and confined to the lymph glands, the head, including the tongue may be passed after the affected glands have been removed and condemned.

(4) When the disease is slight and confined to the tongue, with or without involvement of the corresponding lymph glands, the head may be passed after removal and condemnation of the tongue and corresponding lymph glands.

[Order 801, Regulation 11.09, effective 3/22/60.]

WAC 16-12-560 Anthrax, bacillary hemoglobinuria in cattle, blackleg, hemorrhagic septicemia, icterohematuria in sheep, malignant epizootic catarrh, piroplasmosis, pyemia, septicemia, unhealed vaccine lesions, carcasses affected with, to be condemned. Carcasses of animals affected with or showing lesions of any of the following named diseases or conditions shall be condemned:

- (1) Anaplasmosis.
- (2) Bacillary hemoglobinuria in cattle.
- (3) Anthrax.
- (4) Blackleg.
- (5) Hemorrhagic septicemia.
- (6) Icterohematuria in sheep.
- (7) Malignant epizootic catarrh.
- (8) Piroplasmosis.
- (9) Pyemia.
- (10) Septicemia.
- (11) Unhealed vaccine lesions (vaccinia).

[Order 801, Regulation 11.10, effective 3/22/60.]

WAC 16-12-565 Malignant neoplasms—Disposition of organs, parts, or carcasses. Any individual organ or part of a carcass affected with a malignant neoplasm shall be condemned. In case the malignant neoplasm involves any internal organ to a marked extent, or affects the muscles, skeleton, or body lymph glands, even primarily, the carcass shall be condemned, except as provided in WAC 16-12-570. In case of metastasis to any other organ or part of a carcass, or if metastasis has not occurred but there are present secondary changes in the muscles (serious infiltration, flabbiness, or the like), the carcass shall be condemned. Carcasses of cattle affected with epithelioma of the eye shall be disposed of according to WAC 16-12-570.

[Order 801, Regulation 11.11, effective 3/22/60.]

WAC 16-12-570 Epithelioma of the eye of cattle.

(1) Carcasses of animals affected with epithelioma of the eye of the orbital region, and/or of the corresponding parotid lymph gland shall be condemned in their entirety if one of the following three conditions exists:

- (a) The affection has involved the osseous structures of the head with extensive infection, suppuration, and necrosis;
- (b) There is metastasis from the eye, the orbital region, and/or the corresponding parotid lymph gland to other lymph

glands, internal organs, muscles, skeleton, or other structures, regardless of the extent of the primary tumor; or

(c) The affection, regardless of extent, is associated with cachexia or evidence of absorption or secondary changes.

(2) Carcasses of animals affected with epithelioma of the eye, or the orbital region, and/or of the corresponding parotid lymph gland to a lesser extent than in subsection (1) of this section may be passed for food after removal and condemnation of the head, including the tongue, provided the carcass is otherwise in good condition.

[Order 801, Regulation 11.12, effective 3/22/60.]

WAC 16-12-575 Carcasses showing disease such as generalized melanosis, etc., affecting the system, to be condemned. Carcasses of animals showing any disease such as generalized melanosis, leukemia, pseudo-leukemia, lymphoma, and the like, which affects the system of the animal shall be condemned.

[Order 801, Regulation 11.13, effective 3/22/60.]

WAC 16-12-580 Abrasions, bruises, tumors, abscesses, pus, etc.—Disposition of carcasses and parts. All slight, well-limited abrasions on the tongue and inner surface of the lips and mouth, when without lymph gland involvement shall be carefully excised, leaving only sound, normal tissue, which may be passed. Any organ or part of a carcass which is badly bruised or which is affected by a tumor, an abscess, or a suppurating sore, shall be condemned; and when the lesions are of such character or extent as to affect the whole carcass, the whole carcass shall be condemned. Parts of carcasses which are contaminated by pus shall be condemned.

[Order 801, Regulation 11.14, effective 3/22/60.]

WAC 16-12-585 Brucellosis. Carcasses affected with localized lesions of brucellosis may be passed for food after the affected parts are removed and condemned.

[Order 801, Regulation 11.15, effective 3/22/60.]

WAC 16-12-590 Carcasses so infected that consumption of the meat may cause food poisoning to be condemned. (1) All carcasses of animals so infected that consumption of the meat products thereof may give rise to food poisoning shall be condemned. This includes all carcasses showing signs of:

(a) Acute inflammation of the lungs, pleura, pericardium, peritoneum or meninges.

(b) Septicemia, or pyemia, whether puerperal, traumatic, or without any evident cause.

(c) Gangrenous or severe hemorrhagic enteritis or gastritis.

(d) Acute diffuse metritis or mammitis.

(e) Phlebitis of the umbilical veins.

(f) Septic or purulent traumatic pericarditis.

(g) Any acute inflammation, abscess, or suppurating sore, if associated with acute nephritis, fatty or degenerated liver, swollen soft spleen, marked pulmonary hyperemia, general swelling of lymph glands, diffuse redness of the skin, cachexia, icteric discoloration of the carcass or the like, either singly or in combination.

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(2) Implements contaminated by contact with carcasses affected with any of the diseased conditions mentioned in this section shall be thoroughly cleaned and disinfected as prescribed elsewhere in this chapter. The equipment used in the dressing of such carcasses, such as viscera trucks, inspection tables and the like, shall be disinfected with hot water having a minimum temperature of 180°F. Carcasses or parts of carcasses contaminated by contact with such diseased carcasses shall be condemned unless all contaminated tissues are removed within two hours.

[Order 801, Regulation 11.16, effective 3/22/60.]

WAC 16-12-595 Necrobacillosis, pyemia, septicemia—Disposition of carcasses. From the standpoint of meat inspection, necrobacillosis may be regarded as a local affection at the beginning, and carcasses in which the lesions are so localized may be passed for food if in a good state of nutrition, after removing and condemning those portions affected with necrotic lesions. On the other hand, when emaciation, cloudy swelling of the glandular organs, or enlargement and discoloration of the lymph glands are associated with the affection, it is evident that the disease has progressed beyond the condition of localization to a state of toxemia, and the entire carcass should therefore be condemned as both innutritious and noxious. Pyemia or septicemia may intervene as a complication of the local necrosis, and when present the carcass shall be condemned in accordance with WAC 16-12-590.

[Order 801, Regulation 11.17, effective 3/22/60.]

WAC 16-12-600 Caseous lymphadenitis—Disposition of carcasses and parts. Disposition of carcasses and parts affected with caseous lymphadenitis shall be as follows:

(1) A thin carcass showing well-marked lesions in the viscera and the skeletal lymph glands, or such a carcass showing extensive lesions in any part, shall be condemned.

(2) A thin carcass showing well-marked lesions in the viscera with only slight lesions elsewhere, or showing well-marked lesions in the skeletal lymph glands with only slight lesions elsewhere may be passed for cooking.

(3) A thin carcass showing only slight lesions in the skeletal lymph glands and in the viscera may be passed without restriction.

(4) A well-nourished carcass showing well-marked lesions in the viscera and with only slight lesions elsewhere, or showing well-marked lesions confined to the skeletal lymph glands with only slight lesions elsewhere may be passed without restrictions.

(5) A well-nourished carcass showing well-marked lesions in the viscera and the skeletal lymph glands may be passed for cooking, but where the lesions in a well-nourished carcass are both numerous and extensive it shall be condemned.

(6) All affected organs and glands of carcasses passed without restriction or passed for cooking shall be removed and condemned. The term "thin" as used in this section shall not be held applicable to a carcass which is anemic or emaciated.

[Order 801, Regulation 11.18, effective 3/22/60.]

WAC 16-12-605 Icterus—Disposition of carcasses.

Carcasses showing any degree of icterus with a parenchymatous degeneration of organs, the result of infection or intoxication, and those which show an intense yellow or greenish-yellow discoloration without evidence of infection or intoxication, shall be condemned. Carcasses affected with icteric-like discoloration, the result of conditions other than those stated in this regulation, but which lose such discoloration on chilling, shall be passed for food, while those which do not lose such discoloration may be passed for cooking. No carcass retained under this section may be passed for food unless the final inspection thereof is completed under natural light. Carcasses passed for cooking under this section shall not be processed other than by rendering.

[Order 801, Regulation 11.19, effective 3/22/60.]

WAC 16-12-610 Urine or sexual odor—Disposition of carcasses. Carcasses which give off the odor of urine or a sexual odor shall be condemned. When the final inspection of such carcasses is deferred until they have been chilled, the disposal shall be determined by the heating test.

[Order 801, Regulation 11.20, effective 3/22/60.]

WAC 16-12-615 Mange or scab—Disposition of carcasses. (1) Carcasses of animals affected with mange or scab in advanced stages, showing cachexia or extensive inflammation of the flesh, shall be condemned. When the disease is slight, the carcass may be passed after removal of the affected portion.

(2) Carcasses of hogs affected with urticaria (nettle rash), tinea tonsurans, demodex folliculeru, or erythema may be passed after detaching and condemning the affected skin, if the carcass is otherwise fit for food.

[Order 801, Regulation 11.21, effective 3/22/60.]

WAC 16-12-620 Tapeworm, cysts (cysticercus bovis)—Methods of inspecting for—Carcasses and parts of cattle infested with—Disposition of carcasses and parts—Conditions under which refrigeration permitted—Calves excepted. Beef carcasses and parts shall be examined for the presence of tapeworm, cysts, (cysticercus bovis) in the following manner:

(1) Head. Prior to inspection the tongue shall be detached sufficiently from the head bones, by an employee of the establishment, to allow a proper inspection to be made of the internal muscles of mastication. These muscles shall be inspected after incising them in such manner as to split the muscles in a plane parallel with the lower jawbones. The masseter muscles also shall be incised, splitting the entire external layer between the outer and intermediate fasciae.

(2) Heart. The preparation and inspection of hearts shall conform to one of the following methods:

(a) The surface of the heart shall be examined, and a longitudinal incision made extending from the base of apex through the wall of the cut surfaces and the inner surfaces of the ventricles shall be examined.

(b) After the external surface of the heart has been inspected the organ shall be prepared for further inspection

severing its attachments and cutting through the interventricular septum and such other tissues as will permit him to evert the organ completely. The inspector shall then examine the interior surfaces and make not more than four deep, lengthwise incisions into the muscles of the septum and left ventricular wall, unless the presence of cysts is suspected, when more incisions shall be made. Under this method care shall be taken not to cut completely through the walls of hearts to be passed without restriction. If necessary to maintain the identity of hearts the establishment shall provide consecutively numbered tags and appropriately mark the carcasses and hearts.

(3) The external and internal muscles of mastication, the heart, and the muscular portion of the diaphragm, including its pillars, should be carefully and thoroughly sliced to insure the findings of all cysts. Prior to the inspection of the diaphragm its peritoneum shall be removed. The tongue shall be carefully inspected by palpation, and if the presence of cysts in the muscles of the organ is suspected, the tongue shall be thoroughly sliced and all parts closely examined for cysts. In addition to the foregoing, the exposed muscles and cut muscular surfaces of the split carcass shall be examined. Unnecessary mutilation of carcasses which may be passed shall be avoided.

(4) Carcasses of cattle (including the viscera) infested with tapeworm cysts known as cysticercus bovis shall be condemned if the infestation is excessive or if the meat is watery or discolored. Carcasses shall be considered excessively infested if incisions in various parts of the musculature expose on most of the cut surfaces two or more cysts within an area the size of the palm of the hand.

(5) A carcass in which infestation with cysticercus bovis is limited to one dead and degenerated cyst may be passed for food after removal and condemnation of the cyst.

(6) Carcasses of cattle showing a slight or moderate infestation other than that indicated in subdivision (5) of this section, but not so extensive as indicated in subdivision (4) of this section, as determined by a careful examination of the heart, muscles of mastication, diaphragm and its pillars, tongue, and portions of the carcass rendered visible by the process of dressing, may be passed for food after removal and condemnation of the cysts, with the surrounding tissues: *Provided*, That the carcasses and parts, appropriately identified by retained tags, are held in cold storage at a temperature not higher than 15°F. continuously for a period of not less than 20 days. As an alternative to retention in cold storage as herein provided, such carcasses and parts may be heated throughout to a temperature of at least 140°F.

(7) Fats of carcasses passed for food or for refrigeration under the provisions of subdivision (6) of this section may be passed for food provided they are melted at a temperature of not less than 140°F. The edible viscera, except the lungs and heart, of carcasses passed for food or for refrigeration under the provisions of subdivision (6) of this section may be passed for food without refrigeration or heating, provided they are found to be free from infestation upon final inspection. The intestines, weasands, and bladders from beef carcasses, affected with cysticercus bovis, which have been passed for food or for refrigeration may be used for casings after they have been subjected to the usual methods of preparation and may be passed for such purpose upon completion of the final inspection.

(8) The inspection for *cysticercus bovis* may be omitted in the case of calves under six weeks old. The routine inspection of calves over six weeks old for *cysticercus bovis* may be limited to a careful examination of the surface of the heart and other surfaces as are rendered visible by the process of dressing.

[Order 801, Regulation 11.22, effective 3/22/60.]

WAC 16-12-625 Hogs affected with tapeworm cysts (*cysticercus cellulosae*)—Disposition. Carcasses of hogs affected with tapeworm cysts (*cysticercus cellulosae*) may be passed for cooking, but if the infestation is excessive the carcass shall be condemned.

[Order 801, Regulation 11.23, effective 3/22/60.]

WAC 16-12-630 Disposal of carcasses, organs, and parts showing evidence of infestation with parasites not transmissible to man—Sheep carcasses affected with tapeworm cysts—Carcasses infested with gid bladder worms—Organs and parts infested with hydatid cysts—Livers infested with flukes. In the disposal of carcasses, edible organs and parts of carcasses showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern:

(1) If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them may be radically removed, the nonaffected portion of the carcass, organ, or part of the carcass may be passed for food after the removal and condemnation of the affected portions. If an organ or part of a carcass shows numerous lesions caused by parasites, or if the character of the infestation is such that complete extirpation of the parasites and lesions is difficult and uncertainly accomplished, or if the parasitic infestation or invasion renders the organ or part in any way unfit for food, the affected organ or part shall be condemned. If parasites are found to be distributed in a carcass in such a manner or to be of such character that their removal and the removal of the lesions caused by them are impracticable, no part of the carcass shall be passed for food. If the infestation is moderate the carcass may be passed for cooking, but in case such carcass is not cooked as required by Part 13 of this chapter it shall be condemned.

(2) In the case of sheep carcasses affected with tapeworm cysts located in the muscles (*cysticercus ovis*, so called sheep measles, not transmissible to man) the carcass may be passed after the removal and condemnation of the affected portions: *Provided, however,* That if upon the final inspection of sheep carcasses retained on account of measles the total number of cysts found embedded in muscle or in immediate relation with muscular tissue including the heart, exceeds five, this shall be taken to indicate that the cysts are so generally distributed and so numerous that their removal would be impracticable, and the entire carcass shall be condemned or passed for cooking, according to the degree of infestation. If five or less cysts are found upon final inspection, the carcass may be passed after the removal and condemnation of the affected portions.

(3) Carcasses of animals found infested with gid bladder worms (*coenurus cerebralis*, *multiceps multiceps*) may be passed after condemnation of the affected organ (brain or spinal cord).

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(4) Organs or parts of carcasses infested with hydatid cysts (*echinococcus*) shall be condemned.

(5) Livers infested with flukes or fringed tapeworms shall be condemned.

[Order 801, Regulation 11.24, effective 3/22/60.]

WAC 16-12-635 Emaciated or anemic carcasses and those showing slimy fat degeneration or serious muscle infiltration. Carcasses of animals too emaciated or anemic to produce wholesome meat, and carcasses which show a slimy degeneration of the fat or a serous infiltration of the muscles, shall be condemned. Mere leanness should not be classed as emaciation.

[Order 801, Regulation 11.25, effective 3/22/60.]

WAC 16-12-640 Carcasses showing advanced pregnancy, etc.—Disposition. Carcasses of animals in advanced stages of pregnancy (showing signs of parturition), also carcasses of animals which have within ten days given birth to young and in which there is no evidence of septic infection, may be passed for cooking; otherwise, they shall be condemned.

[Order 801, Regulation 11.26, effective 3/22/60.]

WAC 16-12-645 Emergency slaughter of animals at unusual hours. When it is necessary for humane reasons to slaughter an injured animal at night or on a Sunday, or a holiday when the regularly assigned inspector cannot be obtained, a licensed veterinarian may be employed to conduct the ante mortem and post mortem inspection.

[Order 801, Regulation 11.27, effective 3/22/60.]

WAC 16-12-650 Carcasses of young calves, pigs, kids, and lambs—When condemned—Unborn and stillborn animals. (1) Carcasses of young calves, pigs, kids and lambs are unwholesome and shall be condemned, if:

(a) The meat has the appearance of being water-soaked, is loose, flabby, tears easily, and can be perforated with the fingers; or

(b) Its color is grayish red; or

(c) Good muscular development as a whole is lacking, especially noticeable on the upper shank of the leg, where small amounts of serous infiltrates or small edematous patches are sometimes present between the muscles; or

(d) The tissue which later develops as the fat capsule of the kidneys is edematous, dirty yellow or grayish red, tough, and intermixed with islands of fat.

(2) All unborn and stillborn animals shall be condemned, and no hide or skin thereof shall be removed from the carcass within a room in which edible products are handled.

[Order 801, Regulation 11.28, effective 3/22/60.]

WAC 16-12-655 Condemnation of animals suffocated and hogs scalded alive. All animals which have been suffocated in any way and hogs which have entered the scalding vat alive shall be condemned.

[Order 801, Regulation 11.29, effective 3/22/60.]

WAC 16-12-660 Livers affected with carotenosis—Livers designated as "telangiectatic," "sawdust," or "spotted"—Disposal. (1) Livers affected with carotenosis shall be condemned.

(2) Cattle livers and calf livers showing the conditions sometimes designated as "Telangiectatic," "sawdust," or "spotted" shall be disposed of as follows:

(a) When any or all of the conditions are extensive and involved one-half or more of an organ, the whole organ shall be condemned.

(b) When any or all of the conditions are slight in an organ, the whole organ shall be passed without restriction.

(c) When any or all of the conditions involve the whole organ, and are less severe than extensive, but more severe than slight, the whole organ shall be cooked.

(d) When any or all of the conditions are less severe than extensive, but more severe than slight in a portion of an organ, while in the remainder of the organ the conditions are slight the remainder shall be passed without restriction and the other portion shall be cooked.

(e) When any or all of the conditions are extensive and involve less than one-half of the organ, while in the remainder of the organ the conditions are slight, the remainder shall be passed without restriction and the other portion shall be condemned.

(f) When any or all of the conditions are extensive and involve less than one-half of the organ, while in any or all of the remainder of the organ the conditions are more severe than slight yet less severe than extensive, all of the remainder shall be cooked and the extensively involved portion shall be condemned.

(g) The division of an organ into but two parts as herein contemplated for disposition shall be accomplished by one cut through the organ. This, of course, does not prohibit incisions which are necessary for inspection.

(3) Livers and parts of livers which are required to be cooked, unless otherwise provided for by the department, shall be held and cooked in the establishment where produced. They shall be cooked sufficiently to impart a cooked appearance throughout the liver. After cooking, the liver may be released for any purpose.

[Order 801, Regulation 11.30, effective 3/22/60.]

WAC 16-12-665 Anaplasmosis. (1) Carcasses of cattle and calves found on post mortem inspection to be affected with anaplasmosis shall be condemned.

(2) Carcasses of cattle and calves which are classed as recovered cases of anaplasmosis evidenced by the absence of abnormal symptoms on ante mortem inspection but which show slight yellow coloration of tissues on post mortem examination shall be passed for food provided the yellow coloration disappears on chilling. Those carcasses which do not lose such yellow coloration on chilling shall be condemned.

[Order 801, Regulation 11.31, effective 3/22/60.]

WAC 16-12-670 Listerellosis. Carcasses of animals marked "Wash. suspect" because of a history of listerellosis shall be passed for food after condemnation of the head if the carcass is otherwise in good condition.

[Order 801, Regulation 11.32, effective 3/22/60.]

WAC 16-12-675 Leptospirosis. (1) Carcasses of animals affected with leptospirosis shall be condemned.

(2) Carcasses of animals which have reacted to a test for leptospirosis and have been marked "Wash. suspect" on ante mortem inspection shall be passed for food when no evidence of the disease is found on post mortem examination: *Provided*, The carcasses are otherwise in good condition.

[Order 801, Regulation 11.33, effective 3/22/60.]

PART 12 - TANKING AND DENATURING CONDEMNED CARCASSES AND MEAT PRODUCTS

WAC 16-12-680 Condemned carcasses and product to be disposed of by tanking or sent to rendering plant. Except as provided in WAC 16-12-700 condemned carcasses and products shall be disposed of by tanking, sending to a rendering plant or by such other means as the department may prescribe.

[Order 801, Regulation 12.01, effective 3/22/60.]

WAC 16-12-685 Condemned carcasses and products disposed of by tanking. (1) Condemned carcasses and products disposed of by tanking shall be disposed of as follows: The lower opening of the tank shall first be sealed securely by an inspector, except when permanently connected with a blow line, then the condemned carcasses and products shall be placed in the tank in his presence, after which the upper opening shall also be sealed securely by an inspector, who shall then see that the contents of the tank are subjected to sufficient heating for sufficient time to destroy effectually the contents for food purposes.

(2) The seals of the tanks shall be broken only by an inspector after the contents of the tanks have been treated as provided in subsection (1) of this section. The rendered fat derived from condemned material shall be held until an inspector shall have had an opportunity to determine whether it conforms with the requirements of this regulation. Samples shall be taken by inspectors as often as is necessary to determine whether the rendered fat is effectually denatured.

(3) Rendered animal fat derived from inedible or condemned materials and possessing the physical characteristics of color, odor and taste of edible products shall be denatured to effectually distinguish it from an edible product either with low grade offal during the rendering or by adding to it a denaturant approved by the department.

(4) Rendered inedible fat derived wholly from products other than condemned will not be required to be denatured unless it possesses the physical characteristics of color, odor, and taste of an edible product. Rendered inedible fat derived wholly from products other than condemned products which possesses the physical characteristics of edible products shall be so changed in character as to effectually distinguish it from edible products, denatured in accordance with subsections (1) and (2) of this section, or denatured as prescribed by the department.

[Order 801, Regulation 12.02, effective 3/22/60.]

WAC 16-12-690 Condemned carcasses and products not disposed of by tanking to be denatured or destroyed by incineration. (1) Any carcass or products condemned and not disposed of by tanking shall under the supervision of an inspector, be denatured with crude carbolic acid or other prescribed agent, or destroyed by incineration. When such carcass or products is not incinerated, all containers thereof shall be opened and all meat shall be freely slashed with a knife, before the denaturing agent is applied.

(2) Carcasses and products condemned on account of anthrax, and the materials identified in WAC 16-12-470 which are derived therefrom at establishments which are not equipped with tanking facilities shall be disposed of by complete incineration or buried under the supervision of an inspector.

[Order 801, Regulation 12.03, effective 3/22/60.]

WAC 16-12-695 Livers condemned because of parasitic infestation and for other causes—Conditions under which they may be disposed of as fish feed. (1) Livers condemned on account of fluke infestation may be forwarded as fish feed provided the livers are first freely slashed and denatured by dipping in a hot solution containing one part of FD and C Green #3, or Methyl Violet in 5,000 parts of water, followed by washing in fresh water until the washings are no longer colored, or in lieu of the dye solution, dry, finely powdered charcoal may be applied, and then frozen at a temperature not higher than 10°F. for not less than 48 hours; or provided the livers are thoroughly cooked and then slashed and denatured as indicated above. It is essential that the livers be sufficiently denatured through discoloration by the dye or charcoal to preclude their used as human food. Freezing may be accomplished in the regular freezer in a properly separated compartment or receptacle approved by the department.

(2) Livers condemned on account of hydatids or fringed tapeworms may not be forwarded as fish feed unless thoroughly cooked, slashed, and denatured as indicated in subsection (1) of this section.

(3) Livers condemned on account of parasites other than flukes, hydatids, or fringed tapeworms may be forwarded as fish feed without refrigeration or cooking after slashing and denaturing as indicated in subsection (1) of this section.

(4) Livers condemned for telangiectasis, angioma, "sawdust" condition, cirrhosis, or other nonmalignant change, benign abscesses, or contamination when these conditions are not associated with infectious disease in the carcasses, may be forwarded as fish feed without refrigeration or cooking; provided, all tissue affected with abscesses is removed and destroyed as provided by WAC 16-12-680 or 16-12-690: *And provided further*, That all livers are slashed and denatured as indicated in subsection (1) of this section.

(5) Livers specified in the foregoing subsections shall be placed in containers plainly marked "fish feed - inedible."

[Order 801, Regulation 12.04, effective 3/22/60.]

WAC 16-12-700 Release for animal feed of carcasses and parts condemned on account of being unfit for human food. (1) Inasmuch as fresh meat is commonly fed to animals uncooked and the danger exists of transmitting

trichinosis to animals from uncooked pork, hog carcasses and parts may not be released for animal feed.

(2) Condemned carcasses and parts, other than hog carcasses and parts, may only be released for animal feed upon written permission of the department.

(3) Carcasses and parts affected with the following conditions, which under these regulations are required to be condemned as unfit for human food, may be released for animal feed.

(a) **Offensive odor.** Carcasses and parts which give off the odor of urine, sexual odor, or odor from innocuous material ingested by animals.

(b) **Icterus.** Carcasses and parts showing any degree of icterus without evidence of infection or intoxication.

(c) **Emaciated or anemic carcasses and those showing slimy fat degeneration or serous muscle infiltration.** Carcasses of animals unfit for human food because of emaciation, anemia or slimy degeneration of the fat or serous infiltration of the muscles and without evidence of infection or intoxication.

(d) **Carcasses showing advance pregnancy, etc.** Carcasses and parts from animals showing signs of parturition and from animals which have within ten days given birth to young and in which there is no evidence of septic infection.

(e) **Carcasses of young calves, kids, and lambs.** Carcasses and parts of young calves, kids, and lambs showing evidence of retrogressive changes which would render them unfit for human food.

(f) **Carcasses infested with nontransmissible parasites.** Carcasses infested with nontransmissible parasites such as sarcosporidiosis.

(4) Carcasses and parts condemned as unfit for human food because of the conditions listed in subsection (3) of this section and determined with certainty to not be affected with any infectious disease or pyemic, septic, malignant or other condition which might render the meat injurious to animal health may be released as edible for animal feed providing:

(a) Such carcasses and parts are:

(i) Under the direct supervision of the inspector, first freely slashed and then decharacterized by applying finely powdered charcoal or a black dye solution so as to preclude its use as human food.

(ii) Identified by a statement "animal feed, not for human consumption" on containers in which shipped from the plant.

(b) Suitable facilities in rooms separate from rooms where meat products for human consumption and from rooms where inedible products are prepared are provided for handling, cutting, decharacterizing and packing carcasses and parts to be released for animal feed.

(c) Certification is made by the inspector that the condemned carcass and parts have been inspected and found at the time of inspection to be not deleterious to animal health.

[Order 801, Regulation 12.05, effective 3/22/60.]

WAC 16-12-705 Release for animal feed of parts of carcasses handled as inedible other than carcasses and parts condemned on account of being unfit for human food. Parts of carcasses handled as inedible other than those

condemned on account of being unfit for human food may be released for animal feed or fish feed provided such parts are (a) freely slashed and decharacterized by applying finely powdered charcoal or a suitable black dye solution so as to preclude its use as human food; (b) identified by a statement "animal feed not for human consumption" on containers in which the material is shipped.

[Order 801, Regulation 12.06, effective 3/22/60.]

WAC 16-12-710 Chemicals to be provided by establishment. All chemicals and similar material required to carry out these provisions shall be provided by the establishment at which the condemnation is made.

[Order 801, Regulation 12.07, effective 3/22/60.]

WAC 16-12-715 Dead-animal carcasses. (1) With the exception of dead animals which have died en route and are received with animals for slaughter no dead animal may be brought on the premises of an establishment unless permission to receive dead animals is obtained from the department.

(2) Under no circumstances shall the carcass of any animal which has died other than by slaughter be brought into any room or compartment in which any product is prepared, handled, or stored.

[Order 801, Regulation 12.08, effective 3/22/60.]

WAC 16-12-720 Inedible fats from outside of establishment. Inedible fats from outside the premises of an establishment shall not be received except into the tank room provided for inedible products, and then only when their receipt into the tank room produces no insanitary condition on the premises.

[Order 801, Regulation 12.09, effective 3/22/60.]

PART 13 - RENDERING CARCASSES AND PARTS INTO LARD, RENDERING PORK FAT AND TALLOW, AND OTHER COOKING

WAC 16-12-725 Carcasses and parts passed for cooking, rendering into lard, rendering pork fat, or tallow. Carcasses and parts passed for cooking may be rendered into lard, rendered pork fat, or tallow, provided such carcasses and parts shall be cooked for a time sufficient to render them effectually into lard, rendered pork fat, or tallow; and provided all parts of the products are heated to an internal temperature not lower than 170°F. for a period of not less than 30 minutes.

[Order 801, Regulation 13.01, effective 3/22/60.]

WAC 16-12-730 Carcasses and parts passed for cooking not rendered into lard, rendered pork fat, or tallow—Utilization of for food purposes after cooking.

(1) Carcasses and parts passed for cooking except as specified in WAC 16-12-605 may be used for the preparation of such products as canned meat, sausage, cooked or boiled meat, meat loaves, and similar products, provided all parts of such carcasses and parts which are so used are heated to an internal temperature not lower than 170°F. for

a period of not less than 30 minutes either before being used in or during the preparation of the finished products.

(2) When products passed for cooking are used as an ingredient of a meat food product as contemplated in subsection (1) of this section at least 50 percent of the meat and meat byproduct ingredient shall consist of products passed for cooking. This requirement shall not apply when the products passed for cooking have been previously cooked as specified in subsection (1) of this section before being used as an ingredient of a meat food product.

[Order 801, Regulation 13.02, effective 3/22/60.]

WAC 16-12-735 Disposal of product passed for cooking if not handled according to this part. Products passed for cooking if not handled and processed under the provisions of this part shall be disposed of in accordance with part 12 of this chapter.

[Order 801, Regulation 13.03, effective 3/22/60.]

PART 14 - MARKING, BRANDING AND IDENTIFYING PRODUCTS

WAC 16-12-740 Approval of abbreviations of marks of inspection. The department may approve and authorize the use of abbreviations of marks of inspection under these regulations. Such abbreviations shall have the same force and effect as the respective marks for which they are so authorized to be used.

[Order 801, Regulation 14.01, effective 3/22/60.]

WAC 16-12-745 Preparation of marking devices bearing inspection legend without advance approval prohibited—Exception. Except for the purpose of submitting a sample or samples of the same to the department for approval, no person shall make or prepare or cause to be made or prepared, labels, inserts, brands, tags, or other marking devices bearing the inspection legend or any abbreviation, copy, or representation thereof, for use on any products, without the written authority therefor, of the department, given in advance. However, when any sample label, brand or other marking device is approved, new supplies exactly similar to such approved sample may be procured, made, or prepared, for use in accordance with the regulations in part 14 of this chapter without further approval.

[Order 801, Regulation 14.02, effective 3/22/60.]

WAC 16-12-750 Use of inspection legend prohibited except under supervision of the department meat inspector. No person shall affix or place, or cause to be affixed or placed, the inspection legend, or any abbreviation, copy, representation thereof, to or on any products, except under the supervision of an inspector.

[Order 801, Regulation 14.03, effective 3/22/60.]

WAC 16-12-755 Brands and marking devices to be approved by department—Control of brands. The department shall supply the original metal meat inspection ink brands for use at each establishment. Establishments

shall thereafter furnish such ink brands, burning brands, and like devices for marking products as the department may require. The mark of inspection on such a device shall be in the "oval form" as a facsimile of one of the official brands, using the size best suited for the purpose intended. In advance of manufacture, complete and accurate descriptions and designs of the same shall be submitted to the department for approval. Every such brand and device which bears the inspection legend shall be delivered into custody of the inspector assigned to the establishment, and shall be used only under the supervision of an inspector. When not in use for marking inspected and passed products, all such brands and devices bearing the inspection legend shall be kept locked in properly equipped lockers or compartments, all of the keys of which shall not leave the possession of an inspector.

[Order 801, Regulation 14.04, effective 3/22/60.]

WAC 16-12-760 Articles not to be removed from establishments unless marked in accordance with these regulations. No person shall remove or cause to be removed from an establishment any article which this chapter requires to be marked in any way unless the same is clearly and legibly marked in compliance with these regulations.

[Order 801, Regulation 14.05, effective 3/22/60.]

WAC 16-12-765 Marks of inspection to be carefully applied. All marks of inspections shall be legible, carefully applied and securely affixed.

[Order 801, Regulation 14.06, effective 3/22/60.]

WAC 16-12-770 Branding ink to be furnished by establishment—Approval by the department—One color. Establishments shall furnish all ink for marking products. Such ink must be made with harmless ingredients that are approved for the purpose by the department. Samples of ink shall be submitted to the meat inspection laboratory from time to time as may be deemed necessary by the inspector.

(1) Only purple ink approved for the purpose shall be used to apply ink brands bearing the marks of inspection to carcasses and fresh meat cuts derived therefrom except horse meat.

(2) Ink brands bearing the marks of inspection used for purposes other than in subsection (1) of this section may be applied with branding ink of any color and composition that will assure ready legibility and permanence of marking. The color of the ink shall provide adequate contrast with the color of the products to which it is applied.

[Order 801, Regulation 14.07, effective 3/22/60.]

WAC 16-12-775 Control and use of brands and marking devices. All brands and devices for marking articles with the inspection legend, including self-locking seals, shall be used only under the supervision of an inspector, and, when not in use for marking, shall be kept locked in properly equipped lockers or compartments, the keys of which shall not leave the possession of the inspector.

[Order 801, Regulation 14.08, effective 3/22/60.]

WAC 16-12-780 Brands and marking devices not to be false or misleading—Style and size of lettering. No brand or device shall be false or misleading. The letters and figures thereon shall be of such style and type as will make a clear legible impression.

[Order 801, Regulation 14.09, effective 3/22/60.]

WAC 16-12-785 Carcasses, primal part and products—Marking with inspection legend. (1) Each carcass which has been inspected and passed in an establishment shall be marked at the time of inspection with the inspection legend and with the number of the establishment.

(2) Except as provided otherwise in this part, each primal part of a carcass, the beef cod fat and beef kidney fat, and each liver, beef tongue, and beef heart which has been inspected and passed shall be marked with the inspection legend and number of the establishment in which it is first inspected and passed before it leaves such establishment and all inspected and passed products susceptible of being marked shall be marked with the inspection legend and the number of the establishment where it was last processed: *Provided*, That skinned bacon intended for slicing need not be so marked if packed in properly marked containers. Additional marks of inspection may be applied as desired to meet local conditions.

(3) Beef livers shall be marked with the inspection legend and the establishment number on the convex surface of the thickest portion of the organ.

[Order 801, Regulation 14.10, effective 3/22/60.]

WAC 16-12-790 Moving and handling of primal parts from one establishment to another. Primal parts of carcasses which have been inspected and passed but do not bear the inspection legend may be transported from one establishment to another for further processing in a car, truck or other closed container, if the car, truck, or container be sealed with a seal bearing the inspection legend in compliance with these regulations.

[Order 801, Regulation 14.11, effective 3/22/60.]

WAC 16-12-795 Marking of products in casings.

(1) Inspected and passed sausage and other products in casings of the ordinary "ring" variety or larger, shall be marked with the inspection legend and the number of the establishment. Inspected and passed sausage and other products in casings, of the smaller varieties, shall bear one or more inspection marks to each chain or two or more of such marks to each bunch, except in cases where such smaller varieties of sausage and products leave establishments completely enclosed in cartons or wrappers, having a capacity of ten pounds or less and containing a single kind of product: *Provided*, That the mark of inspection need appear only twice throughout the contents of containers, exceeding a capacity of ten pounds, of sausages of the smaller varieties shipped to another establishment for further processing. When such products are shipped to another establishment for further processing, the inspector at the point of origin shall identify the shipment to the inspector at destination.

(2) Meat food products in casing, other than sausage which possess the characteristics of or resemble sausage shall bear on each link or piece the word "imitation" at intervals of no more than four inches, prominently displayed: *Provided*, That such products in casings as coppa, copocola, Lachschen, bacon, pork loins, pork shoulder butts, and like cuts of meat which are prepared without added substances other than curing materials or condiments, and that meat rolls, bockwurst, and similar products in casings which do not contain cereal or vegetables, and that headcheese, souse, sulze, scrapple, blood pudding, and liver pudding in casings, need not be marked on the casing with the word "imitation" or the true name of the product, and that other products in casings such as loaves and chili con carne may bear on each link or piece the true name of the product in lieu of the word "imitation."

(3) When cereal, vegetable starch, starchy vegetable flour, soya flour, dry milk, or nonfat milk is added to sausage within the limits prescribed in Part 15 of this chapter, the product shall be marked with the common or usual name of each such added ingredients, as for example; "potato flour added," "soya flour added," "dry milk added," etc., as the case may be. On sausage of the smaller varieties, the marking prescribed in this subsection may be limited to links bearing the inspection legend.

(4) A cloth bag, artificial casing, or similar container of sausage or product of a size larger than that customarily sold at retail intact shall be printed with the mark of inspection and such markings as "dry milk added," and "imitation," at such places on the article as to be clearly visible to the consumer: *Provided*, That such articles which are printed with a label in conformity with Part 15 of this chapter need not in addition show markings other than the mark of inspection near each end.

(5) The markings indicated in subsection (4) of this section shall be branded near each end of sausage or similar product prepared in animal casings when the article is of a size larger than that customarily sold at retail intact.

(6) When a preservative permitted under these regulations is added to sausage or other meat food products in casings, the product shall be marked to show the presence and percentage of the added preservative.

(7) All markings may be omitted from sausage and other meat food products in casings when these articles are to be processed in sealed containers.

[Order 801, Regulation 14.12, effective 3/22/60.]

WAC 16-12-800 Marking product with the list of ingredients. A product fabricated from two or more ingredients shall bear a list of the ingredients, giving the common or usual names of the ingredients arranged in the order of their predominance, except that spices may be designated as "spices" or "flavorings" and flavorings (including essential oils, oleoresins, and other spice extractives) may be designated as "flavorings" without naming each. The list of ingredients shall be applied legibly and securely to the product by means approved by the department such as stamping, printing, or the use of paper bands, tags, or tied in paper or fabric flaps on stuffed sausage, or tissue strips on loaf-like articles: *Provided*, That products for which a definition, or standard of identity, together with such

declaration of optional ingredients and other labeling features as are required by the applicable definition, or standard of identity, need not bear a list of ingredients: *Provided further*, That bockwurst and sausages of the smaller varieties, such as frankfurters and pork sausage, shall bear the list of ingredients at least once on each two pounds of meat product: *Provided further*, That when such product is distributed from an establishment in an immediate or true container of a type and size customarily sold at retail intact, the list of ingredients on the label of the package shall be sufficient: *And provided further*, That when sausage of the smaller varieties are shipped to another establishment for further processing the list of ingredients need appear only twice throughout the contents of containers and when so shipped may be omitted from the contents of containers of ten pounds size or less. When such products are shipped to another establishment for further processing, the inspector at the point of origin shall identify the shipment to the inspector at destination.

[Order 801, Regulation 14.13, effective 3/22/60.]

WAC 16-12-805 Handling of products too small to be marked with brand. (1) Except as provided in subsections (2) and (3) of this section, when any inspected and passed products of such character, or so small that it cannot be marked, is moved from an establishment the shipping container shall bear a "meat inspection label" which has been submitted to and received the approval of the department and conforms to the following specifications: State meat inspection label - the label shall be printed with black ink on white paper of good quality and shall be not less than 3 1/2 x 3 1/2 inches in size. The phrase "meat inspection label" shall be printed within the border and occupy the uppermost portion and followed by the phrases: "The meat or meat food products contained herein have been inspected and passed by the Washington state department of agriculture at establishment No. . . ." The name and address of the firm or the name only may also be printed on the label within the border and shall occupy the lower portion thereof.

(2) The meat inspection label may be omitted in those cases in which the inspection legend and establishment number on the articles themselves are clearly legible through the wrapping or the wrapping is labeled in accordance with Part 15 of this chapter.

(3) The use of meat inspection labels is not required on containers bearing trade labels which have been approved by the department and on which the inspection legend appears in plain view after the package is prepared for shipment.

[Order 801, Regulation 14.14, effective 3/22/60.]

WAC 16-12-810 Denaturing of inedible grease, etc.—Marking "inedible." (1) Inedible grease, inedible tallow, or other inedible animal fat, or moisture containing such fat, having the physical characteristics of an edible product shall be denatured or otherwise destroyed for food purposes. Containers of such inedible grease, inedible tallow, or other inedible fat shall be marked conspicuously with the word "inedible." Such containers as tierces, barrels shall have both ends painted white with durable paint, if necessary, to provide a contrasting background and the word

"inedible" marked thereon in letters not less than two inches high.

(2) Inspected rendered animal fat which for any reason is desired to be classified as inedible may be shipped if handled as provided in subsection (1) of this section for inedible fat having the physical characteristics of an edible product.

(3) Uninspected rendered animal fat, or mixtures containing such fat, having the physical characteristics of an edible product may be shipped if handled as provided in subsection (1) of this section for inedible fat having the physical characteristics of an edible product.

[Order 801, Regulation 14.15, effective 3/22/60.]

PART 15 - LABELING

WAC 16-12-815 Labeling required—Supervision by department inspector. (1) When, any inspected and passed product is placed or packed in any can, pot, tin, canvas, or other receptacle or covering constituting an immediate or true container, there shall be affixed to such container or covering a label as hereinafter described in this chapter: *Provided*, That plain wrappings for fresh meat, such as dressed carcasses and primal parts thereof, which are used solely to protect the product against soiling or excessive drying during transportation or storage need not bear a label: *Provided further*, That uncolored transparent coverings, such as cellophane, which bear no printed or graphic matter and which enclose any unpackaged or packaged product bearing all required markings need not bear a label if the required markings are clearly legible through such coverings: *And provided further*, That animal and transparent artificial casings bearing no marks or printed features other than those required under Part 14 of this chapter need not bear additional labeling: *And provided further*, That stockinettes used as "operative devices," such as those applied to cured meats in preparation for smoking, need not bear labels whether or not such stockinettes are removed following completion of the operations for which they were applied.

(2) Folders and similar covering made of paper or like material, which do not completely enclose the product, and which bear any printed word or statement, shall bear all features required on a label for an immediate or true container.

(3) No container or covering which bears or is to bear a label shall be filled, in whole or in part, except with product which has been inspected and passed in compliance with this chapter, which is sound, healthful, wholesome, and fit for human food, and which is strictly in accordance with the statement on the label.

[Order 801, Regulation 15.01, effective 3/22/60.]

WAC 16-12-820 Labels—What to contain—When and how used. (1) Labels within the meaning of this regulation shall include any printing, lithographing, embossing, or other marking on labels, stickers, seals, wrappers, or receptacles.

(2) Labels shall contain, prominently and informatively displayed:

(a) The true name of the product;

(b) The word "ingredients" followed by a list of the ingredients when the product is fabricated from two or more ingredients, except in case of products for which definitions and standards of identity have been prescribed by regulation;

(c) The name and place of business of the manufacturer, packer or distributor;

(d) An accurate statement of the quantity of contents; and

(e) An inspection legend and the number of the establishment, in the form shown herewith, on that portion of the label featuring the name of the product, or when there are two or more panels, then on the principal display panels: *Provided*, That in lieu of showing the inspection legend and the establishment number in such form, in the case of large size fiberboard immediate containers, a meat inspection label may be printed directly on such containers in size, form and substance as provided in WAC 16-12-805(1) of this chapter for use on fiberboard shipping containers: *Provided further*, That the name and place of business of the manufacturer, packer or distributor and the statement of the quantity of contents may be omitted from labels for products not required to be labeled under WAC 16-12-815(1): *Provided further*, That the establishment number may be omitted from the labels on cartons used as outer containers of edible fats, such as lard and oleomargarine, when such articles are enclosed in wrappers which bear an inspection legend and establishment number; and from a label lithographed directly on a can bearing the embossed establishment number: *And provided further*, That a metal container on which an inspection legend is embossed may, with the approval of the department, bear an inspection legend of different design and in abbreviated form.

(i) The name of the product shall be the common name if any, and one which clearly and completely identifies the article. Product which has been prepared by salting, smoking, drying, cooking, chopping, and the like shall be so described on the label unless the name of the article implies, or the manner of packaging shows, that the product was subjected to such procedure or procedures. The unqualified terms "meat," "meat by-product," "meat food product" and terms common to the meat industry but not to consumers such as "picnic," "butt," "cala," "square," "loaf," "spread," "delight," "roll," "plate," "luncheon," and "daisy" shall not be used as names of articles unless accompanied with terms descriptive of the product or with a list of ingredients.

(ii) The list of ingredients shall appear as part or in addition to the true name of the product and shall show the common or usual names of the ingredients arranged in the order of their predominance, except that spices may be designated as "spices" or "flavorings" and flavorings (including essential oils, oleoresins, and other spice extractives) may be designated as "flavorings" without naming each. The name of an ingredient shall not be a collective name but shall be a specific name, as for example, "beef," "pork," "beef tripe," "sheep livers," "pork snouts," "flour," "corn flour," "potato flour," "water," "dry nonfat milk," "tomato puree," and "beef broth": *Provided*, That when a product is coated with pork fat, gelatin, or other approved substance and a specific declaration of such coating appears in connection with the name of product, the ingredient statement need not make reference to the ingredients of such coating: *And provided further*, That when the label bears the designation

"compound" or "shortening" the term "animal and vegetable fats" or "vegetable and animal fats" may be employed to designate the ingredients of mixtures of such edible fats. "Animal fats" as used herein means inspected and passed fat derived from cattle, sheep, swine or goats.

(iii) The name under which inspection is granted to an establishment may appear without qualification on the label or the container of a product prepared by the establishment so named. When product is not prepared by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with such product, as for example "Prepared for"

(iv) The statement of quantity shall comply with the requirements set forth in the department's weights and measures regulations as promulgated under chapter 291, Laws of 1959.

(3) Stencils, box dies, inserts, tags and like devices shall not bear an inspection legend or any abbreviation or representation thereof: *Provided*, That wooden boxes of light material, having a maximum capacity of five pounds; wood wire bound boxes and crates, and fiberboard containers may, upon approval by the department, have an inspection legend and establishment number imprinted thereon.

(4) The establishment number shall be embossed or lithographed on all permanently sealed metal containers of inspected and passed product filled in an establishment, except that such containers which bear labels lithographed directly on the can and in which the establishment number is incorporated need not have the establishment number embossed or lithographed thereon. Labels shall not be affixed to containers so as to obscure the embossed, or lithographed establishment number.

[Order 801, Regulation 15.02, effective 3/22/60.]

WAC 16-12-825 Labels to conform with definitions.

When inspected and passed products are labeled with the names of, or are represented as, articles for which definitions have been prescribed by regulation, the labels shall conform to such definitions.

[Order 801, Regulation 15.03, effective 3/22/60.]

WAC 16-12-830 Labels to be approved by department. (1) Except as provided in subsection (4) of this section no label shall be used on any product until it has been approved in its final form by the department. For the convenience of the establishment sketches or proofs or photostats of new labels may be submitted in triplicate through the inspector to the department for approval and the preparation of finished labels deferred until such approval is obtained. All finished labels shall be submitted in quadruplicate through the inspector to the department for approval.

(2) Each copy of any sketch, proof, photostat, or finished label for a meat or product fabricated from two or more ingredients, when submitted to the department for approval, shall be accompanied by a statement showing the kinds and percentage of the ingredients and mode of preparation. Approximate percentages may be given when the percentages of ingredients may vary from time to time, if the limits of variation are stated. In cases of lithographed labels, paper takeoffs in lieu of sections of the metal containers shall be submitted for approval. Such paper takeoffs shall

not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved. In case of fiber containers, printed layers, such as the craft paper sheet, shall be submitted for approval in lieu of the complete container.

(3) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter and for use on, or to be placed within, containers and coverings of product shall be submitted for approval in the same manner as provided for labels in subsection (1) of this section.

(4) Stencils, labels, box dies, and brands may be used on shipping containers, including tierces, barrels, drums, boxes, crates, and large size fiberboard containers provided the markings are applicable to the product, are not false or deceptive, and are used with the approval of the department inspector. The inspection legend for use in combination with such markings shall be approved by the department.

[Order 801, Regulation 15.04, effective 3/22/60.]

WAC 16-12-835 Inspector to permit certain modifications of approved labels. The inspector may permit the use of approved labels or other markings, modified as follows provided the labeling or marking as modified is so used as not to be false or deceptive:

(1) When all features of the label or marking are proportionately enlarged and the color scheme remains the same.

(2) When changes are made in the figures denoting the quantity of contents or when there is substitution of such abbreviations as "lb." for "pound," "oz." for "ounce," or the word "pound" or "ounce" is substituted for the abbreviation.

(3) When a master or stock label is approved from which the name and address of the distributor are omitted and such name and address are applied before being used. The words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when such labels are offered for approval.

(4) When, during Christmas and other holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are used with approved labels or markings. The use of such designs will not make necessary the application of labeling not otherwise required.

(5) When there is a slight change in arrangement of directions pertaining to the opening of cans or the serving of the product.

(6) When there is a change in the order of predominance of the ingredients on the label corresponding with a change in the formula used to prepare the product: *Provided*, That no new ingredients are added and none are omitted. Nothing in this subsection shall be construed to modify any requirement of this chapter which provides either minimum or maximum limits for the use of certain ingredients.

[Order 801, Regulation 15.05, effective 3/22/60.]

WAC 16-12-840 Approved labels to be used only on products to which they are applicable. Labels shall be used only on products for which they are approved. They shall not be applied to any product, the container or covering of which bears any statement that is false or misleading or

is so made, formed, or filled as to be deceptive or misleading.

[Order 801, Regulation 15.06, effective 3/22/60.]

WAC 16-12-845 False or deceptive names—Established trade names—False identification of origin. (1) No product, and no container thereof, shall be labeled with any false or deceptive name, but established trade names which are usual to such article and not false or deceptive and which have been approved by the department may be used.

(2) A label for a product which is an imitation of another food shall bear the word "imitation" immediately preceding the name of the food imitated, and in the same size and style of lettering as in that name and immediately thereafter the word "ingredients" and the names of the ingredients arranged in the order of their predominance.

(3) No statement, word, picture, design, or device which conveys any false impression, or gives any false indication of origin or quality shall appear on any label. For example:

(a) Terms having geographical significance with reference to a locality other than that in which the product is prepared may appear on the label only when qualified by the word "style," "type," or "brand" as the case may be, in the same size and style of lettering as in the geographical term, and accompanied by a prominent qualifying statement identifying the locality in which the product is prepared using terms, appropriate to effect the qualification. When the word "style" or "type" is used, there must be a recognized style or type of product identified with and peculiar to the country, state, territory or locality represented by the geographical term and the product must possess the characteristics of such style or type, and the word "brand" shall not be used in such a way as to be false or deceptive: *Provided*, That a geographical term which has come into general usage as a trade name and which has been approved by the department as being a generic term may be used without the qualifications provided for in this subdivision. The terms "frankfurter," "vienna," "bologna," "braunschweiger," "thuringer," "genoa," "berliner," "holostein," "goteborg," "milan" and "polish" and their modifications, as applied to sausages, the terms "brunswick" and "irish" as applied to stews, and the term "boston" as applied to pork shoulder butts, need not be accompanied with the word "style," "type," or "brand" or a statement identifying the locality in which the product is prepared.

(b) Such terms as "farm," "country," and the like shall not be used on labels in connection with products unless such products are actually prepared on the farm: *Provided*, That if the product is prepared in the same way as on the farm or in the country these terms if qualified by the word "style" in the same size and style of lettering, may be used: *Provided further*, That the term "farm" may be used as a part of a brand designation when qualified by the word "brand" in the same size and style of lettering, and followed with a statement identifying the locality in which the product is prepared. Sausage containing cereal shall not be labeled "farm style" or "country style," and lard not rendered in an open kettle shall not be designated as "farm style" or "country style."

(c) The requirement that the label shall contain the name and place of business of the manufacturer, packer or distrib-

utor shall not be considered to relieve any establishment from the requirement that its label shall not be misleading in any particular.

(d) The term "spring lamb" or "genuine spring lamb" is applicable only to carcasses of new-crop lambs slaughtered during the period beginning in March and terminating not beyond the close of the week containing the first Monday in October.

(e) Coverings shall not be of such color, design, or kind as to be misleading or deceptive with respect to color, quality or kind of product to which they are applied. For example: Transparent or semi-transparent coverings for such articles as sliced bacon or pork sausage shall not bear lines or other designs of red or other color which give false impression of leanness of the meat or products.

(f) The word "fresh" shall not be used on labels to designate a product which contains any preservatives.

(g) The words "spice," "spices" and "spiced," without qualifications shall not be used unless they refer to genuine natural spices.

(h) As used on labels of meat or products, the term "gelatin" shall mean (A) the jelly prepared in establishment by cooking pork skins, tendons, or connective tissue from inspected and passed product, and (B) dry commercial gelatin or the jelly resulting from its use.

(i) Product, other than canned meat product, labeled with the term "loaf" as its name or part of its name shall be prepared in loaf form with sufficient stability to withstand handling before being placed in wrapper, casing, or the like.

(j) The term "baked" shall apply only to the product which has been cooked by the direct action of dry heat and for a sufficient time to permit the product to assume the characteristics of a baked article, such as the formation of a brown crust on the surface, rendering out of surface fat, and the caramelization of the sugar, if applied. Baked loaves shall be heated to a temperature of at least 160°F. and baked pork cuts shall be heated to an internal temperature of at least 170°F.

(k) When product such as loaves is browned by dipping in hot edible oil or by a flame, its label shall state such fact, the words "browned in hot cottonseed oil" or "browned by a flame," as the case may be, appearing as part of the name of product.

(l) The term "meat" and the names of particular kinds of meat, such as beef, veal, mutton, lamb, and pork shall not be used in such manner as to be misleading or deceptive.

(m) The word "ham" without any prefix indicating the species of animal from which derived, shall be used on labels only in connection with pork hams. Ham shanks as such or ham shank meat as such or the trimmings accruing in the trimming and shaping of hams shall not be labeled "ham" or "ham meat" without qualification. When used in connection with a chopped product the term "ham" or "ham meat" shall not include the skin.

(n) The terms "shankless" and "hockless" shall apply only to hams and pork shoulders from which the shank or hock has been completely removed, thus eliminated the entire tibia and fibula, or radius and ulna, respectively, together with the overlying muscle, skin and other tissue.

(o) Such terms as "meat extract" or "extract of beef," without qualification, shall not be used on labels in connection with products prepared from organs or parts of the

carcass other than fresh meat. Extracts prepared from any parts of the carcass other than fresh meat shall not be labeled "meat extract" but may be properly labeled with the true name of the parts from which prepared. In the case of extract in fluid form, the word "fluid" shall also appear on the label, as for example, "fluid extract of beef." Meat extract shall contain not more than 25 percent of moisture. Fluid extract of meat shall contain not more than 50 percent of moisture.

(p) Sausage may contain not more than 3 1/2 percent, individually or collectively, of vegetable starch, starch vegetable flour, soya flour, dry milk or nonfat dry milk. When such ingredients are added to sausage, the product shall bear the name of each of such added ingredients as for example: "Potato flour added," "soya flour added," "dry nonfat milk added," etc., as the case may be. The marking and labeling of sausage containing such added ingredients shall be in accordance with the requirements of parts 14 and 15 of this chapter.

(q) When any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar agar jelly, a declaration of the packing substance shall be printed prominently on the label in connection with the name of product, as for example, "frankfurters packed in brine," "lamb tongue packed in vinegar," or "beef tongue packed in agar agar jelly" as the case may be. The statement of the quantity of contents shall represent the weight of the drained product when removed from the container to the exclusion of the packing substance. The packing substance shall not be used in such a manner as will result in the container being so filled as to be misleading.

(r) The term "lard" is applicable only to the fat rendered from fresh, clean, sound, fatty tissues from hogs in good health at the time of slaughter, with or without lard stearin or hydrogenated lard. The tissues do not include bones, detached skin, head skin, ears, tails, organs, windpipes, large blood vessels, scrap fat, skimmings, settlings, pressings, and the like, and are reasonably free from muscle tissue and blood.

(s) The term "leaf lard" is applicable only to lard prepared from fresh leaf fat.

(t) The term "rendered pork fat" is applicable to the fat other than lard rendered from clean, sound carcasses, parts of carcasses or edible organs from hogs in good health at the time of slaughter, except that stomachs, bones from the head, and bones from cured or cooked pork are not included. The tissues rendered are usually fresh, but may be cured, cooked, or otherwise prepared and may contain some meat food products. Rendered pork fat may be hardened by the use of lard stearin and/or hydrogenated lard and/or rendered pork fat stearin and/or hydrogenated rendered pork fat.

(u) When lard or hardened lard is mixed with rendered pork fat or hardened rendered pork fat the mixture shall be designated as "rendered pork fat" or "hardened rendered pork fat" as the case may be.

(v) Oil, stearin, or stock obtained from beef or mutton fats rendered at a temperature above 170°F. shall not be designated as "oleo oil," "oleo stearin," or "oleo stock," respectively.

(w) When not more than 20 percent of beef fat, mutton fat, oleo stearin, vegetable stearin, or hardened vegetable fat is mixed with lard or with rendered pork fat, there shall

appear on the label, contiguous to and in the same size and style of lettering as the name of product, the words "beef fat added," "mutton fat added," "oleo stearin added," "vegetable stearin added" or "hardened vegetable fat added," as the case may be.

(x) The designation "vegetable fat" is applicable to vegetable oil, vegetable stearin, or a combination of such oil and stearin, whereas the designations "vegetable oil" and "vegetable stearin" shall be applicable only to the oil and the stearin respectively.

(y) No rendered edible animal fat or mixture of fats containing rendered edible animal fat other than oleomargarine and puff-pastry shortening, shall contain added water. Puff-pastry shortening shall not contain more than 10 percent water.

(z) Containers of edible rendered animal fats and mixtures of edible fats containing animal fats shall, before or immediately after filling, be legibly marked with the true name of the product.

(aa) Products labeled "chili con carne" shall contain not less than 40 percent of meat, computed on the weight of the fresh meat. Hearts, cheek meat, head meat, or gullet meat may be used to the extent of 25 percent of the meat ingredient under specific declaration on the label. The mixture may contain not more than eight percent individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soya flour, dry milk or dry nonfat milk.

(bb) Product labeled "chili con carne with beans" shall contain not less than 25 percent of meat, computed on the weight of the fresh meat. Hearts, head meat, cheek meat or gullet meat may be used to the extent of 25 percent of the meat ingredient under specific declaration on the label.

(cc) Product labeled "hash" shall contain not less than 35 percent of meat and/or meat by-product as the case may be. The basis of computation shall be the weight of the cooked and trimmed meat and/or meat by-product.

(dd) Products labeled as meat stews, for example, "beef stew," "lamb stew" and the like, shall contain not less than 25 percent of meat computed on the weight of the fresh meat.

(ee) Product labeled "tamales" shall contain not less than 25 percent of meat computed on the weight of the fresh meat in relation to the ingredients of the tamales to the exclusion of the ingredients of the gravy or sauce in which the tamales are packed. When tamales are packed in gravy or sauce, that constituent shall be declared prominently as part of the name of the product.

(ff) Spaghetti with meat balls and sauce, spaghetti with meat and sauce, and similar product, shall contain not less than 12 percent of meat computed on the weight of the fresh meat. The presence of the sauce or gravy constituent shall be declared prominently on the label as part of the name of the product. Meat balls may be prepared with not more than 12 percent singly or collectively, of farinaceous material, soya flour, dried skim milk and the like.

(gg) Spaghetti sauce with meat shall contain not less than six percent of meat computed on the weight of the fresh meat.

(hh) Scrapple shall contain not less than 40 percent of meat and/or meat by-products computed on the basis of the fresh weight, exclusive of bone. The meal or flour used may be derived from grain and/or soybeans.

(ii) Products labeled hamburger, ground beef, chopped beef and/or product purported to be hamburger, ground beef, or chopped beef shall consist only of fresh ground or chopped skeletal beef muscle with or without the addition of beef fat as such. Total beef fat in the finished article shall not exceed 30 percent analyzable fat.

(jj) Liver sausage, liver loaf, liver paste, liver cheese, liver pudding and the like shall contain not less than 30 percent of liver computed on the weight of the fresh liver.

(kk) Product labeled "ham spread," "tongue spread," and the like shall contain not less than 50 percent of the meat ingredient named (to the exclusion of other meat and meat by-product except fat), computed on the weight of the fresh meat.

(ll) Deviled ham may contain added ham fat: *Provided*, That the total fat content shall not exceed 35 percent of the finished product. The moisture content of deviled ham or tongue, and the like, shall not exceed that of the fresh unprocessed meat.

(mm) Potted meat food product and deviled meat food product shall not contain cereal, vegetable flour, dried skim milk or similar substance. The amount of water added to potted meat food product and deviled meat food product shall be limited to that necessary to replace moisture lost during processing.

(nn) Product labeled fresh pork sausage, pure pork sausage and/or product purported to be fresh pork sausage or pure pork sausage shall consist only of chopped or ground fresh pork muscle with or without the addition of pork fat as such; water or ice to facilitate chopping but not to exceed 3 percent of the total ingredients; and/or seasoning. Total pork fat shall not exceed 50 percent analyzable fat.

(oo) Cooked, cured, or pickled pigs feet, pigs knuckles, and the like, shall be labeled to show that the bones remain in the product, if such is the case. The designation "semi-boneless" shall not be used if less than 50 percent of the total weight of bones has been removed.

(pp) Canned product labeled "corned beef" and canned product labeled "roast beef parboiled and steam roasted" shall be prepared so that the weight of the finished product shall not exceed 70 percent by weight of the fresh beef, plus salt and flavoring material included in the product. Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap, may be used individually or collectively to the extent of 5 percent of the meat ingredient in the preparation of canned product labeled "corned beef" and canned product labeled "roast beef parboiled and steam roasted." When beef cheek meat, beef head meat, and beef heart meat are used in the preparation of these products, their presence shall be reflected in the statement of ingredients as required by part 15 of this chapter.

(qq) When monoglycerides and diglycerides are added to rendered animal fat or a combination of such fat and vegetable fat, there shall appear on the label in a prominent manner and contiguous to the name of the product a statement such as "with monoglycerides and diglycerides," "monoglycerides and diglycerides added," "with diglycerides and monoglycerides" or "diglycerides and monoglycerides added" as the case may be.

(rr) Canned product labeled "tripe with milk" shall be prepared so that the finished canned article, exclusive of the cooked-out juices and milk, will contain at least 65 percent tripe. The product shall be prepared with not less than 10 percent milk.

(ss) Product labeled "beans with frankfurters in sauce," "sauerkraut with wieners and juice," and the like, shall contain not less than 20 percent frankfurters or wieners computed on the weight of the smoked and cooked sausage prior to its inclusion with the beans or sauerkraut.

(tt) Product labeled "lima beans with ham in sauce," "beans with ham in sauce," "beans with bacon in sauce," and the like, shall contain not less than 12 percent ham or bacon computed on the weight of the smoked ham or bacon prior to its inclusion with the beans and sauce.

(uu) Product labeled "chow mein vegetables with meat" and "chop suey vegetables with meat" shall contain not less than 12 percent meat computed on the weight of the uncooked fresh meat prior to its inclusion with the other ingredients.

(vv) Products labeled "pork with barbecue sauce" and "beef with barbecue sauce" shall contain not less than 50 percent meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the uncooked weight of the meat. If uncooked meat is used in formulating the products, they shall contain at least 72 percent meat computed on the weight of the fresh uncooked meat. When cereal, vegetable flour, dried skim milk or similar substances are used in preparing the products, such fact shall be prominently stated as part of the name of the product.

(ww) The weight of smoked products such as hams, pork shoulders, pork shoulder picnics, pork shoulder butts, beef tongues, and the like, except hams, pork shoulder picnics, and similar products prepared for canning shall not exceed the weight of the fresh uncured article.

(xx) The terms "animal fat" and "meat fat" may be used synonymously to identify rendered fats obtained from cattle, sheep, swine, or goats in the name of product and ingredient statement for such food products as shortening and uncolored oleomargarine. The terms "animal fat" or "meat fat" shall not be used to identify such well known single commodities as lard, rendered pork fat, oleo oil, oleo stearin, oleo stock and the like when prepared and packed as such.

(yy) "Beef with gravy" and "gravy with beef" shall not be made with beef which, in the aggregate for each lot contains more than 30 percent trimmable fat, that is, fat which can be removed by thorough practical trimming and sorting.

(zz) The application of curing solution to beef briskets shall not result in an increase in the weight of the finished cured product of more than 20 percent over the weight of the fresh uncured briskets. The application of curing solution to other beef cuts, such as navels, clods, middle ribs, rumps and the like, which are intended for bulk corned beef shall not result in an increase in the weight of the finished cured product of more than 10 percent over the weight of the fresh uncured meat.

[Order 801, Regulation 15.07, effective 3/22/60.]

WAC 16-12-850 Labeling product prepared with artificial coloring, artificial flavoring, or preservative. Product which bears or contains any artificial coloring, artificial flavoring, or preservative shall bear labeling stating that fact.

(1) Artificial coloring of edible fats shall be declared on the label in a prominent manner and contiguous to the name of the product by the words "artificially colored."

(2) When any artificial flavoring is permitted to be added to product there shall appear on the label in prominent letters and contiguous to the name of the product the words "artificially flavored," and the ingredient statement shall identify it as an artificial flavoring.

(3) When a preservative is added to product, as permitted under this chapter, there shall appear on the label in prominent letters and contiguous to the name of the product a statement showing that fact and identifying the preservative and the percentage amount.

[Order 801, Regulation 15.08, effective 3/22/60.]

WAC 16-12-855 Reuse of inspection marks, reuse of containers bearing marks of inspection, labels, etc.—Requirements regarding. (1) No inspection legend which has been previously used shall be used again for the identification of any product, except as provided in subsection (2) of this section.

(2) All stencils, marks, labels, or other devices on previously used containers, whether relating to any product or otherwise, shall be removed or obliterated before such containers are used for any product, unless such stencils, marks, labels, or devices correctly indicate the article to be packed therein and such containers are refilled under the supervision of a department meat inspector.

[Order 801, Regulation 15.09, effective 3/22/60.]

WAC 16-12-860 Labeling, filling of containers, handling of labeled products to be only in compliance with regulations. (1) All labeling of products required to be inspected by department meat inspectors shall be in compliance with this chapter.

(2) No person shall apply or affix, or cause to be applied or affixed, any label to any product prepared or received in an establishment, or to any container thereof, except in compliance with this chapter.

(3) No person shall in an establishment, fill or cause to be filled, in whole or in part, any container with any product required by this chapter to bear a label, except in compliance therewith.

(4) No person shall remove or cause to be removed from an establishment any product bearing a label unless such label be in compliance with this chapter.

[Order 801, Regulation 15.10, effective 3/22/60.]

WAC 16-12-865 Relabeling product—Requirements regarding. When it is claimed by an establishment that some of its labeled product which has been transported to a location other than an establishment is in need of relabeling on account of the labels having become mutilated or otherwise damaged, the requests for relabeling the product shall be sent to the department and accompanied by a statement

of the reasons therefor. Labeling material intended for relabeling inspected and passed product shall not be transported from an establishment until permission has been received from the department. The relabeling of inspected and passed product with official labels shall be done under the supervision of an inspector.

[Order 801, Regulation 15.11, effective 3/22/60.]

WAC 16-12-870 Distribution of labels bearing an inspection legend. Labels, wrappers, and cartons bearing an inspection legend with or without the establishment number may be transported from one establishment to another provided such shipments are made with the permission and under the supervision of the inspector at the station of origin, who will notify the department inspector at destination concerning the date of shipment of the labeling material and the character and quantity of the materials involved. No such material shall be used at the establishment to which it is shipped unless it conforms with the requirements of this chapter.

[Order 801, Regulation 15.12, effective 3/22/60.]

PART 16 - REINSPECTION AND PREPARATION OF PRODUCTS

WAC 16-12-875 Reinspection of products—Frozen products. (1) All products, even though previously inspected and passed, shall be inspected as often as may be necessary, in order to ascertain whether they are sound, healthful, wholesome, and fit for human food at the time they leave establishments. If upon inspection any article is found to have become unsound, unhealthful, unwholesome, or in any way unfit for human food, the original inspection legend thereon shall be removed or defaced and the article condemned: *Provided, That,*

(a) If an article becomes soiled or unclean by falling on the floor or in any other accidental way it may be cleaned including trimming if necessary and presented for reinspection.

(b) When an article is found to be affected by any unsound or unwholesome condition designated by the department as being capable of rehandling by approved methods for food purposes, the establishment may be permitted to rehandle if necessary steps are immediately taken in a manner prescribed by the inspector. Included are such conditions as articles found to have absorbed a foreign odor, to contain mold or similar substance, and rendered animal fats in which there is present tank water in first stages of sourness. If upon final inspection the article is found to be sound and wholesome it shall be passed for human food; otherwise it shall be condemned.

(2) Care shall be taken to see that products are in good condition when placed in freezers. In case there is any doubt as to the soundness of any frozen product, the inspector will require the defrosting and reinspection of a sufficient quantity thereof to determine its actual condition.

[Order 801, Regulation 16.01, effective 3/22/60.]

WAC 16-12-880 Product entering establishment—Identification and inspection—Disposition. Products

brought into an establishment in compliance with this chapter may be identified and inspected at the time of receipt, and be subjected to further reinspection in such manner and at such times as may be deemed necessary. If upon such reinspection any article is found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, the original inspection legend shall be removed or defaced and the article condemned.

[Order 801, Regulation 16.02, effective 3/22/60.]

WAC 16-12-885 Containers, equipment, processes of manufacture to be clean and sanitary—Substances to be clean and wholesome. (1) No fixtures or appliances such as tables, trucks, trays, tanks, vats, machines, implements, cans or containers of any kind shall be used unless they are of such materials and construction as will not contaminate the product and are clean and sanitary. All steps in the process of manufacture shall be conducted carefully and with strict cleanliness in rooms or compartments separate from those used for inedible products.

(a) All containers which are intended to be hermetically sealed shall be washed immediately before filling, except that the hermetically sealed cans in which lard is shipped may be examined immediately before being sealed and if found to be acceptably clean, need not be washed.

(b) Pumps, pipes, conductors, and fittings used to conduct milk, skim milk, cream, or mixtures of these in the manufacture of oleomargarine shall be of sanitary construction, with smooth inner and outer surfaces of noncorrosive material or coated with nickel, tin, or other approved material, readily demountable for cleaning, and shall be kept clean and sanitary.

(c) Equipment may be used interchangeably for the preparation of lard and rendered pork fat which are to be labeled as such. The department may grant permission for the restricted dual use of such equipment for the preparation of other products. The pipes and equipment used for edible fats shall be so arranged that the identity of the product will be maintained until the product is properly labeled.

(d) Casings for products shall be carefully inspected by inspectors. Only those which have been carefully washed and thoroughly flushed with clean water immediately before stuffing, are suitable for containers, are clean, and are passed on such inspection, shall be used.

(e) Beef rounds, beef bungs, beef middles, beef bladders, hog bungs, hog middles and hog stomachs which are to be used as containers of meat food product shall be presented for inspection turned with the fat surface exposed.

(f) Portions of casings which show infestation with oesophagostomum or other nodule-producing parasite, and weasands infested with the larvae of hypoderma lineatum, shall be rejected, except that when the infestation is slight and the nodules and larvae are removed, the casing or weasand may be passed.

(g) The fermenting and sliming of hog and sheep casings shall be done only in compartments separate from those in which either edible or inedible products are handled.

(h) Hog and sheep casings intended for use as containers of products may be treated by soaking in or applying thereto sound, fresh pineapple juice or a sound solution containing fresh pineapple juice or papain or bromelin or

pancreatic extract to permit the enzymes contained in these substances to act on the casings to make them less resistant. The casings shall be handled in a clean and sanitary manner throughout and the treatment shall be followed by washing and flushing the casings with water sufficiently to effectively remove the substance used and terminate the enzymatic action.

(i) The only animal casings that may be used as containers of products are those of cattle, sheep, swine and goats.

(2) All substances and ingredients used in the manufacture or preparation of any product shall be clean, sound, healthful, wholesome, and otherwise fit for human food.

(a) On account of the invariable presence of bone splinters, detached spinal cords shall not be used in the preparation of edible product other than for rendering where they constitute a suitable raw material.

(b) Care shall be taken to remove bones and parts of bones from product which is intended for chopping.

(c) Heads for use in the preparation of meat food products shall be split and the bodies of the teeth, the turbinated and ethmoid bones, ear tubes, and horn butts removed, and the heads then thoroughly cleaned.

(d) Kidneys for use in the preparation of meat food products shall first be freely sectioned and then thoroughly soaked and washed. All detached kidneys, including beef kidneys detached with kidney fat, shall be inspected before being used in or shipped from the establishment.

(e) Testicles if handled as an edible product may be shipped from the establishment as such, but they shall not be used as an ingredient of a meat food product.

(f) Cattle paunches and hog stomachs for use in preparation of meat food products shall be thoroughly cleaned on all surfaces and parts immediately after being emptied of their contents, which shall follow promptly their removal from the carcasses.

(g) Tonsils shall be removed and shall not be used as ingredients of meat food products.

(h) Hog blood shall not be used as an ingredient of meat food product. No blood which comes in contact with the surface of the body of an animal or is otherwise contaminated shall be collected for food purposes. Only blood from animals the carcasses of which are inspected and passed may be used for meat food products. The defibrination of blood intended for food purposes shall not be performed with the hands.

(i) No prohibited dye, chemical, preservative, or other substances shall be brought into or kept in an official establishment for use as an ingredient of human food or animal food.

(j) Intestines shall not be used as ingredients of meat food products.

(k) Clotted blood shall be removed from hog hearts before they are shipped from the establishment or used in the preparation of a meat food product.

[Order 801, Regulation 16.03, effective 3/22/60.]

WAC 16-12-890 Use in preparation of meat food products of chemicals, preservatives, coloring matter—Addition of cereal, vegetable starch, dried skim milk, water, etc.—Substances necessary for refining. (1) No

product shall contain any substance which impairs its wholesomeness, or which is not approved by the department.

(2) There may be added to product, with appropriate declaration when required under Parts 14 and 15 of this chapter, common salt, sugar, (sucrose), refined corn sugar (dextrose), wood smoke, a vinegar, spices, sodium nitrate, potassium nitrate (saltpeter), sodium nitrite and potassium nitrite. Benzoate of soda shall not be added to meat or meat products.

(3) Monoglycerides and diglycerides may be added to rendered animal fat or a combination of such fat and vegetable fat with appropriate declaration as required in Part 15 of this chapter.

(4) With appropriate declaration, as provided in Part 15 of this chapter, the following preservatives may be added, in the amounts indicated to rendered animal fat or a combination of such fat and vegetable fat:

(a) Resin guaiac not to exceed 1/10 of 1 percent; or

(b) Nordihydroguaiaretic acid not to exceed 1/100 of 1 percent; or

(c) Tocopherols not to exceed 3/100 of 1 percent. (A 30 percent concentration of tocopherols in vegetable oils shall be used when added as a preservative to meat products designated as "lard" or "rendered pork fat"); or

(d) Lecithin: *Provided*, That nothing in this paragraph shall prevent the use of this substance as an emulsifier as approved by the department; or

(e) Citric acid not to exceed 1/100 of 1 percent; or

(f) Citric acid not to exceed 5/100 of 1 percent, or phosphoric acid not to exceed 5/1000 of 1 percent, in combination with not more than 1/100 of 1 percent of nordihydroguaiaretic acid; or

(g) Propyl gallate not to exceed 1/100 of 1 percent; or

(h) Propyl gallate not to exceed 1/100 of 1 percent in combination with not more than 5/1000 of 1 percent of citric acid; or

(i) Thiodipropionic acid, dilauryl thiodipropionate, distearyl thiodipropionate or combinations thereof in quantities not to exceed 1/100 of 1 percent of thiodipropionic acid and 9/100 of 1 percent of either dilauryl thiodipropionate or distearyl thiodipropionate or combinations of the two; or

(j) Butylated hydroxyanisole (a mixture of 2-tertiary-butyl-4-hydroxyanisole and 3-tertiarybutyl-4-hydroxyanisole) and combinations of butylated hydroxyanisole with nordihydroguaiaretic acid or propyl gallate with or without the addition of citric acid or phosphoric acid, may be added as preservatives to animal fats and shortenings containing animal fats. The quantities used shall not exceed 2/100 of 1 percent of butylated hydroxyanisole, or 1/100 of 1 percent of nordihydroguaiaretic acid plus 2/100 of 1 percent butylated hydroxyanisole or 1/100 of 1 percent of propyl gallate plus 2/100 of 1 percent of butylated hydroxyanisole. Citric acid or phosphoric acid, not to exceed 5/1000 of 1 percent may be added with butylated hydroxyanisole or with the combinations of butylated hydroxyanisole and nordihydroguaiaretic acid of propyl gallate.

(5) To facilitate chopping and/or dissolve the usual curing ingredients, water or ice may be used in the preparation of luncheon meat and meat loaf, however, the total amount of water used shall not exceed 3 percent of the ingredients going into the preparation of the product and its

presence shall be declared as required under Parts 14 and 15 of this chapter.

(6) Except as otherwise provided, sausage shall be prepared with meat, or meat and meat by-products, seasoned with condimental proportions of condimental substances.

(7) Under appropriate declaration as required in Parts 14 and 15 of this chapter, sausage may contain not more than 3-1/2 percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soya flour, dry nonfat milk, or dry milk.

(8) For the purpose of facilitating chopping and mixing, and under appropriate declarations as required under Parts 14 and 15 of this chapter, water or ice may be used in the preparation of sausage which is not cooked, in an amount not to exceed 3 percent of the total ingredients used. Sausage of the kind which is cooked, such as frankfurters, vienna, and bologna, may contain not more than 10 percent of added water or moisture.

(9) Bicarbonate of soda, caustic soda, sodium carbonate, diatomaceous earth, fuller's earth, carbon, acetic acid, tannic acid, agents used exclusively as catalyzers such as nickel preparations, and such other substances as may be approved by the chief of division, may be used in the preparation of rendered fats: *Provided*, That they are eliminated during the process of manufacturing.

(10) Caustic soda, sodium carbonate (soda ash or sal soda), trisodium phosphate, or sodium metasilicate, or a combination of these substances, or lime, or a combination of lime and sodium carbonate, and/or a solution of hydrogen peroxide, may be used in the preparation of tripe: *Provided*, That immediately following the treatment the tripe is thoroughly washed with clear water and the added substances removed.

(11) The use of sodium nitrite, potassium nitrite, sodium nitrate, or potassium nitrate, or combinations of nitrite and nitrate, shall not result in the presence of more than 200 parts per million of nitrite in the finished product. Supplies of sodium nitrite and potassium nitrite and mixtures containing them must be kept securely under the care of a responsible employee of the establishment. The specific nitrite content of such supplies must be known and clearly marked accordingly. The maximum amounts of sodium nitrite and/or potassium nitrite which may be used are as follows:

(a) 2 pounds in 100 gallons of pickle.

(b) 1 ounce for each 100 pounds of meat in dry salt, dry cure, or box cure.

(c) 1/4 ounce in 100 pounds of chopped meat and/or meat by-products.

(12) Harmless synthetic flavoring may be added to products for which they are approved by the department, and declared as "artificial flavoring" as required under Parts 14 and 15 of this chapter.

(13) Coloring matter and dyes which are approved by the department when declared as required under Parts 15 and 16 of this chapter may be mixed with rendered fats. The following coloring matters and dyes are acceptable in rendered fats: The natural coloring matters alkanet, annatto, carotene, cochineal, green chlorophyll, saffron, and turmeric. No coloring matter or dyes may be added to meat products or casings in which comminuted, chopped or ground products which possess the characteristics of or resemble sausage

are placed: *Provided*, That opaque artificial casings may be used.

(14) The preparation of a ham for canning shall not result in an increase in weight of more than 8 percent over the weight of the fresh uncured ham; that is, the weight of the boneless cured ham at the time of canning, plus the weight of the skin, bones, fat and trimmings removed from the ham, shall not exceed 108 percent of the weight of the fresh uncured ham.

(15) For the purpose of preventing coagulation citric acid or sodium citrate with or without water may be added to fresh beef blood in an amount not to exceed 2/10 of 1 percent of the total mixture. When water is used to make a solution of the citric acid or sodium citrate added to the beef blood, not more than two parts of water to one part of citric acid or sodium citrate shall be used.

(16) Harmless bacterial starters of the acidophilus type may be used in the preparation of such kinds of sausage as thuringer, lebanon bologna, cervelat, salami and pork roll in an amount not to exceed 1/2 of 1 percent. When used, the harmless bacterial starter shall be included in the list of ingredients in the order of its predominance as required by Parts 14 and 15 of this chapter.

[Order 801, Regulation 16.04, effective 3/22/60.]

WAC 16-12-895 Samples to be taken without cost to department. Samples of products, water, dyes, chemicals, preservatives, spices, or other articles in any establishment shall be taken, without cost to the department, for examination, as often as may be deemed necessary for the efficient conduct of the inspection.

[Order 801, Regulation 16.05, effective 3/22/60.]

WAC 16-12-900 Canning with heat processing and hermetically sealed container—Cleaning container—Closure—Code marking—Heat processing—Incubation.

(1) Containers shall be cleaned thoroughly immediately before filling, and precaution must be taken to avoid soiling the inner surfaces subsequently.

(2) Container of metal, glass, or other material shall be washed in an inverted position with running water at a temperature of at least 180°F. The container-washing equipment shall be provided with a thermometer to register the temperature of the water used for cleaning the containers.

(3) Nothing less than perfect closure is acceptable for hermetically sealed containers. Heat processing shall follow promptly after closing.

(4) Careful inspection shall be made of the containers by competent establishment employees immediately after closing, and containers which are defectively filled, defectively closed, or those showing inadequate vacuum, shall not be processed until the defect has been corrected. The containers shall again be inspected by establishment employees when they have cooled sufficiently for handling after processing by heating. The contents of defective containers shall be condemned unless correction of the defect is accomplished within 6 hours following the sealing of the containers or completion of the heat processing, as the case may be, except that (a) if the defective condition is discovered during an afternoon run the cans of product may be held in coolers at a temperature not exceeding 38°F. under

conditions that will promptly and effectively chill them until the following day when the defect may be corrected; (b) short vacuum or overstuffed cans of product which have not been handled in accordance with the above may be incubated under department supervision, after which the cans shall be opened and the sound product passed for food; and (c) short vacuum or over-stuffed cans of product of a class permitted to be labeled, "perishable, keep under refrigeration" and which have been kept under adequate refrigeration since processing may be opened and the sound product passed for food.

(5) Canned products shall not be passed unless after cooling to atmospheric temperature they show the external characteristics of sound cans; that is, the cans shall not be overfilled; they shall have concave sides, excepting the seam side, and all ends shall be concave; there shall be no bulging; the sides and ends shall conform to the product; and there shall be no slack or loose tin.

(6) All canned products shall be plainly and permanently marked on the containers by code or otherwise with the identity of the contents and the date of canning. The code used and its meaning shall be on record in the office of the inspector.

(7) Canned product must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation when heating is relied on for preservation, with the exception of those canned products which are processed without steam-pressure cooking by permission of the supervisor of the division and labeled "perishable, keep under refrigeration."

(8) Lots of canned products shall be identified during their handling preparatory to heat processing by tagging the baskets, cages, or cans with a tag which will change color on going through the heat processing or by other effective means so as to positively preclude failure to heat process after closing.

(9) Facilities shall be provided to incubate at least representative samples of the product of fully processed canned product. The incubation shall consist of holding the canned product for at least 10 days at about 98°F.

The extent of which incubation tests shall be required depends on conditions such as the record of the establishment in conducting canning operations, the extent to which the establishment furnishes competent supervision and inspection in connection with the canning operations, the character of the equipment used, and the degree to which such equipment is maintained at maximum efficiency. Such factors shall be considered by the inspector in determining the extent of incubation testing at a particular establishment.

In the event of failure by an establishment to provide suitable facilities for incubation of test samples, the inspector may require holding of the entire lot under such conditions and for such period of time as may, in his discretion, be necessary to establish the stability of the product.

The inspector may permit lots of canned product to be shipped from the establishment prior to completion of sample incubation when he has no reason to suspect unsoundness in the particular lots, and under circumstances which will assure the return of the product to the establishment for reinspection should such action be indicated by the incubation results.

[Order 801, Regulation 16.06, effective 3/22/60.]

WAC 16-12-905 Contamination of product by flood water, etc.—Procedure for handling. (1) Any product which has been contaminated by unpotable water, smoke or other deleterious agents shall be condemned.

(2) In case of flooding, the establishment shall, under the supervision of an inspector, thoroughly cleanse all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein. After cleansing, a disinfectant approved by the department shall be applied to the surface of the rooms. Where the solution has been applied to equipment which will afterwards contact meat, the equipment shall be rinsed with clean water before being used.

(3) Hermetically sealed containers of product which has been submerged or otherwise contaminated as in subsection (1) of this section shall be rehandled promptly under supervision of an inspector as follows:

(a) Separate and condemn all product the containers of which show extensive rusting or corrosion, such as might materially weaken the container, as well as any swollen, leaky, or otherwise suspicious container.

(b) Remove paper labels and wash the containers in warm soapy water, using a brush where necessary to remove rust or other foreign material, immerse in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine or other disinfectant approved specifically for this purpose by the department, and rinse in clear fresh water and dry thoroughly.

(c) After handling as in subsection (3)(b) of this section, the containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the meat product therein.

(d) The identity of the canned product shall be maintained throughout all stages of the rehandling operations, to insure correct labeling of the containers.

[Order 801, Regulation 16.07, effective 3/22/60.]

WAC 16-12-910 Tagging chemicals, preservatives, cereals, spices, etc., "Wash. retained." When any chemical preservative, cereal, spice, or other substance is presented for use in an official establishment, it shall be examined by a division employee, and if found to be unfit or otherwise unacceptable for the use intended, or if final decision regarding acceptance is deferred pending laboratory or other examination, the employee shall attach a "Wash. retained" tag to the substance or container thereof. The substances so tagged shall be kept separate from other substances as the inspector may require, shall not be used until the tag is removed, and such removal shall be only by an inspection after a finding that the substance can be accepted, or, in the case of an unacceptable substance, when it is removed from the establishment.

[Order 801, Regulation 16.08, effective 3/22/60.]

WAC 16-12-915 Product for educational uses, laboratory examination, and other purposes. When authorized by the department, product of special type or kind may be shipped or transported from establishments for educational uses, laboratory examination, and other purposes.

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[Order 801, Regulation 16.09, effective 3/22/60.]

PART 17 - PRESCRIBED TREATMENT OF PORK TO DESTROY TRICHINAE

WAC 16-12-920 Product which doesn't have appearance of being cooked not required to be treated for destruction of trichinae. All forms of fresh pork, including fresh unsmoked sausage containing pork muscle tissue, and pork such as hams, shoulders, shoulder picnics, bacon, and jowls, which are subjected only to curing or to smoking at temperatures that do not impart to the meat the appearance of being cooked, are classed as products that are customarily well cooked in the home or elsewhere before being served to the consumer, therefore, the treatment of such products for the destruction of trichinae is not required.

[Order 801, Regulation 17.01, effective 3/22/60.]

WAC 16-12-925 Products containing pork muscle to be treated to destroy trichinae. Products containing pork muscle tissue (including hearts) or the pork muscle tissue which forms an ingredient of such products, including, or of the character of, those hereinafter named, are classed as articles which shall be effectively heated, refrigerated, or cured, as provided by WAC 16-12-930, 16-12-935 or 16-12-940, to destroy any possible live trichinae; bologna; frankfurts; viennas; smoked sausage; knoblauch sausage; mortadella, all forms of summer or dried sausage, including mettwurst; cooked loaves, roasted, baked, boiled or cooked ham; pork shoulder, or pork shoulder picnic; Italian-style ham; Westphalia-style ham; cured meat rolls; capocollo (capicola, capacola); coppa; fresh or cured boneless pork shoulder butts, hams, loins, shoulders, picnics, and similar pork cuts, in casings or other containers in which ready-to-eat delicatessen articles are customarily enclosed; cured boneless pork loin; boneless back bacon (Canadian-style bacon); pork cuts such as hams, shoulders, picnics and butts which are subjected to smoking at sufficiently high temperatures to impart a partially cooked appearance to the meat (ordinarily, such cuts fall in this class when heated to an internal temperature above 120°F.).

[Order 801, Regulation 17.02, effective 3/22/60.]

WAC 16-12-930 Heating. All parts of the pork muscle tissue shall be heated to a temperature not lower than 137°F., and the method used shall be one known to insure such a result. On account of differences in methods of heating and in weights and products undergoing treatment it is impracticable to specify details of procedures for all cases.

Procedures which insure the proper heating of all parts of the product shall be adopted. It is important that each piece of sausage, each ham, and other product treated by heating in water be kept entirely submerged throughout the heating period; and that the largest pieces in a lot, the innermost links of bunched sausage or other massed articles, and pieces placed in the coolest part of a heating cabinet or compartment or vat be included in the temperature tests.

[Order 801, Regulation 17.03, effective 3/22/60.]

WAC 16-12-935 Refrigeration. (1) At any stage of preparation and after preparatory chilling to a temperature of not above 40°F. or preparatory freezing, all parts of the muscle tissue of pork or product containing such tissue shall be subjected continuously to a temperature not higher than one of those specified in Table 1, the duration of such refrigeration at the specified temperature being dependent on the thickness of the meat or inside dimensions of the container.

TABLE 1
REQUIRED PERIOD OF FREEZING
AT TEMPERATURE INDICATED

| TEMPERATURE °F. | GROUP 1 Days | GROUP 2 Days |
|--------------------|-----------------|-----------------|
| 5 | 20 | 30 |
| -10 | 10 | 20 |
| -20 | 6 | 12 |

(a) Group 1 comprises products in separate pieces not exceeding six inches in thickness, or arranged on separate racks with the layers not exceeding six inches in depth, or stored in crates or open boxes not exceeding six inches in depth, or stored as solidly frozen blocks not exceeding six inches in thickness.

(b) Group 2 comprises products in pieces, layers or within open containers the thickness of which exceeds six inches but not 27 inches, and product in closed containers including tierces, barrels, kegs and cartons having a thickness not exceeding 27 inches.

(2) The product undergoing such refrigeration or the containers thereof shall be so spaced while in the freezer as will insure a free circulation of air between the pieces of meat, layers, blocks, boxes, barrels and tierces in order that the temperature of the meat throughout will be promptly reduced to not higher than 5°F., -10°F., or -20°F., as the case may be.

(3) During the period of refrigeration the product or lot thereof shall be kept separate from other products and in the custody of the department. Rooms or compartments equipped for being made secure with department lock or seal may be required by the department. The room or compartment containing product undergoing freezing shall be equipped with accurate thermometers placed at or above the highest level at which the product undergoing treatment is stored and away from refrigerating coils. After the prescribed freezing has been finished, the product shall be kept under close supervision of an inspector until it is prepared in final form or until it is transferred under department control to another establishment for preparation in finished form.

(4) Pork which has been refrigerated as herein specified may be transferred in sealed railroad cars, sealed motor-trucks, sealed wagons, or seal closed containers to another establishment at the same or another station for use in the preparation of products of a kind customarily eaten without cooking by the consumer. The sealing of closed containers, such as boxes and slack barrels, shall be effected in a manner prescribed by the department. Railroad cars, motor trucks, and wagons shall, when necessary, be sealed with department seals. Properly sealed and marked closed containers may be shipped, with other meat, in unsealed railroad cars, motortrucks and wagons. Containers such as boxes, barrels, and tierces shall be plainly and conspicuously

marked with a label or stencil furnished by the establishment, as follows: "Pork meat product . . . degree F. . . . days' refrigeration," indicating the temperature at which the product was refrigerated and length of time so treated. For each consignment there shall be promptly issued and forwarded to the inspector at destination a report to show the character of the containers and that the contents are "pork meat product . . . degree F. . . . days' refrigeration." A duplicate copy should be forwarded to the department.

[Order 801, Regulation 17.04, effective 3/22/60.]

WAC 16-12-940 Curing. (1) **Sausage.** Sausage may be stuffed in animal casings, hydrocellulose casings, or cloth bags. During any state of treating the sausage for the destruction of live trichinae, these coverings shall not be coated with paraffin or like substance, nor shall any sausage be washed during any prescribed period of drying. In the preparation of sausage, any one of the following methods may be used:

(a) **Method No. 1.**

The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3-1/3 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, sausage having a diameter not exceeding 3-1/2 inches, measured at the time of stuffing, shall be held in a drying room not less than 20 days at a temperature not lower than 45°F., except that in a sausage of the variety known as pepperoni, if in casings not exceeding 1-3/8 inches in diameter measured at the time of stuffing, the period of drying may be reduced to 15 days. In no case, however, shall the sausage be released from the drying room in less than 25 days from the time the curing materials are added, except that sausage of the variety known as pepperoni, if in casing not exceeding the size specified, may be released at the expiration of 20 days from the time the curing materials are added. Sausage in casings exceeding 3-1/2 inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room not less than 35 days at a temperature not lower than 45°F., and in no case shall the sausage be released from the drying room in less than 40 days from the time the curing materials are added to the meat.

(b) **Method No. 2.**

The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3-1/3 pounds of salt to each hundredweight of unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed the sausage having a diameter not exceeding 3-1/2 inches, measured at the time of stuffing, shall be smoked not less than 40 hours at a temperature not lower than 80°F., and finally held in a drying room not less than 10 days at a temperature not lower than 45°F. In no case, however, shall the sausage be released from the drying room in less than 18 days from the time the curing materials are added to the meat. Sausage exceeding 3-1/2 inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room, following smoking as above indicated, not less than 25 days at a temperature not lower than 45°F., and in

no case shall the sausage be released from the drying room in less than 33 days from the time the curing materials are added to the meat.

(c) **Method No. 3.**

The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3-1/3 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped meat shall be held at a temperature not lower than 34°F. for not less than 36 hours. After being stuffed the sausage shall be held at a temperature not lower than 34°F. for an additional period of time sufficient to make a total of not less than 144 hours from the time the curing materials are added to the meat, or the sausage shall be held for the time specified in a pickle-curing medium of not less than 50° strength (salometer reading) at a temperature not lower than 44°F. Finally, the sausage having a diameter not exceeding 3-1/2 inches, measured at the time of stuffing, shall be smoked for not less than 12 hours. The temperature of the smokehouse during this period at no time shall be lower than 90°F.; and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128°F. Sausage exceeding 3-1/2 inches, but not exceeding 4 inches, in diameter at the time of stuffing shall be smoked, following the prescribed curing, for not less than 15 hours. The temperature of the smokehouse during the 15-hour period shall be at no time lower than 90°F., and for 7 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128°F. In regulating the temperature of the smokehouse for the treatment of sausage under this method, the temperature of 128°F. shall be attained gradually during a period of not less than 4 hours.

(d) **Method No. 4.**

The meat shall be ground or chopped into pieces not exceeding one-fourth of an inch in diameter. A dry-curing mixture containing not less than 2-1/2 pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped sausage shall be held as a compact mass, not more than 6 inches in depth, at a temperature not lower than 36°F. for not less than 10 days. At the termination of the holding period, the sausage shall be stuffed in casings or cloth bags not exceeding 3-1/2 inches in diameter, measured at the time of stuffing. After being stuffed, the sausage shall be held in a drying room at a temperature not lower than 45°F. for the remainder of a 35-day period, measured from the time the curing materials are added to the meat. At any time after stuffing, if a concern deems it desirable, the product may be heated in a water bath for a period not to exceed 3 hours at a temperature not lower than 85°F., or subjected to smoking at a temperature not lower than 80°F., or the product may be both heated and smoked as specified. The time consumed in heating and smoking, however, shall be in addition to the 35-day holding period specified.

(2) **Capocollo (Capicola, Capicola).** Boneless pork butts for capocollo shall be cured in a dry-curing mixture containing not less than 4-1/2 pounds of salt per hundred-

weight of meat for a period of not less than 25 days at a temperature not lower than 36°F. If the curing materials are applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the meat product shall be smoked for a period of not less than 30 hours at a temperature not lower than 80°F., and shall finally be held in a drying room not less than 20 days at a temperature not lower than 45°F.

(3) **Coppa.** Boneless pork butts for coppa shall be cured in a dry-curing mixture containing not less than 4-1/2 pounds of salt per hundredweight of meat for a period of not less than 18 days at a temperature not lower than 36°F. If the curing mixture is applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry-salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the product shall be held in a drying room not less than 35 days at a temperature not lower than 45°F.

(4) **Hams.** In the curing of hams either of the following methods may be used:

(a) **Method No. 1.**

The hams shall be cured by a dry-salt curing process not less than 40 days at a temperature not lower than 36°F. The hams shall be laid down in salt, not less than 4 pounds to each hundredweight of hams, the salt being applied in a thorough manner to the lean meat of each ham. When placed in cure the hams may be pumped with pickle if desired. At least once during the curing process the hams shall be overhauled and additional salt applied, if necessary, so that the lean meat of each ham is thoroughly covered. After removal from cure the hams may be soaked in water at a temperature not higher than 70°F. for not more than 15 hours, during which time the water may be changed once; but they shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The hams shall finally be dried or smoked not less than 10 days at a temperature not lower than 95°F.

(b) **Method No. 2.**

The hams shall be cured by a dry-salt curing process at a temperature not lower than 36°F. for a period of not less than 3 days for each pound of weight (green) of the individual hams. The time of cure of each lot of hams placed in cure should be calculated on a basis of the weight of the heaviest ham of the lot. Hams cured by this method, before they are placed in cure, shall be pumped with pickle solution of not less than 100° strength (salometer), about 4 ounces of the solution being injected into the shank and a like quantity along the flank side of the body bone (femur). The hams shall be laid down in salt, not less than 4 pounds of salt to each hundredweight of hams, the salt being applied in a thorough manner to the lean meat of each ham. At least

once during the curing process the hams shall be overhauled and additional salt applied, if necessary, so that the lean meat of each ham is thoroughly covered. After removal from the cure the hams may be soaked in water at a temperature not higher than 70°F. for not more than 4 hours, but shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The hams shall then be dried or smoked not less than 48 hours at a temperature not lower than 80°F., and finally shall be held in a drying room not less than 20 days at a temperature not lower than 45°F.

(5) **Boneless pork loins and loin ends.** In lieu of heating or refrigerating to destroy trichinae in boneless loins, the loins shall be cured for a period of not less than 25 days at a temperature not lower than 36°F. by the use of one of the following methods:

(a) **Method No. 1.**

A dry-salt curing mixture containing not less than 5 pounds of salt to each hundredweight of meat.

(b) **Method No. 2.**

A pickle solution of not less than 80° strength (salometer) on the basis of not less than 60 pounds of pickle to each hundredweight of meat.

(c) **Method No. 3.**

A pickle solution added to the approved dry-salt cure provided the pickle solution is not less than 80° strength (salometer).

After removal from cure, the loins may be soaked in water for not more than 1 hour at a temperature not higher than 70°F. or washed under a spray but shall not be subjected, during or after the curing process, to any other treatment designed to remove salt.

Following curing, the loins shall be smoked for not less than 12 hours. The minimum temperature of the smokehouse during this period at no time shall be lower than 100°F., and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 125°F.

Finally, the meat product shall be held in a drying room for a period of not less than 12 days at a temperature not lower than 45°F.

[Order 801, Regulation 17.05, effective 3/22/60.]

WAC 16-12-945 Automatic recording thermometers required when necessary. When necessary to comply with the instructions in Part 17 of this chapter, the smokehouses, drying rooms, and other compartments used in the treatment of pork to destroy trichinae shall be suitably equipped, by the establishment, with accurate automatic recording thermometers. The department may approve for use in sausage smokehouses, drying rooms, and other compartments, such automatic recording thermometers as are found to give satisfactory service.

[Order 801, Regulation 17.06, effective 3/22/60.]

WAC 16-12-950 Inspectors to follow procedures outlined in administration of Part 17. To insure the effective administration of Part 17 of this chapter, inspectors who supervise the handling and treatment of pork to destroy live trichinae shall:

(1) Recognize the importance of safeguarding the consumer and follow carefully the instructions concerning the treatment of pork to destroy trichinae.

(2) Check the internal temperature, with the department thermometers, of products subjected to the heating method.

(3) Test frequently, with department thermometers, the reliability of establishment thermometers (including automatic recording thermometers) and reject for use any found to be inaccurate and unreliable.

(4) Observe department thermometers carefully in order that none be used which have become defective or of questionable accuracy.

(5) Supervise in a methodical manner the handling, in drying, refrigerating, and curing departments, of pork product under treatment for the destruction of live trichinae, and keep conveniently available, at the official establishment for department use, such records as may be necessary and informative of each lot of product under treatment.

[Order 801, Regulation 17.07, effective 3/22/60.]

PART 18 - REPORTS

WAC 16-12-955 Inspection reports. Reports of the work of inspection carried on in each establishment and elsewhere shall be forwarded to the department by the inspector assigned to the establishment, on such forms and in such manner as may be specified by the department.

[Order 801, Regulation 18.01, effective 3/22/60.]

WAC 16-12-960 Reports of amounts of articles handled or prepared. Inspectors shall make reports as required on the amounts of articles handled or prepared to which they are assigned, and of such other things as the department may require.

[Order 801, Regulation 18.02, effective 3/22/60.]

WAC 16-12-965 Establishment to furnish information for reports. Each establishment shall furnish to the inspector or authorized representatives accurate information as to all matters needed by him for making his reports.

[Order 801, Regulation 18.03, effective 3/22/60.]

WAC 16-12-970 Reports on sanitation. Reports on sanitation shall be made by inspectors assigned to establishments to the field supervisor assigned to the establishment, and by the latter, to the department.

[Order 801, Regulation 18.04, effective 3/22/60.]

PART 19 - INSPECTION AND HANDLING OF HORSE MEAT AND HORSE MEAT PRODUCTS

WAC 16-12-975 Establishments required to have inspection. Every establishment in which horses are slaughtered, or in which carcasses, parts of carcasses, meat, products, or meat food products of, or derived from horse meat, are wholly or in part canned, cured, smoked, salted, packed, rendered, or otherwise prepared, which are capable of being used as food for man, shall have inspection under this chapter.

[Order 801, Regulation 19.01, effective 3/22/60.]

WAC 16-12-980 Slaughter of horses and preparation of meat thereof—Separate establishments. The slaughter of horses and the preparation and handling of the meat and meat food products thereof shall be conducted in establishments separate and apart from any establishment in which cattle, sheep, swine, or goats are slaughtered, or the meat or meat food products thereof are prepared or handled.

[Order 801, Regulation 19.02, effective 3/22/60.]

WAC 16-12-983 Ante mortem inspection. (1) An ante mortem examination and inspection shall be made of all horses about to be slaughtered in an official establishment before their slaughter shall be allowed. Such inspection shall be made on the day of slaughter.

(2) All animals shall be observed closely while at rest and in motion for action and general appearance and for such conditions as fistulous withers, poll evil, melanotic tumors, respiratory disturbances and cripples of various kinds.

(3) Animals showing conditions which would cause or result in condemnation on post mortem inspection and horses having a rectal temperature of 105°F. or above shall be condemned on ante mortem inspection.

[Order 801, Regulation 19.03, effective 3/22/60.]

WAC 16-12-985 Affections requiring condemnation on ante mortem or post mortem inspection—Glanders and dourine suspect. (1) All horses found upon either ante mortem or post mortem inspection or examination to be affected with strangels, purpura haemorrhagica, azoturia, forage poisoning, or so-called cerebrospinal meningitis, dourine, acute influenza, generalized osteoporosis, glanders, farcy, infectious equine encephalomyelitis, or malignant disorder, acute inflammatory lameness or extensive fistula, shall be condemned.

(2) Any horse which is suspected on the ante mortem inspection of being infected with glanders shall be tested with mallein; and any horse which, on physical examination, is suspected of being affected with dourine shall be held for further examination or for such test as the department may prescribe.

[Order 801, Regulation 19.04, effective 3/22/60.]

WAC 16-12-988 Horse carcasses, meat and meat food products thereof—Marking and labeling. All horse carcasses, parts of carcasses, meat and meat food products thereof shall be conspicuously marked, branded, labeled, or tagged "horse meat" or "horse meat product." Only green ink shall be used in branding horse meat and horse meat product with the mark of inspection.

[Order 801, Regulation 19.05, effective 3/22/60.]

WAC 16-12-991 Horse meat or meat food products thereof—Meat labels. The meat inspection label for horse meat or meat food products thereof shall be printed on paper, light green in color. The legend composing the body of each label shall be as follows: "The horse meat or meat food product thereof contained herein has been inspected and

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passed by the Washington department of agriculture," and in lieu of the phrase "meat inspection label" there shall be printed thereon the phrase "horse meat label."

[Order 801, Regulation 19.06, effective 3/22/60.]

WAC 16-12-994 Applicability of meat inspection regulations to horse meat and meat food products thereof. All the provisions of the Washington meat inspection regulations and amendments thereto governing meat inspection in conformity with the provisions of chapter 16.49 RCW, unless specifically inapplicable, are hereby made applicable to the inspection and handling of horse meat and meat food products thereof and the animals from which they are derived.

[Order 801, Regulation 19.07, effective 3/22/60.]

PART 20 - LIVESTOCK SCALES

WAC 16-12-997 Livestock scales to be accessible. Livestock scales used for commercial purposes must be readily accessible for testing and must conform to the requirements set forth in the Weights and Measures Act, chapter 291, Laws of 1959, and regulations promulgated thereunder as well as regulations promulgated under the Livestock Marketing Act, chapter 107, Laws of 1959.

[Order 801, Regulation 20.01, effective 3/22/60.]

Chapter 16-20 WAC

CUSTOM SLAUGHTERER—HANDLING OF CUSTOM MEAT FOOD ANIMAL CARCASSES AT MEAT HANDLING ESTABLISHMENTS

WAC

- 16-20-001 Promulgation.
- 16-20-010 Definitions.
- 16-20-020 Equipment—Sanitary conditions—Requirements.
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- 16-20-040 Inedible storage and handling facilities.
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- 16-20-080 Viscera to be removed at time of slaughter.
- 16-20-090 Meat to be properly protected while in transit.
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- 16-20-110 Clothing, clean.
- 16-20-120 Identification—Carcasses and parts to be stamped.
- 16-20-130 Identification—Carcass identification at meat handling establishment.
- 16-20-140 Identification—Slaughtered animal handling certificates.

WAC 16-20-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.49 RCW as amended by chapter 120, Laws of 1967 ex. sess., after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on September 13, 1967 do promulgate the following regulations.

[Order 1070, Promulgation, filed 9/28/67, effective 11/1/67; Order 802, Promulgation, effective 3/18/60; Order 803, effective 3/18/60. Formerly codified as WAC 16-16-001.]

WAC 16-20-010 Definitions. For the purposes of regulations contained in this order the following definitions as they appear in chapter 16.49 RCW shall apply.

(1) "Carcass" means all or any parts, including viscera, of a slaughtered animal capable of being used for human food.

(2) "Custom farm slaughterer" means any person licensed pursuant to the provisions of chapter 16.49 RCW, the State Meat Inspection Act, and who may under such license engage in the business of slaughtering meat food animals for the owner or owners thereof.

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

(4) "Meat" means the carcass, parts of carcass, meat and meat food products derived in whole or in part from meat food animals.

(5) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

For purposes of regulations contained in chapter 16-20 WAC, the following additional definitions shall apply:

(6) "Equipment" means all machinery, fixtures, containers, utensils, vessels, tools, implements, vehicles or apparatus used by a custom farm slaughterer in the process of slaughtering meat food animals, dressing the carcasses and transporting the inedible parts thereof from the place of slaughter to their destination.

(7) "Meat food animal" means live cattle, sheep, swine, and goats.

(8) "Meat handling establishment" means any place of business not operating under state or federal meat inspection at which meat is stored, frozen, cut, wrapped, sold or otherwise prepared.

(9) "Identifying" means that each half, quarter, and edible part of slaughtered food animal carcasses shall be marked, stamped or tagged in a manner approved by the director, for the purpose of tracing such part to the person doing the slaughtering. This may be by means of stamping with edible ink or dye or by a lock seal, as approved by the director, or other means of identification approved by the director.

(10) "Unwholesome" includes meat products which may be diseased, contaminated, putrid, unsound, unhealthful, or otherwise unfit for human food and meat animals which may be unfit for slaughter for any reason which would make meat products from them unfit for human food.

[Order 1070, Regulation 1, filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.01, effective 3/18/60; Order 803, Regulation 1.02, effective 3/18/60. Formerly codified as WAC 16-16-010.]

WAC 16-20-020 Equipment—Sanitary conditions—Requirements. Equipment used in custom farm slaughtering shall be maintained in a sanitary condition. Compliance with the requirements specified in this order will be deemed necessary for minimum sanitary conditions.

[Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.02, effective 3/18/60. Formerly codified as WAC 16-16-020.]

WAC 16-20-030 Impervious surfaces. Surfaces of all equipment including but not limited to the inside of the truck and/or trailer body, floor, walls, doors, and ceiling; bleeding and dressing hoist parts and other parts of all structures shall be constructed and finished with material constructed, designed, and installed so as to be capable of being readily and thoroughly cleaned.

[Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.03, effective 3/18/60. Formerly codified as WAC 16-16-030.]

WAC 16-20-040 Inedible storage and handling facilities. (1) Handling facilities and removal of inedible material. All material produced through slaughter activity such as inedible offal and hides which may tend to cause slaughtering area to become insanitary must immediately, upon completion of actual slaughter of animal, be removed from the slaughtering area and disposed of in a completely sanitary manner; either by burning, burial or immediately disposed of by a licensed renderer, except the hide may be removed to a satisfactory place of storage.

(2) Containers for inedible material. No material such as inedible offal and hides likely to soil, contaminate or otherwise render meat unwholesome shall be placed on the truck or trailer body where meat is placed unless such material is first placed in clean, tightly enclosed waterproof containers.

[Order 1070, Regulation 2, §§ 3, 4, filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.04, effective 3/18/60.]

WAC 16-20-050 Utensils susceptible of cleaning. Utensils and tools used for slaughtering and dressing carcasses shall be of such materials and construction as will make them susceptible of being readily and thoroughly cleaned. So far as is practicable, such equipment shall be made of metal or other impervious material. All tools when not in use shall be stored in a clean, impervious container.

[Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.05, effective 3/18/60.]

WAC 16-20-060 Scabbards for knives. Scabbards and similar devices for the temporary retention of knives, steels, etc., shall be constructed of rust-resisting metal or other impervious materials; shall be of a type that may be readily cleaned; and shall be kept clean.

[Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.06, effective 3/18/60.]

WAC 16-20-070 Operations and procedures to be clean and sanitary. Operations and procedures involving the preparation, storing or handling of meat shall be strictly in accord with clean and sanitary methods.

[Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.07, effective 3/18/60.]

WAC 16-20-080 Viscera to be removed at time of slaughter. Viscera of all meat food animals shall be separated from the carcass at time of slaughter on the premises where the animal is slaughtered. Feet shall be removed from all meat food animals except hogs, and head

shall be removed from beef on the premises where the animal is slaughtered.

[Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67.]

WAC 16-20-090 Meat to be properly protected while in transit. Meat shall be wrapped or otherwise adequately protected against soilage from dust, dirt or other such agents while being transported on the highways by a custom farm slaughterer.

[Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.09, effective 3/18/60.]

WAC 16-20-100 Persons keeping hands and implements clean. Persons who dress or handle diseased carcasses or parts shall, before handling or dressing other carcasses or parts, cleanse their hands with soap and hot water, and rinse them in clean water. Implements used in dressing carcasses in which a disease condition is found shall be thoroughly cleansed in boiling water or in a suitable disinfectant, followed by rinsing in clean water. Persons who handle meat shall keep their hands clean.

[Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.00, effective 3/18/60.]

WAC 16-20-110 Clothing, clean. Aprons, frocks, and other outer clothing worn by persons who handle any meat shall be of a material that is readily cleansed and only clean garments shall be worn.

[Order 1070, Regulation 2 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.10, effective 3/18/60.]

WAC 16-20-120 Identification—Carcasses and parts to be stamped. (1) Each custom farm slaughterer shall obtain from the department an official number. The outer surface of each quarter of each carcass and edible part of a meat food animal slaughtered by custom farm slaughterer shall be marked with the custom farm slaughterer's number and identified in a manner approved by the director.

(2) No person shall transport on the highways, meat slaughtered by a custom farm slaughterer unless it is so identified as is herein provided.

[Order 1070, Regulation 3 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.20, effective 3/18/60.]

WAC 16-20-130 Identification—Carcass identification at meat handling establishment. Carcasses or parts of carcasses that are properly identified by the custom farm slaughterer may be received and handled in a manner that leaves the identifying mark on the carcass as so placed by the slaughterer.

[Order 1070, Regulation 3 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.20 (part), effective 3/18/60; Order 803, Regulation 1.02, effective 3/18/60. Formerly codified as WAC 16-16-020.]

WAC 16-20-140 Identification—Slaughtered animal handling certificates. The owner or owners thereof of an animal, or the custom farm slaughterer, or the operator of the locker plant, meat shop or other meat handling establishment shall prepare a slaughtered animal handling certificate for each animal so slaughtered as described herein. A copy

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of the certificate must accompany all slaughtered animals within the state. Original of the certificate must be sent to department of agriculture, Olympia at least by first day of each month; duplicate to be retained by owner or owners of the slaughtered animal, triplicate to be retained by operator of the meat handling establishment handling the carcass or part thereof and quadruplicate to be retained by the slaughterer. The name or names of each owner or owners thereof of the carcass shall appear on the handling certificate. Owners, custom farm slaughterers and operators of meat handling establishments must have copies of the slaughtered animal handling certificate in their possession for each animal carcass they receive.

[Order 1070, Regulation 3 (part), filed 9/28/67, effective 11/1/67; Order 802, Regulation 1.20 (part), effective 3/18/60; Order 803, Regulation 1.03, effective 3/18/60. Formerly codified as WAC 16-16-030.]

Chapter 16-21 WAC CUSTOM SLAUGHTER PLANTS

WAC

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- 16-21-220 Handling of unfit meat.

WAC 16-21-001 Promulgation. I, Virgil Cunningham, acting director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 204, Laws of 1959 (chapter 16.49 RCW) after due

notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on October 4, 1961, do promulgate the following regulations.

[Order 869, Promulgation, filed 10/27/61.]

WAC 16-21-010 Definitions. For purposes of regulations contained in these regulations the following definitions as they appear in chapter 16.49 RCW shall apply:

(1) "Carcass" means all or any parts, including viscera, of a slaughtered meat food animal capable of being used for human food;

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

(3) "Director" means the director of the department or his duly appointed representative;

(4) "Equipment" means all machinery, fixtures, containers, vessels, tools, implements, and apparatus used in and about an establishment and vehicles used to transport meat;

(5) "Meat" means the carcass, parts of carcass, meat and meat food products derived in whole or in part from meat food animals;

(6) "Meat by-product" means any edible part other than meat which has been derived from one or more meat food animals;

(7) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be;

(8) "Meat food animal" hereinafter known as animal means live cattle, sheep, swine, goats, horses, mules or burros;

(9) "Operator" includes any owner, lessee, or manager of an establishment;

(10) "Unwholesome" includes meat products which may be diseased, contaminated, putrid, unsound, unhealthful, or otherwise unfit for human food and meat animals which may be unfit for slaughter for any reason which would make meat products from them unfit for human food;

(11) "Custom slaughtering establishment" means any slaughtering establishment licensed to operate under chapter 16.49 RCW as amended;

(12) "Roll stamping" or "stamped" means roll stamping the full length of each half or quarter of a carcass derived from a meat food animal slaughtered by a custom slaughterer with the words "not inspected - custom plant No. . . .," in letters not less than three-eighths of an inch in height.

[Order 869, Regulation 1, filed 10/27/61.]

SANITATION

WAC 16-21-020 Maintaining sanitary premises. Establishments or premises on or in which animals are slaughtered or held or in which products are prepared or handled shall be maintained in a sanitary condition. Compliance with the requirements specified in WAC 16-21-025 through 16-21-165 will be deemed necessary for minimum sanitary conditions.

[Order 869, Regulation 2, filed 10/27/61.]

WAC 16-21-025 Sufficient light. There shall be sufficient light consisting of not less than 20 foot candles of over-all intensity of artificial illumination in all operating rooms.

[Order 869, Regulation 3, filed 10/27/61.]

WAC 16-21-030 Adequate ventilation. There shall be adequate ventilation for all rooms and compartments to prevent condensation of moisture and to carry off odors and vapors.

[Order 869, Regulation 4, filed 10/27/61.]

WAC 16-21-035 Adequate drainage. There shall be a sufficient number of drains to carry off waste accumulations and water according to the volume of slaughter and other relevant factors. Each, including blood drains shall be equipped with a deep seal (P-, U-, or S- shaped) trap; shall be a minimum inside diameter of 4 inches and shall be provided with rodent screens and be properly vented to the outside air. Unless otherwise specified in these regulations, all plumbing shall conform to applicable requirements of the plumbing codes effective within the particular jurisdiction, or, in their absence, to the requirements of recognized plumbing codes such as the National Plumbing Code ASA A40.8, or the Western Plumbing Official's Association, Uniform Plumbing Code. Waste disposal facilities shall conform to the requirements of the pollution control commission. Domestic sewage shall be disposed of in conformity with the requirements of the jurisdictional health department. Toilet soil lines shall be separate from slaughterhouse drainage lines to a point outside the buildings and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

[Order 869, Regulation 5, filed 10/27/61.]

WAC 16-21-040 Water supply. There shall be sufficient water to meet all operating demands. The water shall pass the test prescribed for potability in the "drinking water standards" promulgated by the United States Public Health Service, Department of Health, Education and Welfare, new standards of 1961. Water shall be delivered from plant outlets at a minimum flow pressure of 45 pounds per square inch. The water supply shall be effectively protected against contamination and pollution.

[Order 869, Regulation 6, filed 10/27/61.]

WAC 16-21-045 Hot water. The following shall be provided:

(1) Hot water of at least 180°F. at hose outlets, sufficient in amount to thoroughly clean all surfaces and equipment which are subject to contamination by the dressing or handling of diseased carcasses, their viscera and parts.

(2) Hot water of at least 140°F. at hose outlets sufficient in amount to assure thorough cleaning of all rooms and equipment in addition to those mentioned in paragraph (1) above.

(3) Hose connections for cleanup purposes at such places as are necessary to assure thorough cleaning of all rooms and equipment. Suitable racks or reels for storing the hose when not in use.

[Order 869, Regulation 7, filed 10/27/61.]

WAC 16-21-050 Impervious surfaces. Floors in rooms in which flushing of the floors with water is required for adequate cleaning must be constructed of impervious material susceptible to proper cleaning such as concrete, tile or paving brick. They must be finished so as to enable proper cleaning. Walls in operating departments must be surfaced with a material which is susceptible to being properly cleaned to the height which the surface becomes soiled under normal operating conditions. Wooden structures are absorbent and difficult to keep clean, hence their use must be kept at a minimum. Ceilings must be smooth finished and capable of being properly cleaned. All coolers must be ceiled. All exposed wood surfaces must be smooth and painted or properly sealed.

[Order 869, Regulation 8, filed 10/27/61.]

WAC 16-21-055 Slaughtering facilities and minimum dimensions. Slaughtering departments must have adequate floor space for the rate of slaughter and be arranged to assure sanitary conduct of operations. There must be sufficient clearance from the lowest point of all carcasses suspended from the dressing rail to the floor to avoid contamination of the carcasses.

[Order 869, Regulation 9, filed 10/27/61.]

WAC 16-21-060 Cooler facilities. Adequate refrigerated facilities for the chilling and storage of carcasses and products shall be provided. The carcass chill cooler and holding coolers must have mechanical refrigeration capable of maintaining a temperature of 35°F. or lower, when loaded to capacity. When overhead refrigerating facilities are provided, insulated drip pans must be installed beneath them, and the pans properly connected to the drainage system or to other suitable facilities. If wall coils are installed, a drip gutter of impervious material and connected with the drainage system must be installed beneath the coils. In no event shall the clearance between a hanging carcass and the floor be less than that necessary to avoid contamination from the floor.

[Order 869, Regulation 10, filed 10/27/61.]

WAC 16-21-065 Sterilizing facilities. Properly located sterilizing receptacles constructed of rust resisting metal and of sufficient size for complete immersion of butcher tools, and other implements shall be provided in the slaughter room, and at other places where operations are likely to result in the contamination of such equipment and utensils. Such receptacles shall be provided with a means of heating the water contained therein to 180°F. and maintaining it at that temperature during the entire operation. The sterilizers must be constructed so that they may be drained after each day's use.

[Order 869, Regulation 11, filed 10/27/61.]

WAC 16-21-070 Lavatory facilities. Lavatory facilities shall be maintained at such places as necessary to assure cleanliness for all persons handling meat products. Such facilities must include hot and cold running water,

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liquid soap and towels and must be maintained in a clean and sanitary condition.

[Order 869, Regulation 12, filed 10/27/61.]

WAC 16-21-075 Flush toilets and dressing room facilities. A modern conveniently located flush type toilet shall be furnished. Such facilities must be fly-tight, properly ventilated, and heated. The toilet room must not open directly into any room where products are prepared, processed, stored or handled. The doorway between the toilet room and intervening room must have a tight, full-height self-closing door. If the toilet room is not an outside room, it must be properly vented to the outside and forced ventilation provided.

[Order 869, Regulation 13, filed 10/27/61.]

WAC 16-21-080 Inedible and condemned storage and handling facilities. (1) Adequate facilities for the sanitary handling and storage of inedible offal and for sterilizing equipment in which inedible materials are transported shall be provided. These shall include one or more properly located enclosed rooms. Hot and cold water shall be provided at outlets in the inedible handling room. The necessary doors communicating inedible storage rooms with rooms where edible products are handled shall be metal clad, self-closing and tight fitting. Vertical hide, pelt, and inedible viscera chutes connecting edible product departments with inedible product departments must be covered with a hood with a self-closing door and vented to the outside with a vent stack at least 10" in diameter.

(2) A separate refrigerated room capable of maintaining a temperature of 40°F. or less shall be provided for the storage of inedible material at plants which store such material for a period longer than 24 hours. Such rooms shall be of sanitary construction and shall have impervious floors, walls, and ceiling. The floors shall be water-tight and shall be properly sloped and provided with drains leading to the plant sewage disposal system.

(3) Rooms and compartments in which inedible meat is rendered, shall be fly-tight, and shall be separated from other rooms wherein products are handled, by walls equipped with a tight, self-closing door.

(4) All tanks and equipment used for rendering or preparing inedible meat shall be in rooms or compartments separate from those used for rendering or preparing edible products.

(5) Tanks, fertilizers, driers and other equipment used in the preparation of inedible meat shall be properly equipped with condensers and other appliances which will acceptably suppress odors incident to such preparations.

[Order 869, Regulation 14, filed 10/27/61.]

WAC 16-21-085 Rooms, compartments, etc., to be clean and sanitary. Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any meat, and all other parts of the establishment, shall be kept clean and in sanitary condition. All equipment must be thoroughly cleaned following each day's operations. There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or

places where meat is prepared, stored or otherwise handled. Sawdust, if used in coolers, must be changed whenever soiled.

[Order 869, Regulation 15, filed 10/27/61.]

WAC 16-21-090 Operations and procedures to be clean and sanitary. Operations and procedures involving the preparation, storing or handling of any meat shall be strictly in accord with clean and sanitary methods.

(1) The slaughter floor shall be kept reasonably free of blood, fat, scraps, etc. Water shall not be permitted to splash from the floor upon unprotected carcasses on the bed or on the half hoist. The bed shall be reasonably clean before the carcass is lowered. Clean water-tight metal containers in good repair and free from objectionable odors, shall be provided at convenient locations for the reception of feet, tails, ears, pizzles, or other inedible material. Evisceration must be performed in such manner as to avoid contamination of the carcass with ingesta or fecal material.

(2) Carcasses must be washed with water under pressure from a spray nozzle. Towels, rags, cloths, brushes of any kind, or water dipped out of a drum or containers are not permissible. Metal drums or containers of water shall not be used for washing hands, tools, or parts of carcasses, nor for flushing the floor. A carcass which has been contaminated by manure (in excessive quantities) or by pus must have the contaminated portion removed by trimming before being washed.

(3) Inedible material must not be placed on the slaughter room floor and must be placed in suitable water-tight containers or vehicles until removed from the slaughter room.

(4) Skinned beef heads must not be permitted to come in contact with the floor. The horns, hornbutts, muzzles, and all pieces of hide must be removed before the head is washed. If meat from the head is to be saved, the head must be thoroughly washed individually, and flushed in a head flushing cabinet. This must include a thorough flushing of the mouth, nostrils, and pharynx while the head is hanging in an inverted position. In removing front feet of cattle and calves, care should be taken to expose as little of the flesh of the foreshank as possible.

(5) If meat from calf and vealer heads is to be saved, the heads must be washed individually and flushed (nostrils, mouth, pharynx) in an inverted position in a head flushing booth after all of the horns and hide have been removed from the head. Calves which are of such size that there is not a clearance of at least 8" above the floor, or whose viscera cannot be transferred manually and unaided to the inedible room, must be skinned and eviscerated as cattle. Calves dressed hide-on must be thoroughly washed and cleaned prior to making any incision into the carcass other than the sticking wound, except that the heads of calves and vealers slaughtered by the "Kosher" method should be skinned prior to washing the carcasses.

(6) In slaughtering lambs and sheep, the pelt must be removed and the carcass thoroughly washed and cleaned before any incision is made for evisceration. Adequate precautions must be taken to prevent soilage of the carcass when removing the pelt.

(7) Hog carcasses must be thoroughly washed, cleaned, and singed (when necessary) to remove all hair, scale, scurf, dirt and toenails on the slaughtering floor before any incision is made, other than the stick wound. The forefeet when discarded in the slaughtering department need not be cleaned. Hog heads left on the carcass or saved intact must be thoroughly washed and flushed (nostrils, mouth and pharynx) and have ear tubes and eyelids removed.

(8) Inedible products handling operation.

(a) Paunches shall not be opened in the slaughtering department, except when a power-operated paunch lift table is provided for this purpose.

(b) Except under conditions approved by the department, no inedible offal shall be stored in rooms where edible meat products are handled.

(c) Receptacles used for inedible meat in rooms in which edible products are handled must be in good repair and must be properly sanitized before being used. Inedible and condemned material not rendered at the plant must be held in water-tight metal containers in the inedible offal storage room pending removal to a rendering plant.

(d) Openings between edible and inedible department must be kept closed at all times, except when in actual use, to prevent the entrance of undesirable odors to the slaughtering department.

(9) Carcass chilling operation: Carcasses must be removed from the slaughter room to the chill cooler immediately after dressing and washing is completed. Improperly washed or unclean carcasses may not be brought into the coolers.

Coolers must not be loaded beyond their capacity to properly chill the carcasses and edible offal. Maximum cooler capacity for carcass chilling and holding purposes is based on available rail space in the coolers. Thirty inches of rail space should be allowed for each beef carcass and 18 inches of rail space allowed for each hog carcass.

[Order 869, Regulation 16, filed 10/27/61.]

WAC 16-21-095 Rooms and compartments to be free from dust and odors. The rooms and compartments in which any meat is prepared or handled shall be free from dust and odors from dressing and toilet rooms, catch basins, hide cellars, casing rooms, inedible tank and fertilizer rooms and livestock shackling and holding pens.

[Order 869, Regulation 17, filed 10/27/61.]

WAC 16-21-100 Rooms and compartments to be free of steam and vapors. Rooms and compartments in which animals are slaughtered or any product is processed or prepared shall be kept sufficiently free of steam and vapors to insure clean operations. The walls, ceiling, and overhead structures of rooms and compartments in which products are prepared, handled, or stored, shall be kept reasonable free from moisture.

[Order 869, Regulation 18, filed 10/27/61.]

WAC 16-21-105 Cleaning characteristics and marking of equipment. Equipment and utensils used for preparing, processing, and otherwise handling products shall be of such materials and construction as will make them

susceptible to being readily and thoroughly cleaned. Cutting boards may be of hardwood or synthetic materials but equipment such as the framework of boning or cutting tables, scalding vats, hog gambreling tables, offal racks, and trees, product storage racks, and product trucks must be of rust resisting metal or other impervious material. Trucks and receptacles used for inedible materials shall be of similar construction and shall bear some conspicuous and distinctive mark, and shall not be used for handling edible meat products.

[Order 869, Regulation 19, filed 10/27/61.]

WAC 16-21-110 Scabbards for knives. Scabbards and similar devices for the temporary retention of knives, steels, triers, etc., shall be constructed of rust resisting metal or other impervious materials, shall be of a type that may be readily cleaned and shall be kept clean.

[Order 869, Regulation 20, filed 10/27/61.]

WAC 16-21-115 Persons to keep hands and implements clean. Persons who dress or handle diseased carcasses or parts shall, before handling or dressing other carcasses or parts, cleanse their hands with soap and hot water, and rinse them in clean water. Implements used in dressing diseased carcasses, shall be thoroughly cleansed in boiling water or in a prescribed disinfectant, followed by rinsing in clean water. The persons who handle meat shall keep their hands clean and after visiting the toilet rooms or urinals shall wash their hands before handling any products or implements used in the preparation of meat.

[Order 869, Regulation 21, filed 10/27/61.]

WAC 16-21-120 Clean clothing. Shrouds, aprons, frocks, and other outer clothing worn by persons who handle products shall be of cleanable material. Only clean garments shall be worn. Cattle shrouds must be laundered after each use.

[Order 869, Regulation 22, filed 10/27/61.]

WAC 16-21-125 Insanitary practices prohibited. Such practices as spitting on whetstones; spitting on the floor; placing skewers, tags, or knives in the mouth; inflating lungs or casings or testing with air from the mouth receptacles intended as containers or any products are prohibited. Care shall be taken to prevent the contamination of products with perspiration, hair, cosmetics, medicaments, or other material. All persons working in departments where exposed edible meat is handled must wear head coverings.

[Order 869, Regulation 23, filed 10/27/61.]

WAC 16-21-130 Protective coverings for products. Products shipped from establishments shall be wrapped or otherwise adequately protected against contamination or soilage from harmful chemicals, dust, dirt, insects, and the like. No vehicle which has been used for transporting material likely to soil or contaminate meat shall be used to transport meat unless first thoroughly cleaned and if necessary, disinfected.

[Order 869, Regulation 24, filed 10/27/61.]

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WAC 16-21-135 Underwrappings when burlap used. The use of burlap as a wrapping for meat will not be permitted unless the meat is first wrapped with a good grade of moisture resistant paper or cloth of a kind which will prevent contamination with lint or other foreign matter.

[Order 869, Regulation 25, filed 10/27/61.]

WAC 16-21-140 Lining and cleaning of slack barrels, containers and vehicles. (1) When necessary to avoid contamination of meat with wood splinters, slack barrels and similar containers and vehicles shall be lined with suitable material of good quality before packing.

(2) Slack barrels and similar containers in which meat is transported shall be kept in a clean and sanitary condition.

(3) Paper used for converting or lining slack barrels and similar containers and vehicles shall be of a kind which does not tear during use, but remains intact when moistened by the meat and does not disintegrate.

[Order 869, Regulation 26, filed 10/27/61.]

WAC 16-21-145 Second hand containers. Second hand containers may be used as containers of meat providing:

(1) If of nonpervious material such as wood and cardboard, they are clean and properly lined and show no evidence of contamination from decomposed material, harmful chemicals, vermin excreta and the like: *Provided*, That such containers used for meat which is properly wrapped need not be lined. Those showing evidence of contamination may not be used even though reconditioned.

(2) If of impervious material such as steel drums they are capable of being maintained in a sanitary condition and are thoroughly cleaned before being used.

[Order 869, Regulation 27, filed 10/27/61.]

WAC 16-21-150 Flies, rats and other vermin—Baits and poisons. Every practicable precaution shall be taken to keep establishments free of flies, rats, mice and other vermin. All windows and doors opening to the outside shall be screened with No. 16 mesh or finer screen. Louvers should be screened only on the top of the baffle so that debris will not collect. Sprays containing DDT or other approved residual-acting chemicals must not be used in edible products departments. The use of poisons for any purpose in rooms or compartments where any unpacked meats are stored or handled is forbidden, except under such restrictions and precautions as the department may prescribe. The use of bait poisons in hide cellars inedible compartments, out-buildings, or similar places, or in storerooms containing canned or tierced products is not forbidden, but only those approved by the department may be used. So-called rat viruses shall not be used in any part of an establishment or the premises thereof.

[Order 869, Regulation 28, filed 10/27/61.]

WAC 16-21-155 Exclusion of other animals. Animals other than those in the process of slaughter shall be excluded from rooms in which edible products are handled, stored or prepared.

[Order 869, Regulation 29, filed 10/27/61.]

WAC 16-21-160 Care of outer premises. The outer premises of every establishment, embracing docks and areas where vehicles are loaded, and the driveways, approaches, yards, pens, and alleys shall be kept clean and in orderly condition. The accumulation on the premises of establishments of any material in which flies may breed, such as hog hair, bones, paunch contents, or manure, is forbidden, no nuisance shall be allowed in any establishment or on its premises.

[Order 869, Regulation 30, filed 10/27/61.]

WAC 16-21-165 Employee health. (1) Employment of diseased persons: No person shall work, nor shall any operator permit any person to work, in any room or rooms where meat is processed, stored, sold, when such person is infected with any disease or condition, transmissible to or through food: *Provided further*, The department may require any person so working to be examined by a physician licensed to practice medicine in this state for the existence of any such disease or condition and provide a statement signed by such physician reciting freedom therefrom.

(2) Every person employed in a slaughterhouse who may contribute to the transmission of infectious diseases through the nature of his contact with meat and/or equipment and facilities shall obtain and place on file with the person in charge of such establishment, a food and beverage service worker's permit as prescribed by chapter 69.06 RCW and the rules and regulations promulgated pursuant thereto.

[Order 869, Regulation 31, filed 10/27/61.]

ASSIGNMENT, STAMPING, RECORDKEEPING AND CONDEMNATION OF MEAT

WAC 16-21-200 Schedule of days and hours of operation to be submitted. A schedule of days of operation must be submitted to the department for approval. Operations may not be conducted on days and hours other than those approved without obtaining advance approval of the department.

[Order 869, Regulation 32, filed 10/27/61.]

WAC 16-21-205 Assignment of official number. An official number shall be assigned to each establishment. Such numbers shall be used to identify all carcasses at that establishment as required by WAC 16-21-210.

[Order 869, Regulation 33, filed 10/27/61.]

WAC 16-21-210 Carcasses and parts to be stamped. Each custom slaughter plant operator shall obtain from the department an official number. The outer surface of each quarter of each carcass and all edible parts of a meat food animal slaughtered by a custom slaughterer shall be roll stamped with the official custom slaughterer's number and the words "not inspected - custom plant No.," in letters not less than three-eighths inch in height before leaving the establishment where slaughtered. No person shall transport on the highways, meat slaughtered at a custom slaughter

establishment unless it is stamped as herein provided. There shall be an interval no greater than one-half inch between each line of the words "not inspected - custom plant No."

[Order 869, Regulation 34, filed 10/27/61.]

WAC 16-21-215 Proof of ownership to be kept by operator. The operator of any custom slaughtering establishment shall have in his possession certificates of permit or other satisfactory proof of ownership of all roll stamped carcasses or parts thereof in his establishment, and such proof of ownership must be kept on file for a period of six months after receipt of the carcass or part of carcass.

[Order 869, Regulation 35, filed 10/27/61.]

WAC 16-21-220 Handling of unfit meat. The department shall condemn and make unfit for human consumption any meat which upon examination is found to be unwholesome or which creates an insanitary condition on the premises and/or which may make unwholesome other meat being handled, stored or prepared on such premises.

[Order 869, Regulation 36, filed 10/27/61.]

Chapter 16-22 WAC

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

WAC

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WAC 16-22-001 Promulgation. I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 16.49A and 34.04 RCW, do hereby promulgate the following regulations concerning regulations for custom slaughterers and handling of custom meat food animal carcasses at meat handling establishments.

[Order 1396, § 16-22-001, filed 3/24/75, effective 9/3/75.]

WAC 16-22-010 Definitions. For the purposes of regulations contained in this order the following definitions shall apply:

(1) "Carcass" means all or any parts, including viscera, of a slaughtered animal capable of being used for human food;

(2) "Custom farm slaughterer" means any person licensed pursuant to the provisions of chapter 16.49A RCW, the State Meat Inspection Act, and who may under such license engage in the business of slaughtering meat food animals for the owner or owners thereof;

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

(4) "Meat" means the carcass, parts of carcass, meat and meat food products derived in whole or in part from meat food animals or meat food birds;

(5) "Person" means a natural person, individual, firm partnership, corporation, company, society, and association, and every officer, agent, or employee thereof. This term shall import either the singular or the plural as the case may be;

(6) "Equipment" means all machinery, fixtures, containers, utensils, vessels, tools, implements, vehicles, or apparatus used by a custom farm slaughterer in the process of slaughtering meat food animals, dressing the carcasses and transporting the inedible parts thereof from the place of slaughter to their destination;

(7) "Meat food animal" means live cattle, sheep, swine, and goats;

(8) "Meat food bird" for the purposes of processing the carcass shall mean a ratite defined as poultry in chapter 16.57 RCW weighing over one hundred pounds live weight. (Ratites defined as poultry weighing less than one hundred pounds live weight may be processed either as poultry or as a "meat food bird.")

(9) "Meat handling establishment" means any place of business where uninspected meat is stored, frozen, cut, wrapped, or otherwise prepared;

(10) "Identifying" means that each half, quarter, and edible part of slaughtered food animal carcasses shall be marked, stamped or tagged in a manner approved by the director, for the purpose of tracing such part to the person doing the slaughtering;

(11) "Unwholesome" includes meat products which may be diseased, contaminated, putrid, unsound, unhealthful, or otherwise unfit for human food and meat animals which may be unfit for slaughter for any reason which would make meat products from them unfit for human food.

[Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-119, § 16-22-010, filed 11/22/94, effective 12/23/94; Order 1396, § 16-22-010, filed 3/24/75, effective 9/3/75.]

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

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-22-011, filed 7/25/91, effective 8/25/91.]

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

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

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-22-015, filed 7/25/91, effective 8/25/91.]

WAC 16-22-020 Custom farm slaughter equipment—Sanitary conditions—Requirements. Each mobile custom slaughtering establishment shall have:

(1) A van body completely covering the unit, but which may exclude the driver's cab and the hoist. It is to be made of a material that is nonporous and impervious to moisture. Wood may be used only as internal framing or spacing material between double nonwooden walls. The van body shall be so constructed that it will prevent outside entrance of dust, dirt, and insects. In any type of unit, the construction must be such as to present smooth, durable, easily cleaned surfaces inside and outside.

(a) All vans shall have the joints at the junctions of internal facing surfaces and panels sealed and waterproof. Metal joints shall be smooth and splatter free. If metal is used, only stainless steel, galvanized steel, or aluminum in good condition may be used. Aluminum alloys and fiberglass reinforced resin to be determined depending upon material used. Any insulation used must be of a nonwater absorbent type. Minimum interior dimensions of the van, exclusive of room taken up by tanks and other mounted equipment shall be:

- (i) Height - six feet minimum
- (ii) Length - six feet
- (iii) Width - (when using single center rail for hanging carcasses) - four feet
- (iv) Width (when using two rails for hanging carcasses) six feet

(2) A hoist of 2,000 pound capacity, capable of lifting a beef carcass to a height which enables the carcass to clear the ground for bleeding and evisceration. This hoist shall extend outward from the truck body. If a beef spreader is included as part of the equipment, it shall be made of metal.

(3) A sterilizing tank constructed of rust resistant metal, large enough to allow complete immersion of knives, cleavers, hooks, and pans used in the slaughter operation. This sterilizing unit must be filled, during all slaughter operations, with potable water maintained at a temperature of at least 180 degrees F. or an approved cold sterilant if sufficient hot water is available for preliminary cleaning of contaminated equipment prior to sterilizing.

(4) A water tank built into the vehicle. It shall be rust resistant metal construction with a minimum capacity of 40 gallons. No slaughtering operation on any animal may be

commenced unless at least 20 gallons of water is in supply. Water will be delivered to the outlets at a minimum of forty pounds per square inch pressure. One hose connection from tank and hose with nozzle to be provided for the purpose of washing down slaughtered carcasses. The water system shall be maintained in a sanitary condition and only potable water shall be put into or delivered from it.

(5) Soap and clean toweling will be maintained in an available manner so that hands and equipment may be washed.

(6) An approved decharacterizing agent must be provided for during all processing times.

(7) Clothing clean: Aprons, frock and other outer clothing worn by persons who handle any meat shall be of a material that is readily cleansed and only clean garments shall be worn.

[Order 1396, § 16-22-020, filed 3/24/75, effective 9/3/75.]

WAC 16-22-030 Custom farm slaughtering establishment—Sanitation. (1) Hooks, trolleys and spreaders, used in dressing carcasses, shall be of nonrusting metal or galvanized finish. They shall be clean, free from scale or rust and be given a thorough cleaning, sterilizing, drying and light coat of an edible mineral oil after each use. Hand hooks, knives, steels, and scabbards will be clean at all times. They will be washed and sterilized as needed during operations, to minimize contamination.

(2) All tools and equipment shall be thoroughly sanitized before each operation. Further, they shall be washed and sterilized if contaminated by viscera contents, abscesses, or foreign material during slaughtering operations.

(3) All vans, vehicles, tools and equipment shall be cleaned and sanitized before each day's slaughter operation or at more frequent intervals if required to prevent adulteration of carcasses.

(4) Meat food animal or meat food bird carcasses shall not be transported in the mobile slaughtering unit unless each carcass is hung so that it does not touch the floor except beef carcasses that are dressed with the hide on and are to be delivered to a processing plant within two hours for completion of the dressing procedure. Only two such "hide on" carcasses may be transported at one time under this provision.

(5) Edible offal shall be transported in clean containers of approved materials and shall be properly identified.

(6) If a second animal is to be slaughtered while one carcass is hanging in the van, either the rear doors to the van are to be kept closed or an effective internal separator is to be provided to keep the hanging meat and the portion of the van that it is in from being contaminated from splash, dust, insects, and the like. This separator may be in the form of a double door system or an "air curtain."

(7) No animals, other than scalded and dehaired hogs, and defeathered meat food birds, and those exempted under Item 4, WAC 16-22-030, may be dressed and transported with the hide on.

(a) Viscera of all meat food animals and meat food birds shall be separated from the carcass at the time of slaughter on the premises where the animal is slaughtered. Feet shall be removed from all meat food animals, except hogs, when scalded, and the head shall be removed from

beef on the premises where the animal is slaughtered. Feet and metatarsus shall be removed from meat food birds.

(b) All material produced through the slaughter activity, such as inedible offal and hide which may tend to cause the slaughtering area to become insanitary, must immediately upon completion of actual slaughter of the animal, be removed from the slaughtering area and disposed of in a completely sanitary manner. The licensee shall be responsible for proper disposal of inedible offal and all inedible products. The hide may be removed to a satisfactory place for storage.

(8) Meat food birds may be slaughtered by a custom farm slaughterer or custom slaughter establishment but not by a licensed custom poultry processor without prior approval by the director.

[Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-119, § 16-22-030, filed 11/22/94, effective 12/23/94; Order 1396, § 16-22-030, filed 3/24/75, effective 9/3/75.]

WAC 16-22-040 Custom farm slaughtering establishment—Special slaughter conditions. (1) A custom farm slaughterer may slaughter an animal only on the premises of the present or first preceding owner of such animal except as follows:

(a) An animal injured to such extent that immediate slaughter at the place of injury is necessary for humane reasons.

(b) If a federally inspected slaughter facility or custom slaughtering establishment is not available locally (approximately thirty miles by road), animals purchased for custom slaughter at any 4-H and FFA market stock sales and open class carcass contests where ownership of the carcass is retained by the entrant may be slaughtered by a custom farm slaughterer on any premise, except the point of sale, when such premise or premises are approved in advance by the local health district/department and the Washington department of agriculture.

(2) A mobile custom slaughtering establishment licensee may slaughter his own animal for his own consumption on any premises, farm, or ranch owned, rented or in any way controlled by him. No other animal may be slaughtered by the licensee on the premises, farm or ranch owned, rented or in any way controlled by him or by members of his immediate family. Licensees under these regulations that are "bona fide farmers" may slaughter more than one animal provided the animals are in his possession more than sixty days.

(3) Whenever a licensee believes that a meat food animal or meat food product is unwholesome, as defined in these regulations, he shall require an examination and declaration of wholesomeness by a licensed veterinarian before proceeding with slaughter or with processing of the carcass.

[Statutory Authority: RCW 16.49.680, 90-10-046 (Order 2036), § 16-22-040, filed 4/30/90, effective 5/31/90. Statutory Authority: Chapter 16.49A RCW. 89-14-020 (Order 2011), § 16-22-040, filed 6/26/89; Order 1396, § 16-22-040, filed 3/24/75, effective 9/3/75.]

WAC 16-22-050 Custom farm slaughtering establishment—Inedible offal. (1) Inedible offal may only be transported by a mobile custom slaughtering establishment under the following conditions:

(a) In a covered, watertight trailer constructed from plans approved by the department and maintained in a sanitary condition at all times; or

(b) In approved sanitary containers, in a separate compartment, in the van body. The compartment will be metal lined. There will be no openings from this compartment to the portion of the van used to transport edible products. All inedible offal containers, such as barrels or tubs, will be made of hard rubber, plastic material or metal. They shall be smooth, easily cleaned and durable. Any metal containers capable of rusting shall be galvanized and oiled or primed and painted. Any operator desiring a variance from these inedible offal transport specifications shall apply to the department for such variance, give full details of construction and the reasons why each change will be equal to or an improvement on presently required construction.

(2) The only portion of an animal or bird slaughtered by a mobile custom slaughtering establishment operator which he/she may claim, own, or resell, is the inedible offal and the hide. Meat food bird hides must be negotiated with the bird owner before any claim of ownership.

(3) Inedible offal shall not be held by an operator more than eighteen hours unless under refrigeration sufficient to effectively retard spoilage and prevent noxious odors.

[Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-119, § 16-22-050, filed 11/22/94, effective 12/23/94; Order 1396, § 16-22-050, filed 3/24/75, effective 9/3/75.]

WAC 16-22-060 Custom farm slaughtering establishment—Signs. Each mobile custom slaughtering unit shall bear the words "Washington license" followed by the assigned mobile unit number. This will be located in a conspicuous place on the van and the letters of such words and number must be at least three inches in height.

[Order 1396, § 16-22-060, filed 3/24/75, effective 9/3/75.]

WAC 16-22-070 Custom farm slaughtering establishment—Identification of carcasses and parts of carcasses. (1) Carcasses or parts of carcasses processed by a mobile slaughtering establishment must be identified in the following manner:

(a) Each operator must obtain from the department, prior to slaughtering an animal, an approved form of tagging device for identifying each carcass slaughtered.

(b) Each carcass slaughtered by the licensee must have affixed to each quarter, prior to departure from the slaughtering site, the department approved identifying tag. The licensee at that time also shall complete the attached "custom slaughter report certificate of permit," giving the name and address of the owner; the signature of the owner or agent; name of consignee if applicable; the date of slaughter and the slaughterer's license number; the species of animal slaughtered and the brand, if any; and the license number of the meat handling establishment if the meat is to be delivered for processing. Edible offal delivered to a meat handling establishment upon arrival shall be stamped "not for sale."

[Order 1396, § 16-22-070, filed 3/24/75, effective 9/3/75.]

WAC 16-22-080 Custom farm slaughtering establishment—Facilities and equipment violation of regulations. Upon inspection, if the department finds that any compartment, equipment, utensils, or other parts of any establishment are unclean, insanitary, or are in violation of the law or of WAC 16-22-010 to 16-22-060, the department shall attach a "Washington rejected" notice and tag or other appropriate order thereto. Repair maintenance violations shall be rejected and appropriate time limits for the repair to be effected shall be determined by the department. Any article, item, or compartment shall not be used by the operator or owner thereof until the notice or order is removed or rescinded by the department. No person shall remove such tag or order without authorization from the department.

[Order 1396, § 16-22-080, filed 3/24/75, effective 9/3/75.]

WAC 16-22-090 Custom farm slaughtering establishment—Reporting of activities. (1) On the first of each month each custom farm slaughter licensee shall forward to the department in Olympia one completed custom slaughter certificate of permit report for each animal processed during the preceding month.

(2) Custom slaughter certificate of permit reports accumulated between reporting periods must be kept on file at the licensee's principal place of business and made available to the department upon request.

(3) Failure to maintain or submit reports as required, or the making of fraudulent reports, will be reason for suspension or revocation of an establishment license.

[Order 1396, § 16-22-090, filed 3/24/75, effective 9/3/75.]

Chapter 16-23 WAC CUSTOM MEAT FACILITIES

WAC

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- 16-23-150 Flies, rats and other vermin—Baits and poisons.
- 16-23-160 Care of outer premises.
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- 16-23-170 Proof of ownership of uninspected carcasses or parts of carcasses by the operator.
- 16-23-175 Labeling and packaging requirements.
- 16-23-180 Meat and meat food products—Preparation and storage.

WAC 16-23-010 Definitions. For the purpose of these rules:

(1) "Carcass" means all or any parts, including viscera, of a slaughtered meat food animal.

(2) "Custom meat facility" means the facility operated by any person licensed under this chapter who may under such license engage in the business of preparing uninspected meat for the sole consumption of the owner of the uninspected meat being prepared. Operators of custom meat facilities may also prepare inspected meat for household users only. Operators of custom meat facilities may also sell prepackaged inspected meat to any person, provided the prepackaged inspected meat is not prepared in any manner by the operator and the operator does not open or alter the original package that the inspected meat was placed in.

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

(4) "Director" means the director of the department or the director's designee.

(5) "Equipment" means all machinery, fixtures, containers, vessels, tools, implements, and apparatus used in and about an establishment and vehicles used to transport meat.

(6) "Household user" means the ultimate consumer, the members of the consumer's household, and his or her nonpaying guests and employees.

(7) "Inspected meat" means the carcasses or parts thereof of meat food animals which have been slaughtered and inspected at establishments subject to inspection under chapter 16.49A RCW or a federal meat inspection act.

(8) "Meat food animal" means cattle, swine, sheep, or goats.

(9) "Meat food bird" for the purposes of processing the carcass shall mean a ratite defined as poultry in chapter 16-57 RCW weighing over one hundred pounds live weight. (Ratites defined as poultry weighing less than one hundred pounds live weight may be processed either as poultry or as a "meat food bird.")

(10) "Meat food product" means any product derived from meat food animal and intended for human consumption.

(11) "Operator" includes any owner, lessee, or manager of a custom meat facility.

(12) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, any member, officer, or employee thereof or assignee for the benefit of creditors.

(13) "Prepared" means canned, salted, rendered, boned, cut up or otherwise manufactured, or processed.

(14) "Uninspected meat" means carcasses or parts thereof of meat food animals slaughtered or processed for human consumption other than under requirements provided in chapter 16.49A RCW or a federal meat inspection act which have been slaughtered by the owner thereof, or which have been slaughtered by a custom farm slaughterer.

(15) "Unwholesome" means a condition in which meat or meat food products may be found to be diseased, contaminated, unsound, unhealthful.

(16) "Prepackaged inspected meat" means any inspected meat or meat food product prepared from inspected meat processed or prepared by establishments subject to inspection under chapter 16.49A RCW or a federal meat inspection act

and packaged and sealed in a container or wrapping bearing the seal of federal inspection.

(17) "Sanitize" means an effective bactericidal treatment process that provides enough accumulative heat or concentration of chemicals for a sufficient period of time to reduce the bacterial count, including pathogens, to a safe level.

[Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-120, § 16-23-010, filed 11/22/94, effective 12/23/94. Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-010, filed 10/27/87.]

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

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-23-012, filed 7/25/91, effective 8/25/91.]

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

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

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

WAC 16-23-020 Maintaining sanitary premises. Establishments or premises on or in which meat food products or meat from meat food birds are prepared or handled shall be maintained in a sanitary condition. Compliance with the requirements specified in WAC 16-23-025 through 16-23-165 will be deemed necessary for minimum sanitary conditions.

[Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-120, § 16-23-020, filed 11/22/94, effective 12/23/94. Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-020, filed 10/27/87.]

WAC 16-23-025 Sufficient light. There shall be sufficient light consisting of artificial illumination in all operating rooms.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-025, filed 10/27/87.]

WAC 16-23-030 Adequate ventilation. There shall be adequate ventilation for all rooms and compartments to prevent condensation of moisture and to carry off odors and vapors.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-030, filed 10/27/87.]

WAC 16-23-035 Adequate drainage. There shall be a sufficient number of drains to carry off waste accumulations and water and be properly vented to the outside air. Unless otherwise specified in these regulations, all plumbing shall conform to applicable requirements of the plumbing codes effective within the particular jurisdiction, or, in their absence to the requirements of recognized plumbing codes such as the National Plumbing Code ASA A40.8, or the Western Plumbing Officials Association, Uniform Plumbing Code. Waste disposal facilities shall conform to the requirements of local agency having jurisdiction. Domestic sewage shall be disposed of in conformity with the requirements of the jurisdictional health department. Toilet soil lines shall be separate from custom processing plant drainage lines to a point outside the buildings and drainage from toilet bowls and urinals should not be discharged into a grease catch basin.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-035, filed 10/27/87.]

WAC 16-23-040 Water supply. There shall be sufficient water to meet all operating demands. The water shall pass the test prescribed for potability in the "drinking water standards" promulgated by the United States Public Health Services, Department of Health, Education and Welfare. Such water potability tests shall be conducted at least on six month intervals on private water supplies and yearly on publicly owned water supplies. The water system for any custom meat facility shall conform to the applicable requirements of the jurisdictional health department.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-040, filed 10/27/87.]

WAC 16-23-045 Hot water. The following shall be provided:

(1) Hot water sufficient in amount and temperature to assure thorough cleaning of all rooms and equipment.

(2) Hose connections for cleanup purposes at such places as are necessary to assure thorough cleaning of all rooms and equipment. Suitable racks or reels for storing the hose when not in use.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-045, filed 10/27/87.]

WAC 16-23-050 Impervious surfaces. Floors in rooms in which flushing of the floors with water is required for adequate cleaning must be constructed of impervious material susceptible to proper cleaning such as, but not limited to, concrete or tile. They must be finished so as to enable proper cleaning. Walls and ceilings in operating departments must be surfaced with a material which is susceptible to being properly cleaned. Wooden structures are absorbent and difficult to keep clean, hence their use must be kept at a minimum. Ceilings must be smooth finished and capable of being properly cleaned. All coolers must be sealed. All exposed wood surfaces must be smooth and painted or properly sealed.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-050, filed 10/27/87.]

WAC 16-23-060 Refrigerated facilities. (1) Adequate refrigerated facilities for the chilling and storage of products shall be provided. Carcass chill coolers and holding coolers must have mechanical refrigeration capable of maintaining a temperature of 35°F or lower, when loaded to capacity. When overhead refrigerating facilities are provided, insulated drip pans must be installed beneath them and the pans properly connected to the drainage system or to other suitable facilities. If wall coils are installed, a drip gutter of impervious material and connected with the drainage system must be installed beneath the coils. In no event shall the clearance between a hanging carcass and the floor be less than that necessary to avoid contact with or contamination from the floor.

(2) Meat food product storage and display facilities shall not be loaded to exceed their intended capacity to maintain fresh and cured products, stored in them, below 45°F internal temperature and frozen meat food product below 0°F internal temperature.

(a) Such refrigeration facilities shall be equipped with a visible, accurate thermometer located in the warmest part of the refrigerated area.

(b) Uninspected meat food product shall not be stored in facilities used for displaying inspected meat held for sale.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-060, filed 10/27/87.]

WAC 16-23-070 Lavatory facilities. Foot operated lavatory facility shall be maintained at such places as necessary to assure cleanliness for all persons handling meat products. Such facilities shall include hot and cold running water, liquid soap, and towels shall be maintained in a clean and sanitary condition.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-070, filed 10/27/87.]

WAC 16-23-075 Flush toilets and dressing room facilities. A modern conveniently located flush type toilet shall be furnished. Such facilities must be fly tight and properly ventilated. The toilet room must not open directly into any room where products are prepared, processed, stored or handled. The doorway between the toilet room and intervening room must have a tight, full height self-closing door. If the toilet room is not an outside room, it must be properly vented to the outside and forced ventilation provided.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-075, filed 10/27/87.]

WAC 16-23-085 Rooms, compartments, etc., to be clean and sanitary. Rooms, compartments, food contact surfaces places, equipment, and utensils used for preparing, storing, or otherwise handling any meat, and all other parts of the establishment, shall be kept clean and in sanitary condition. All equipment must be thoroughly cleaned following each day's operations. There shall be no handling or storing of material which create an objectionable condition in rooms, compartments, or places where meat is prepared, stored or otherwise handled.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-085, filed 10/27/87.]

WAC 16-23-090 Operations and procedures to be clean and sanitary. Operation and procedures involving the preparation, storing or handling of any meat shall be strictly in accord with clean and sanitary methods.

(1) Receptacles used for inedible meat in rooms in which edible products are handled shall be in good repair and shall be properly sanitized before being used.

(2) Carcasses or parts of carcasses of uninspected meat not returned to the owner thereof shall be properly denatured and properly disposed of. Inspected carcasses or parts of carcasses not intended for human consumption shall be denatured before disposal.

(3) Coolers must not be loaded beyond their capacity to properly chill the carcasses and edible offal. Maximum cooler capacity for carcass chilling and holding purposes is based on available rail space in the coolers. Thirty inches of rail space should be allowed for each beef carcass and eighteen inches of rail space allowed for each hog carcass.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-090, filed 10/27/87.]

WAC 16-23-095 Rooms and compartments to be free from dust and odors. The rooms and compartments in which any meat is prepared or handled shall be free from dust and odors from dressing and toilet rooms and catch basins.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-095, filed 10/27/87.]

WAC 16-23-100 Rooms and compartments to be free of steam and vapors. Rooms and compartments in which any product is processed or prepared shall be kept sufficiently free of steam and vapors to insure clean operations. The walls, ceiling, and overhead structures of rooms and compartments in which products are prepared, handled, or stored shall be kept reasonably free from moisture.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-100, filed 10/27/87.]

WAC 16-23-105 Cleaning characteristics of equipment. Equipment and utensils used for preparing, processing, and otherwise handling products shall be of such materials and construction as will make them susceptible of being readily and thoroughly cleaned. Cutting boards may be of hardwood or synthetic materials.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-105, filed 10/27/87.]

WAC 16-23-110 Scabbards for knives. Scabbards and similar devices for the temporary retention of knives, steels, triers, etc., shall be constructed of rust resisting metal or other impervious materials and shall be of a type that may be readily cleaned and shall be kept clean.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-110, filed 10/27/87.]

WAC 16-23-115 Persons to keep hands and implements clean. Persons who handle diseased carcasses or parts shall, before handling other carcasses or parts, cleanse their hands with soap and hot water and rinse them in clean

water. Implements used shall be thoroughly cleansed in boiling water or in a prescribed disinfectant followed by rinsing in clean water. The persons who handle meat shall keep their hands clean and after visiting the toilet rooms or urinals shall wash their hands before handling any products or implements used in the preparation of meat.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-115, filed 10/27/87.]

WAC 16-23-120 Clean clothing. Aprons, frocks, and other outer clothing worn by persons who handle products shall be cleanable material. Only clean garments shall be worn.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-120, filed 10/27/87.]

WAC 16-23-125 Insanitary practices prohibited. Such practices as spitting on whetstones, sitting on the floor, placing skewers, tabs or knives in the mouth are prohibited. Care shall be taken to prevent the contamination of products with perspiration, hair, cosmetics, medicaments, or other material. All persons working in departments where exposed edible meat is handled must wear head coverings.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-125, filed 10/27/87.]

WAC 16-23-150 Flies, rats and other vermin—Baits and poisons. Every practicable precaution shall be taken to keep establishments free of flies, rats, mice and other vermin. All windows and doors opening to the outside shall be screened with No. 16 mesh or finer screen or effective air curtains. Louvers may be screened only on the top of the baffle so that debris will not collect. Sprays containing residual acting chemicals must not be used in edible products departments. The use of poisons for any purpose in rooms or compartments where any unpacked meats are stored or handled is forbidden, except under such restrictions as the department may specifically allow. The use of bait poisons in hide cellars, inedible compartments, outbuildings, or similar places, or in storerooms containing canned or tierced products is not forbidden, but only those approved by the department may be used. So called rat viruses shall not be used in any part of an establishment or the premises thereof.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-150, filed 10/27/87.]

WAC 16-23-160 Care of outer premises. The outer premises of every establishment embracing docks and areas where vehicles are loaded and the driveways, approaches, and yards shall be kept clean and in orderly condition.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-160, filed 10/27/87.]

WAC 16-23-165 Employee health. (1) No person shall work, nor shall any operator permit any person to work, in any room or rooms where meat is processed, stored, or sold when such person is infected with any disease or conditions transmissible to or through food. The department may require any person so working to be examined by a physician licensed to practice medicine in this state for the

existence of any such disease or condition and require a statement signed by such physician reciting freedom therefrom.

(2) Every person employed in a custom meat facility who may contribute to the transmission of infectious disease through the nature of the employee's contact with meat or equipment and facilities shall obtain and place on file with the person in charge of such establishment, a food and beverage service worker's permit as prescribed by chapter 69.06 RCW.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-165, filed 10/27/87.]

WAC 16-23-170 Proof of ownership of uninspected carcasses or parts of carcasses by the operator. The operator of any custom meat facility shall have in his/her possession certificates of permit as provided by chapter 16-620 WAC or other satisfactory proof of ownership of all uninspected carcasses or parts thereof received in his/her establishment, and such proof of ownership must be kept on file for a period of six months after receipt of such carcasses or parts of carcasses.

(1) All uninspected cattle carcasses or parts of carcasses shall be identified by a department approved tagging device describing the name and address of the owner, name and address of the slaughterer, if not the owner, the slaughter date and brand, if the animal was branded, while in the possession of the operator. Such identity shall conform to the requirements of chapter 16.57 RCW.

(2) All uninspected meat food animal or meat food bird carcasses or parts of carcasses other than cattle must be identified as to name and address of the owner, name and address of the slaughterer if different than the owner, and the slaughter date while in the possession of the operator.

(3) Each owner of uninspected carcasses, parts of carcasses, or meat food products delivered to a custom meat facility for preparing will be furnished by the operator a written record stating the gross weight received for preparing. A duplicate copy of this record will be maintained by the operator at his principle place of business for a period of at least six months.

(4) Operators making sales of prepackaged inspected meat to other than household users shall maintain records of all such transactions as to buyer, type of product sold and total net weight of each exchange.

[Statutory Authority: RCW 16.49.680 and chapters 16.49 and [16.]49A RCW. 94-23-120, § 16-23-170, filed 11/22/94, effective 12/23/94. Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-170, filed 10/27/87.]

WAC 16-23-175 Labeling and packaging requirements. (1) All uninspected meat and meat food products stored or prepared for the owner thereof, including packages or containers containing any uninspected meat food products, shall be marked "NOT FOR SALE" in letters 3/8 inch in height immediately upon receipt and immediately after preparing.

(2) All meat food product labels and meat food product packaging must conform to applicable sections of chapter 19.94 RCW, the Weights and Measures Act and chapter 69.04 RCW, the Food and Drug Act now in effect or as

amended and regulations promulgated thereunder or amended.

(a) Meat food products shall be deemed mislabeled if offered for sale before the package containing the product bears a label containing the common or usual name of the product, an accurate statement of quantity of the contents expressed as "net weight," and the total price of the package. If fabricated from two or more ingredients, the common name of each ingredient in descending order of prominence and the name and address of the manufacturer is required.

(b) The standards of content and advertising for chopped or ground beef or hamburger are those contained in chapter 16-49 WAC.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-175, filed 10/27/87.]

WAC 16-23-180 Meat and meat food products—Preparation and storage. (1) Inspected meat and uninspected meat shall be stored and prepared separately at all times. Meat storage areas shall be designated for inspected and uninspected meat and meat food products. There shall be no physical contact between inspected and uninspected meat.

(2) There shall be a complete equipment cleanup after preparation of uninspected meat.

(3) Meat and meat food products shall not be placed on floor surfaces except that which is stored in containers in freezers.

(4) Meat food products offered for sale as fully cooked shall be heated in all parts to the following minimum temperatures before delivery to a household user;

(a) Beef 145°F.

(b) Pork 150°F.

(5) Any cooked or partially cooked meat food product not delivered to a household user within two hours of heating shall be refrigerated to an internal temperature of 45°F or less within four hours of removal from the heating process.

(6) Any processing of food other than meat shall be done at different times from processing of meat. Any common equipment, utensils, or food contact surfaces used in the preparation of meat, meat food products, and other foods shall be sanitized between periods of processing.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-180, filed 10/27/87.]

Chapter 16-24 WAC

HUMANE SLAUGHTER OF LIVESTOCK

WAC

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|-----------|--|
| 16-24-001 | Promulgation. |
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**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

16-24-060 Ritual—Slaughter in accordance with ritual requirements of any religious faith. [Order 804, Regulation 1.06, effective 3/18/60.]
Later enactment, see WAC 16-24-012.

WAC 16-24-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.50 RCW; after due notice as provided under chapters 34.04 and 42.32 RCW and a public hearing held in Olympia on September 13, 1967 do promulgate the following regulations.

[Order 1067, Promulgation, filed 9/19/67, effective 10/20/67; Order 804, Promulgation, effective 3/18/60.]

WAC 16-24-010 Definitions. For the purposes of WAC 16-24-010 through 16-24-050:

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

(2) "Director" means the director of the department or his duly appointed representative.

(3) "Humane method" means either:

(a) A method whereby the animal is rendered insensible to pain be mechanical, electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast or cut; or

(b) A method in accordance with the ritual requirements of any religious faith whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

(4) "Livestock" means cattle, calves, sheep, swine, horses, mules and goats.

(5) "Packer" means any person engaged in the business of slaughtering livestock.

(6) "Person" means a natural person, individual, firm, partnership, corporation, company, society and association and every officer, agent or employee, thereof. This term shall import either the singular or plural, as the case may be.

(7) "Slaughterer" means any person engaged in the commercial or custom slaughtering of livestock, including custom farm slaughterers.

(8) "Law" - chapter 16.50 RCW, (chapter 31, Laws of 1967).

(9) "Carbon dioxide" - a gaseous form of the chemical formula CO₂.

(10) "Carbon dioxide concentration" - ratio of carbon dioxide gas and atmospheric air.

(11) "Exposure time" - the period of time an animal is exposed to an anesthesia-producing carbon dioxide concentration.

(12) "Anesthesia" - loss of sensation or feeling.

(13) "Surgical anesthesia" - a state of unconsciousness measured in conformity with accepted surgical practices.

(14) "Consciousness" - responsiveness of the brain to the impressions made by the senses.

(15) "Captive bolt" - a stunning instrument which when activated drives a bolt out a barrel for a limited distance.

[Order 1067, Regulation 1, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.01, effective 3/18/60.]

WAC 16-24-012 Slaughter by humane method—Violation. (1) No slaughterer or packer shall bleed or slaughter any livestock except by a humane method: *Provided*, That the director may, by administrative order, exempt a person from compliance with this order for a period of not to exceed six months if he finds that an earlier compliance would cause such person undue hardship.

(2) The use of a manually operated hammer, sledge or pole axe is declared to be an inhumane method of slaughter within the meaning of chapter 16-24 WAC.

(3) Any person violating any provision of chapter 16-24 WAC is guilty of a misdemeanor and subject to a fine of not more than two hundred fifty dollars or confinement in the county jail for not more than ninety days.

(4) Nothing in chapter 16-24 WAC shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provisions of this order, ritual slaughter and the handling or other preparation of livestock for ritual slaughter is defined as humane.

[Order 1067, Regulations 2-5, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.06, effective 3/18/60.]

WAC 16-24-020 Chemical—Carbon dioxide. The slaughtering of calves, sheep, and swine with the use of carbon dioxide gas and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the law.

(1) Administration of gas, required effect; handling.

(a) The carbon dioxide gas shall be administered in a chamber in accordance with this section so as to produce surgical anesthesia in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be exposed to the carbon dioxide gas in a way that will accomplish the anesthesia quickly and calmly, with a minimum of excitement and discomfort to the animals.

(b) The driving or conveying of the animals to the carbon dioxide chamber shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the anesthesia chamber is essential since the induction or early phase of anesthesia is less violent with docile animals. Among other things this requires that, in driving animals to the anesthesia chamber, electrical equipment be used as little as possible and with the lowest effective voltage.

(c) On emergence from the carbon dioxide chamber the animals shall be in a state of surgical anesthesia and shall remain in this condition throughout shackling, sticking and bleeding. Asphyxia or death from any cause shall not be produced in the animals before bleeding.

(2) Facilities and procedures.

(a) General requirements for gas chamber and auxiliary equipment; operator.

(i) The carbon dioxide gas shall be administered in a chamber which accomplishes effective exposure of the animal. Two types of chambers involving the same principle are in common use for carbon dioxide anesthesia. They are the "U" type chamber and the "straight line" type chamber. Both are based upon the principle that carbon dioxide gas has a higher specific gravity than air. The chambers open at

both ends for entry and exit of animals and have a depressed central section. Anesthetizing carbon dioxide concentrations are maintained in the depressed central section of the chamber. Effective anesthetization is produced in this section. Animals are driven from holding pens through a pathway constructed of pipe or other smooth metal onto a continuous conveyor device which moves the animals through the chamber. The animals are compartmentalized on the conveyor by impellers synchronized with the conveyor or are otherwise prevented from crowding. Where impellers are used to compartmentalize the animal, a mechanically or manually operated gate will be used to move the animal onto the conveyor. Surgically anesthetized animals are moved from the chamber by the same continuous conveyor that carried them into and through the carbon dioxide gas.

(ii) Flow of animals into and through the carbon dioxide chamber is dependent on one operator. The operation or stoppage of the conveyor is entirely dependent upon this operator. It is necessary that he be skilled, attentive, and aware of his responsibility. Overdosages and death of animals can be brought about by carelessness of this individual.

(b) Special requirements for gas chamber and auxiliary equipment. The ability of anesthetizing equipment to perform with maximum efficiency is dependent on its proper design and efficient mechanical operation. Pathways, compartments, gas chambers, and all other equipment used must be designed to accommodate properly the species of animals being anesthetized. They shall be free from pain producing restraining devices. Injury of animals must be prevented by the elimination of sharp projections or exposed wheels or gears. There shall be no unnecessary holes, spaces, or openings where feet or legs of animals may be injured. Impellers or other devices designed to mechanically move or drive animals or otherwise keep them in motion or compartmentalized shall be constructed of flexible or well padded rigid material. Power activated gates designed for constant flow of animals to anesthetizing equipment shall be so fabricated that they will not cause injury. All equipment involved in anesthetizing animals shall be maintained in good repair.

(c) Gas. Maintenance of a uniform carbon dioxide concentration and distribution in the anesthesia chamber is a vital aspect of producing surgical anesthesia. This may be assured by reasonable accurate instruments which sample and analyze carbon dioxide gas concentration within the chamber throughout anesthetizing operations. Gas concentration shall be maintained uniform so that the degree of anesthesia in exposed animals will be constant. Carbon dioxide gas supplied to anesthesia chambers may be from controlled reduction of solid carbon dioxide or from a controlled liquid source. In either case, the carbon dioxide shall be supplied at a rate sufficient to anesthetize adequately and uniformly the number of animals passing through the chamber. Sampling of gas for analysis shall be made from a representative place or places within the chamber and on a continuing basis. Gas concentrations and exposure time shall be graphically recorded throughout each day's operation. Neither carbon dioxide nor atmospheric air used in the anesthesia chambers shall contain noxious or irritating gases. Each day before equipment is used for anesthetizing animals, proper care shall be taken to mix adequately the gas and air

within the chamber. All gas producing and control equipment shall be maintained in good repair and all indicators, instruments, and measuring devices must be available for inspection by department inspectors during anesthetizing operations and at other times. A suitable exhaust system must be provided to eliminate possible overdosages due to mechanical or other failure of equipment.

[Order 1067, Regulation 6, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.02, effective 3/18/60.]

WAC 16-24-030 Mechanical—Captive bolt. The slaughtering of cattle, calves, sheep, swine, goats, horses and mules by using captive bolt stunners and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the law.

(1) Application of stunners, required effect; handling.

(a) The captive bolt stunners shall be applied to the livestock in accordance with this section so as to produce immediate unconsciousness in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be stunned in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.

(b) The driving of the animals to the stunning areas shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the stunning areas is essential since accurate placement of stunning equipment is difficult on nervous or injured animals. Among other things, this requires that, in driving animals to the stunning areas, electrical equipment be used as little as possible and with the lowest effective voltage.

(c) Immediately after the stunning blow is delivered the animals shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.

(2) Facilities and procedures.

(a) General requirements for stunning facilities; operator.

(i) Acceptable captive bolt stunning instruments may be either skull penetrating or nonpenetrating. The latter type is also described as a concussion or mushroom type stunner. Penetrating instruments on detonation deliver bolts of varying diameters and lengths through the skull and into the brain. Unconsciousness is produced immediately by physical brain destruction and a combination of changes in intracranial pressure and acceleration concussion. Nonpenetrating or mushroom stunners on detonation deliver a bolt with a flattened circular head against the external surface of the animal's head over the brain. Diameter of the striking surface of the stunner may vary as conditions require. Unconsciousness is produced immediately by a combination of acceleration concussion and changes in intracranial pressures. A combination instrument utilizing both penetrating and nonpenetrating principles is acceptable. Energizing of instruments may be accomplished by detonation of measured charges of gunpowder or accurately controlled compressed air. Captive bolts shall be of such size and design that, when properly positioned and activated, immediate unconsciousness is produced.

(ii) To assure uniform unconsciousness with every blow, compressed air devices must be equipped to deliver the

necessary constant air pressure and must have accurate constantly operating air pressure gauges. Gauges must be easily read and conveniently located for use by the stunning operator and the inspector. For purposes of protecting employees, inspectors, and others, it is desirable that any stunning device be equipped with safety features to prevent injuries from accidental discharge. Stunning instruments must be maintained in good repair.

(iii) The stunning area shall be so designed and constructed as to limit the free movements of animals sufficiently to allow the operator to locate the stunning blow with a high degree of accuracy. All chutes, alleys, gates and restraining mechanisms between and including holding pens and stunning area shall be free from pain producing features such as exposed bolt ends, loose boards, splintered or broken planking and protruding sharp metal of any kind. There shall be no unnecessary holes or other openings where feet or legs of animals may be injured. Overhead drop gates shall be suitably covered on the bottom edge to prevent injury on contact with animals. Roughened or cleated cement shall be used as flooring in chutes leading to stunning areas to reduce falls of animals. Chutes, alleys, and stunning areas shall be so designed that they will comfortably accommodate the kinds of animals to be stunned.

(iv) The stunning operation is an exacting procedure and requires a well-trained and experienced operator. He must be able to accurately place the stunning instrument to produce immediate unconsciousness. He must use the correct detonating charge with regard to kind, breed, size, age, and sex of the animal to produce the desired results.

(b) Special requirements: Choice of instrument and force required to produce immediate unconsciousness varies, depending on kind, breed, size, age, and sex of the animal: Young swine, lambs, and calves usually require less stunning force than mature animals of the same kind. Bulls, rams, and boars usually require skull penetration to produce immediate unconsciousness. Charges suitable for smaller kinds of livestock such as swine or for young animals are not acceptably interchanged for use on larger kinds or older livestock, respectively.

[Order 1067, Regulation 7, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.03, effective 3/18/60.]

WAC 16-24-040 Mechanical—Gunshot. The slaughtering of cattle, calves, sheep, swine, goats, horses and mules by shooting with firearms and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the law.

(1) Utilization of firearms, required effect; handling.

(a) The firearms shall be employed in the delivery of a bullet or projectile into the animal in accordance with this section so as to produce immediate unconsciousness in the animal by a single shot before it is shackled, hoisted, thrown, cast, or cut. The animals shall be shot in such a manner that they will be rendered unconscious with a minimum of excitement and discomfort.

(b) The driving of the animals to the shooting areas shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the shooting

area is essential since accurate placement of the bullet is difficult in case of nervous or injured animals. Among other things, this requires that, in driving animals to the shooting areas, electrical equipment be used as little as possible and with the lowest effective voltage.

(c) Immediately after the firearm is discharged and the projectile is delivered, the animal shall be in a state of complete unconsciousness and remain in this condition throughout shackling, sticking and bleeding.

(2) Facilities and procedure.

(a) General requirements for shooting facilities; operator.

(i) On discharge, acceptable firearms dispatch free projectiles or bullets of varying sizes and diameters through the skull and into the brain. Unconsciousness is produced immediately by a combination of physical brain destruction and changes in intracranial pressure. Caliber of firearms shall be such that when properly aimed and discharged, the projectile produces immediate unconsciousness.

(ii) To assure uniform unconsciousness with every discharge when small-bore firearms are used, it is necessary to use one of the following type projectiles: Hollow pointed bullets, frangible iron plastic composition bullets, or powdered iron missiles. When powdered iron missiles are used, the firearms shall be in close proximity with the skull of the animal when fired. Firearms must be maintained in good repair. For purposes of protecting employees, inspectors, and others, it is desirable that all firearms be equipped with safety devices to prevent injuries from accidental discharge. Aiming and discharging of firearms should be directed away from operating areas.

(iii) The provisions contained in WAC 16-24-030 (2)(a)(iii) with respect to the stunning area also apply to the shooting area.

(iv) The shooting operation is an exacting procedure and requires a well-trained and experienced operator. He must be able to accurately direct the projectile to produce immediate unconsciousness. He must use the correct caliber firearm, powder charge and type of ammunition to produce the desired results.

(b) Special requirements: Choice of firearms and ammunition with respect to caliber and choice of powder charge required to produce immediate unconsciousness varies, depending on age and sex of the animal. In the case of bulls, rams, and boars, small-bore firearms may be used provided they are able to produce immediate unconsciousness of the animals. Small-bore firearms are usually effective for stunning other cattle, sheep, swine, goats, calves, horses and mules.

[Order 1067, Regulation 8, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.04, effective 3/18/60.]

WAC 16-24-050 Electrical—Stunning with electric current. The slaughtering of cattle, calves, sheep, swine and goats with the use of electric current and the handling in connection therewith, in compliance with the provisions contained in this section, are hereby designated and approved as humane methods of slaughtering and handling of such animals under the law.

(1) Administration of electric current, required effect; handling.

(a) The electric current shall be administered so as to produce surgical anesthesia in the animals before they are shackled, hoisted, thrown, cast, or cut. The animals shall be exposed to the electric current in a way that will accomplish the anesthesia quickly and calmly, with a minimum of excitement and discomfort to the animals.

(b) The driving or conveying of the animals to the place of application of electric current shall be done with a minimum of excitement and discomfort to the animals. Delivery of calm animals to the place of application is essential to insure rapid and effective insensibility. Among other things this requires that, in driving animals to the place of application, electrical equipment be used as little as possible and with the lowest effective voltage.

(c) The quality and location of the electrical shock shall be such as to produce immediate insensibility to pain in the exposed animal.

(d) The stunned animal shall remain in a state of surgical anesthesia through shackling, sticking and bleeding. However, the animal shall die from loss of blood resulting from sticking and bleeding, and not from electrical shock.

(2) Facilities and procedures; operator.

(a) General requirements for operator: It is necessary that the operator of electric current application equipment be skilled, attentive, and aware of his responsibility. Overdoses and death of animals can be brought about by carelessness of this individual.

(b) Special requirements for electric current application equipment: The ability of electric current equipment to perform with maximum efficiency is dependent on its proper design and efficient mechanical operation. Pathways, compartments, current applicators, and all other equipment used must be designed to accommodate properly the species of animals being anesthetized. They shall be free from pain producing restraining devices. Injury of animals must be prevented by the elimination of sharp projections or exposed wheels or gears. There shall be no unnecessary holes, spaces or openings where feet or legs of animals may be injured. Impellers or other devices designed to mechanically move or drive animals or otherwise keep them in motion or compartmentalized shall be constructed of flexible or padded material. Power activated gates designed for constant flow of animals to electrical stunning equipment shall be so fabricated that they will not cause injury. All electrical stunning and auxiliary control and other equipment shall be maintained in good repair and all indicators, instruments, and measuring devices shall be available for inspection by department inspectors during stunning operations and at other times.

(c) Electric current: Each animal shall be given a sufficient application of electric current to insure unconsciousness immediately and through the bleeding operation. Suitable timing, voltage and current control devices shall be used to insure that each animal receives the necessary electrical charge to produce immediate unconsciousness. Moreover, the current shall be applied so as to avoid the production of hemorrhages or other tissue changes that would interfere with the inspection procedures of the department.

[Order 1067, Regulation 9, filed 9/19/67, effective 10/20/67; Order 804, Regulation 1.05, effective 3/18/60.]

Chapter 16-30 WAC REGISTERED FEEDLOTS

WAC

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WAC 16-30-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington by virtue of the authority vested in me under chapters 16.36 and 16.57 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on August 5, 1964, do promulgate the following regulations:

[Order 955, Promulgation, filed 8/31/64; Order 851, Promulgation, effective 7/19/61.]

WAC 16-30-010 Definition. A restricted feedlot shall mean a dry feed yard where cattle not known to be exposed to brucellosis and not vaccinated against brucellosis are restricted to prevent their use for breeding purposes.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-010, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-010, filed 2/5/88; Order 955, Regulation 1, filed 8/31/64; Order 851, Regulation 1, effective 7/19/61.]

WAC 16-30-020 Permit applications. Applicants for restricted feedlots must furnish the following information on an application form to be obtained from the department of agriculture:

- (1) Name and address of applicant.
- (2) Location of feedlot.
- (3) Drawing of the feedlot layout.
- (4) Operations in livestock other than the feeding of cattle.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-020, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-020, filed 2/5/88; Order 955, Regulation 2, filed 8/31/64; Order 851, Regulation 2, effective 7/19/61.]

WAC 16-30-025 Restricted feedlot categories. There shall be Category I and Category II restricted feedlots.

(1) Category I restricted feedlots may, upon approval of the state veterinarian, buy and import cattle from feedlots in states classified "Class A" for brucellosis that may be under state quarantine if the feedlot does not contain reactors or has not had reactors for a minimum period of one hundred eighty days. Such cattle may move interstate if they are not test eligible without further restriction. Test eligible cattle which are not brucellosis exposed and from herds not known to be affected (state quarantined feedlots) may be moved interstate to Category I restricted feedlots if they are tested negative within thirty days prior to movement and are accompanied by a health certificate. Category I restricted

feedlots may not import cattle from a state-federal quarantined feedlot.

(2) Category II restricted feedlots may not import cattle from any feedlot which is classified as a quarantined feedlot by another state. Category II restricted feedlots may sell cattle to Category I restricted feedlots but may not receive cattle from Category I feedlots.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-025, filed 2/23/89.]

WAC 16-30-030 Conditions of permit. (1) The operator of a Category I restricted feedlot must abide by the following conditions:

(a) That there shall be no contact with other animals not also similarly and commonly restricted.

(b) That no animal, except steers and spayed heifers for temporary grazing purposes only, shall be moved from the feed yard except to a federally inspected slaughter plant or to a licensed public livestock market for immediate slaughter.

(c) That the yard will be maintained in a sanitary condition.

(d) That the department of agriculture will be notified immediately of any outbreak of any infectious or contagious disease.

(e) That the disposition of dead animals will be in accordance with the laws relating to the disposal of dead animals.

(f) That accurate records will be kept accounting for all animals entering the feedlot.

(2) The operator of a Category II restricted feedlot must abide by the following conditions:

(a) That there shall be no intermingling with other animals not also similarly and commonly restricted.

(b) That no animal shall be moved from the feed yard except to a federally inspected slaughter plant, to a licensed public livestock market for immediate slaughter, or to a feedlot of like status, except:

(i) Steers and spayed heifers which are unrestricted in movement.

(ii) Calves born in the feedlot which are unrestricted in movement.

(iii) Restricted cattle moved for temporary grazing purposes.

(c) Nonbrucellosis vaccinated females must be "F" branded when moved other than directly to slaughter or to another feedlot of like status.

(d) That the yard will be maintained in a sanitary condition.

(e) That the department of agriculture will be notified immediately of any outbreak of any reportable infectious or contagious disease.

(f) That the disposition of dead animals will be in accordance with the laws relating to the disposal of dead animals.

(g) That accurate records will be kept accounting for all animals entering and leaving the feedlot and open for review by authorized department of agriculture personnel during any normal business hours.

(h) That any bulls or brucellosis vaccinated females removed from the yard for any other than the above purposes

must move by permit from the state veterinarian and on an official certificate of veterinary inspection prepared by an accredited veterinarian.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-030, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-030, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW. 83-07-028 (Order 1790), § 16-30-030, filed 3/14/83; Order 955, Regulation 3, filed 8/31/64; Order 851, Regulation 3, effective 7/19/61, but corrected for clerical error by filing dated 7/20/61.]

WAC 16-30-040 Expiration and revocation of permits. All permits for restricted feedlots shall expire on the 30th day of June next subsequent to the date of issue and may be sooner revoked or suspended by the director of agriculture upon reasonable notice to the permittee for violations of the disease control or brand inspection laws of this state or any lawful regulations issued and promulgated by the director of agriculture under said laws. Any permittee shall have the right to request a hearing before a revocation is made permanent.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-30-040, filed 2/5/88; Order 955, Regulation 4, filed 8/31/64; Order 851, Regulation 4, effective 7/19/61.]

WAC 16-30-050 Brands. Before a permit is issued for a restricted feedlot the operator or owner must have recorded with the state department of agriculture an "F" brand number to be used exclusively by said operator. Such a brand shall consist of the letter "F" followed by a number assigned by said department.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-050, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-050, filed 2/5/88; Order 955, Regulation 5, filed 8/31/64; Order 851, Regulation 5, effective 7/19/61.]

WAC 16-30-060 Brand time. For the purpose of proper identification, all cattle, except steers and spayed heifers, arriving at a Category I restricted feedlot must be branded with the aforementioned "F" brand within forty-eight hours after arrival. Use of such brands on steers and properly identified spayed heifers shall be optional.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-060, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-060, filed 2/5/88; Order 955, Regulation 6, filed 8/31/64; Order 851, Regulation 6, effective 7/19/61.]

WAC 16-30-070 Place of brand. The aforementioned "F" brand shall be placed immediately behind the shoulder and high on the back. In the event a brand is already situated there, the feedlot brand may be placed directly in front of or below the existing brand, but must not deface the existing brand: *Provided*, The restricted feedlot operators or owners who now place their duly recorded "F" brands in the area between the point of the shoulder and the jaw shall continue to so brand, or they may apply to the registrar of brands, department of agriculture, to change the position to which their brand is affixed to the new position without charge.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-070, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-070, filed 2/5/88; Order 955, Regulation 7, filed 8/31/64; Order 851, Regulation 7, effective 7/19/61.]

WAC 16-30-080 Lot size. The size of the restricted feedlot shall be in keeping with the number of cattle on feed.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-30-080, filed 2/5/88; Order 955, Regulation 8, filed 8/31/64; Order 851, Regulation 8, effective 7/19/61.]

WAC 16-30-090 Feedlot requirements. All restricted feedlots must be so constructed and so located that they comply with the following:

(1) That there shall be no intermingling with other animals not also similarly and commonly restricted.

(2) Proper facilities exist for inspection of brands, branding and identification of cattle.

(3) Any violation of chapter 16.36 RCW or any of the rules adopted under that chapter shall be sufficient cause for the suspension or revocation of any permit to operate a restricted feedlot. In all proceedings for suspension or revocation, the action shall be undertaken pursuant to the provisions of chapter 34.04 RCW.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-090, filed 2/23/89; 88-05-003 (Order 1964), § 16-30-090, filed 2/5/88; Order 955, Regulation 9, filed 8/31/64; Order 851, Regulation 9, effective 7/19/61.]

WAC 16-30-100 Criminal penalty—Civil injunction. A violation of or failure to comply with any of the provisions of this chapter shall be criminally punishable, as provided under RCW 16.36.110.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-014 (Order 1995), § 16-30-100, filed 2/23/89; Order 955, Regulation 10, filed 8/31/64; Order 851, effective 7/19/61.]

Chapter 16-32 WAC

LIVESTOCK SERVICES—FEES

WAC

- 16-32-009 Schedule of laboratory fees.
16-32-011 Schedule of laboratory fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-32-010 Schedule of laboratory fees. [Statutory Authority: RCW 16.38.060. 88-01-034 (Order 1962), § 16-32-010, filed 12/11/87; 87-19-054 (Order 1954), § 16-32-010, filed 9/14/87; 87-11-004 (Order 1928), § 16-32-010, filed 5/8/87.] Repealed by 94-12-053 (Order 5043), filed 5/27/94, effective 6/27/94. Statutory Authority: Chapter 16.38 RCW.

WAC 16-32-009 Schedule of laboratory fees. Effective through June 30, 1994, the following fees shall be charged for services performed by the diagnostic laboratory of the laboratory services division, state department of agriculture:

(1) Requests for special scheduling of tests to be conducted within twenty-four hours of sample receipt (STAT testing) will be honored if time and personnel are available. A fifty percent surcharge on all test fees will be charged.

(2) If the owner is a resident of Washington state the following fees shall apply:

- (a) Accession fee for each submission date
(per owner) \$10.00

| | |
|---|---------|
| (b) Bacteriology: | |
| Aerobic culture (1-3 tissues per animal) | \$ 7.50 |
| each additional animal, same submission | \$ 2.10 |
| Antibiotic sensitivity tests (each organism) | \$ 3.20 |
| Paratuberculosis (Johne's disease) | \$10.70 |
| each additional sample in herd, same submission | \$ 3.20 |
| Milk culture - per animal | \$ 7.50 |
| each additional animal in herd, same submission | \$ 2.10 |
| Trichomoniasis | \$ 2.65 |
| Campylobacteriosis | \$ 2.65 |
| (c) Serology: | |
| Food animal: | |
| Single virus or bacteria (CF, Agglutination, AGID): | |
| 1st animal | \$ 2.65 |
| each additional animal in herd, same submission | \$ 1.05 |
| Companion animals: | |
| Equine Infectious Anemia (EIA), AGID, each animal | \$ 3.75 |
| Leptospirosis microscopic agglutination | |
| 1st animal | \$ 5.35 |
| each additional animal, same submission | .53 |
| <i>Brucella canis</i> tube agglutination | |
| 1st animal | \$ 5.35 |
| each additional animal, same submission | .53 |
| <i>Brucella canis</i> slide agglutination | |
| 1st animal | \$ 5.35 |
| each additional animal, same submission | \$ 3.25 |
| (d) ELISA testing | |
| Bluetongue (first animal) | \$ 7.00 |
| each additional animal in herd, same submission | \$ 3.50 |
| Equine Infectious Anemia (EIA), each animal | \$10.00 |
| (e) Other services and supplies: | |
| Forwarding of samples to other laboratories | \$ 5.00 |
| Shipping supplies or samples, handling fee | |
| each shipment | \$ 3.00 |
| (3) If the owner is an out-of-state resident, the following fees shall apply: | |
| (a) Accession fee for each submission date (per owner) | \$15.00 |
| (b) Bacteriology: | |
| Aerobic culture (1-3 tissues per animal) | \$10.70 |
| each additional animal, same submission | \$ 3.20 |
| Antibiotic sensitivity tests (each organism) | \$ 4.25 |
| Paratuberculosis (Johne's disease) | \$16.05 |
| each additional sample in herd, same submission | \$ 4.25 |
| Milk culture - per animal | \$10.70 |
| each additional animal in herd, same submission | \$ 3.20 |
| Trichomoniasis | \$ 3.75 |
| Campylobacteriosis | \$ 3.75 |
| (c) Serology: | |
| Food animal: | |
| Single virus or bacteria (CF, Agglutination, AGID): | |
| 1st animal | \$ 4.25 |
| each additional animal in herd, same submission | \$ 1.05 |

| | |
|---|---------|
| Companion animal: | |
| Equine Infectious Anemia (EIA), AGID, each animal | \$ 5.35 |
| Leptospirosis microscopic agglutination | |
| 1st animal | \$ 8.00 |
| each additional animal, same submission | \$ 1.60 |
| <i>Brucella canis</i> tube agglutination | |
| 1st animal | \$ 8.00 |
| each additional animal, same submission | \$ 1.60 |
| <i>Brucella canis</i> slide agglutination | |
| 1st animal | \$ 8.00 |
| each additional animal, same submission | \$ 4.80 |
| (d) ELISA testing | |
| Bluetongue (first animal) | \$10.50 |
| each additional animal, same submission | \$ 5.25 |
| Equine Infectious Anemia (EIA), each animal | \$15.00 |
| (e) Other services and supplies: | |
| Forwarding of samples to other laboratories | \$ 7.50 |
| Shipping supplies or samples, handling fee each shipment | \$ 4.50 |
| (4) A fee shall be charged by the department for any other analysis, supplies or service not listed in this section. Such fees shall be based on labor costs, supply and material costs, and administrative and overhead costs. | |

[Statutory Authority: Chapter 16.38 RCW. 94-12-053 (Order 5043), § 16-32-009, filed 5/27/94, effective 6/27/94.]

WAC 16-32-011 Schedule of laboratory fees.

Effective July 1, 1994, the following fees shall be charged for services performed by the diagnostic laboratory of the laboratory services division, state department of agriculture:

(1) Requests for special scheduling of tests to be conducted within twenty-four hours of sample receipt (STAT testing) will be honored if time and personnel are available. A fifty percent surcharge on all test fees will be charged.

(2) If the owner is a resident of Washington state, the following fees shall apply:

| | |
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| (a) Accession fee for each submission date (per owner) | \$10.00 |
| (b) Bacteriology: | |
| Aerobic culture (1-3 tissues per animal) | \$ 7.95 |
| each additional animal, same submission | \$ 2.20 |
| Antibiotic sensitivity tests (each organism) | \$ 3.40 |
| Paratuberculosis (Johne's disease) | \$11.35 |
| each additional sample in herd, same submission | \$ 3.40 |
| Milk culture - per animal | \$ 7.95 |
| each additional animal in herd, same submission | \$ 2.20 |
| Trichomoniasis | \$ 2.80 |
| Campylobacteriosis | \$ 2.80 |
| (c) Serology: | |
| Food animal: | |
| Single virus or bacteria (CF, Agglutination, AGID): | |
| 1st animal | \$ 2.80 |
| each additional animal in herd, same submission | \$ 1.10 |
| Companion animals: | |
| Equine Infectious Anemia (EIA), AGID, each animal | \$ 3.95 |
| Leptospirosis microscopic agglutination | |

| | |
|--|---------|
| 1st animal | \$ 5.65 |
| each additional animal, same submission | .55 |
| <i>Brucella canis</i> tube agglutination | |
| 1st animal | \$ 5.65 |
| each additional animal, same submission | .55 |
| <i>Brucella canis</i> slide agglutination | |
| 1st animal | \$ 5.65 |
| each additional animal, same submission | \$ 3.45 |
| (d) ELISA testing | |
| Bluetongue (first animal) | \$ 7.45 |
| each additional animal in herd, same submission | \$ 3.70 |
| Equine Infectious Anemia (EIA), each animal | \$10.60 |
| (e) Other services and supplies: | |
| Forwarding of samples to other laboratories | \$ 5.30 |
| Shipping supplies or samples, handling fee each shipment | \$ 3.15 |
| (3) If the owner is an out-of-state resident, the following fees shall apply: | |
| (a) Accession fee for each submission date (per owner) | \$15.00 |
| (b) Bacteriology: | |
| Aerobic culture (1-3 tissues per animal) | \$11.35 |
| each additional animal, same submission | \$ 3.40 |
| Antibiotic sensitivity tests (each organism) | \$ 4.50 |
| Paratuberculosis (Johne's disease) | \$17.05 |
| each additional sample in herd, same submission | \$ 4.50 |
| Milk culture - per animal | \$11.35 |
| each additional animal in herd, same submission | \$ 3.40 |
| Trichomoniasis | \$ 3.95 |
| Campylobacteriosis | \$ 3.95 |
| (c) Serology: | |
| Food animal: | |
| Single virus or bacteria (CF, Agglutination, AGID): | |
| 1st animal | \$ 4.50 |
| each additional animal in herd, same submission | \$ 1.10 |
| Companion animal: | |
| Equine Infectious Anemia (EIA), AGID, each animal | \$ 5.65 |
| Leptospirosis microscopic agglutination | |
| 1st animal | \$ 8.50 |
| each additional animal, same submission | \$ 1.70 |
| <i>Brucella canis</i> tube agglutination | |
| 1st animal | \$ 8.50 |
| each additional animal, same submission | \$ 1.70 |
| <i>Brucella canis</i> slide agglutination | |
| 1st animal | \$ 8.50 |
| each additional animal, same submission | \$ 5.10 |
| (d) ELISA testing | |
| Bluetongue (first animal) | \$11.15 |
| each additional animal, same submission | \$ 5.55 |
| Equine Infectious Anemia (EIA), each animal | \$15.95 |
| (e) Other services and supplies: | |
| Forwarding of samples to other laboratories | \$ 7.95 |
| Shipping supplies or samples, handling fee each shipment | \$ 4.75 |
| (4) A fee shall be charged by the department for any other analysis, supplies or service not listed in this section. | |

Such fees shall be based on labor costs, supply and material costs, and administrative and overhead costs.

[Statutory Authority: Chapter 16.38 RCW. 94-12-053 (Order 5043), § 16-32-011, filed 5/27/94, effective 6/27/94.]

Chapter 16-34 WAC

DEAD ANIMALS, PACKING HOUSE OFFAL, MEAT MARKET SCRAPS— TRANSPORTATION AND DISPOSAL

WAC

- 16-34-001 Promulgation.
- 16-34-010 Tarpaulins.
- 16-34-020 Other equipment.
- 16-34-030 Destination.
- 16-34-040 Disposal.

WAC 16-34-001 Promulgation. I, Sverre N. Omdahl, director of agriculture of the state of Washington, by virtue of authority vested in me under section 17, chapter 100, Laws of 1949, do make and issue the following regulations providing for the transportation and disposal of dead animals, packing house offal and meat market scraps in the state of Washington.

[Order 581, Promulgation, effective 9/11/50.]

WAC 16-34-010 Tarpaulins. All vehicles used in transporting whole dead animal carcasses or parts of dead animal carcasses shall be covered with a suitable tarpaulin or other covering in such a way that the contents shall not be openly exposed to insects.

[Order 581, Regulation 1, effective 9/11/50.]

WAC 16-34-020 Other equipment. All vehicles used in transporting packing house offal or meat market scraps in barrels or other containers shall have permanently covered truck beds with a rear canvas drop: *Provided*, That suitable, tight fitting, metal covers for barrels or other containers may be used in uncovered vehicles.

[Order 581, Regulation 2, effective 9/11/50.]

WAC 16-34-030 Destination. No carcass of a dead meat food animal, parts of carcasses of a dead meat food animal, packing house offal, or meat market scraps shall be transferred by an independent collector other than to a licensed rendering plant.

[Order 581, Regulation 3, effective 9/11/50.]

WAC 16-34-040 Disposal. No carcass of a dead meat food animal, parts of carcasses of a dead meat food animal, packing house offal, or meat market scraps shall be transferred by a licensed rendering plant to any other person or establishment except for processing at a licensed rendering plant.

[Order 581, Regulation 4, effective 9/11/50.]

Chapter 16-42 WAC BIOLOGICAL PRODUCTS

WAC

- 16-42-005 Definitions.
- 16-42-015 License.
- 16-42-017 Permits required.
- 16-42-022 Biologics.
- 16-42-025 Purchasing and administering biologics limited.
- 16-42-035 Reports.
- 16-42-060 Penalty.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-42-001 Promulgation. [Order 578, Promulgation, effective 5/15/50.] Repealed by Order 896, effective 11/24/62.
- 16-42-00101 Promulgation. [Order 896, Promulgation, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
- 16-42-002 Promulgation. [Order 767, Promulgation, effective 12/30/57.] Repealed by Order 896, effective 11/24/62.
- 16-42-010 License. [Order 767, Regulation 1, effective 12/30/57.] Repealed by Order 896, effective 11/24/62.
- 16-42-01001 Definition. [Order 896, Regulation 1, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
- 16-42-020 Who administers. [Order 578, Regulation 2, effective 5/15/50.] Repealed by Order 896, effective 11/24/62.
- 16-42-02001 Vaccine outlets restricted. [Order 896, Regulation 3, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
- 16-42-030 Permit. [Order 578, Regulation 3, effective 5/15/50.] Repealed by Order 896, effective 11/24/62.
- 16-42-03001 Exempt vaccines. [Order 896, Regulation 5, filed 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
- 16-42-040 Report. [Order 578, Regulation 4, effective 5/15/50.] Repealed by Order 896, effective 11/24/62.
- 16-42-04001 Reports of disease outbreak by user. [Order 896, Regulation 7, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
- 16-42-045 Order is exclusive—Control of sales, etc. [Order 896, Regulation 8, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.
- 16-42-050 Penalty. [Order 578, Penalty, effective 5/15/50.] Repealed by Order 896, effective 11/24/62.
- 16-42-05001 Penalty. [Order 896, Regulation 9, effective 11/24/62.] Repealed by 85-15-024 (Order 1866), filed 7/10/85. Statutory Authority: Chapter 16.36 RCW.

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

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

(3) "Biologics," sometimes referred to as biologicals or biological products, means all viruses, serums, toxins, and analogous products of natural or synthetic origin, or products prepared from any type of genetic engineering, such as diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms and the antigenic or immunizing components of microorganisms intended for use in the diagnosis, treatment, or prevention of diseases in animals.

[Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-005, filed 7/10/85.]

WAC 16-42-015 License. Only biologics which have been produced under a regular license issued by the United States Department of Agriculture may be imported into the state of Washington. The director may allow the importation of unlicensed biologics when the director determines it necessary for the protection of humans or domestic animals.

[Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-015, filed 7/10/85; Order 896, Regulation 2, effective 11/24/62.]

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

(2) Prior to importation of any newly licensed biologic into the state for sale, use or distribution within the state, the written approval of the director shall be required. When deemed necessary, the director may also require a special permit for the importation or distribution of other biologics into the state.

[Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-017, filed 7/10/85.]

WAC 16-42-022 Biologics. Biologics produced under a regular license issued by the United States Department of Agriculture, or produced under a permit issued by the director may only be sold by persons or firms properly licensed under chapter 18.64 RCW or any veterinarian licensed pursuant to chapter 18.92 RCW. Persons other than licensed veterinarians or state or federal veterinarians may administer biologics other than those listed under WAC 16-42-025 to their own domestic animals.

[Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-022, filed 7/10/85.]

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

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

(2) All biologics used to control or diagnose any of the diseases listed in subsection (1) of this section are hereby restricted, and may only be purchased, administered, or

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otherwise used by or under the direct supervision of veterinarians licensed pursuant to chapter 18.92 RCW, or by state or federal veterinarians. The director may authorize, by written permit, others to purchase such biologics for research agencies or laboratories authorized by the state department of agriculture, emergency disease control programs, or other limited and controlled purposes which are not likely to create a hazard to the public health or to the health of domestic animals. The director, in establishing this permit shall consider:

- (a) The known effectiveness of the biologic;
- (b) Whether or not the disease for which the biologic is used or intended to be used is present in this state and to what extent it is present;
- (c) Degree of isolation of the animals and area, and availability of veterinary service; and
- (d) Any other factor which, having due regard for the properties of the biologic, may constitute a hazard to animal or public health in this state.

[Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-025, filed 7/10/85; Order 896, Regulation 4, effective 11/24/62.]

WAC 16-42-035 Reports. In the interest of public health and good cooperative disease control it is recommended that any person using any biologics, as defined in WAC 16-42-005, immediately report to the department any suspected or actual disease outbreak that occurs in connection with use of the biologic.

[Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-035, filed 7/10/85; Order 896, Regulation 6, effective 11/24/62.]

WAC 16-42-060 Penalty. Any person, firm or corporation violating any of these rules shall be guilty of a gross misdemeanor as set forth in chapter 16.36 RCW, and each day the violation occurs constitutes a separate offense.

[Statutory Authority: Chapter 16.36 RCW. 85-15-024 (Order 1866), § 16-42-060, filed 7/10/85.]

Chapter 16-46 WAC

DOMESTIC AND IMPORTED ANIMAL SEMEN

WAC

- 16-46-001 Promulgation.
- 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.
- 16-46-070 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 16-46-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.36 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on June 1, 1961, do promulgate the following regulations.

[Order 854, Promulgation, effective 7/19/61.]

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 16-46-070 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 16-50 WAC IMPORTATION OF MINK

WAC

- 16-50-001 Promulgation.
- 16-50-010 Health certificates.
- 16-50-020 Penalty.

WAC 16-50-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington, by virtue of authority vested in me under chapter 16.72 RCW, issue the following rules and regulations governing the importation of mink into the state of Washington:

[Order 760, Promulgation, effective 10/22/57.]

WAC 16-50-010 Health certificates. It shall be unlawful for any person, firm or corporation to import any mink into the state of Washington unless accompanied by an official health certificate showing:

(1) Freedom from symptoms of any infectious or contagious disease.

(2) Originate from a herd in which there is no evidence of any infectious or contagious disease.

(3) Originate from a state or country in which there has been no evidence of virus enteritis, or by special permit from the department of agriculture, Olympia, Washington.

(4) All shipments to be made in new or cleaned and disinfected shipping containers.

[Order 760, Regulation 1, effective 10/22/57.]

WAC 16-50-020 Penalty. Any person, or firm, or corporation violating any of these regulations shall be guilty of violation of the law and punished by statute provided.

[Order 760, Penalty, effective 10/22/57.]

Chapter 16-54 WAC ANIMAL IMPORTATION

WAC

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| 16-54-010 | Definitions. |
| 16-54-016 | Official calthood vaccinates. |
| 16-54-020 | Illegal importation. |
| 16-54-030 | Health certificate. |
| 16-54-035 | Certification of health—Wild and exotic animals. |
| 16-54-040 | Immediate slaughter cattle and horses. |
| 16-54-050 | Vehicles. |
| 16-54-060 | Quarantine. |
| 16-54-071 | Domestic equine. |
| 16-54-082 | Domestic bovine animals. |
| 16-54-090 | Goats. |
| 16-54-101 | Sheep. |
| 16-54-111 | Swine. |
| 16-54-120 | Dogs and cats. |
| 16-54-125 | Species prohibited by state health department. |
| 16-54-135 | Llamas and alpacas. |
| 16-54-145 | Ratites. |
| 16-54-150 | Penalty. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-54-001 | Promulgation. [Order 957, filed 7/22/66, effective 8/22/66.] Repealed by 81-10-047 (Order 1730), filed 5/1/81. Statutory Authority: Chapters 16.36 and 16.40 RCW. |
| 16-54-002 | Promulgation. [Order 1172, § 16-54-002, filed 12/15/70.] Repealed by Order 1430, filed 2/9/76. |
| 16-54-003 | Promulgation. [Order 1430, § 16-54-003, filed 2/9/76.] Repealed by Order 1488, filed 11/2/76. |
| 16-54-004 | Promulgation. [Order 1488, § 16-54-004, filed 11/2/76.] Repealed by 81-10-047 (Order 1730), filed 5/1/81. Statutory Authority: Chapters 16.36 and 16.40 RCW. |
| 16-54-012 | Breeding cattle defined. [Order 1540, § 16-54-012, filed 10/17/77.] Repealed by 84-16-022 (Order 1838), filed 7/24/84. Statutory Authority: RCW 16.36.040 and 16.36.050. |

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| 16-54-014 | Official brucellosis test defined. [Order 1540, § 16-54-014, filed 10/17/77.] Repealed by 84-16-022 (Order 1838), filed 7/24/84. Statutory Authority: RCW 16.36.040 and 16.36.050. |
| 16-54-070 | Domestic equine. [Order 1172, § 16-54-070, filed 12/15/70; Order 1024, Regulation 6, filed 7/22/66, effective 8/22/66; Order 957, 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.] Repealed by Order 1430, filed 2/9/76. Later promulgation, see WAC 16-54-071. |
| 16-54-080 | Domestic bovine animals. [Order 1172, § 16-54-080, filed 12/15/70; Order 1024, Regulation 8, filed 7/22/66, effective 8/22/66; Order 957, 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.] Repealed by Order 1430, filed 2/9/76. Later promulgation, see WAC 16-54-081. |
| 16-54-081 | Domestic bovine animals. [Order 1488, § 16-54-081, filed 11/2/76; Order 1430, § 16-54-081, filed 2/9/76. Formerly WAC 16-54-080.] Repealed by Order 1540, filed 10/17/77. |
| 16-54-100 | Sheep. [Order 1172, § 16-54-100, filed 12/15/70; Order 1024, Regulation 10, filed 7/22/66, effective 8/22/66; Order 957, 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.] Repealed by Order 1430, filed 2/9/76. Later promulgation, see WAC 16-54-101. |
| 16-54-110 | Swine. [Order 1172, § 16-54-110, filed 12/15/70; Order 1024, Regulation 11, filed 7/22/66, effective 8/22/66; Order 957, 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.] Repealed by Order 1430, filed 2/9/76. Later promulgation, see WAC 16-54-111. |
| 16-54-130 | Poultry. [Order 957, Regulation 13, 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.] Superseded by Order 997, filed 1/21/66. See chapter 16-59 WAC. |
| 16-54-140 | Psittacine birds. [Order 957, Regulation 14, 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.] Repealed by deletion, Order 1024, filed 7/22/66, effective 8/22/66. |

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

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

(2) "Breeding cattle" shall be those females and bulls not consigned to a federally inspected slaughter establishment, 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 calthood 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 16-54-016 Official calfhood vaccinates. All vaccinations must be done by a licensed accredited veterinarian or federal or state employed veterinarian. Vaccinated animals must be permanently identified as vaccinates by a tattoo in the right ear. The tattoo shall be the U.S. registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which vaccination was done. An official vaccination tag shall be used for individual animal identification unless excepted by the director.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 84-16-022 (Order 1838), § 16-54-016, filed 7/24/84. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-01-073 (Order 1716), § 16-54-016, filed 12/17/80, effective 4/1/81; Order 1540, § 16-54-016, filed 10/17/77.]

WAC 16-54-020 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 16-54-030 Health certificate. (1) All animals entering Washington shall be accompanied by an official health certificate except:

(a) Dogs and cats originating in Washington and visiting Canada for thirty days or less.

(b) Those classes of animals specifically exempted in laws or regulations of this state.

(2) Official health certificate shall contain the following information:

(a) Date of inspection. All health certificates void after thirty days, except breeding cattle forty-five days from date of issue: *Provided*, The director may give special exemption for show animals.

(b) Names and addresses of the consignor and consignee.

(c) Certification that the animals are apparently free from evidence of infectious and communicable disease.

(d) Test or vaccination status when required.

(e) Description of each animal to include species, breed, age, sex, tag or tattoo and for cattle, only an official ear tag will be accepted or if registered, the registry name, number and tattoo for individual identification.

(f) Certification of disinfection of cars and trucks when required.

(g) An owner/agent statement which says "the animals in this shipment are those certified to and listed on this certificate" and is signed and dated by the owner, agent, or veterinarian.

(3) All health certificates shall be approved by the livestock sanitary official of the state of origin and a copy shall be forwarded immediately to the department of agriculture, Olympia, Washington.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-030, filed 10/15/92, effective 11/15/92. Statutory Authority: RCW 16.36.040 and 16.36.050. 87-08-021 (Order 1918), § 16-54-030, filed 3/25/87; Order 1540, § 16-54-030, filed 10/17/77; Order 1172, § 16-54-030, filed 12/15/70; Order 1024, Regulation 3, filed 7/22/66, effective 8/22/66; Order 957, 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 Lessor 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 (IVOMEK 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 auroalliata*).

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 16-54-040 Immediate slaughter cattle and horses. The director, his appointed officers, any other peace officers, or member of the state patrol may stop vehicles carrying cattle or horses to determine if the cattle or horses are identified or branded as immediate slaughter cattle or

horses and, if so, that the cattle or horses are not being diverted for other purposes to points other than the specified point of slaughter.

[Statutory Authority: Chapter 16.36 RCW. 83-09-009 (Order 1792), § 16-54-040, filed 4/8/83; Order 1172, § 16-54-040, filed 12/15/70; Order 1024, Regulation 7, filed 7/22/66, effective 8/22/66; Order 957, 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 16-54-050 Vehicles. All trucks, railway cars and other conveyances used for the transportation of domestic animals shall be maintained in a sanitary condition, and cleaned and disinfected when required by the director.

[Order 1172, § 16-54-050, filed 12/15/70; Order 1024, Regulation 4, filed 7/22/66, effective 8/22/66; Order 957, 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 16-54-060 Quarantine. Domestic animals entering the state without proper health certificate or official permission, or not meeting the health requirements of the state of Washington, shall be held in quarantine at the owner's expense and be subject to any required tests, inspection, vaccination at owner's expense until released from quarantine by the director.

[Order 1172, § 16-54-060, filed 12/15/70; Order 1024, Regulation 5, filed 7/22/66, effective 8/22/66; Order 957, 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 16-54-071 Domestic equine. (1) Domestic equine animals shall be accompanied by an official health certificate stating that they are free from clinical symptoms of infectious and communicable disease. All equine over six months of age must have a record of a negative test for the diagnosis of equine infectious anemia made within six months prior to entry. Horses moving to Washington from Oregon are excluded from test requirements.

(2) Breeding stallions or their semen shall be tested negative for equine viral arteritis (EVA) within ninety days of import. Positive stallions or semen may be imported with a certifying statement on the health certificate that the consignee has been advised and consents to the shipment. All positive stallions or semen entering Washington shall be moved on a permit issued by the office of the state veterinarian and may be subject to quarantine.

(3) Washington horses may reenter Washington when returning from shows, rides or other events from states that will accept travel to that state with a current "equine certificate of veterinary inspection and interstate movement permit" without additional animal health certifications. Within fourteen days of the return to Washington an "itinerary of interstate travel" must be filed with the state veterinarian's office. Likewise horses from the western state of Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, or New Mexico may enter the state of Washington for shows, rides or other events and return with documents similar to the above named documents under a state system of equine health certification acceptable to the Washington state veterinarian and the state origin by written agreement. In any case, travel under this alternative to normal thirty-day health certification will be limited to not

more than ninety days duration for any one excursion and the movement permit shall expire in six months from the date of the certificate.

(4) Equine quarantine stations. Stallions or mares imported from foreign countries listed in 92.301(c)(1) of the Code of Federal Regulations (CFR) may only be received at an approved equine quarantine station. No person may receive in this state any stallion or mare which is imported from a foreign country in which contagious equine metritis has been reported unless the stallion or mare is imported directly to an approved equine quarantine station in a sealed vehicle. The sealed vehicle shall have been sealed at a federal or federally approved quarantine station or port of entry by a federal or federally approved agent. The imported stallion or mare shall be accompanied by an import permit issued by the state veterinarian's office prior to the date on which the stallion or mare is brought into the state. The vehicle seal may not be removed except by an authorized employee or agent of the department of agriculture at an approved equine quarantine station. All equine animals, including test mares, which are received at an approved equine quarantine station shall be identified with an individual identification of a type approved by the state veterinarian.

(a) Quarantine release. An imported stallion or mare received at an approved equine quarantine station under subsection (4) of this section is quarantined until the quarantine is released by the director of agriculture in writing. A quarantined equine animal may not be removed from the quarantine premises or be allowed in contact with other equine animals on adjacent premises. Contact between a quarantined equine animal and a test mare is permitted, but only pursuant to a written agreement with the department under (d) of this subsection. A test mare which has been in contact with an imported stallion is quarantined until the quarantine is released by the department in writing.

(b) Approved equine quarantine station permit. No person may operate an approved equine quarantine station in Washington state without written permission from the director, Washington department of agriculture. Permits shall expire December 31 of each year. Applications for a permit shall be made in writing as required by the director. The director shall grant or deny a permit application within ninety days after the application is received provided that the application is accompanied by all requisite information and documentation. Every application shall include:

(i) The name and mailing address of the applicant and any trade name or business name to be used by the applicant;

(ii) A statement indicating whether the applicant is an individual, partnership, corporation, cooperative corporation, or other business association or entity;

(iii) The location of the equine quarantine station specified by county, town or city, road or street, and number;

(iv) The name and address of the accredited veterinarian who will perform all identification, handling, testing, and treatment of equine animals at the approved equine quarantine station under procedures or protocols established by the department; and

(v) Other information which the department may require if the information is reasonably relevant to the department's action on the permit request.

(c) Construction requirements. Approved equine quarantine stations shall be constructed and maintained to prevent contact between quarantined equine animals and any other equine animals on the premises, including test mares. An approved equine quarantine station shall be maintained in a clean and sanitary manner.

(d) Testing and treatment procedures. Before permission is granted for the operation of an approved equine quarantine station, the station operator and the accredited veterinarian designated under (b)(iv) of this subsection shall enter into a written agreement with the department establishing procedures and protocols to be followed in the identification, handling, testing, and treatment of equine animals quarantined in the station. The approved equine quarantine station shall be operated in compliance with the agreed procedures and protocols. Procedures and protocols shall be performed by the designated veterinarian except as otherwise authorized by the director.

(e) Recordkeeping. The operator of an approved equine quarantine station shall keep complete and accurate records which shall be made available for inspection and copies of which shall be supplied to the department upon request. Records shall be kept for at least two years after they are made and shall include:

(i) The identification, date of arrival, and date of removal of each imported equine animal received at the quarantine station;

(ii) The name and address of the owner of each equine animal received at the quarantine station correlated with a specific identification of the equine animal; and

(iii) A complete record of the procedures and protocols followed in conjunction with the identification, handling, testing and treatment of each imported animal.

[Statutory Authority: Chapter 16.36 RCW. 94-23-121, § 16-54-071, filed 11/22/94, effective 12/23/94. Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-071, filed 10/15/92, effective 11/15/92. Statutory Authority: Chapters 16.36 and 16.44 RCW. 82-24-040 (Order 1778), § 16-54-071, filed 11/24/82. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-10-047 (Order 1730), § 16-54-071, filed 5/1/81; Order 1540, § 16-54-071, filed 10/17/77; Order 1430, § 16-54-071, filed 2/9/76. Formerly WAC 16-54-070.]

WAC 16-54-082 Domestic bovine animals. All domestic bovine animals (including bison) entering Washington shall be moved on a permit issued by the office of the state veterinarian. All domestic bovine animals (including bison) shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area. The state veterinarian may require a negative tuberculosis test within thirty days of import for cattle (including bison) from the states classified as modified accredited or accredited free if *Mycobacterium bovis* (*M. bovis*) has been cultured from a herd in that state within the previous twelve months. All Mexican cattle imported from Mexico within three years of date of importation to Washington must show proof of a tuberculosis retest at least one hundred twenty days after import to the United States. Such cattle without proof of retest must be held on the premises of destination in Washington and kept separate from all other cattle for not less than one hundred twenty nor more than one hundred eighty days from the date of entry and retested

for tuberculosis during the one hundred twenty to one hundred eighty-day period.

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

(a) Brucellosis test.

(i) Cattle from class free and A states.

(A) Sexually intact heifers from brucellosis quarantined herds in class free and A states shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter plant.

(B) Cattle other than those referred to in (a)(i)(A) of this subsection from class free or A states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

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

(IV) Cattle from a certified brucellosis free herd.

(V) Cattle from selected brucellosis free states designated by the Washington state veterinarian.

(ii) Cattle from Class B or C states.

(A) Sexually intact females from other than certified brucellosis free herds in states classified B or C by the USDA shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter establishment.

(B) Sexually intact males from Class B states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry and held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(C) Sexually intact males from Class C states which are test eligible must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. Those cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the second negative preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(iii) Beef cattle eligible for brucellosis testing coming from class free or A states or dairy cattle coming from Idaho, Montana, or Oregon may be moved to state-federal approved livestock markets in Washington to meet entry health requirements.

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

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

(i) Calves under four months of age.

(ii) Those cattle consigned directly to a restricted feedlot.

(iii) Spayed heifers.

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

(i) Calves under four months of age.

(ii) Cattle sold or consigned to a restricted feedlot.

(iii) Spayed heifers.

(d) Cattle from a certified brucellosis free country may be imported if the state veterinarian, upon being assured that to allow such cattle to enter would not create any jeopardy to the livestock industry of the state of Washington, issues a special permit for such entry.

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

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

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

(b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy breed cattle from known infected areas shall not be allowed entry into the state; and

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

(5) Temporary grazing permits. Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the office of the

state veterinarian: *Provided*, That the state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis nonvaccinates in the herd prior to January 1, 1988. Grazing permits shall be for one specified season only and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes.

[Statutory Authority: RCW 16.36.040, 97-01-067 (Order 6009), § 16-54-082, filed 12/16/96, effective 1/16/97. Statutory Authority: RCW 16.36.040 and 16.36.096, 92-21-039, § 16-54-082, filed 10/15/92, effective 11/15/92. Statutory Authority: Chapter 16.36 RCW, 89-24-021 (Order 2021), § 16-54-082, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 16.36.040 and 16.36.050, 88-05-003 (Order 1964), § 16-54-082, filed 2/5/88; 87-08-021 (Order 1918), § 16-54-082, filed 3/25/87; 84-16-022 (Order 1838), § 16-54-082, filed 7/24/84. Statutory Authority: Chapter 16.36 RCW, 83-09-009 (Order 1792), § 16-54-082, filed 4/8/83. Statutory Authority: Chapters 16.36 and 16.44 RCW, 83-04-030 (Order 1782), § 16-54-082, filed 1/27/83. Statutory Authority: Chapters 16.36 and 16.40 RCW, 82-03-019 (Order 1752), § 16-54-082, filed 1/14/82; 81-10-047 (Order 1730), § 16-54-082, filed 5/1/81. Statutory Authority: Chapters 16.36 and 16.44 RCW, 78-06-116 (Order 1579), § 16-54-082, filed 6/7/78; Order 1540, § 16-54-082, filed 10/17/77.]

WAC 16-54-090 Goats. Goats except those for immediate slaughter, shall be accompanied by a health certificate stating they are clinically free from infectious and communicable disease. Dairy goats shall be tested negative for brucellosis within thirty days prior to date of entry. Goats under six months of age are exempt from brucellosis test requirement.

[Statutory Authority: RCW 16.36.040 and 16.36.096, 92-21-039, § 16-54-090, filed 10/15/92, effective 11/15/92; Order 1172, § 16-54-090, filed 12/15/70; Order 1024, Regulation 9, filed 7/22/66, effective 8/22/66; Order 957, 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 16-54-101 Sheep. Sheep except those for immediate slaughter, shall be accompanied by a health certificate stating they are clinically free from infectious and communicable disease and in addition shall comply with the following requirements which shall be stated on the health certificate:

(1) Originate from a flock in which no scrapie has existed for three years.

(2) All breeding rams six months of age and over must have a negative ELISA test for brucella ovis within thirty days prior to entry into Washington and be palpated and certified free of brucella ovis or be from a brucella free flock. Each ram must be individually identified with an individual eartag or registration tattoo. This number, along with the test results and date of test, must be entered on the health certificate which must accompany the animal(s).

[Statutory Authority: RCW 16.36.040 and 16.36.096, 92-21-039, § 16-54-101, filed 10/15/92, effective 11/15/92; Order 1430, § 16-54-101, filed 2/9/76. Formerly WAC 16-54-100.]

WAC 16-54-111 Swine. (1) Slaughter swine. Swine not known to be affected with or exposed to infectious or communicable diseases may be moved into the state without

health certificate to a federally inspected slaughter establishment or public livestock market specifically approved under Part 76, Title 9, Code of Federal Regulations for immediate slaughter and shall not be diverted enroute for any purpose. The waybills or certificates for movement must state "for immediate slaughter." Saleyards receiving for slaughter only swine may not offer such swine for sale for any other purpose without meeting all health certificate and test requirements and receive a permit from the state veterinarian.

(2) Feeder and breeder swine.

(a) Swine must be accompanied by a permit issued by the department of agriculture state veterinarian, or the state veterinarian's representative, and an official health certificate stating they are clinically free from infectious and contagious disease or exposure thereto. The consignor and consignee will be properly listed with exact mailing address and destination clearly shown. The name and address of the consignee for pet swine shipments will be verified prior to issuance of the permit to import and a written quarantine will be issued pending post entry pseudorabies testing.

(b) Swine brucellosis. All swine imported for breeding purposes over six months of age entering the state of Washington must be tested and found negative to brucellosis within thirty days prior to entry or originate in a validated brucellosis free herd or state or area. Swine from herds where brucellosis is known to exist will not be admitted.

(c) Swine pseudorabies. All swine being imported into the state of Washington must be:

(i) Tested and found negative to pseudorabies within thirty days prior to the date of importation, and

(ii) Isolated and held in quarantine at the point of final destination until retested and found negative to pseudorabies at least thirty days and not more than sixty days after the date of importation.

(d) The following classes of swine are exempt from these pseudorabies test requirements:

(i) Swine originating from a pseudorabies qualified negative herd where the qualifying test has been conducted within sixty days of shipment and all new additions since the test have been tested negative.

(ii) Swine being shipped directly to a federally inspected slaughter establishment for immediate slaughter.

(iii) Direct shipment from a stage IV or V state/area.

(iv) Swine from a country determined to be free of pseudorabies.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-111, filed 10/15/92, effective 11/15/92. Statutory Authority: Chapters 16.36 and 16.44 RCW. 83-02-001 (Order 1780), § 16-54-111, filed 12/23/82; Order 1540, § 16-54-111, filed 10/17/77; Order 1430, § 16-54-111, filed 2/9/76. Formerly WAC 16-54-110.]

WAC 16-54-120 Dogs and cats. In addition to the general provisions for the importation of livestock, the official health certificate for dogs and cats shall contain the certification:

(1) That such animals are apparently free from infectious, contagious, and communicable disease.

(2) That all dogs and cats have been vaccinated against rabies according to United States Public Health Department regulations and standards at the time of entry. Each animal

must be identified by a tag number and official health certificate.

(3) That such animals do not originate from an area under quarantine for rabies. Animals originating from rabies quarantine or rabies areas must be accompanied by a permit obtained from the state department of agriculture office in Olympia, Washington previous to shipment, the terms of which must be stated on the health certificate.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 87-08-021 (Order 1918), § 16-54-120, filed 3/25/87; Order 1540, § 16-54-120, filed 10/17/77; Order 1172, § 16-54-120, filed 12/15/70; Order 1024, Regulation 12, filed 7/22/66, effective 8/22/66; Order 957, 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 16-54-125 Species prohibited by state health department. WAC 246-100-191 (Animals, birds, pets—Measures to prevent human disease) prohibits certain species from being imported into Washington state except for exhibition by bona fide public or private zoological parks. The prohibited species and exempted entities are listed in WAC 246-100-191 (2)(a). Permits allowing importation to such entities may be issued by the director of the Washington state department of agriculture in consultation with the secretary of the Washington department of health.

[Statutory Authority: RCW 16.70.040. 97-01-068 (Order 6010), § 16-54-125, filed 12/16/96, effective 1/16/97; Order 1172, § 16-54-125, filed 12/15/70.]

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.]

WAC 16-54-145 Ratites. All ratites imported into Washington shall be accompanied by a permit number and a health certificate or certificate of veterinary inspection unless otherwise exempted, stating that the birds are free from signs or exposure to infectious disease. Ratites as defined in chapter 16.57 RCW and/or their eggs or parent flock must be tested negative for the following diseases: Salmonella pullorum-typhoid-enteritidis [enteritis]. Health requirements for ratites also appears in chapter 16-59 WAC.

[Statutory Authority: Chapter 16.36 RCW. 94-23-121, § 16-54-145, filed 11/22/94, effective 12/23/94.]

WAC 16-54-150 Penalty. Penalty provisions. Revised Code of Washington (RCW 16.36.110) provides: A violation of or a failure to comply with any chapter or any rule adopted under this chapter shall be a gross misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of RCW 16.36.005, 16.36.020, 16.36.030, 16.36.103, 16.36.105,

16.36.107, 16.36.108 or 16.36.109 may be enjoined from continuing such violation.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-039, § 16-54-150, filed 10/15/92, effective 11/15/92; Order 1172, § 16-54-150, filed 12/15/70; Order 1024, Regulation 13, filed 7/22/66, effective 8/22/66; Order 957, 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.]

Chapter 16-59 WAC IMPORTATION OF POULTRY AND HATCHING EGGS

WAC

- 16-59-001 Promulgation.
- 16-59-010 Health certificates.
- 16-59-020 Wrongful sale.
- 16-59-030 Testing of breeding stock.
- 16-59-060 Shipping equipment.
- 16-59-070 Penalty provisions.

WAC 16-59-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.36 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on January 12, 1966 do promulgate the following regulations:

[Order 997, Promulgation, filed 1/21/66.]

WAC 16-59-010 Health certificates. (1) It shall be unlawful for any person, firm or corporation to import any poultry or hatching eggs into this state unless in compliance with the requirements set forth hereafter in this rule and in accordance with Washington import rules (chapter 16-54 WAC) and Title 9, Code of Federal Regulations. Shipment to be accompanied by an official health certificate or certificate of veterinary inspection (except shipments for immediate slaughter, hatching eggs and unfed poultry) on which vaccinations are shown when applicable giving dates, method and type of vaccine used in addition to requirements of Washington import rules. A permit is required for import of ratites and the permit number entered on the certificate of veterinary inspection or health certificate. Each ratite imported must be permanently identified with a permanent leg band, microchip, or tattoo showing an individual number. The type of identification (including type of microchip if used) must be listed on the certificate of veterinary inspection or health certificate. Health requirements for ratites also appears in chapter 16-54 WAC.

(2) Poultry for immediate slaughter may enter and move within the state of Washington directly to slaughter plants under federal, state, county or municipal supervision providing the accompanying certificate or waybill is so marked with the following information:

- (a) The plant of destination;
- (b) That the birds are consigned for immediate slaughter and shall be slaughtered forthwith;
- (c) The shipper's name and address;
- (d) The number of birds in the shipment.

(3) For the purpose of this order the term "poultry" is considered to include all chickens, turkeys, ratites and other domestic fowl.

[Statutory Authority: Chapter 16.36 RCW. 94-23-122, § 16-59-010, filed 11/22/94, effective 12/23/94; Order 997, Regulation 1, filed 1/21/66.]

WAC 16-59-020 Wrongful sale. It shall be unlawful for any person, to give, barter, exchange, sell, offer for sale or otherwise distribute poultry, including baby chicks and/or poults or hatching eggs in the state of Washington that are affected with or originate from flocks affected with pullorum-typhoid or other infectious or communicable disease mentioned in this order except upon a permit issued by the Washington state department of agriculture.

[Order 997, Regulation 2, filed 1/21/66.]

WAC 16-59-030 Testing of breeding stock. (1) **Pullorum-typhoid:** All hatching eggs, baby chicks and/or poults, and growing stock (started pullets) in interstate movement shall have originated from parent or grandparent stock which are/were registered as participating flocks under the National Poultry Improvement Plan (NPIP) or equivalent state program and classified as Salmonella pullorum-typhoid free or are tested negative for Salmonella pullorum-typhoid within thirty days of movement. Acceptable tests are serum tube agglutination, serum or whole blood plate agglutination with pullorum antigen or Enzyme Linked Immuno-Sorbent Assay (ELISA). The state veterinarian may allow cloacal swab or environmental testing for salmonella in lieu of blood testing as appropriate for certain species of ratites. Any person who sells poultry or hatching eggs as Salmonella pullorum-typhoid free must qualify such under the provisions of this rule: *Provided, however,* That eggs for table consumption and stock for immediate slaughter, or shipments consigned to a diagnostic laboratory or research institute approved by Washington state department of agriculture, shall be exempt from pullorum-typhoid requirements contained in this order.

(2) **Infectious laryngotracheitis; infectious coryza:** No poultry shall be transported, shipped or otherwise introduced into the state that have been naturally infected with or exposed to poultry naturally infected with field strains of infectious laryngotracheitis or infectious coryza or vaccinated with virulent laryngotracheitis or infectious coryza vaccines, except upon a permit from the director of agriculture and subject to quarantine at destination. Such permits will be granted only when available authentic information indicates that the poultry to be transported will not present a disease hazard to state of Washington flocks: *Provided, however,* That eggs for table consumption from flocks naturally infected with field strains of infectious laryngotracheitis or infectious coryza or vaccinated with virulent laryngotracheitis or infectious coryza vaccines, when washed and sanitized by methods required by the state veterinarian after consultation with Washington state poultry pathologists, stock for immediate slaughter or stock consigned to a diagnostic or research laboratory approved by Washington state department of agriculture shall be exempt from the infectious laryngotracheitis or infectious coryza requirements contained in this order: *Provided further,* That crates, equipment, and packaging material used for such transportation are cleaned and sterilized to the satisfaction of Washington state department of agriculture authorities or

burned before leaving the slaughter, diagnostic, or egg processing premises.

(3) **Ornithosis:** Poultry and eggs from flocks in which ornithosis has been diagnosed shall not be imported into or moved intrastate in the state of Washington except on written permit from the Washington state department of agriculture.

[Statutory Authority: Chapter 16.36 RCW. 94-23-122, § 16-59-030, filed 11/22/94, effective 12/23/94. Statutory Authority: RCW 16.36.040 and 16.36.050. 89-06-007 (Order 1994), § 16-59-030, filed 2/17/89; Order 997, Regulations 3, 4, 5, filed 1/21/66.]

WAC 16-59-060 Shipping equipment. (1) All poultry to be moved only in clean containers. All crates or other containers used to transport or otherwise convey live poultry into or within the state of Washington must be either new or thoroughly cleaned and thereafter washed with steam or water under pressure.

(2) All common carriers and any other conveyances used in the transportation of live poultry to or from the receiving station or point of destination shall be free from poultry droppings, feathers and other debris.

[Order 997, Regulation 6, filed 1/21/66.]

WAC 16-59-070 Penalty provisions. RCW 16.36.110 provides: A violation of or a failure to comply with any chapter shall be a gross misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of RCW 16.36.005, 16.36.020, 16.36.030, 16.36.103, 16.36.105, 16.36.107, 16.36.108, or 16.36.109 may be enjoined from continuing such violation.

[Statutory Authority: Chapter 16.36 RCW. 94-23-122, § 16-59-070, filed 11/22/94, effective 12/23/94; Order 997, Regulation 7, filed 1/21/66.]

Chapter 16-70 WAC

ANIMAL DISEASES—REPORTING

WAC

- 16-70-001 Promulgation.
- 16-70-005 Definitions.
- 16-70-010 Reporting diseases—Requirements.
- 16-70-020 Reporting diseases—Not required, requested only.
- 16-70-030 Reporting diseases—Lists may be modified.

WAC 16-70-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.36 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on July 12, 1966 do promulgate the following regulations.

[Order 1005, Promulgation, filed 7/22/66, effective 8/22/66; Order 655, Promulgation, effective 5/19/53.]

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.

(1997 Ed.)

(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.]

WAC 16-70-030 Reporting diseases—Lists may be modified. The director may from time to time modify the list of reportable diseases by adding to or removing therefrom any disease or diseases as deemed necessary to the general welfare of animals and/or the public health and set forth the manner in which they will be reported.

[Order 1005, Regulation 5, filed 7/22/66, effective 8/22/66.]

Chapter 16-71 WAC

EQUINE INFECTIOUS ANEMIA

WAC

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| 16-71-001 | Promulgation. |
| 16-71-003 | Promulgation. |
| 16-71-010 | Definition. |
| 16-71-022 | Procedure. |
| 16-71-030 | Quarantine. |
| 16-71-040 | Branding. |
| 16-71-050 | Penalty. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-71-002 Promulgation. [Order 1354, § 16-71-002, filed 5/21/74.] Repealed by Order 1431, filed 2/10/76. Later promulgation, see WAC 16-71-003.

16-71-020 Procedure. [Order 1354, § 16-71-020, filed 5/21/74; Order 1330, § 16-71-020, filed 12/21/73.] Repealed by Order 1431, filed 2/10/76. Later promulgation, see WAC 16-71-022.

WAC 16-71-001 Promulgation. I, Stewart Bledsoe, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.36 RCW, after due notice as provided under chapter 34.04 RCW and a public hearing held in Olympia on December 13, 1973, do hereby promulgate the following regulation.

[Order 1330, § 16-71-001, filed 12/21/73.]

WAC 16-71-003 Promulgation. I, Stewart Bledsoe, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.36 RCW, after due notice as provided under chapter 34.04 RCW, and a public hearing held in Olympia on February 10, 1976, do hereby promulgate the following regulation. (WAC 16-71-022.)

[Order 1431, § 16-71-003, filed 2/10/76. Formerly WAC 16-71-002.]

WAC 16-71-010 Definition. For the purpose of this order equine infectious anemia (swamp fever) means a disease of equine, the causative agent of which is a virus infecting both sexes, all age groups, and all breeds and species of equines. Infected animals remain a carrier of the disease for their entire lifetime, constituting a potential source for the spread of the disease, there being no known cure or treatment.

[Order 1330, § 16-71-010, filed 12/21/73.]

WAC 16-71-022 Procedure. (1) Positive diagnosis is made by the agar gel immunodiffusion test (Coggins test) or other approved tests, to be conducted at laboratories approved and recognized as official laboratories for the diagnosis of the equine disease, equine infectious anemia. Blood samples collected for the purpose of testing for EIA will be done by practicing veterinarians at the owner's request and expense. A complete positive identification of the horse will be made by the veterinarian at the time of blood sample collection and may include an animal identification seal. Owners of horses on which the approved test is to be conducted will be advised as to agreed procedure that is to follow in the event the animal/s are positive to the official test and an agreement will be signed by the owner of the animals in which the owner will agree to the disposition of the horse or horses as outlined in this order.

(2) All equines over six months of age entering the state of Washington, will be accompanied by an official health certificate, and a record of a negative test for the diagnosis of equine infectious anemia made within six months prior to entry. The exception being those consigned for immediate slaughter, or those consigned to a veterinary clinic, under the supervision of an accredited veterinarian, for the purpose of treatment or surgery, and are to return to the state of origin following treatment or surgery: *Provided*, That any equine consigned to a clinic as set forth above, shall not be commingled, loose housed or common corralled with any other equine.

(3) The management, board of governors, individuals or individuals responsible at race track, rodeos, shows, fairs or similar assembly points, may require that all horses consigned to or participating at race tracks, rodeo, show, fair or similar assembly points, be negative to an official test for equine infectious anemia within six months prior to participation.

(4) Being that the state of Oregon's equine infectious anemia program is now equal to that of the state of Washington's, the test requirements of Order No. 1330 as amended by Order No. 1354 shall not apply to Oregon or Washington horses.

[Order 1431, § 16-71-022, filed 2/10/76. Formerly WAC 16-71-020.]

WAC 16-71-030 Quarantine. Horses and other equine found positive to the approved test will be quarantined to the premises of origin as provided by law. If reactor is disclosed while horse is on a premise other than the owner's, permission may be granted to move the animal to the owner's premise. Reactor animal will be kept separate and apart from all other horses in an approved isolation facility. All horses on a premise where reactors are or have been located will be quarantined and movement allowed only after a negative test of animals so exposed. Quarantine will be released only upon the death of the reactor, when it is moved with permit to slaughter, or if legally removed from the state, the receiving state agreeing and accepting the movement of the reactor animal to said state, and all other horses on the premise are negative to an approved test.

[Order 1330, § 16-71-030, filed 12/21/73.]

WAC 16-71-040 Branding. Horses and other equines positive to the approved test for equine infectious anemia will be branded on the left side of the neck or left shoulder with a hot or cold brand with the numbers 91 followed by the letter "A," the brand to be not less than two inches high. The branding and quarantining will be by state or federal employed veterinarian, when he is satisfied that the animal or animals to be branded and quarantined are positive reactors to the recognized test for the diagnosis of equine infectious anemia.

[Order 1330, § 16-71-040, filed 12/21/73.]

WAC 16-71-050 Penalty. A violation of chapter 16.36 RCW or a regulation adopted thereunder constitutes a misdemeanor.

[Order 1330, § 16-71-050, filed 12/21/73.]

Chapter 16-74 WAC

LIVESTOCK TESTING—DUTIES OF OWNERS

WAC

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| 16-74-001 | Promulgation. |
| 16-74-010 | Presenting and confining cattle for testing. |
| 16-74-020 | Facilities. |
| 16-74-030 | Handling. |
| 16-74-040 | Penalty. |

WAC 16-74-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 16.36 and 16.40 RCW, after due notice and hearing, do promulgate the following regulations relating to required tests for tuberculosis and/or brucellosis (bang's disease) or any infectious or contagious disease.

[Order 776, Promulgation, effective 5/26/58.]

WAC 16-74-010 Presenting and confining cattle for testing. Livestock owners shall be required to present and confine their cattle when such cattle are to be tested for tuberculosis and/or brucellosis or any infectious or contagious disease, such confinement and presentation to be in a manner and at such reasonable times as prescribed by the director of agriculture.

[Order 776, Regulation 1, effective 5/26/58.]

WAC 16-74-020 Facilities. Owners must furnish adequate facilities to assure convenient and safe procedures in conducting such tests, which facilities may be required to include corrals, chutes, stanchions and/or squeeze chutes as deemed necessary by the director or his duly authorized representative or inspector in any given instance.

[Order 776, Regulation 2, effective 5/26/58.]

WAC 16-74-030 Handling. All handling of cattle for the purpose of testing or drawing of blood samples shall be the responsibility of the owner.

[Order 776, Regulation 3, effective 5/26/58.]

WAC 16-74-040 Penalty. Any person, firm, or corporation violating any of these regulations shall be guilty of violation of the law and punished as by statute provided.

[Order 776, Penalty, effective 5/26/58.]

Chapter 16-80 WAC PSEUDORABIES IN SWINE

WAC

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

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

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

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

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

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

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

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

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

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

sold animals to the infected herd within a twenty-four month period prior to discovery of the infection.

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

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

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

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

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

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

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

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

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

WAC 16-80-030 Disinfecting vehicles. (1) When a vehicle is used to transport pseudorabies infected animals or pseudorabies exposed animals from a pseudorabies quarantined herd, the vehicle shall be cleaned and disinfected immediately following the unloading of the last animal of

each such load. The destination of such infected or exposed swine shall be equipped with department approved facilities to clean and disinfect vehicles.

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

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

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

No indemnity will be paid if:

(1) The state-wide infection rate exceeds 0.1% of total swine herds in the state;

(2) The swine belong to the federal government or any of its agencies, this state or any political subdivisions thereof or any municipal corporations; or

(3) The swine were brought into this state within six months of being ordered slaughtered or destroyed.

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

WAC 16-80-040 Vaccination. No pseudorabies vaccine may be used in the state of Washington except when the use of an approved pseudorabies vaccine is specifically authorized in writing by the state veterinarian for use in a pseudorabies infected herd under pseudorabies eradication Plan A (test and removal). Only gene deleted vaccines with a corresponding specific laboratory test will be authorized.

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

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

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

WAC 16-80-047 Mandatory reporting of suspected pseudorabies. Pseudorabies is a reportable disease under WAC 16-70-010 and must be reported to the department

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

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

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

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

Chapter 16-86 WAC

BRUCELLOSIS, TUBERCULOSIS AND SCRAPIE IN CATTLE, GOATS AND SHEEP

WAC

- 16-86-005 Definitions.
- 16-86-015 Washington cattle sale requirements.
- 16-86-017 Grazing permits.
- 16-86-020 Quarantine.
- 16-86-030 Sale of quarantined animals.
- 16-86-040 Quarantine and release.
- 16-86-050 Disinfecting premises.
- 16-86-055 Disinfecting vehicles.
- 16-86-060 Sale of brucellosis reactors.
- 16-86-070 Sale of tuberculosis reactors.
- 16-86-080 Branding and tagging of tuberculosis reactors.
- 16-86-090 Branding and tagging of brucellosis reactors.
- 16-86-092 Indemnity for brucellosis affected or exposed cattle.
- 16-86-093 Indemnity for scrapie infected or exposed sheep or goats.
- 16-86-095 Official calfhood vaccination.
- 16-86-100 Criminal penalty—Civil injunction.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-86-001 Promulgation. [Order 956, Promulgation, filed 8/31/64; Order 855, Promulgation, effective 7/19/61.] Repealed by Order 1171, filed 12/15/70. See WAC 16-86-002.
- 16-86-002 Promulgation. [Order 1171, § 16-86-002, filed 12/15/70. Formerly WAC 16-86-001.] Repealed by Order 1429, filed 2/9/76.
- 16-86-003 Promulgation. [Order 1429, § 16-86-003, filed 2/9/76.] Repealed by Order 1539, filed 10/17/77.
- 16-86-006 Department defined. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-09-076 (Order 1642), § 16-86-006, filed 8/30/79.] Repealed by 84-08-037 (Order 1814), filed 3/30/84. Statutory Authority: Chapter 16.36 RCW.
- 16-86-007 Definition—Accredited veterinarian. [Statutory Authority: Chapters 16.36 and 16.40 RCW. 79-09-076 (Order 1642), § 16-86-007, filed 8/30/79.] Repealed by 84-08-037 (Order 1814), filed 3/30/84. Statutory Authority: Chapter 16.36 RCW.
- 16-86-009 Definition—Commercial dairy herd. [Order 1539, § 16-86-009, filed 10/17/77.] Repealed by 84-08-037 (Order 1814), filed 3/30/84. Statutory Authority: Chapter 16.36 RCW.
- 16-86-010 Definitions. [Order 1171, § 16-86-010, filed 12/15/70; Order 855, Regulation 1, effective 7/19/61.] Repealed by Order 1429, filed 2/9/76.

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

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

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

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

(3) "Accredited veterinarian" means a veterinarian licensed to practice veterinary medicine, surgery, and dentistry in the state of Washington and approved by the United States Department of Agriculture veterinary services to participate in state-federal cooperative programs.

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

(5) "Approved brucella vaccine" means only those biological products that are approved by and produced under license of the United States Department of Agriculture for injection into cattle for the purpose of enhancing their resistance to brucellosis.

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

(7) "Vaccination tattoo" means the United States registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which vaccination was done.

(8) "Scrapie infected flock" means a flock of sheep or goats in which the disease scrapie has been diagnosed positive in one or more animals by the National Veterinary Service Laboratory (NVSL).

[Statutory Authority: RCW 16.36.096 and 16.36.040. 90-10-045 (Order 2035), § 16-86-005, filed 4/30/90, effective 5/31/90. Statutory Authority: RCW 16.36.040 and 16.36.050. 87-08-020 (Order 1917), § 16-86-005, filed 3/25/87. Statutory Authority: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-005, filed 3/30/84; Order 1539, § 16-86-005, filed 10/17/77.]

WAC 16-86-015 Washington cattle sale requirements. (1) Effective January 1, 1984, within thirty days prior to any change of ownership and in a manner prescribed by the state veterinarian, all dairy breed cattle shall be tested negative for brucellosis. The following classes of cattle are exempt from this test requirement:

- (a) Calves under four months of age.
- (b) Cattle sold or consigned to a restricted feedlot.
- (c) Cattle sold or consigned to a federally inspected slaughter plant.
- (d) Steers and spayed heifers.
- (e) Official calfhood vaccinates under twenty months of age and not parturient or post parturient.

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(f) Official Washington or Canadian calfhood vaccinates under thirty months of age as evidenced by less than full development of the lower permanent second incisors. This exemption applies only to Washington resident cattle which bear an eartag showing a Washington vaccination (91 V series) or a Canadian vaccination certificate. Subdivision (e) of this subsection applies to all other female dairy breed cattle unless exempted by (a), (b), (c) or (d) of this subsection. Cattle exempted under this subsection may be tested if requested by a prospective buyer or to meet import requirements of another state or foreign country.

(2) All female cattle shall be officially vaccinated against brucellosis and bear a legible vaccination tattoo prior to being sold or introduced into any breeding herd in the state of Washington. This rule does not apply to the following:

(a) Calves under four months of age. Female calves under four months acquired by any herd and natural female additions must become official calfhood vaccinates, as provided for in this chapter, to be sold for any purpose other than those set forth in (b), (c), (d), or (e) of this subsection.

(b) Cattle sold or consigned to a restricted feedlot.

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

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

(e) Spayed heifers.

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

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

(b) Steers and spayed heifers.

[Statutory Authority: RCW 16.36.040. 97-01-067 (Order 6009), § 16-86-015, filed 12/16/96, effective 1/16/97. Statutory Authority: RCW 16.36.096 and 16.36.040. 94-05-008 (Order 5032), § 16-86-015, filed 2/3/94, effective 3/6/94; 92-21-023, § 16-86-015, filed 10/13/92, effective 11/13/92. Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-86-015, filed 2/5/88; 87-08-020 (Order 1917), § 16-86-015, filed 3/25/87. Statutory Authority: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-015, filed 3/30/84. Statutory Authority: Chapters 16.36 and 16.44 RCW. 83-06-002 (Order 1785), § 16-86-015, filed 2/17/83. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-14-078 (Order 1742), § 16-86-015, filed 7/1/81; 81-10-048 (Order 1731), § 16-86-015, filed 5/1/81; 79-09-076 (Order 1642), § 16-86-015, filed 8/30/79; 79-07-089 (Order 1634), § 16-86-015, filed 6/29/79; 78-12-053 (Order 1588), § 16-86-015, filed 11/29/78; Order 1539, § 16-86-015, filed 10/17/77.]

WAC 16-86-017 Grazing permits. Washington herd owners desiring to move cattle interstate for grazing purposes and return to Washington shall request a permit for such movement from the animal health division of the department of agriculture. The state to which the animals are to be moved for grazing must approve the movement. A separate permit must be obtained from the animal health division for the return of such cattle. Animals grazed in counties or areas in which brucellosis has been diagnosed during the grazing period shall, upon returning to Washington, be held separate from all other cattle and brucellosis tested at owner's expense.

[Order 1539, § 16-86-017, filed 10/17/77.]

WAC 16-86-020 Quarantine. All cattle or goats that are infected or suspected of being infected with brucellosis or tuberculosis after an official test shall be quarantined as provided by law. All cattle or goats, the owners of which refuse to allow the department to test for the above diseases, shall be regarded as a menace to the health of livestock, and the premises on which they are kept shall be immediately quarantined and no animals or products of such animals shall be removed from the premises as outlined in RCW 16.40.010.

[Order 1539, § 16-86-020, filed 10/17/77; Order 1171, § 16-86-020, filed 12/15/70; Order 855, Regulation 2, effective 7/19/61.]

WAC 16-86-030 Sale of quarantined animals. (1) No person shall sell or offer for sale any cattle from a brucellosis quarantined herd except steers and spayed heifers for other than immediate slaughter or for consignment to a state-federal approved sales yard for immediate slaughter: *Provided*, That prior to consignment to a state-federal approved sales yard, the cattle shall be "S" branded and shall only be moved from the brucellosis quarantined herd when accompanied by an official federal form number VS1-27.

(2) Cattle from a tuberculosis quarantined herd shall not be sold or offered for sale except for immediate slaughter.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-86-030, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW. 83-07-029 (Order 1791), § 16-86-030, filed 3/14/83; Order 1539, § 16-86-030, filed 10/17/77; Order 1171, § 16-86-030, filed 12/15/70; Order 855, Regulation 3, effective 7/19/61.]

WAC 16-86-040 Quarantine and release. (1) Brucellosis: Any herd of cattle or goats in which brucellosis reactors are found will be quarantined. Positive or reactor classification shall be based on standards listed in *U.S. Department of Agriculture Uniform Methods and Rules for Brucellosis Eradication*. Animals positive to the brucellosis test shall not be sold or offered for sale except for immediate slaughter. The quarantine will be released when the entire quarantined herd has passed two consecutive negative blood agglutination tests without reactors, the first test to be not less than thirty days following removal of all reactors from the herd and the second test not less than ninety days nor more than one year following the date of the previous test. Steers, spayed heifers and officially vaccinated dairy animals under twenty months of age and officially vaccinated beef animals under twenty-four months of age need not be tested.

(2) Tuberculosis:

(a) Any herd of cattle or goats in which tuberculosis reactors are found will be quarantined and the sale or removal of any animal out of such herds, except for immediate slaughter is prohibited. Herds in which only NGL reactor(s) occur and in which no evidence of *Mycobacterium bovis* infection has been disclosed may be released from quarantine after a sixty-day negative caudal fold retest of the entire herd.

(b) Herds containing one or more suspects to the caudal fold tuberculosis test shall be quarantined until the suspect animals are:

(i) Retested by the comparative-cervical tuberculosis test within ten days of the caudal fold injection and the tuberculosis status of the suspect(s) has/have been determined; or

(ii) Retested by the comparative-cervical tuberculosis test after sixty days and the tuberculosis status of the suspect(s) has/[have] been determined; or

(iii) Shipped under permit directly to slaughter in accordance with state or federal laws and regulations and the tuberculosis status of the suspect(s) has/have been determined.

(c) Herds in which *Mycobacterium bovis* infection has been confirmed and the herd has not been depopulated shall remain under quarantine and must pass two tuberculin tests at intervals of at least sixty days and one additional test after six months. These herds will also be subject to five annual tests on the entire herd following the release from quarantine.

[Statutory Authority: RCW 16.38.060. 87-23-043 (Order 1958), § 16-86-040, filed 11/18/87; Order 1539, § 16-86-040, filed 10/17/77; Order 1171, § 16-86-040, filed 12/15/70; Order 855, Regulation 4, effective 7/19/61.]

WAC 16-86-050 Disinfecting premises. All stables, feed bunks, water tanks, corrals and barns where brucellosis or tuberculosis reactors have been held must be thoroughly cleaned and disinfected within fifteen days after the reactors have been removed.

[Order 1539, § 16-86-050, filed 10/17/77; Order 1171, § 16-86-050, filed 12/15/70; Order 855, Regulation 5, effective 7/19/61.]

WAC 16-86-055 Disinfecting vehicles. (1) When a vehicle is used to transport brucellosis reactor animals or brucellosis exposed animals from a brucellosis quarantined herd, the vehicle shall be cleaned and disinfected immediately following the unloading of the last animal of each such load. The destination for such reactor or exposed cattle shall have department approved facilities to clean and disinfect vehicles.

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

[Statutory Authority: Chapters 16.36 and 16.40 RCW. 80-04-061 (Order 1681), § 16-86-055, filed 3/25/80.]

WAC 16-86-060 Sale of brucellosis reactors. Reactors to a brucellosis test may be moved or sold only to a slaughtering establishment where state-federal approved inspection is maintained. Reactor cattle can only be moved from a quarantine premises by permit from the director or his representative: *Provided*, That any reactor to a brucellosis test must be marketed for slaughter within fifteen days from the date of tagging and branding.

[Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-01-071 (Order 1718), § 16-86-060, filed 12/17/80; Order 1539, § 16-86-060, filed 10/17/77; Order 1171, § 16-86-060, filed 12/15/70; Order 855, Regulation 6, effective 7/19/61.]

WAC 16-86-070 Sale of tuberculosis reactors. Reactors to a tuberculosis test may be moved or sold only to a slaughtering establishment where federal inspection is

maintained: *Provided*, That any reactor to tuberculosis test must be marketed for slaughter within fifteen days from the date of tagging and branding.

[Statutory Authority: RCW 16.38.060, 87-23-043 (Order 1958), § 16-86-070, filed 11/18/87; Order 1539, § 16-86-070, filed 10/17/77; Order 1171, § 16-86-070, filed 12/15/70; Order 855, Regulation 7, effective 7/19/61.]

WAC 16-86-080 Branding and tagging of tuberculosis reactors. Animals positive to the tuberculosis test will be branded by a state or federal veterinarian or his authorized representative with the letter "T" on the left jaw, the brand to be not less than two inches nor more than three inches high, and to further identify the animal or animals by attaching to the left ear a metal tag bearing an identifying number and the word "REACTOR." It shall be unlawful for the owner, or his authorized representative, to refuse the director of agriculture or his authorized representative the right to identify the reacting animal or animals by such branding and tagging.

[Order 1171, § 16-86-080, filed 12/15/70; Order 855, Regulation 8, effective 7/19/61.]

WAC 16-86-090 Branding and tagging of brucellosis reactors. Animals positive to the brucellosis test will be branded by a state or federal veterinarian or his authorized representative with the letter "B" on the left jaw, the brand to be not less than two inches nor more than three inches high, and to further identify the animal or animals by attaching to the left ear a metal tag bearing an identifying number and the word "REACTOR." It shall be unlawful for the owner, or his authorized representative to refuse the director of agriculture or his authorized representative the right to identify the reacting animal or animals by such branding and tagging.

[Order 1171, § 16-86-090, filed 12/15/70; Order 855, Regulation 9, effective 7/19/61.]

WAC 16-86-092 Indemnity for brucellosis affected or exposed cattle. As provided under RCW 16.36.096, the director of agriculture may order the slaughter or destruction of any cattle affected with or exposed to brucellosis. Subject to the availability of sufficient funds, the director may pay an indemnity for any cattle ordered slaughtered or destroyed. When indemnity is approved, the amount that will be paid is twenty-five dollars for any grade beef breed female, fifty dollars for any purebred registered beef breed bull or female, one hundred dollars for any grade dairy breed female or one hundred fifty dollars for any purebred registered dairy breed bull or female.

[Statutory Authority: RCW 16.36.096, 86-08-055 (Order 1879), § 16-86-092, filed 3/28/86. Statutory Authority: Chapters 16.36 and 16.40 RCW, 79-11-096 (Order 1660), § 16-86-092, filed 10/26/79.]

WAC 16-86-093 Indemnity for scrapie infected or exposed sheep or goats. As provided under RCW 16.36.096, the director of agriculture may order the destruction of any sheep or goats affected with or exposed to scrapie. Subject to the availability of sufficient funds, the director may pay an indemnity for any scrapie infected flocks ordered destroyed.

(1) The indemnity paid may not exceed fifty percent of the appraised value of the sheep or goats up to a limit of three hundred dollars per animal.

(2) State indemnity will not be paid for any animal on which federal indemnity has been paid and state indemnity will not exceed the total federal indemnity available for an individual flock under a federal scrapie program.

(3) State indemnity funds will be paid to the owner or owners of a scrapie infected flock only under a total flock depopulation plan.

(4) All destroyed animals shall be disposed of in a manner prescribed by the Washington state veterinarian.

(5) The provision for payment of indemnity will not apply to animals which have been brought into this state and have been in this state for a period of less than six months before being ordered destroyed by the director of agriculture.

[Statutory Authority: RCW 16.36.096 and 16.36.040, 90-10-045 (Order 2035), § 16-86-093, filed 4/30/90, effective 5/31/90.]

WAC 16-86-095 Official calfhood vaccination. (1) An official vaccination report of calfhood vaccinations must be made to the department within thirty days of occurrence on an approved report form (VS 4-26) issued by the department for the purpose of identifying and recording by official calfhood vaccination ear tag or registry tattoo calves officially brucellosis vaccinated.

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

(3) All brucellosis vaccinations shall be reported to the department before becoming official.

[Statutory Authority: RCW 16.36.040 and 16.36.050, 88-05-003 (Order 1964), § 16-86-095, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW, 84-08-037 (Order 1814), § 16-86-095, filed 3/30/84. Statutory Authority: Chapters 16.36 and 16.40 RCW, 81-10-049 (Order 1732), § 16-86-095, filed 5/1/81, effective 7/1/81; 79-09-076 (Order 1642), § 16-86-095, filed 8/30/79.]

WAC 16-86-100 Criminal penalty—Civil injunction. RCW 16.36.110 provides: A violation of or a failure to comply with any provisions of this chapter shall be a misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of RCW 16.36.005, 16.36.020, 16.36.103, 16.36.105, 16.36.107, 16.36.108, or 16.36.109 may be enjoined from continuing such violation.

[Order 1171, § 16-86-100, filed 12/15/70; Order 855, Penalty and Injunction Clause, effective 7/19/61.]

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 tuberculins 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 tuberculin 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 veterinarian, 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 tubercu-

losis 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.

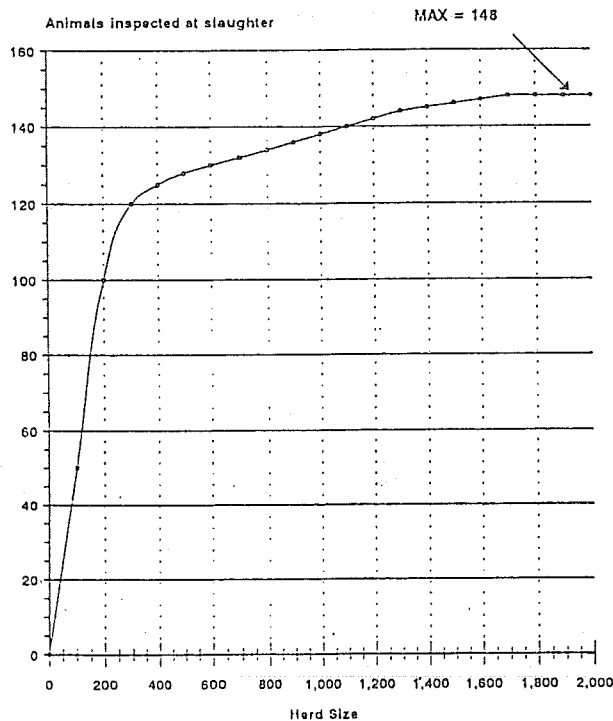
(5) Cervids not known to be affected with or exposed to tuberculosis that originate from monitored herds may be moved intrastate or interstate if they are accompanied by a certificate stating such cervids originate from a monitored herd and have been classified negative to an official tuberculosis test 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 16-96 WAC

PRODUCTION RECORD BRANDS

WAC

- 16-96-001 Promulgation.
- 16-96-002 Promulgation.
- 16-96-003 Promulgation.
- 16-96-010 Branding dairy cattle for identification.
- 16-96-020 Branding beef cattle for identification.
- 16-96-030 Production record brands to consist of Arabic numbers only—Exception.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-96-100 Freeze brands for production record purposes only—Freeze brand use. [Order 1021, Regulation 1, filed 6/10/66.] Repealed by 90-23-089 (Order 2061), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-96-110 Freeze brands for production record purposes only—Application to use freeze brands. [Order 1021, Regulation 2, filed 6/10/66.] Repealed by 90-23-089 (Order 2061), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-96-120 Freeze brands for production record purposes only—Freeze brand not ownership brand. [Order 1021, Regulation 3, filed 6/10/66.] Repealed by 90-23-089 (Order 2061), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-96-130 Brand inspection fees. [Statutory Authority: RCW 16.57.220. 87-24-040 (Order 1960), § 16-96-130, filed 11/25/87; 87-12-037 (Order 1921), § 16-96-130, filed 6/1/87; 82-10-038 (Order 1762), § 16-96-130, filed 4/30/82. Statutory Authority: Chapter 16.57 RCW. 82-04-001 (Order 1753), § 16-96-130, filed 1/21/82. Statutory Authority: RCW 16.57.160 and 16.57.240. 81-19-026 (Order 1748), § 16-96-130, filed 9/9/81; Order 1277, § 16-96-130, filed 7/31/72, effective 9/1/72; Order 1058, Regulation 1, filed 7/19/67, effective 8/20/67.] Repealed by 90-23-089 (Order 2061), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.

WAC 16-96-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 16.57 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in the General Administration Building, Olympia, Washington, on May 3, 1967, do hereby promulgate the following regulations relating to the use of production record brands on cattle.

[Order 1053, Promulgation, filed 5/11/67, effective 6/12/67; Order 886, Promulgation, effective 5/24/62.]

Reviser's note: WAC 16-96-001 applies to WAC 16-96-010 through 16-96-030.

WAC 16-96-002 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 16.57 RCW, after due notice and a public hearing held at Olympia, Washington on June 1, 1966, (pursuant to chapters 42.32 and 34.04 RCW), do hereby promulgate the following regulations providing for the use of freeze brands on cattle only for production record purposes.

[Order 1021, Promulgation, filed 6/10/66.]

Reviser's note: WAC 16-96-002 applies to WAC 16-96-100 through 16-96-120.

WAC 16-96-003 Promulgation. (This promulgation relates only to WAC 16-96-130.)

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 16.57 RCW, after due notice and a public hearing held at Yakima, Washington, on July 10, 1972 (pursuant to chapters 42.32 and 34.04 RCW), do hereby promulgate the following regulation affecting brand inspection fees.

[Order 1277, § 16-96-003, filed 7/31/72, effective 9/1/72; Order 1058, Promulgation, filed 7/19/67, effective 8/20/67.]

Reviser's note: WAC 16-96-003 applies to WAC 16-96-130.

WAC 16-96-010 Branding dairy cattle for identification. Cattle for dairy purposes may be identified by branding on any point between the hock and the stifle of the right or left hind leg, or both, by the owner. Any digit or combination of digits may be used.

[Order 1053, Regulation 2, filed 5/11/67, effective 6/12/67; Order 886, Regulation 1, effective 5/24/62.]

WAC 16-96-020 Branding beef cattle for identification. (1) Cattle of the beef breeds may be identified by branding high on either the left or right shoulder, or both, by the owner. The use of production record brands on cattle of the beef breeds shall be allowed only when such cattle are identified with such owner's registered brand: *Provided*, That production record brands may be placed on registered cattle of the beef breeds without the use of an ownership brand.

(2) Any digit or combination of digits may be used, with the exception of the following numbers:

Not permissible on the right shoulder are 7, 60 and 717;
Not permissible on the left shoulder are 14, 25 and 77.

(3) No production record brand will be: (a) Recognized for ownership purposes; (b) registered for such ownership purposes, or be accepted for brand inspection by the department of agriculture.

[Order 1053, Regulation 3, filed 5/11/67, effective 6/12/67; Order 886, Regulation 2 (part), effective 5/24/62.]

WAC 16-96-030 Production record brands to consist of Arabic numbers only—Exception. (1) Production record brands shall consist only of Arabic numbers and may include any digit or any combination of such digits in groups, except as limited in WAC 16-96-020.

(2) Production record brands must be recorded with the department of agriculture in the same manner as an ownership brand under the provisions of the brand law chapter 16.57 RCW, before they may be legally used in this state.

[Order 1053, Regulation 1, filed 5/11/67, effective 6/12/67; Order 886, Regulation 2 (part), effective 5/24/62.]

Chapter 16-100 WAC

REFRIGERATED LOCKER ESTABLISHMENTS—RECORDING THERMOMETERS

WAC

16-100-001 Promulgation.
16-100-010 Specifications and use.

16-100-020 Penalty.

WAC 16-100-001 Promulgation. I, Fred J. Martin, director of agriculture for the state of Washington, by virtue of the authority vested in me under section 7, chapter 117, Laws of 1943, do make and issue the following regulation providing for the installment of recording thermometers in all refrigerated locker establishments referred to in section 2, chapter 117, Laws of 1943.

[Order 496, Promulgation, effective 6/1/47.]

WAC 16-100-010 Specifications and use. It shall be unlawful for the management of any refrigerated food locker in the state of Washington to operate such establishment for public use unless there has been installed in each separate room used for food storage a recording thermometer of the following specifications:

(1) The recording thermometer shall be enclosed in a moisture-proof case, permanently fastened to a substantial wall in the vestibule or waiting room, five feet from the floor so that the recording chart is visible at all times. The instrument must be kept locked at all times, except for changing the dial, inking and repairing.

(2) The sensitive bulb shall be located in the locker room not less than eight feet from any door or blower, not less than fifteen inches from any wall, and at least ten inches from the ceiling. The bulb shall not be directly in front of any blower or door. The tubing shall be of such length to reach from the bulb to the recording thermometer outside of the locker room.

(3) The chart shall make one complete revolution in seven days. It shall be graduated hourly and daily and must not be less than eight inches in diameter. The chart rotating device shall be fitted with perforating pins to prevent rotation except by means of the electric clock in the case.

(4) Charts shall be changed regularly once each week, properly dated and signed by the operator, and made available for inspection by the department of agriculture for at least one year.

[Order 496, Regulation 1, effective 6/1/47.]

WAC 16-100-020 Penalty. Any person violating the provisions of this regulation shall be guilty of a violation of the act and punished by statute provided.

[Order 496, Penalty, effective 6/1/47.]

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

WAC

16-101-690 Civil penalties—Substandard products.
16-101-700 Adoption of the pasteurized milk ordinance as the standard for production of milk and milk products.
16-101-705 Adoption of the dry milk ordinance as the standard for production of condensed and dry milk products and condensed and dry whey.
16-101-711 Adoption of the standards for the fabrication of single-service containers and closures for milk and milk products.
16-101-716 Adoption of the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Ad-

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|--|---|------------|---|
| | ministration Program for Certification of Interstate Milk Shippers. | 16-101-210 | Cultured buttermilk. [Order 1132, § 16-101-210, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. |
| 16-101-721 | Adoption of Methods of Making Sanitation Ratings of Milk Supplies. | 16-101-220 | Cultured milk or cultured whole milk buttermilk. [Order 1132, § 16-101-220, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. |
| 16-101-726 | Adoption of Evaluation of Milk Laboratories. | 16-101-230 | Eggnog. [Order 1132, § 16-101-230, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. |
| 16-101-990 | Where can publications adopted by WSDA under this chapter be obtained? | 16-101-240 | Eggnog flavored milk. [Order 1132, § 16-101-240, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. |
| DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER | | | |
| 16-101-001 | Promulgation. [Order 1132, § 16-101-001, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-250 | Yogurt. [Order 1132, § 16-101-250, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. |
| 16-101-010 | Milk. [Order 1132, § 16-101-010, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-260 | Low fat yogurt. [Order 1132, § 16-101-260, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. |
| 16-101-020 | Goat milk. [Order 1132, § 16-101-020, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-270 | Nonfat yogurt. [Order 1132, § 16-101-270, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. |
| 16-101-030 | Cream or coffee cream. [Order 1132, § 16-101-030, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-280 | Milk products. [Order 1132, § 16-101-280, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. |
| 16-101-040 | Whipping cream. [Order 1132, § 16-101-040, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-290 | Grade A dry milk products. [Order 1132, § 16-101-290, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. |
| 16-101-050 | Whipped cream. [Order 1132, § 16-101-050, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-300 | Optional ingredients. [Order 1132, § 16-101-300, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. |
| 16-101-060 | Whipped coffee cream. [Order 1132, § 16-101-060, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-310 | Misbranded milk and milk products. [Order 1132, § 16-101-310, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. |
| 16-101-070 | Sour cream or cultured sour cream. [Order 1132, § 16-101-070, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-320 | Pasteurization. [Order 1132, § 16-101-320, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. |
| 16-101-080 | Half-and-half. [Order 1132, § 16-101-080, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-330 | Fluid milk products. [Order 1132, § 16-101-330, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. |
| 16-101-090 | Sour half-and-half or cultured half-and-half. [Order 1132, § 16-101-090, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-400 | Promulgation. [Order 1401, § 16-101-400, filed 6/19/75 and 6/20/75.] Repealed by 80-06-125 (Order 1706), filed 6/2/80. Statutory Authority: Chapter 15.36 RCW. |
| 16-101-100 | Reconstituted or recombined milk and milk products. [Order 1132, § 16-101-100, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-410 | Milk. [Order 1401, § 16-101-410, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW. |
| 16-101-110 | Concentrated milk. [Order 1132, § 16-101-110, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-420 | Pasteurized milk. [Order 1401, § 16-101-420, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW. |
| 16-101-120 | Concentrated milk products. [Order 1132, § 16-101-120, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-430 | Homogenized milk. [Order 1401, § 16-101-430, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW. |
| 16-101-130 | Nonfat milk. [Order 1132, § 16-101-130, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-440 | Vitamin D milk. [Order 1401, § 16-101-440, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW. |
| 16-101-140 | Skim milk. [Order 1132, § 16-101-140, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-450 | Vitamin A milk. [Order 1401, § 16-101-450, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW. |
| 16-101-150 | Lowfat milk. [Order 1132, § 16-101-150, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-455 | Multivitamin fortified or multimineral fortified milk or milk products. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 87-12-026 (Order 1931), § 16-101-455, filed 5/29/87.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW. |
| 16-101-160 | Vitamin D milk and milk products. [Order 1132, § 16-101-160, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-460 | Vitamin A lowfat milk. [Order 1401, § 16-101-460, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW. |
| 16-101-170 | Fortified milk and milk products. [Order 1132, § 16-101-170, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | 16-101-465 | Lowfat milk with calcium added. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 87-12-026 (Order 1931), § 16-101-465, filed 5/29/87.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW. |
| 16-101-180 | Homogenized milk. [Order 1132, § 16-101-180, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | | |
| 16-101-190 | Flavored milk or milk products. [Order 1132, § 16-101-190, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | | |
| 16-101-200 | Buttermilk. [Order 1132, § 16-101-200, filed 12/19/69, effective 1/20/70.] Repealed by Order 1401, filed 6/19/75 and 6/20/75. | | |

- 16-101-470 Nonfat milk (skim milk). [Order 1401, § 16-101-470, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-475 Nonfat (skim) milk with calcium added. [Statutory Authority: Chapters 15.32 and 15.36 RCW. 87-12-026 (Order 1931), § 16-101-475, filed 5/29/87.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-480 Vitamin A nonfat milk (skim milk). [Order 1401, § 16-101-480, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-490 Reconstituted or recombined milk or milk products. [Order 1401, § 16-101-490, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-500 Evaporated milk. [Order 1401, § 16-101-500, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-510 Concentrated milk and concentrated milk products. [Order 1401, § 16-101-510, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-520 Half-and-half. [Order 1401, § 16-101-520, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-530 Cream or whipped light cream. [Order 1401, § 16-101-530, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-540 Whipping cream or whipped cream. [Order 1401, § 16-101-540, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-550 Buttermilk or cultured buttermilk. [Order 1401, § 16-101-550, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-560 Sour cream or cultured sour cream. [Order 1401, § 16-101-560, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-570 Sour half-and-half or cultured half-and-half. [Statutory Authority: Chapter 15.32 RCW. 87-09-033 (Order 1925), § 16-101-570, filed 4/10/87; Order 1401, § 16-101-570, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-580 Yogurt. [Order 1401, § 16-101-580, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-590 Chocolate milk. [Order 1401, § 16-101-590, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-600 Chocolate lowfat milk or chocolate nonfat milk. [Order 1401, § 16-101-600, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-610 Flavored milk. [Order 1401, § 16-101-610, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-620 Flavored lowfat milk. [Order 1401, § 16-101-620, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-630 Flavored nonfat milk (flavored skim milk). [Order 1401, § 16-101-630, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-640 Eggnog flavored milk or eggnog. [Order 1401, § 16-101-640, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-650 Optional ingredients. [Order 1401, § 16-101-650, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-660 Protein fortified fluid milk products. [Order 1401, § 16-101-660, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-670 Acidified milk and milk products. [Order 1401, § 16-101-670, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-680 Pasteurization. [Order 1401, § 16-101-680, filed 6/19/75 and 6/20/75.] Repealed by 96-18-108, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapter 15.36 RCW.
- 16-101-710 Suspension of Grade A permit. [Statutory Authority: Chapter 15.36 RCW. 80-06-125 (Order 1706), § 16-101-710, filed 6/2/80.] Repealed by 84-18-055 (Order 1840), filed 9/5/84. Statutory Authority: Chapter 15.36 RCW.
- 16-101-715 Aseptically processed milk and milk products. [Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-715, filed 6/28/82.] Repealed by 96-22-059, filed 11/4/96, effective 12/5/96. Statutory Authority: RCW 15.36.021(3).
- 16-101-720 Aseptic processing. [Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-720, filed 6/28/82.] Repealed by 96-22-059, filed 11/4/96, effective 12/5/96. Statutory Authority: RCW 15.36.021(3).
- 16-101-725 Labeling. [Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-725, filed 6/28/82.] Repealed by 96-22-059, filed 11/4/96, effective 12/5/96. Statutory Authority: RCW 15.36.021(3).
- 16-101-730 Aseptically processed milk—Suspension of Grade A permit. [Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-730, filed 6/28/82.] Repealed by 96-22-059, filed 11/4/96, effective 12/5/96. Statutory Authority: RCW 15.36.021(3).
- 16-101-735 Processing. [Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-735, filed 6/28/82.] Repealed by 96-22-059, filed 11/4/96, effective 12/5/96. Statutory Authority: RCW 15.36.021(3).
- 16-101-740 Sanitation requirements. [Statutory Authority: Chapter 15.36 RCW. 82-14-014 (Order 1766), § 16-101-740, filed 6/28/82.] Repealed by 96-22-059, filed 11/4/96, effective 12/5/96. Statutory Authority: RCW 15.36.021(3).

WAC 16-101-690 Civil penalties—Substandard products. (1) Commencing July 1, 1987, a civil penalty may be imposed by the department against any dairy processing plant for deviation below the butterfat or solids-not-fat standard set forth in chapter 16-101 WAC for those fluid dairy products listed below: Milk, pasteurized milk, homogenized milk, vitamin D milk, vitamin A milk, vitamin A lowfat milk, nonfat milk, vitamin A nonfat milk, reconstituted or recombined milk or milk products, buttermilk or cultured buttermilk, protein fortified fluid milk products and acidified milk and milk products.

(2) For purposes of this section, the following terms have the following meanings:

(a) "Butterfat value" is the value of butterfat in producer milk, as listed in the monthly federal milk order report for the dairy processing plant in question in the month during which the deviation from standards occurs.

(b) "Solids-not-fat value" is the commodity credit corporation purchase price for nonfat dry milk as of the date the deviation from standards occurs.

(3) For purposes of this section, the Roesse-Gottlieb procedure as described in the 14th edition of the *Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC)* shall be the reference method for determining the milk fat in milk and other fluid dairy products. The test for total solids in milk and other fluid dairy products shall be the final action oven procedure as described by the AOAC. Solids-not-fat shall be determined by subtracting the fat from the total solids.

(4) The department shall take and test samples from dairy processing plants on a regular basis pursuant to RCW 15.36.110. For the purposes of administering this section, all plants in the state to the extent practical, shall be sampled and tested with like frequency.

For each fluid dairy product to be tested, three samples shall be taken. The three samples shall be composited. The butterfat or solids-not-fat content of the composite shall be used for purposes of administering this section.

The result of each sampling shall be reported in accordance with RCW 15.32.530. In no event may a sample be taken for purposes of this civil penalty procedure, sooner than three days after the results of the previous sample have been mailed to the plant operator.

If the butterfat or solids-not-fat content of the fluid dairy product deviates more than one-tenth of one percent (0.1%) below the standard for that product set forth in chapter 16-101 WAC, a violation occurs. Deviations of greater than 0.1% but not more than 0.5% below the applicable standard shall be assigned a violation point value of one. Deviations below the applicable standard by more than 0.5% shall be assigned a violation point value of two.

(5) Finished dairy product test results shall be recorded separately for each type of product sampled from each processing plant and for each component standard (butterfat and solids-not-fat.)

(6) The civil penalty shall be calculated separately for each type of product tested.

On the first occasion that a dairy processing plant receives a violation point for a product, a copy of the laboratory report disclosing the deviation from the applicable standard shall be sent to the concerned processing plant.

If the dairy processing plant incurs two violation points during the last four consecutive tests for a product, the director shall send a warning letter to the concerned processing plant, calling attention to these civil penalty regulations.

If over the course of four consecutive tests, including the most recent (current) test, the dairy processing plant accumulates three violation points for a product, the director shall impose a civil penalty against the processing plant. The amount of the civil penalty shall be equal to the butterfat and/or solids-not-fat value absent from the volume of the sampled product, as represented by the sample results, multiplied by the number of pounds of that product processed on the day of the violation.

If over the course of four consecutive tests, including the most recent (current) test, the dairy processing plant accumulates four violation points for a product, the director shall impose a civil penalty against the processing plant. The amount of the civil penalty shall be equal to two times the butterfat and/or solids-not-fat value absent from the volume of the sampled product, as represented by the sample

results, multiplied by the number of pounds of that product processed on the day of the violation.

If over the course of four consecutive tests, including the most recent (current) test, the dairy processing plant accumulates five or more violation points for a product, the director shall impose a civil penalty against the dairy processing plant. The amount of the civil penalty shall be equal to three times the butterfat and/or solids-not-fat value absent from the volume of the sampled product, as represented by the sample results, multiplied by the number of pounds of that product processed on the day of the violation.

Notwithstanding the provisions of this section, no penalty shall be imposed if no violation points are assigned during the most recent (current) test.

(7) All civil penalties which are assessed pursuant to these regulations shall be processed in accordance with RCW 34.04.090.

In no case shall a civil penalty imposed under this section exceed \$10,000 per product, per offense.

A milk plant that refuses to supply the department with adequate records to verify the amount of a civil penalty shall be subject to the maximum penalty.

[Statutory Authority: Chapter 15.36 RCW. 87-08-038 (Order 1920), § 16-101-690, filed 3/30/87, effective 7/1/87.]

WAC 16-101-700 Adoption of the pasteurized milk ordinance as the standard for production of milk and milk products. The Grade "A" Pasteurized Milk Ordinance 1995 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 3, Permits, paragraphs 3 and 4, page 8.
 - (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 14.
 - (iii) Item 19r Cooling, page 19.
 - (b) Part II. Administrative Procedures:
 - (i) Section 3, Permits, paragraphs 3 and 4, page 38.
 - (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 51.
 - (iii) Section 7, Item 19r Cooling, paragraph 1, page 70.
 - (iv) Section 7, Item 18r Cooling, paragraph 1, page 69A.
 - (v) Section 7, Item 19r Cooling, Administrative Procedures (1), page 70.
 - (vi) Section 7, Item 18r Cooling, Administrative Procedures (1), page 70A.
 - (vii) Sections 9, page 121, 15, 16, and 17, page 126.
 - (viii) Appendix E, pages 189-190.

(ix) Appendix K, page 261-262.

(x) Appendix N: Regulatory Agency Responsibilities, B. Enforcement: Reinstatement, page 316.

[Statutory Authority: RCW 15.36.021(3). 96-22-058, § 16-101-700, filed 11/4/96, effective 12/5/96. 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.]

WAC 16-101-705 Adoption of the dry milk ordinance as the standard for production of condensed and dry milk products and condensed and dry whey. The Grade "A" Condensed and Dry Milk Ordinance Grade "A" Condensed and Dry Milk Products and Condensed and Dry Whey—Supplement I to the Grade "A" Pasteurized Milk Ordinance, 1995 Recommendations of the United States Department of Health and Human Services Public Health Service/Food and Drug Administration is adopted by reference as additional Washington state standards for the production of condensed milk and dry milk products and condensed and dry whey products under chapter 15.36 RCW with the exception of the following portions.

(a) Part 1. Grade A Condensed and Dry Milk Ordinance:

(i) Section 3. Permits paragraphs 4, 5 and 6, page 7.

(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), page 13.

(b) Part 2. Administrative Procedures:

(i) Section 3. Permits paragraphs 4, 5 and 6, 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 of the first and subsequent milkings does not exceed 10°C (50°F), page 42.

(iii) Section 7, Item 17P Cooling of Milk, Milk Products, Whey, Whey Products, Condensed Milk Products and Condensed Whey, paragraph 1, page 79.

(iv) Section 7, Item 17P Cooling . . . Administrative Procedures (1), page 79.

(v) Section 13 Penalties, page 88.

(vi) Appendix I, pages 183-184.

(vii) Appendix N, Regulatory Agency Responsibility, B. Enforcement: Reinstatement, page 210.

[Statutory Authority: RCW 15.36.021(3). 96-22-059, § 16-101-705, filed 11/4/96, effective 12/5/96.]

WAC 16-101-711 Adoption of the standards for the fabrication of single-service containers and closures for milk and milk products. The Standards for the Fabrication of Single-Service Containers and Closures for Milk and Milk Products 1995 Recommendations of the United States Department of Health and Human Services Public Health Service/Food and Drug Administration is adopted by reference as additional Washington state standards for the production of single-service containers and closures for milk and milk products.

[Statutory Authority: RCW 15.36.021(3). 96-22-059, § 16-101-711, filed 11/4/96, effective 12/5/96.]

WAC 16-101-716 Adoption of the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers. The Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers 1995 Revision is adopted by reference as Washington state procedures covering certification of interstate milk shippers.

[Statutory Authority: RCW 15.36.021(3). 96-22-059, § 16-101-716, filed 11/4/96, effective 12/5/96.]

WAC 16-101-721 Adoption of Methods of Making Sanitation Ratings of Milk Supplies. The Methods of Making Sanitation Ratings of Milk Supplies 1995 Revision United States Health and Human Services Public Health Service/Food and Drug Administration is adopted by reference as Washington methods for ratings of interstate milk supplies.

[Statutory Authority: RCW 15.36.021(3). 96-22-059, § 16-101-721, filed 11/4/96, effective 12/5/96.]

WAC 16-101-726 Adoption of Evaluation of Milk Laboratories. The Evaluation of Milk Laboratories 1995 Revision United States Health and Human Services Public Health Service/Food and Drug Administration is adopted by reference as the Washington state standard for accreditation of milk laboratories and Certified Industry Supervisors requesting certification and approval for uniform collection and testing required for compliance with the Grade "A" Pasteurized Milk Ordinance.

[Statutory Authority: RCW 15.36.021(3). 96-22-059, § 16-101-726, filed 11/4/96, effective 12/5/96.]

WAC 16-101-990 Where can publications adopted by WSDA under this chapter be obtained? (1) The Grade "A" Pasteurized Milk Ordinance 1995 Recommendation of the United States Public Health Service/Food and Drug Administration can be purchased from the Superintendent of Documents, U.S. Printing Office, Washington D.C.

(2) The following publications can be obtained by writing the Center for Food Safety and Applied Nutrition, Director, Office of Constituent Operations, Industry Activities Staff, HFS-S65 200 "C" Street, SW, Washington D.C. 20204.

(a) The Grade "A" Condensed and Dry Milk Ordinance Grade "A" Condensed and Dry Milk Products and Condensed and Dry Whey—Supplement I to the Grade "A" Pasteurized Milk Ordinance, 1995 Recommendations of the United States Department of Health and Human Services Public Health Service/Food and Drug Administration.

(b) The Standards for the Fabrication of Single-Service Containers and Closures for Milk and Milk Products 1995 Recommendations of the United States Department of Health and Human Services Public Health Service/Food and Drug Administration.

(c) The Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers 1995 Revision.

(d) The Methods of Making Sanitation Ratings of Milk Supplies 1995 Revision United States Department of Health and Human Services Public Health Services/Food and Drug Administration.

(e) The Evaluation of Milk Laboratories 1995 Revision United States Department of Health and Human Services Public Health Service/Food and Drug Administration.

[Statutory Authority: RCW 15.36.021(3). 96-22-059, § 16-101-990, filed 11/4/96, effective 12/5/96.]

[Statutory Authority: RCW 15.36.021. 96-24-058 (Order 6006), § 16-101X-020, filed 11/27/96, effective 12/28/96.]

WAC 16-101X-030 How is the debit point value of each violation determined? (1) The debit point for each violation, as shown in the table below, is the same as the debit points awarded to dairy farms or milk processing plants during state surveys and federal check ratings as determined in the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration.

(2) A copy of the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" may be obtained by request from the Washington State Department of Agriculture Food Safety Program, P.O. Box 42560, Olympia, Washington 98504-2560 (360-902-1875).

Chapter 16-101X WAC

DEGRADES, LICENSE SUSPENSIONS AND REVOCATIONS FOR DAIRY PRODUCERS AND PROCESSORS

WAC

- 16-101X-010 Under what circumstances will the director degrade a dairy farm operation or a milk processing plant operation?
- 16-101X-020 How is the length of a degrade of a producer or a milk processing plant determined?
- 16-101X-030 How is the debit point value of each violation determined?
- 16-101X-040 How can a degraded dairy farm or milk processing plant operation be regraded?
- 16-101X-050 Under what circumstances may the director initiate revocation action against the grade A license of a producer or processor?

WAC 16-101X-010 Under what circumstances will the director degrade a dairy farm operation or a milk processing plant operation? (1) The director shall call for a degrade of a dairy farm operation of a producer or a Grade A milk processing plant operation for one or more repeat violations of Chapter 15.36 RCW, or rules adopted thereunder, which are noted on consecutive inspections as provided in RCW 15.36.111.

(2) For purposes of this chapter, "degrade" means the lowering in grade from Grade A to Grade C.

[Statutory Authority: RCW 15.36.021. 96-24-058 (Order 6006), § 16-101X-010, filed 11/27/96, effective 12/28/96.]

WAC 16-101X-020 How is the length of a degrade of a producer or a milk processing plant determined? The length of a degrade of a dairy farm operation or a grade A milk processing plant operation shall be based on the total number of debit points awarded to repeat violations as provided in WAC 16-101X-030 or until the director determines the violations that caused the degrade are corrected, whichever is longer. The schedule for determining a degrade period is as follows.

| <u>TOTAL DEBIT POINTS</u> | <u>DEGRADE PERIOD</u> |
|---------------------------|-----------------------|
| 1-10 | 2 Days |
| 11-15 | 4 Days |
| 16-20 | 6 Days |
| 21-30 | 8 Days |
| 31-40 | 10 Days |
| 41-50 | 12 Days |
| 51 or more | 14 Days |

(3) DAIRY FARM SANITATION VIOLATION DEBIT POINT VALUES

| ITEM NO | DESCRIPTION | DEBIT POINT VALUE |
|-----------------------------------|---|-------------------|
| ABNORMAL MILK | | |
| 1a | Cows secreting abnormal milk milked last or in SEPARATE equipment | 5 |
| 1b | Abnormal milk properly handled and disposed of | 5 |
| 1c | Proper care of abnormal milk handling equipment | 5 |
| MILKING PARLOR | | |
| 2a | Floors, gutters and feed troughs of concrete or of equally impervious materials; in good repair | 1 |
| 2b | Walls and ceilings smooth, painted or finished adequately; in good repair; ceiling dust tight | 1 |
| 2c | Separate stalls or pens for horses, calves and bulls | 1 |
| 2d | Adequate natural and/or artificial light; well distributed | 1 |
| 2e | Properly ventilated; | 1 |
| 3a | Clean and free of litter | 3 |
| 3b | No swine or fowl | 3 |
| 4a | Cowyard graded to drain; no pooled water or wastes | 3 |
| 4b | Cowyard clean; cattle housing areas and manure packs properly maintained | 3 |
| 4c | No swine | 3 |
| 4d | Manure stored inaccessible to cows | 3 |
| MILKHOUSE | | |
| Floors | | |
| 5a | Smooth; concrete or other impervious material; in good repair | 1 |
| 5b | Graded to drain | 1 |
| 5c | Drains trapped, if connected to sanitary system | 1 |
| Walls and Ceilings | | |
| 5a | Approved material and finish | 1 |
| 5b | Good repair (windows, doors and hoseport included) | 1 |
| Lighting and Ventilation | | |
| 5a | Adequate natural and/or artificial light; properly distributed | 2 |
| 5b | Adequate ventilation | 2 |
| 5c | Doors and windows closed during dusty weather | 2 |
| 5d | Vents and lighting fixtures properly installed | 2 |
| Miscellaneous Requirements | | |
| 5a | Used for milkhouse operations only; sufficient size | 2 |
| 5b | No direct opening into living quarters or barn; except as permitted by | 2 |

| | | |
|-----|--|--------|
| | Ordinance | |
| 5c | Liquid wastes properly disposed of | 2 |
| 5d | Proper hoseport where required | 2 |
| 5e | Acceptable surface under hoseport | 2 |
| 5f | Suitable shelter for transport truck as required by this Ordinance | 2 |
| | Cleaning Facilities | |
| 5a | Two-compartment wash and rinse vat of adequate size | 2 |
| 5b | Suitable water heating facilities | 2 |
| 5c | Water under pressure piped to milkhouse | 2 |
| | Cleanliness | |
| 6a | Floors, walls, windows, tables and similar non-product surfaces clean | 4 |
| 6b | No trash, unnecessary articles, animals or fowl | 4 |
| | Toilet | |
| 7a | Provided; conveniently located | 4 |
| 7b | Constructed and operated according to Ordinance | 4 |
| 7c | No evidence of human wastes about premises | 4 |
| 7d | Toilet room in compliance with Ordinance | 4 |
| | Water Supply | |
| 8a | Constructed and operated according to Ordinance | 2 or 5 |
| 8b | Complies with bacteriological standards | 5 |
| 8c | No connection between safe and unsafe supplies; no improper submerged inlets | 5 |
| | UTENSILS AND EQUIPMENT | |
| 9a | Smooth, impervious, nonabsorbent, safe materials; easily cleanable; | 4 |
| 9b | In good repair; accessible for inspection; | 4 |
| 9c | Approved single service articles; not re-used | 4 |
| 9d | Of proper design | 4 |
| 9e | Approved CIP milk pipeline system | 4 |
| 10a | Utensils and equipment clean | 5 |
| 11a | All multi-use containers and equipment subjected to approved sanitization process | 5 |
| 12a | All multi-use containers and equipment properly stored | 2 |
| 12b | Stored to assure complete drainage where applicable | 2 |
| 12c | Single-service articles properly stored | 2 |
| | MILKING | |
| 13a | Milking done in barn, stable or parlor | 5 |
| 13b | Brushing completed before milking begun | 5 |
| 13c | Flanks, bellies, udders, and tails of cows clean at time of milking; clipped when required | 5 |
| 13d | Teats treated with sanitizing solution and dried just prior to milking | 5 |
| 13e | No wet hand milking | 5 |
| | TRANSFER AND PROTECTION OF MILK | |
| | Protection from Contamination | |
| 14a | No overcrowding | 3 |
| 14b | Product and CIP circuits separated | 3 |
| 14c | Improperly handled milk discarded | 3 |
| 14d | Immediate removal of milk | 3 |
| 14e | Milk and equipment properly protected | 3 |
| 14f | Sanitized milk surfaces not exposed to contamination | 3 |
| 14g | Air under pressure of proper quality | 3 |

| | | |
|-----|---|----|
| | Drug and Chemical Control | |
| 15a | Cleaners and sanitizers properly identified | 2 |
| 15b | Drug administration equipment properly handled and stored | 2 |
| 15c | Drugs properly labeled (name and address) and stored | 2 |
| 15d | Drugs properly labeled (directions for use, cautionary statements, active ingredients) | 7 |
| 15e | Drugs properly used and stored to preclude contamination of milk | 7 |
| | PERSONNEL | |
| | Hand-Washing Facilities | |
| 16a | Proper hand-washing facilities convenient to milking operations | 2 |
| 16b | Wash and rinse vats not used as hand-washing facilities | 2 |
| | Personnel Cleanliness | |
| 17a | Hands washed clean and dried before milking, or performing milkhouse functions; rewashed when contaminated | 1 |
| 17b | Clean outer garments worn | 1 |
| | COOLING | |
| 18a | Milk cooled to 45 F or less within 2 hours after milking | 5 |
| 18b | Recirculated cooling water from safe source and properly protected; complies with bacteriological standards | 5 |
| 18c | Temperature recorder with 7 day chart | 5* |
| | INSECTS AND RODENTS | |
| 19a | Fly breeding minimized by approved manure disposal methods | 3 |
| 19b | Manure packs properly maintained | 3 |
| 19c | All milkhouse openings effectively screened or otherwise protected; doors tight and self-closing; screen doors open outward | 2 |
| 19d | Milkhouse free of insects and rodents | 2 |
| 19e | Approved pesticides; used properly | 2 |
| 19f | Equipment and utensils not exposed to pesticide contamination | 2 |
| 19g | Surrounding neat and clean; free of harborage and breeding areas | 2 |
| 19h | Feed storage not attraction for birds, rodents or insects | 2 |

* This is a requirement of chapter 16-125 WAC rated in accordance with cooling criteria in similar sections of the 1995 "Methods of Making Sanitation Ratings of Milk Supplies" for dairy plants.

(4) MILK PROCESSING PLANT SANITATION VIOLATION DEBIT POINT VALUES

| ITEM NO | DESCRIPTION | DEBIT POINT VALUE |
|---------|---|-------------------|
| 1 | FLOORS | |
| 1a | Smooth; impervious; no pools; good repair; trapped drains | 1 |
| 2 | WALLS AND CEILINGS | |
| 2a | Smooth; washable; light-colored; good repair | 1 |
| 3 | DOORS AND WINDOWS | |
| 3a | All outer openings effectively protected against entry of flies and rodents | 2 |
| 3b | Outer doors self-closing; screen doors open outward | 2 |
| 4 | LIGHTING AND VENTILATION | |
| 4a | Adequate in all rooms | 1 |
| 4b | Well ventilated to preclude odors and condensation; filtered air with pressured systems | 1 |
| 5 | SEPARATE ROOMS | |
| 5a | Separate rooms as required; adequate size | 3 |

| | | |
|-----|--|---|
| 5b | No direct opening to barn or living quarters | 3 |
| 5c | Storage tanks properly vented | 3 |
| 6 | TOILET FACILITIES | |
| 6a | Complies with local ordinances | 3 |
| 6b | No direct opening to processing rooms; self-closing doors | 3 |
| 6c | Clean; well-lighted and ventilated; proper facilities | 3 |
| 6d | Sewage and other liquid wastes disposed of in a sanitary manner | 3 |
| 7 | WATER SUPPLY | |
| 7a | Constructed and operated in accordance with Ordinance | 4 |
| 7b | No direct or indirect connection between safe and unsafe water | 4 |
| 7c | Condensing water and vacuum water in compliance with Ordinance requirements | 4 |
| 7d | Complies with bacteriological standards | 4 |
| 8 | HAND-WASHING FACILITIES | |
| 8a | Located and equipped as required; clean and in good repair; improper facilities not used | 2 |
| 9 | MILK PLANT CLEANLINESS | |
| 9a | Neat; clean; no evidence of insects or rodents; trash properly handled | 3 |
| 9b | No unnecessary equipment | 3 |
| 10 | SANITARY PIPING | |
| 10a | Smooth; impervious; corrosion-resistant; non-toxic; easily cleanable materials; good repair; accessible for inspection | 3 |
| 10b | Clean-in-place lines meet Ordinance specifications | 3 |
| 10c | Pasteurized products conducted in sanitary piping, except as permitted by Ordinance | 3 |
| 11 | CONSTRUCTION AND REPAIR OF CONTAINERS AND EQUIPMENT | |
| 11a | Smooth; impervious; corrosion-resistant; non-toxic; easily cleanable materials; good repair; accessible for inspection | 3 |
| 11b | Self-draining; strainers of approved design | 3 |
| 11c | Approved single-service articles; not re-used | 3 |
| 12 | CLEANING AND SANITIZING OF CONTAINERS/EQUIPMENT | |
| 12a | Containers, utensils and equipment effectively cleaned | 5 |
| 12b | Mechanical cleaning requirements of Ordinance in compliance; records complete | 5 |
| 12c | Approved sanitization process applied prior to the use of product-contact surfaces | 5 |
| 12d | Required efficiency tests in compliance | 5 |
| 12e | Multiple use plastic containers in compliance | 5 |
| 12f | Aseptic system sterilized | 5 |
| 13 | STORAGE OF CLEANED CONTAINERS AND EQUIPMENT | |
| 13a | Stored to assure drainage and protected from contamination | 3 |
| 14 | STORAGE OF SINGLE SERVICE ARTICLES | |
| 14a | Received, stored and handled in a sanitary manner; paperboard containers not re-used except as permitted by the Ordinance | 2 |
| 15A | PROTECTION FROM CONTAMINATION | |
| 15a | Operations conducted and located so as to preclude contamination of milk, milk products, ingredients, containers, equipment and utensils | 3 |
| 15b | Air and steam used to process products in compliance with Ordinance | 3 |
| 15c | Approved pesticides, safely used | 3 |
| 15B | CROSS CONNECTIONS | |

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| 15a | No direct connections between pasteurized and raw milk or milk products. | 5 |
| 15b | Overflow, spilled and leaked products or ingredients discarded | 5 |
| 15c | No direct connections between milk or milk products and cleaning and/or sanitizing solutions | 5 |
| 16A | PASTEURIZATION-BATCH | |
| (1) | INDICATING AND RECORDING THERMOMETERS | |
| 16a | Comply with Ordinance specifications | 4 |
| (2) | TIME AND TEMPERATURE CONTROLS | |
| 16a | Adequate agitation throughout holding; agitator sufficiently submerged | 15 |
| 16b | Each pasteurizer equipped with indicating and recording thermometer; bulb submerged | 15 |
| 16c | Recording thermometer reads no higher than indicating thermometer | 15 |
| 16d | Product held minimum pasteurization temperature continuously for 30 minutes, plus filling time if product preheated before entering vat, plus emptying time, if cooling is begun after opening outlet | 15 |
| 16e | No product added after holding begun | 15 |
| 16f | Airspace above product held at not less than 5.0 F higher than minimum required pasteurization temperature during holding | 15 |
| 16g | Approved airspace thermometer; bulb not less than 1 inch above product level | 15 |
| 16h | Inlet and outlet valves and connections in compliance with Ordinance | 15 |
| 16B | PASTEURIZATION-HIGH TEMPERATURE | |
| (1) | INDICATING AND RECORDING THERMOMETERS | |
| 16a | Comply with Ordinance specifications | 4 |
| (2) | TIME AND TEMPERATURE CONTROLS | |
| 16a | Flow diversion device complies with Ordinance requirements | 15 |
| 16b | Recorder-controller complies with Ordinance requirements | 15 |
| 16c | Holding tube complies with Ordinance requirements | 15 |
| 16d | Flow promoting devices comply with Ordinance requirements | 15 |
| (3) | ADULTERATION CONTROLS | |
| 16a | Satisfactory means to prevent adulteration with added water | 3 |
| 16C | ASEPTIC PROCESSING | |
| (1) | INDICATING AND RECORDING THERMOMETERS | |
| 16a | Comply with Ordinance specifications | 4 |
| (2) | TIME AND TEMPERATURE CONTROLS | |
| 16a | Flow diversion device complies with Ordinance requirements | 15 |
| 16b | Recorder-controller complies with Ordinance requirements | 15 |
| 16c | Holding tube complies with Ordinance requirements | 15 |
| 16d | Flow promoting devices comply with Ordinance requirements | 15 |
| (3) | ADULTERATION CONTROLS | |
| 16a | Satisfactory means to prevent adulteration with added water | 3 |
| 16D | REGENERATIVE HEATING | |
| 16a | Pasteurized or aseptic product in regenerator automatically under greater pressure than raw product in regenerator at all times | 10 |
| 16b | Accurate pressure gauges installed as required; booster pump properly identified and installed | 10 |
| 16c | Regenerator pressures meet Ordinance requirements | 10 |
| 16E | TEMPERATURE RECORDING CHARTS | |
| 16a | Batch pasteurizer charts comply with applicable Ordinance requirements | 4 |
| 16b | HTST pasteurizer charts comply with applicable Ordinance requirements | 4 |
| 16c | Aseptic charts comply with applicable Ordinance requirements | 4 |

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| 17 | COOLING OF MILK | |
| 17a | Raw milk maintained at 45 F or less until processed | 5 |
| 17b | Pasteurized milk and milk products, except those to be cultured, cooled immediately to 45 F or less in approved equipment; all milk and milk products stored thereat until delivered | 5 |
| 17c | Approved thermometers properly located in all refrigeration rooms and storage tanks | 5 |
| 17d | Recirculated cooling water from safe source and properly protected; complies with bacteriological standards | 5 |
| 18 | BOTTLING AND PACKAGING | |
| 18a | Performed in plant where contents finally pasteurized | 5 |
| 18b | Performed in sanitary manner by approved mechanical equipment | 5 |
| 18c | Aseptic filling in compliance | 5 |
| 19 | CAPPING | |
| 19a | Capping and/or closing performed in sanitary manner by approved mechanical equipment | 5 |
| 19b | Imperfectly capped/closed products properly handled | 5 |
| 19c | Caps and closures comply with Ordinance | 5 |
| 20 | PERSONNEL CLEANLINESS | |
| 20a | Hands washed clean before performing plant functions; rewashed when contaminated | 1 |
| 20b | Clean outer garments and hair covering worn | 1 |
| 20c | No use of tobacco in processing areas | 1 |
| 21 | VEHICLES | |
| 21a | Vehicles clean; constructed to protect milk | 1 |
| 21b | No contaminating substances transported | 1 |
| 22 | SURROUNDINGS | |
| 22a | Neat and clean; free of pooled water, harborages and breeding areas | 2 |
| 22b | Tank unloading areas properly constructed | 2 |
| 22c | Approved pesticides; used properly | 2 |

[Statutory Authority: RCW 15.36.021. 96-24-059 (Order 6007), § 16-101X-030, filed 11/27/96, effective 12/28/96.]

WAC 16-101X-040 How can a degraded dairy farm or milk processing plant operation be regraded? A producer or processor subject to degrade action for repeat violations must apply on an application provided by the department to have his or her dairy farm or milk processing plant regraded. The application must be signed by the producer or processor and must state that all violations, both repeat violations and non-repeat violations, cited on the inspection that caused the degrade have been corrected. Within seven days after receiving a completed application for regrade, the department will reinspect the dairy farm or milk processing plant. If the department determines that all violations, both repeat violations and non-repeat violations, cited on the inspection that caused the degrade have been corrected and the degrade period as determined by the director has ended, the department will regrade the dairy farm or milk processing plant operation.

[Statutory Authority: RCW 15.36.021. 96-24-059 (Order 6007), § 16-101X-040, filed 11/27/96, effective 12/28/96.]

WAC 16-101X-050 Under what circumstances may the director initiate revocation action against the grade

A license of a producer or processor? The director may initiate revocation proceedings against a dairy producer or milk processor whenever that producer or processor has had his or her milk processing plant operation or dairy farm operation degraded for repeated violations and/or had his or her Grade A producer's license or milk processing plant license suspended and/or his or her milk degraded due to temperature violations, excessive coliform bacteria counts, total bacterial counts, or somatic cell counts, more than four times within a continuous three year period. A license may also be revoked as provided for in RCW 15.36.401 or 15.36.411.

[Statutory Authority: RCW 15.36.021. 96-24-058 (Order 6006), § 16-101X-050, filed 11/27/96, effective 12/28/96.]

Chapter 16-102 WAC

BUTTERFAT TESTING OF MILK

WAC

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| 16-102-001 | Promulgation. |
| 16-102-010 | Sampling, preserving, and storing samples. |
| 16-102-020 | Calibration, operation, maintenance and cleaning of instrument. |
| 16-102-030 | Permanent records. |

WAC 16-102-001 Promulgation. (This promulgation relates only to WAC 16-102-010, 16-102-020 and 16-102-030.)

I, Donald W. Moos, director of agriculture of the state of Washington, after public notice and hearing held at Olympia, Washington on February 26, 1970 by virtue of authority vested in me under chapters 34.04 and 15.32 RCW, do hereby promulgate the following regulations governing butterfat testing of milk by use of transmitted light.

[Order 1133, § 16-102-001, filed 3/16/70.]

WAC 16-102-010 Sampling, preserving, and storing samples. Sampling, preserving and storage of samples shall be the same as for Babcock testing with the following exceptions.

(1) Proportionate portions from each shipment of milk shall be added to the composite sample so that the completed composite sample will contain not less than 5 ounces.

(2) When each shipment of milk is tested on a fresh basis, there shall be at least 5 ounces of milk taken for sample.

(3) Potassium dichromate shall be used for composite samples. Other preservatives may only be used if approved by the director of agriculture specifically for this method of testing.

[Order 1133, § 16-102-010, filed 3/16/70.]

WAC 16-102-020 Calibration, operation, maintenance and cleaning of instrument. The instrument shall be operated, maintained and cleaned in the manner specified by the manufacturer of the instrument, and each manufacturer of instruments for use in this method of testing milk for butterfat shall satisfy the director of agriculture that their instructions are complete and by following them an accurate test for butterfat will result. Except as provided below, instrument calibrations and operation shall be conducted only by technicians licensed by the department of agriculture specifically for this method using procedures for calibration and procedure checks, as recommended in the official first action approval published in Vol. 52, No. 2, 1969 of the Journal of the Association of Official Analytical Chemists or in the latest edition of the Official Methods of Analysis of the Association of Official Analytical Chemists.

(1) Samples used for calibration shall be prepared in the same manner as samples upon which producer payments are to be based. If composite samples are to be tested, the samples shall be preserved and stored in the same manner as the regular composites. If fresh samples are the basis for payment, then the samples shall be from fresh milk.

(2) Samples used for calibration shall include samples in (3%-4%) (4%-5%) (5%-6%) ranges.

(3) Temper all milk samples, whether fresh or composite to 98°-100°F. in thermostatically controlled water bath which is provided with an accurate thermometer: *Provided*, That a lower temperature which is proven to give accurate tests to the satisfaction of the director of agriculture may be used.

(4) When any sample differs in butterfat content by greater than 2.0 percentage points from the sample preceding it through the instrument, there shall be an immediate retest and the second test shall be the one recorded.

(1997 Ed.)

(5) Any dairy technician operating this instrument shall hold a license specifically for this method and shall also hold a Babcock testing license with the department of agriculture.

[Order 1133, § 16-102-020, filed 3/16/70.]

WAC 16-102-030 Permanent records. (1) A bound record book shall be provided for all permanent records.

(2) All calibration results and check tests for initial calibration or subsequent calibration shall be recorded in permanent record book.

(3) All tests for checking accuracy of calibration shall be recorded in permanent record book.

[Order 1133, § 16-102-030, filed 3/16/70.]

Chapter 16-103 WAC

MILK PROCESSING ASSESSMENTS AND COLLECTIONS

WAC

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| 16-103-001 | Assessments. |
| 16-103-002 | Collections. |
| 16-103-003 | Penalties. |
| 16-103-010 | Purpose. |
| 16-103-020 | Milk processing plant license. |

WAC 16-103-001 Assessments. (1) The assessment on all milk processed in this state shall be fifty-three and one-half hundredths of one cent per hundredweight.

(2) All assessments shall be levied on the operator of the first milk plant receiving the milk for processing. This includes milk plants producing their own milk for processing and milk plants that receive milk from other sources.

(3) All assessments shall be in addition to those collected under chapter 15.44 RCW and/or Title 142 WAC.

[Statutory Authority: RCW 15.36.105. 94-05-040 (Order 5028), § 16-103-001, filed 2/9/94, effective 3/12/94. Statutory Authority: RCW 15.36.550. 92-20-056, § 16-103-001, filed 10/2/92, effective 11/2/92.]

WAC 16-103-002 Collections. Milk plant operators shall submit a report to the director on or before the twentieth day of each month with the preceding month's assessment. The report shall list the milk plant name and address, pounds of milk received at that plant including milk purchased or received from other sources, and the total amount of assessment on forms provided by the director. Provided, that entities having more than one milk plant may submit one assessment check for all milk plants and include separate reports for each milk plant.

[Statutory Authority: RCW 15.36.550. 92-20-056, § 16-103-002, filed 10/2/92, effective 11/2/92.]

WAC 16-103-003 Penalties. Any due and payable assessment not paid by the milk plant operator by the twentieth of the succeeding month shall be considered a lien on any property owned by him or her. All delinquent assessments shall be filed as liens quarterly by the director with the county auditor of any county in which property owned by the milk plant operator is located. All delinquent assessments shall be collected in the manner and with the same priority over other creditors as prescribed for the

collection of delinquent taxes under chapters 84.60 and 84.64 RCW.

[Statutory Authority: RCW 15.36.550. 92-20-056, § 16-103-003, filed 10/2/92, effective 11/2/92.]

WAC 16-103-010 Purpose. These rules are promulgated under the authority of RCW 15.32.110 as recodified by chapter 143, Laws of 1994. The purpose of these rules is to establish a renewal date for the annual milk processing plant license.

[Statutory Authority: RCW 15.36.051. 94-19-011, (Order 5055), § 16-103-010, filed 9/9/94, effective 10/10/94.]

WAC 16-103-020 Milk processing plant license. The licensing period for milk processing plants shall begin on July 1 and run through the following June 30. All annual milk processing plant licenses shall expire on June 30 of each year.

[Statutory Authority: RCW 15.36.051. 94-19-011, (Order 5055), § 16-103-020, filed 9/9/94, effective 10/10/94.]

Chapter 16-104 WAC

SHELL EGGS—STANDARDS, GRADES AND WEIGHT CLASSES

WAC

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| 16-104-130 | Washington state standards for quality of individual shell eggs—Application. |
| 16-104-140 | Terms descriptive of the shell. |
| 16-104-150 | Terms descriptive of the air cell. |
| 16-104-160 | Terms descriptive of the white. |
| 16-104-170 | Terms descriptive of the yolk. |
| 16-104-180 | General terms. |
| 16-104-190 | General. |
| 16-104-200 | Grades. |
| 16-104-210 | Summary of grades. |
| 16-104-220 | Weight classes. |
| 16-104-230 | Minimum sample schedule—Egg samples. |
| 16-104-310 | Minimum facility and operating requirements for shell egg grading and packing plants. |
| 16-104-320 | Grading room requirements. |
| 16-104-330 | Cooler room requirements. |
| 16-104-340 | Shell egg protecting operations. |
| 16-104-350 | Shell egg cleaning operations. |
| 16-104-360 | Shipping containers, egg cartons, and packing materials. |
| 16-104-370 | Chemicals and compounds. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-104-001 | Promulgation. [Order 936, Promulgation, filed 1/29/64; Order 773, Promulgation, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW. |
| 16-104-0011 | Promulgation. [Order 1232, § 16-104-0011, filed 4/17/72, effective 7/1/72.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW. |
| 16-104-010 | Washington state standards for quality of individual shell eggs—Application. [Order 1232, § 16-104-010, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 1, filed 1/29/64; Order 773, Regulation 1, Paragraph 1, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW. |
| 16-104-020 | Definitions of terms descriptive of shell. [Order 1232, § 16-104-020, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 2, filed 1/29/64; Order 773, Regulation 1, Paragraph 2, effective 5/5/58.] Repealed by 87-16-075 |

(Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.

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| 16-104-030 | Definitions of terms descriptive of the air cell. [Order 1232, § 16-104-030, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 3, filed 1/29/64; Order 773, Regulation 1, Paragraph 3, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW. |
| 16-104-040 | Definitions of terms descriptive of the white. [Order 1232, § 16-104-040, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 4, filed 1/29/64; Order 773, Regulation 1, Paragraph 4, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW. |
| 16-104-050 | Definitions of terms descriptive of the yolk. [Order 1232, § 16-104-050, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 5, filed 1/29/64; Order 773, Regulation 1, Paragraph 5, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW. |
| 16-104-060 | Definitions—General terms. [Order 1232, § 16-104-060, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 6, filed 1/29/64; Order 773, Regulation 1, Paragraph 6, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW. |
| 16-104-070 | Washington state consumer grades and weight classes for shell eggs—General. [Order 1232, § 16-104-070, filed 4/17/72, effective 7/1/72; Order 936, Regulation 2, § 1, filed 1/29/64; Order 773, Regulation 2, Paragraph 1, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW. |
| 16-104-080 | Grades. [Order 1232, § 16-104-080, filed 4/17/72, effective 7/1/72; Order 936, Regulation 2, § 2, filed 1/29/64; Order 773, Regulation 2, Paragraph 2, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW. |
| 16-104-090 | Summary of grades. [Order 1232, § 16-104-090, filed 4/17/72, effective 7/1/72; Order 936, Regulation 2, § 3, filed 1/29/64; Order 773, Regulation 2, Paragraph 3, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW. |
| 16-104-100 | Weight classes. [Order 1232, § 16-104-100, filed 4/17/72, effective 7/1/72; Order 936, Regulation 2, § 4, filed 1/29/64; Order 773, Regulation 2, Paragraph 4, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW. |
| 16-104-110 | Minimum sample schedule—Egg samples. [Order 1232, § 16-104-110, filed 4/17/72, effective 7/1/72; Order 936, Regulation 3, § 1, filed 1/29/64; Order 773, Regulation 3, Paragraph 1, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW. |
| 16-104-120 | Effective date. [Order 1232, § 16-104-120, filed 4/17/72, effective 7/1/72.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: RCW 69.25 RCW. |

WAC 16-104-130 Washington state standards for quality of individual shell eggs—Application. (1) General. The Washington state standards for quality of individual shell eggs contained in this order are applicable only to eggs that are the product of the domesticated chicken hen and are in the shell.

Interior egg quality specifications for these standards are based on the apparent condition of the interior contents of the egg as it is twirled before the candling light. Any type or make of candling light may be used that will enable the particular grader to make consistently accurate determinations of the interior quality of shell eggs.

(2) AA quality. The shell must be clean, unbroken, and practically normal. The air cell must not exceed 1/8 inch in depth, may show unlimited movement and may be free or bubbly. The white must be clear and firm so that the yolk

is only slightly defined when the egg is twirled before the candling light. The yolk must be practically free from apparent defects.

(3) A quality. The shell must be clean, unbroken, and practically normal. The air cell must not exceed 3/16 inch in depth and may be free or bubbly. The white must be clear and at least reasonably firm so that the yolk outline is only fairly well defined when the egg is twirled before the candling light. The yolk must be practically free from apparent defects.

(4) B quality. The shell must be unbroken, may be abnormal, and may have slightly stained areas. Moderately stained areas are permitted if they do not cover more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered. Eggs having shells with prominent stains or adhering dirt are not permitted. The air cell may be over 3/16 inch in depth, may show unlimited movement, and may be free or bubbly. The white may be weak and watery so that the yolk outline is plainly visible when the egg is twirled before the candling light. The yolk may appear dark, enlarged, and flattened and may show clearly visible germ development but no blood due to such development. It may show other serious defects that do not render the egg inedible. Small blood spots or meat spots (aggregating not more than 1/8 inch in diameter) may be present.

Dirty. An individual egg that has an unbroken shell with adhering dirt or foreign material, prominent stains, or moderate stains covering more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered.

Check. An individual egg that has a broken shell or crack in the shell but with its shell membranes intact and its contents do not leak. A "check" is considered to be lower in quality than a "dirty."

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-130, filed 8/4/87.]

WAC 16-104-140 Terms descriptive of the shell.

(1) **Clean.** A shell that is free from foreign material and from stains or discolorations that are readily visible. An egg may be considered clean if it has only very small specks, stains, or cage marks, if such specks, stains, or cage marks are not of sufficient number or intensity to detract from the generally clean appearance of the egg. Eggs that show traces of processing oil on the shell are considered clean unless otherwise soiled.

(2) **Dirty.** A shell that is unbroken and that has dirt or foreign material adhering to its surface, which has prominent stains, or moderate stains covering more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered.

(3) **Practically normal (AA or A quality).** A shell that approximates the usual shape and that is sound and is free from thin spots. Ridges and rough areas that do not materially affect the shape and strength of the shell are permitted.

(4) **Abnormal (B quality).** A shell that may be somewhat unusual or decidedly misshapen or faulty in soundness or strength or that may show pronounced ridges or thin spots.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-140, filed 8/4/87.]

WAC 16-104-150 Terms descriptive of the air cell.

(1) **Depth of the air cell** (air space between shell membranes, normally in the large end of the egg). The depth of the air cell is the distance from its top to its bottom when the egg is held air cell upward.

(2) **Free air cell.** An air cell that moves freely toward the uppermost point in the egg as the egg is rotated slowly.

(3) **Bubbly air cell.** A ruptured air cell resulting in one or more small separate air bubbles usually floating beneath the main air cell.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-150, filed 8/4/87.]

WAC 16-104-160 Terms descriptive of the white.

(1) **Clear.** A white that is free from discolorations or from any foreign bodies floating in it. (Prominent chalazae should not be confused with foreign bodies such as spots or blood clots.)

(2) **Firm (AA quality).** A white that is sufficiently thick or viscous to prevent the yolk outline from being more than slightly defined or indistinctly indicated when the egg is twirled.

(3) **Reasonably firm (A quality).** A white that is somewhat less thick or viscous than a firm white. A reasonably firm white permits the yolk to approach the shell more closely which results in a fairly well defined yolk outline when the egg is twirled.

(4) **Weak and watery (B quality).** A white that is weak, thin, and generally lacking in viscosity. A weak and watery white permits the yolk to approach the shell closely, thus causing the yolk outline to appear plainly visible and dark when the egg is twirled.

(5) **Blood spots or meat spots.** Small blood spots or meat spots (aggregating not more than 1/8 inch in diameter) may be classified as B quality. If larger, or showing diffusion of blood into the white surrounding a blood spot, the egg shall be classified as loss. Blood spots shall not be due to germ development. They may be on yolk or in the white. Meat spots may be blood spots which have lost their characteristic red color or tissue from the reproductive organs.

(6) **Bloody white.** An egg which has blood diffused through the white. Eggs with bloody whites are classed as loss. Eggs with blood spots which show a slight diffusion into the white around the localized spot are not to be classed as bloody whites.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-160, filed 8/4/87.]

WAC 16-104-170 Terms descriptive of the yolk.

(1) **Outline slightly defined (AA quality).** A yolk outline that is indistinctly indicated and appears to blend into the surrounding white as the egg is twirled.

(2) **Outline fairly well defined (A quality).** A yolk outline that is discernible but not clearly outlined as the egg is twirled.

(3) **Outline plainly visible (B quality).** A yolk outline that is clearly visible as a dark shadow when the egg is twirled.

(4) **Enlarged and flattened (B quality).** A yolk in which the yolk membranes and tissues have weakened and/or

moisture has been absorbed from the white to such an extent that the yolk appears definitely enlarged and flat.

(5) Practically free from defects (AA quality or A quality). A yolk that shows no germ development but may show other very slight defects on its surface.

(6) Serious defects (B quality). A yolk that shows well developed spots or areas and other serious defects, such as olive yolks, which do not render the egg inedible.

(7) Clearly visible germ development (B quality). A development of the germ spot on the yolk of a fertile egg that has progressed to a point where it is plainly visible as a definite circular area or spot with no blood in evidence.

(8) Blood due to germ development. Blood caused by development of the germ in a fertile egg to the point where it is visible as definite lines or as a blood ring. Such an egg is classified as inedible.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-170, filed 8/4/87.]

WAC 16-104-180 General terms. (1) Loss. An egg that is inedible, cooked, frozen, contaminated, or containing bloody whites, large blood spots, large unsightly meat spots, or other foreign material.

(2) Inedible eggs. Eggs of the following descriptions are classed as inedible: Black rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, eggs containing embryo chicks (at or beyond the blood ring state), and any eggs that are adulterated as such term is defined pursuant to the Federal Food, Drug, and Cosmetic Act.

(3) Leaker. An individual egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exuding or free to exude through the shell.

(4) Restricted eggs means any check, dirty eggs, incubator, reject, inedible, leaker, or loss.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-180, filed 8/4/87.]

WAC 16-104-190 General. (1) These grades are applicable to edible shell eggs in "lot" quantities rather than on an "individual" egg basis. A lot may contain any quantity of two or more eggs. References in these standards to the term "case" means 30-dozen egg cases as used in commercial practices in the state of Washington.

(2) Terms used in WAC 16-104-190 that are defined in WAC 16-104-130 have the same meaning as defined therein.

(3) Aggregate tolerances are permitted within each consumer grade only as an allowance for variable efficiency and interpretation of graders, normal changes under favorable conditions during reasonable periods between grading and inspection and reasonable variation of inspector's interpretation.

(4) Substitution of higher qualities for the lower qualities specified is permitted.

(5) "No grade" or "receipts" means eggs of possible edible quality on which no grade determination has been made or that fail to meet the requirements of an official Washington state consumer grade or that may have been contaminated by smoke, chemicals or other foreign material which may have seriously affected the character, appearance

or flavor of the eggs. "No grade" or "receipts" eggs shall be sold only to a dealer who shall be equipped to assign a grade.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-190, filed 8/4/87.]

WAC 16-104-200 Grades. (1) Washington consumer grade AA (at origin) shall consist of eggs which are at least 87 percent AA quality. The maximum tolerance of 13 percent which may be below AA quality may consist of A or B quality in any combination, except that within the tolerance for B quality, not more than 1 percent may be B quality due to air cells over 3/4 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than 5 percent (7 percent for jumbo size) checks are permitted and not more than 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(2) Washington consumer grade AA (destination) shall consist of eggs which are at least 72 percent AA quality. The remaining tolerance of 28 percent shall consist of at least 10 percent A quality, and the remainder shall be B quality, except that within the tolerance for B quality not more than 1 percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than 7 percent (9 percent for jumbo size) checks are permitted and not more than 1 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(a) Washington consumer grade A (A) Washington consumer grade A (at origin) shall consist of eggs which are at least 87 percent A quality or better. Within the maximum tolerance of 13 percent which may be below A quality, not more than 1 percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than 5 percent (7 percent for jumbo size) checks are permitted and not more than 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may exceed 0.30 percent. Other types of loss are not permitted.

(b) Washington consumer grade A (destination) shall consist of eggs which are at least 82 percent A quality or better. Within the maximum tolerance of 18 percent which may be below A quality, not more than 1 percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than 7 percent (9 percent for jumbo size) checks are permitted and not more than 1 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(3) Washington consumer grade B.

(a) Washington consumer grade B (at origin) shall consist of eggs which are at least 90 percent B quality or better, not more than 10 percent may be checks, and not more than 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(b) Washington consumer grade B (destination) shall consist of eggs which are at least 90 percent B quality or better, not more than 10 percent may be checks and not more than 1 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

"Exemption." A licensed wholesale shell egg dealer may sell a consumer grade check on the premises where he packages eggs, directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees. This consumer grade check shall consist of eggs which at least 99 percent are checks or better. Checks may not exceed 1% dirties, leakers, and loss in any combination (due to meat or blood spots). Loss other than meat or blood spots is not permitted.

(4) Additional tolerances:

(a) In lots of two or more cases:

(i) For grade AA - no individual case may exceed 10 percent less AA quality eggs than the minimum permitted for the lot average.

(ii) For grade A - no individual case may exceed 10 percent less A quality eggs than the minimum permitted for the lot average.

(iii) For grade B - no individual case may exceed 10 percent less B quality eggs than the minimum permitted for the lot average.

(b) For grade AA, A, and B, no lot shall be rejected or downgraded due to the quality of a single egg except for loss other than blood or meat spots.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-200, filed 8/4/87.]

WAC 16-104-210 Summary of grades. It shall be unlawful to sell, offer for sale, or use as human food any eggs or products containing eggs which have been broken or separated by a process that does not permit the inspection of each individual egg after it is broken or that allows the egg meat and shell to commingle. For the purposes of this rule, egg products sold under a United States Department of Agriculture (USDA) seal from a USDA approved and inspected egg products plant shall be deemed to meet the requirements of this rule for use as human food.

SUMMARY OF GRADES

The summary of Washington state consumer grades for shell eggs follows as Table 1 and Table 2 of this section:

TABLE 1 - SUMMARY OF WASHINGTON CONSUMER GRADES FOR SHELL EGGS

| Washington State Consumer Grades (Origin) | Quality Required(1) | Tolerance Permitted (2) | |
|---|------------------------|-------------------------|--------------------------|
| | | Percent | Quality |
| Grade AA | 87 percent AA | Up to 13 Not over 5 | A or B (5) Checks (6) |
| Grade A | 87 percent A or better | Up to 13 Not over 5 | B Checks (6) |
| Grade B | 90 percent B or better | Not over 10 | Checks |

(1997 Ed.)

| Washington State Consumer Grades (Destination) | Quality Required(1) | Tolerance Permitted (3) | |
|--|------------------------|---------------------------|--------------------------|
| | | Percent | Quality |
| Grade AA | 72 percent AA | Up to 28(4) Not over 7 | A or B (5) Checks (6) |
| Grade A | 82 percent A or better | Up to 18 Not over 7 | B(5) Checks (6) |
| Grade B | 90 percent B or better | Not over 10 | Checks |

(1) In lots of two or more cases see Table 2 of this section for tolerances for an individual case within a lot.

(2) For the Washington consumer grades (at origin), a tolerance of 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination is permitted, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(3) For the Washington consumer grades (destination), a tolerance of 1 percent leakers, dirties, or loss (due to meat or blood spots) in any combination is permitted, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(4) For Washington grade AA destination, at least 10 percent must be A quality or better.

(5) For Washington grade AA or A at origin and destination within the tolerances permitted for B quality, not more than 1 percent may be B quality due to air cells over 3/4 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects.

(6) For Washington grades AA or A jumbo size eggs, the tolerance for checks at origin and destination is 7 percent and 9 percent respectively.

TABLE 2 - TOLERANCE FOR INDIVIDUAL CASE WITHIN A LOT

| Washington Consumer Grade | Case Quality | Origin (Percent) | Destination (Percent) |
|---------------------------|--------------|------------------|-----------------------|
| Grade AA | AA (min) | 77 | 62 |
| | A or B | 13 | 28 |
| | Check (max) | 10 | 10 |
| Grade A | A (min) | 77 | 72 |
| | B | 13 | 18 |
| | Check (max) | 10 | 10 |
| Grade B | B (min) | 80 | 80 |
| | Check (max) | 20 | 20 |

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-210, filed 8/4/87.]

WAC 16-104-220 Weight classes. (1) The weight classes for Washington state consumer grades for shell eggs shall be as indicated in Table 1 of this section and shall apply to all consumer grades:

TABLE 1 - WASHINGTON STATE WEIGHT CLASSES FOR CONSUMER GRADES FOR SHELL EGGS.

| Size or Weight Classes | Minimum Net Weight Per Dozen | Minimum Net Weight Per 30 Dozen | Minimum Weight for Individual Eggs at Rate Per Dozen |
|------------------------|------------------------------|---------------------------------|--|
| | Ounces | Pounds | Ounces |
| Jumbo | 30 | 56 | 29 |
| Extra large | 27 | 50 1/2 | 26 |
| Large | 24 | 45 | 23 |
| Medium | 21 | 39 1/2 | 20 |
| Small | 18 | 34 | 17 |
| Peewee or pullet | 15 | 28 | — |

(2) Minimum weights listed for individual eggs at the rate per dozen are permitted in the various weight classes only to the extent that they will not reduce the net weight per dozen below the required minimum.

(3) A lot average tolerance of 3.3 percent for individual eggs in the next lower weight class is permitted as long as no individual case within the lot exceeds 5 percent.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-220, filed 8/4/87.]

WAC 16-104-230 Minimum sample schedule—Egg samples. The following schedule is a minimum number of samples and shall be reasonably calculated to produce a fair representation of the entire lot of eggs examined.

| Cases in Lot | Cases in Sample |
|-------------------|-------------------|
| 1 case | 1 (see footnote.) |
| 2 to 10 inclusive | 2 |
| 11 to 25 " | 3 |
| 26 to 50 " | 4 |
| 51 to 100 " | 5 |
| 101 to 200 " | 8 |
| 201 to 300 " | 11 |
| 301 to 400 " | 13 |
| 401 to 500 " | 14 |
| 501 to 600 " | 16 |

For each additional 50 cases or fraction thereof in excess of 600 cases, one additional case shall be included in the sample. A minimum of 100 eggs per sample case shall be examined. For lots which consist of 100 eggs or less, all eggs shall be examined.

SUMMARY OF WASHINGTON STATE STANDARDS FOR QUALITY OF INDIVIDUAL SHELL EGGS

SPECIFICATIONS FOR EACH QUALITY FACTOR

| Quality Factor | AA Quality | A Quality | B Quality |
|----------------|---|--|---|
| Shell | Clean, unbroken. Practically normal. | Clean, unbroken. Practically normal. | Clean to slightly stained.* Unbroken, abnormal. |
| Air cell | 1/8 inch or less in depth. Unlimited movement & free or bubbly. | 3/16 inch or less in depth. Unlimited movement & free or bubbly. | Over 3/16 inch in depth. Unlimited movement & free or bubbly. |
| White | Clear, firm. | Clear, reasonably firm. | Weak and watery. Small blood spots present. |
| Yolk | Outline slightly defined. Practically free from defects. | Outline fairly well defined. Practically free from defects. | Outline plainly visible. Enlarged and flattened. Clearly visible germ development but no blood. Other serious defect. |

* Moderately stained areas permitted (1/32 of surface if localized, or 1/16 in scattered).

** If they are small (aggregating not more than 1/8 inch in diameter).

For eggs with dirty or broken shells, the standards of quality provide two additional qualities. These are:

| Dirty | Check |
|---|---|
| Unbroken. Adhering dirt or foreign material, prominent stains, moderate stained areas in excess of B quality. | Broken or cracked shell but membranes intact, not leaking.*** |

*** Leaker has broken or cracked shell and membranes, and contents leaking or free to leak.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-230, filed 8/4/87.]

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

(1) Buildings shall be of sound construction so as to prevent, insofar as practicable, the entrance or harboring of vermin, including all domestic pets, insects, rodents, birds, etc. This applies to:

(a) All grading room areas.

(b) Any storage areas for eggs or cases and cartons. Egg case and carton storage shall be clean and dry, free from dust or any odorous material that could be absorbed by cases or cartons.

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

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

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

(c) All floor areas shall be kept clean.

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

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

(5) Areas subjected to moisture:

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

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

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

(6) Walls and ceilings:

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

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

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

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

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

WAC 16-104-320 Grading room requirements. (1)

The grading room candling area shall be adequately darkened to make possible accurate quality determination of the candled appearances of eggs.

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

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

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

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

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

(7) Ventilation and lighting:

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

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

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

WAC 16-104-330 Cooler room requirements. (1)

After processing and grading, shell eggs packed in consumer containers shall be refrigerated at maximum of forty-five degrees Fahrenheit, ambient air temperature. All containers shall be clearly labeled with the words "keep refrigerated," in lettering as follows:

| | |
|--------------------|------------------|
| Cartons: | 1/8 inch minimum |
| Cases: | 1 inch minimum |
| Baskets and racks: | 1 inch minimum |

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

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

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

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

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

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

in unrefrigerated vehicles is allowed, however, that time shall be included as part of the twenty-four hours.

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

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

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

WAC 16-104-340 Shell egg protecting operations.

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

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

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

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

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

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

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

WAC 16-104-350 Shell egg cleaning operations. (1)

Shell egg cleaning equipment shall be kept in good repair and shall be cleaned after each day's use or more frequently, if necessary.

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

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

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

(5) Replacement water shall be added continuously to the wash water of washers to maintain a continuous overflow. Rinse water, chlorine, or quaternary sanitizing rinse may be used as part or all of the replacement water: *Provided*, That they are compatible with the washing

compound. Iodine sanitizing rinse may not be used as part of the replacement water.

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

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

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

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

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

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

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

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

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

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

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

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

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

WAC 16-104-360 Shipping containers, egg cartons, and packing materials.

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

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

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

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

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

Chapter 16-105 WAC PACKAGING OF BACON

WAC

| | |
|------------|--------------------------------------|
| 16-105-001 | Promulgation. |
| 16-105-010 | Standards for retail bacon packages. |
| 16-105-020 | Penalty. |
| 16-105-030 | Exemption. |

WAC 16-105-001 Promulgation. (This promulgation relates only to WAC 16-105-001 through 16-105-030.)

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 49, Laws of 1971 and chapter 34.04 RCW, after due notice and a public hearing held in Seattle, Washington on October 26, 1971, do promulgate the following regulations establishing standards for the packaging of bacon to be sold at retail in this state after January 1, 1972.

[Order 1221, § 16-105-001, filed 11/26/71, effective 1/1/72.]

WAC 16-105-010 Standards for retail bacon packages. All bacon packages, other than cans, used for packaging bacon for distribution or sale at retail in this state shall be formed so as to readily display a substantial portion of a representative slice of the bacon packaged therein.

[Order 1221, § 16-105-010, filed 11/26/71, effective 1/1/72.]

WAC 16-105-020 Penalty. Any bacon packaged for sale at retail shall be deemed to be in violation of section 1, chapter 49, Laws of 1971, if it does not conform to the provisions of WAC 16-105-010.

[Order 1221, § 16-105-020, filed 11/26/71, effective 1/1/72.]

WAC 16-105-030 Exemption. WAC 16-105-010 of this order shall not apply to bacon sliced and packaged in full view of a retail purchaser.

[Order 1221, § 16-105-030, filed 11/26/71, effective 1/1/72.]

Chapter 16-108 WAC WASHINGTON STATE EGG SEALS AND ASSESSMENTS

WAC

| | |
|------------|---|
| 16-108-010 | Rate. |
| 16-108-020 | Time of payment—Regular seals. |
| 16-108-030 | Facsimile type seals, invoices, seals on bulk eggs. |
| 16-108-040 | Labeling. |
| 16-108-050 | Regulation. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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

WAC 16-108-010 Rate. A fee of two and one half mills per dozen eggs is hereby established for Washington state egg seals and facsimile type Washington state egg seals imprinted on egg containers.

[Statutory Authority: RCW 69.25.250. 86-04-027 (Order 1878), § 16-108-010, filed 1/29/86. Statutory Authority: Chapter 69.25 RCW. 84-11-019 (Order 1824), § 16-108-010, filed 5/11/84; Order 1489, § 16-108-010, filed 1/31/77, effective 3/7/77; Order 1479, § 16-108-010, filed 8/18/76; Order 895, Regulation 1, filed 9/26/62; Order 784, Regulation 1, effective 4/1/59.]

WAC 16-108-020 Time of payment—Regular seals. Payment of fees for the regular state egg seals shall be made to the department prior to delivery of such seals.

[Order 1479, § 16-108-020, filed 8/18/76; Order 895, Regulation 2, filed 9/26/62; Order 784, Regulation 2, effective 4/1/59.]

WAC 16-108-030 Facsimile type seals, invoices, seals on bulk eggs. Payment of fees for state egg seal facsimiles printed on egg containers shall be made to the department within ten days of the date appearing on the statement rendered by the department indicating that such fees are due. Carton manufacturers supplying egg cartons to egg dealers paying assessment fees on a monthly basis shall remit copies of invoices of carton purchases to the department. Egg seals may be applied to invoices or cards attached to containers when eggs are sold in bulk.

[Order 1479, § 16-108-030, filed 8/18/76; Order 895, Regulation 3, filed 9/26/62; Order 784, Regulation 3, effective 4/1/59.]

WAC 16-108-040 Labeling. Every egg handler or dealer that pays assessments on a monthly basis, in lieu of seals, shall have their permanent dealer's number imprinted upon all containers that require assessment fees as provided by the "Washington Wholesome Eggs and Egg Products Act." The permanent egg handler or dealer's number shall appear on the outside of the container closure, the characters shall be not less than 1/8 inch in height. The numbers shall be preceded by the letters WA- or 53-, which designates the state of Washington.

[Order 1479, § 16-108-040, filed 8/18/76.]

WAC 16-108-050 Regulation. In conformance with the authority set forth in RCW 69.25.170(1) egg seals shall not be required in the sale of eggs by:

(1) Any poultry producer from his own flocks directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees; and

(2) Shell egg packers on their own premises directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees.

[Order 1489, § 16-108-050, filed 1/31/77, effective 3/7/77.]

Chapter 16-112 WAC

EGG INSPECTION—INVOICES, BILLS OF LADING

WAC

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| 16-112-001 | Promulgation. |
| 16-112-010 | Invoice and bill of lading requirements—Definitions. |
| 16-112-020 | Invoice requirements. |
| 16-112-030 | Bill of lading requirements. |

WAC 16-112-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington, after public notice and hearing held at Olympia on December 6, 1957, by virtue of authority vested in me under chapter 69.24 RCW, do hereby promulgate the following rules and regulations.

[Order 774, Promulgation, effective 5/5/58.]

WAC 16-112-010 Invoice and bill of lading requirements—Definitions. (1) "Invoice" means an itemized statement of shell eggs, held, stored, shipped or sent to a purchaser or consignee or dealer, with the quantity, grade, size and weight class annexed;

(2) "Bill of lading" means a written account or itemized statement of shell eggs shipped or sent to a purchaser, consignee or dealer with the point of origin, point of destination and quantity of shipment annexed.

[Order 774, Regulation 1 (part), effective 5/5/58.]

WAC 16-112-020 Invoice requirements. No person or dealer shall have in his possession for the purpose of sale, shell eggs that have been previously candled, graded and labeled and held in containers or subcontainers without an invoice showing date received together with name and address of shipper: *Provided*, That each person or dealer shall keep a copy of said invoice on file at his place of business or place of storage for a period of ninety days during which time a copy shall be available for inspection at all reasonable times by the director.

[Order 774, Regulation 1 (part), effective 5/5/58.]

WAC 16-112-030 Bill of lading requirements. A bill of lading shall accompany all shell eggs that have not been previously candled and graded that are held in containers or subcontainers when received, shipped, held or stored. A copy of said bill of lading shall be kept by the person in possession and shall be available for inspection by the director at all reasonable times: *Provided*, That shell eggs,

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packed, stored or held at the point of production shall be exempt from this regulation.

[Order 774, Regulation 1 (part), effective 5/5/58.]

Chapter 16-122 WAC MILK DISTRIBUTORS

WAC

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| 16-122-001 | Milk distributors license expiration. |
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WAC 16-122-001 Milk distributors license expiration. Milk distributors licenses issued under RCW 15.36.061 shall expire on June 30th of each year.

[Statutory Authority: RCW 15.36.061. 96-22-060, § 16-122-001, filed 11/4/96, effective 12/5/96. Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.222, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-122-001, filed 7/25/91, effective 8/25/91.]

Chapter 16-124 WAC LICENSED TESTERS, WEIGHERS, SAMPLERS AND GRADERS

WAC

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| 16-124-001 | Promulgation. |
| 16-124-010 | Illegal testing. |
| 16-124-011 | Dairy technician license. |
| 16-124-020 | Carbon copies. |
| 16-124-030 | Absence of tester. |
| 16-124-040 | Marking of samples. |
| 16-124-050 | Samples required. |
| 16-124-060 | Stirring to sample. |
| 16-124-070 | Stoppers. |
| 16-124-080 | Temperature. |
| 16-124-090 | Storing samples. |
| 16-124-100 | Sour cream sampling. |
| 16-124-110 | Pipetting. |
| 16-124-120 | Cleaning testing equipment. |
| 16-124-130 | Centrifuges and thermometers. |
| 16-124-140 | Tempering and readings. |
| 16-124-150 | Cream and moisture balances. |
| 16-124-160 | Laboratory. |
| 16-124-170 | Testers' certificates. |
| 16-124-180 | Statements. |
| 16-124-190 | Penalty. |

WAC 16-124-001 Promulgation. I, Fred J. Martin, director of agriculture of the state of Washington, by virtue of authority vested in me under section 10850 as amended by chapter 56, Laws of 1943, and section 6237 of Remington's Revised Statutes, do hereby issue the following regulations governing the operations of licensed testers, weighers, samplers and graders.

[Order 465, Promulgation, effective 7/1/46.]

WAC 16-124-010 Illegal testing. It will be a violation of the rules and regulations of this department governing Babcock testing to test samples of milk or cream for other than actual purchase by the licensee or his employer, unless such samples are taken by a licensed sampler in the manner prescribed by the rules and regulations of this

department: *Provided, however,* That the licensed tester may test individual samples of milk submitted by a patron shipping milk or cream to the milk plant or factory by whom the licensed tester is employed.

[Order 465, Regulation 1, effective 7/1/46.]

WAC 16-124-011 Dairy technician license. Dairy technician licenses issued under RCW 15.36.081 shall expire December 31st biennially on years ending in odd numbers.

[Statutory Authority: RCW 15.36.081, 96-22-061, § 16-124-011, filed 11/4/96, effective 12/5/96. Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-124-011, filed 7/25/91, effective 8/25/91.]

WAC 16-124-020 Carbon copies. Every licensed Babcock tester, weigher, sampler and grader is required to make and keep for a period of four months, in a sealed container, one or more legible carbon copies of each and every test made by him or her, properly signed with the tester's name and number of license, containers to be sealed by the inspector.

[Order 465, Regulation 2, effective 7/1/46.]

WAC 16-124-030 Absence of tester. When for any reason a licensed tester is obliged to leave his or her station, the employer must, before the tester leaves, provide a substitute who is duly qualified and holds a tester's license, or notify the supervisor of dairy and livestock to that effect and secure permission.

[Order 465, Regulation 3, effective 7/1/46.]

WAC 16-124-040 Marking of samples. All sample bottles of milk and cream and all test bottles in the centrifuge are required to be properly marked with either the shipper's name or number.

[Order 465, Regulation 4, effective 7/1/46.]

WAC 16-124-050 Samples required. Samples must be taken from every shipment of milk and cream. Daily composite samples in the case of milk or sweet cream must be taken and individual samples taken in the case of sour cream. The total period for taking composite samples shall not exceed 16 days.

[Order 465, Regulation 5, effective 7/1/46.]

WAC 16-124-060 Stirring to sample. Each shipment must be thoroughly stirred in the cans or in the weigh tank at the time of taking the sample and the plant is required to furnish a proper stirrer or stirring device, and sample dipper, milk thief or approved automatic sampler. Proportionate samples must be taken of each shipment of milk or cream.

[Order 465, Regulation 6, effective 7/1/46.]

WAC 16-124-070 Stoppers. Sample bottles must be properly stoppered. Rubber or ground glass stoppers are

required in the case of composite milk samples. Sour cream samples must be kept in a glass jar with a tight lid.

[Order 465, Regulation 7, effective 7/1/46.]

WAC 16-124-080 Temperature. All composite milk and sweet cream samples must be kept protected and in a tamper-proof place between 40° and 50°F.

[Order 465, Regulation 8, effective 7/1/46.]

WAC 16-124-090 Storing samples. All composite milk and sweet cream samples must be kept for 10 days after testing in protected place under lock and key and at a temperature between 40° and 50°F.

[Order 465, Regulation 9, effective 7/1/46.]

WAC 16-124-100 Sour cream sampling. All samples of sour cream must be tested daily and be kept for a period of 48 hours after testing in a protected, cool place, properly stoppered to avoid evaporation.

[Order 465, Regulation 10, effective 7/1/46.]

WAC 16-124-110 Pipetting. All composite samples must be at a temperature of not less than 60°F. or more than 70°F. at time of pipetting. All samples must be thoroughly mixed before pipetting by pouring from one container to another until a uniform sample is assured.

[Order 465, Regulation 11, effective 7/1/46.]

WAC 16-124-120 Cleaning testing equipment. All testing equipment must at all times be properly cleaned and kept clean. All glassware must be standard and sealed as provided by law.

[Order 465, Regulation 12, effective 7/1/46.]

WAC 16-124-130 Centrifuges and thermometers. Centrifuges must be in good working condition and maintained at a temperature of 140°F. A thermometer or thermostat control must be provided on the centrifuge.

[Order 465, Regulation 13, effective 7/1/46.]

WAC 16-124-140 Tempering and readings. All test bottles must be tempered in a water bath covering the entire fat column at a temperature of 135° to 140°F. for not less than five minutes. Readings must be completed immediately following removal of each test bottle from the water bath. Glymol must be used for the reading of cream tests. Accurate thermometers must be provided for the water bath at all times.

[Order 465, Regulation 14, effective 7/1/46.]

WAC 16-124-150 Cream and moisture balances. Cream and moisture balances must be placed on a solid, level foundation and protected from drafts and excessive moisture.

[Order 465, Regulation 15, effective 7/1/46.]

WAC 16-124-160 Laboratory. A laboratory or enclosed test room must be provided in which to test milk and cream, ample light must be provided, and at all times the room kept in a clean and sanitary condition.

[Order 465, Regulation 16, effective 7/1/46.]

WAC 16-124-170 Testers' certificates. Licensed testers' certificates must be conspicuously displayed in the laboratory.

[Order 465, Regulation 17, effective 7/1/46.]

WAC 16-124-180 Statements. All statements must be signed by the licensed Babcock tester, or a facsimile of his name and license number.

[Order 465, Regulation 18, effective 7/1/46.]

WAC 16-124-190 Penalty. Any person, firm or corporation violating any of these regulations shall be guilty of a violation of the law and punished as by statute provided.

[Order 465, Penalty, effective 7/1/46.]

Chapter 16-125 WAC

FARM MILK STORAGE TANKS—REQUIREMENTS

WAC

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| 16-125-010 | Definitions. |
| 16-125-020 | Construction. |
| 16-125-030 | Installation. |
| 16-125-040 | Tolerances. |
| 16-125-050 | Authorized calibrators. |
| 16-125-060 | Calibration charts. |
| 16-125-070 | Calibration required. |
| 16-125-080 | Calibration (gaging) procedure. |
| 16-125-090 | Checking (testing) procedure. |
| 16-125-100 | Sealing legs. |
| 16-125-120 | Bulk milk tanker requirements. |
| 16-125-200 | Recording thermometers—Installation. |
| 16-125-210 | Recording thermometer—Operation. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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

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

(2) "Bulk milk hauler" means the person who has primary responsibility for the measuring, weighing, or grading of milk and the collection of samples at the farm and is properly licensed by the director.

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

(4) "3A standards" means current sanitary standards for dairy equipment and accepted practices as published in the *Journal of Food Protection*.

[Statutory Authority: Chapter 15.36 RCW. 84-18-055 (Order 1840), § 16-125-010, filed 9/5/84; Order 1283, § 16-125-010, filed 1/29/73.]

WAC 16-125-020 Construction. All new tanks must conform with the 3-A sanitary standards for farm milk cooling and holding tanks. Whenever a ladder or platform is needed for sampling, measuring or other purposes, it must be permanently attached to the tank or a wall. All calibrated rods and sight glass tubes must be of one piece construction and permanently attached to the farm tank. All sight glass tubes must be cleaned with a C.I.P. system.

[Order 1283, § 16-125-020, filed 1/29/73.]

WAC 16-125-030 Installation. Before any person installs a new tank or relocates a used tank, he must file with the director drawings and detailed information about where and how the milk storage tank is to be put on the farm. There shall be a minimum of two feet clearance between the sides of the tank and the walls of the milkhouse or other permanent equipment and a minimum of three feet on the working side of the tank and at the outlet valve and adequate additional space necessary for normal milkhouse operations is to be provided. There shall be at least 30 inches clearance between the top of the pouring tank and the ceiling and adequate space must be provided above the tank to accommodate the length of the measuring rod.

Provisions of the National Bureau of Standards' Handbook 44 Code on Farm Milk Tanks as adopted under chapter 19.94 RCW applicable to installation and use shall be applicable.

[Order 1283, § 16-125-030, filed 1/29/73.]

WAC 16-125-040 Tolerances. The tolerances as recommended by the National Bureau of Standards as adopted under chapter 19.94 RCW shall be applied equally to errors in excess and errors in deficiency.

[Order 1283, § 16-125-040, filed 1/29/73.]

WAC 16-125-050 Authorized calibrators. No one may calibrate tanks, check tolerances of calibrated tanks, prepare calibration charts or in any other way participate in establishing a means for determining weight of milk picked up at dairy farms unless authorized by the director.

[Order 1283, § 16-125-050, filed 1/29/73.]

WAC 16-125-060 Calibration charts. Within thirty days after this order begins or within thirty days after tank is calibrated charts for each farm milk storage tank used for buying and selling milk must be on file in: (1) Farmer's milkhouse (laminated copy), (2) buyer's plant or office and (3) authorized calibrator's office. Lettering and figures on all charts must be legible.

[Order 1283, § 16-125-060, filed 1/29/73.]

WAC 16-125-070 Calibration required. (1) A new tank must be calibrated at the farm and charted by an authorized person.

(2) Relocated tanks:

(a) Open type tanks—calibration must be checked at the farm and if tank cannot be adjusted to current chart, a new chart must be prepared.

(b) Totally enclosed tanks must be calibrated at farm and a new chart prepared.

(3) A tank which the buyer or seller suspects of being out of tolerance must be checked and if out of tolerance it must be calibrated at farm and a new chart prepared.

(a) Person ordering tank check pays for this service. If tank is out of tolerance and a new chart is needed producer pays this cost.

[Order 1283, § 16-125-070, filed 1/29/73.]

WAC 16-125-080 Calibration (gaging) procedure. Preparation of initial chart must be done as recommended by the National Bureau of Standards in its Handbook 98, "Examination of Farm Milk Tanks" by use of measure-in method or by a procedure developed by the director.

[Order 1283, § 16-125-080, filed 1/29/73.]

WAC 16-125-090 Checking (testing) procedure. A checking operation need not involve the same number of observations as required when the tank was initially calibrated. The measure-in method and other procedures outlined in NBS Handbook 98 or that developed by the director must be followed. The values on the gallonage chart are *required to agree*, within the prescribed tolerances, with the values determined on *all* test observations.

[Order 1283, § 16-125-090, filed 1/29/73.]

WAC 16-125-100 Sealing legs. Before an enclosed type tank is calibrated all legs must be set firmly on the floor or footings and sealed in cement or other product approved by the director. Any seals that are broken and to adjust open type tanks to the chart must be sealed after adjustment is made and before the calibrator leaves the farm, the legs must be sealed as prescribed by the director.

[Order 1283, § 16-125-100, filed 1/29/73.]

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

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

(a) External flexible hoses meet the following requirements:

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

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

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

(i) The pipe is stainless steel and meets the requirements of 3A standards 09-07 and 33-00. Other materials may be

used after approval has been received from the Milk Safety Branch of the Food and Drug Administration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) Plans and drawings relating to tankers submitted to the director shall be treated with confidentiality.

[Statutory Authority: Chapter 15.36 RCW. 84-18-055 (Order 1840), § 16-125-120, filed 9/5/84.]

WAC 16-125-200 Recording thermometers—Installation. (1) After January 1, 1987, all new farm bulk tank installations shall include a recording thermometer and an automatic interval timer. Installation of a used milk tank shall be construed as a new installation.

(2) The installation and operation of recording thermometers and interval timers shall be the responsibility of the holder of the Grade A producer permit.

(3) A recording device shall not be installed on or attached to a farm tank. It may be suspended on metal brackets from the ceiling, firmly attached to the inside wall of the milk room, or at any location acceptable to the department.

(4) The sensor bulb or device shall be so located as to record the temperature of the milk in the tank before the milk reaches ten percent of the tank volume. A capillary system containing toxic gas or liquids shall not be used in a bare bulb sensor device.

(5) The recorder and chart shall be capable of recording from thirty-two degrees to one hundred eighty degrees Fahrenheit, or above, and shall be accurate within plus or minus two degrees.

(6) The case of the recording device shall be moisture-proof under operating conditions in the milk house or milk room.

(7) Means shall be provided for sealing the recording pen arm setting.

(8) The recording chart shall make one revolution every seven days. A strip chart shall not be used.

(9) The recording clock shall be electrically operated. The recorder pen shall reflect the actual time.

(10) If at any time, the recording device becomes inoperable or out of tolerance, the inspection service and the pooling agent or hauler shall be notified immediately by the producer. Repair or replacement of the device shall be made as soon as possible.

(11) The producer shall maintain an adequate supply of recording charts. The charts shall be of those recommended for the specific instrument which is installed.

(12) To preclude stratification, the interval timer shall be set and adjusted so the milk will be agitated for not less than a five minute period with a frequency of every hour.

[Statutory Authority: Chapter 15.36 RCW. 86-17-014 (Order 1902), § 16-125-200, filed 8/8/86.]

WAC 16-125-210 Recording thermometer—Operation. (1) Milk and milk products for consumption in the raw state or for pasteurization shall be cooled to forty degrees Fahrenheit or lower within two hours of completion of milking and maintained at that temperature until picked up, as determined in accordance with RCW 15.36.110: *Provided*, That the blend temperature after the first and subsequent milkings does not exceed fifty degrees Fahrenheit.

(2) In making a milk pick-up, the licensed grader and sampler shall:

(a) Remove the chart from the recorder before the chart has lapsed;

(b) Mark the date and time of pick-up;

(c) Sign the chart;

(d) Date and install a new chart, as necessary;

(e) File the completed charts under protected conditions, provided for by the producer, unless they are taken to the purchaser's premises for his review.

(f) If the charts are taken from the dairy farm, they shall be returned within ten days from the date they were taken: *Provided*, That subject to the approval of its members and the department, a pooling agent, processing plant, receiving plant or regular place of business may file the recording thermometer charts at its place of business.

(g) The official milk temperature must be taken with an accurate, properly calibrated thermometer.

(3) The temperature recording charts may be used for more than one pick-up: *Provided*, That all the pick-ups occur within the maximum time interval of the chart. When the chart is used for more than one pick-up, the licensed grader and sampler shall identify each lot of milk with the date, time of pick-up and his/her signature.

(4) Before removing milk from a farm bulk tank, the licensed grader and sampler shall check the recording chart. If the licensed grader and sampler finds milk temperature variations extending beyond the legal limits, he/she shall immediately notify the producer, or in the absence of the producer, an employee, and the producer's marketing agent. The licensed grader and sampler shall sign the chart noting the date, time, stick reading and indicate that a temperature infraction has occurred. The producer's marketing agent shall notify the department of agriculture of temperature standard violations detected through the official milk quality testing program. Temperature standard violations reported to the department will become part of the producer's official record.

(a) Milk stored at temperatures beyond the legal limits shall be tested by a representative of the producer's marketing agent and determined to be of acceptable quality before the milk can be picked up as Grade A milk.

(b) If milk stored at temperatures beyond the legal limits is determined to be of unacceptable quality by a representative of the producer's marketing agent, the milk in question is subsequently picked up as manufacturing milk or condemned.

(5) Except as otherwise provided in subsection (2) of this section, recorder charts shall be held at the dairy farm for ninety days and shall be available to the dairy sanitarian.

[Statutory Authority: Chapter 15.36 RCW. 86-17-014 (Order 1902), § 16-125-210, filed 8/8/86.]

Chapter 16-129 WAC

LABELING AND ADVERTISING OF PRODUCTS RESEMBLING GENUINE DAIRY PRODUCTS

WAC

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| 16-129-010 | Declaration of purpose. |
| 16-129-020 | Definitions. |
| 16-129-025 | When products deemed not to be filled dairy products. |
| 16-129-030 | Products resembling dairy products—When deemed to be misbranded, falsely labeled or falsely advertised. |

- 16-129-050 Requirements for signs in theatres or other commercial food service establishments which prepare and sell popcorn for human consumption at the point of sale.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-129-001 Promulgation. [Order 1101, Promulgation, § 16-129-001, filed 10/18/68, effective 2/1/69.] Repealed by 83-02-031 (Order 1781), filed 12/29/82. Statutory Authority: Chapters 69.04 and 15.38 RCW.
- 16-129-040 Effective date. [Order 1101, § 16-129-040, filed 10/18/68, effective 2/1/69.] Repealed by 83-02-031 (Order 1781), filed 12/29/82. Statutory Authority: Chapters 69.04 and 15.38 RCW.

WAC 16-129-010 Declaration of purpose. (1) The director finds that because of the advent in the market place of food products which are nondairy food products, and filled dairy products, (a) which closely resemble, and which are made in semblance of genuine dairy products, and (b) which are manufactured in a manner so as to possess in a substantial degree the physical characteristics of genuine dairy products, and (c) which are frequently mistaken both physically and organoleptically for genuine dairy products, and (d) which are held out and sold or marketed as being usable for the same or similar purposes as genuine dairy products, and (e) which are most frequently packaged in the same types, sizes and shapes of glass, paper and plastic containers which historically consumers have associated with the marketing of genuine dairy products, and the labeling, appearance characteristics and other marketing techniques of said packages or containers used for such food products are frequently misleading to consumers in that they are confused and led to believe that they are buying genuine milk products; and the director further finds that as a result of the foregoing conditions and circumstances there is insufficient distinction in the names and other labeling of the said products described above and genuine dairy products; that it is necessary in order to prevent confusion among consumers and for the protection of the public health to promulgate regulations establishing definitions and standards of labeling and advertising for said products.

(2) It is the finding of the director that RCW 69.04.190 provides that rules may be adopted for the purpose of promoting honesty and fair dealings in the interest of consumers in the following areas: Standards for identity of the product, standards of quality, and standards of fill, and no authority is set for the adoption of regulations as to where the product may be physically located at point of sale.

[Statutory Authority: Chapters 69.04 and 15.38 RCW. 83-02-031 (Order 1781), § 16-129-010, filed 12/29/82; Order 1101, § 16-129-010, filed 10/18/68, effective 2/1/69.]

WAC 16-129-020 Definitions. (1) "Products resembling genuine dairy products" means any food product for human consumption other than genuine dairy products, as set forth and defined in subsection (4) of this regulation, and which has the appearance, taste, smell, texture and color of genuine dairy products and which taken as a whole bears a resemblance to, or is in semblance of, any genuine dairy products: *Provided*, That the term "products resembling genuine dairy products" shall not include oleomargarine.

(2) The term "nondairy" means and refers to any product resembling a dairy product as defined in subsection (1) of this regulation and which contains no dairy products or components of dairy products.

(3) "Filled dairy products" means those products which are defined as filled dairy products by RCW 15.38.020.

(4) "Genuine dairy products" means those certain milk products as defined by RCW 15.36.011, and dairy products as defined by RCW 15.32.010 and 15.32.051, or regulations adopted thereunder.

(5) Other terms used in this regulation shall have the definition or definitions as set forth in chapter 69.04 RCW.

[Statutory Authority: Chapters 69.04 and 15.38 RCW. 83-02-031 (Order 1781), § 16-129-020, filed 12/29/82; Order 1101, § 16-129-020, filed 10/18/68, effective 2/1/69.]

WAC 16-129-025 When products deemed not to be filled dairy products. A "filled dairy product" as defined by RCW 15.38.020 does not include a product that meets the following conditions:

(1) The product bears a statement on the main display panel of the package or container stating that the food product is an "imitation" followed by the name of the milk product imitated, i.e. "imitation milk," "imitation cheddar cheese," in letters not less than one-half the size of the product name, but in no case may the letters be smaller than 18 point type size; and the label must also bear a statement that the product contains dairy ingredients to which has been added a fat or oil filler; and

(2) The label on the product clearly states the ingredients and nutritional value, to include but not limited to vitamins, minerals, protein, and calories, but makes no representation or comparison to a genuine dairy product.

[Statutory Authority: Chapters 69.04 and 15.38 RCW. 83-02-031 (Order 1781), § 16-129-025, filed 12/29/82.]

WAC 16-129-030 Products resembling dairy products—When deemed to be misbranded, falsely labeled or falsely advertised. (1) Any product resembling a genuine dairy product shall be deemed to be misbranded and to have a misleading label when its package or immediate container or dispenser bears a statement, or legend using dairy terms or words or designs commonly associated with dairying or genuine dairy products, except to the extent that such words or terms are necessary to meet legal requirements for labeling: *Provided*, That the term "nondairy" may be used as an informative statement.

(2) Any advertisement or display concerning a product resembling a dairy product shall be deemed to be false and misleading if by its content such advertisement or display makes use of any dairy terms, or words or designs commonly associated with dairying or genuine dairy products, except that any such word may be included in the seller's or manufacturer's registered name under which he regularly does business: *Provided*, That this does not include any name registered as a subterfuge to include a dairy term: *Provided further*, That the term "nondairy" may be used as an informative statement.

(3) No representation or suggestion that any product resembling a genuine dairy product is approved or sanctioned by the federal food and drug administration, the

Washington state department of agriculture, or any other governmental entity, shall be made in any labeling or advertisement.

(4) Any label concerning a product resembling a dairy product shall clearly set forth a list of ingredients of which such product consists. The label shall also set forth and name the specific kind of vegetable fat or oil contained in the product: *Provided*, That, if a blend or variety of oils is used, the ingredient statement shall contain the term "vegetable oil" in the appropriate place in the ingredient statement, with a qualifying phrase following the ingredient statement, such as "vegetable oils are soybean, cottonseed and coconut oils," or "vegetable oil may be cottonseed, coconut or soybean oil."

[Statutory Authority: Chapters 69.04 and 15.38 RCW. 83-02-031 (Order 1781), § 16-129-030, filed 12/29/82; Order 1101, § 16-129-030, filed 10/18/68, effective 2/1/69.]

WAC 16-129-050 Requirements for signs in theatres or other commercial food service establishments which prepare and sell popcorn for human consumption at the point of sale. (1) Popcorn flavored with butter - Sign shall be in a conspicuous location of durable material in contrasting letters not less than 3/4 inch high stating "Flavored with butter" or words to that effect.

(2) Popcorn flavored in semblance of butter - Sign shall be in a conspicuous location of durable material in contrasting letters not less than 3/4 inch high stating "Imitation butter flavor" and listing the ingredients contained in the flavor in contrasting letters not less than 1/2 inch high in descending order of predominance.

[Statutory Authority: Chapter 69.04 RCW. 86-21-007 (Order 1910), § 16-129-050, filed 10/3/86.]

Chapter 16-142 WAC

PERISHABLE PACKAGED FOOD GOODS—PULL DATING

WAC

| | |
|------------|---------------------------|
| 16-142-001 | Promulgation. |
| 16-142-010 | Application. |
| 16-142-020 | Date. |
| 16-142-030 | Package dating. |
| 16-142-040 | Placement of "pull date." |
| 16-142-050 | Storage. |
| 16-142-060 | Effective date. |

WAC 16-142-001 Promulgation. (This promulgation relates to Order No. 1329, WAC 16-142-001 through 16-142-060.)

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in chapter 69.04 RCW, after due notice as provided in chapter 34.04 RCW and a public hearing held in Seattle, Washington on December 14th, 1973 at 1:30 p.m. in the Auditorium, Seattle City Light Building, 1015 - 3rd Avenue, do hereby promulgate the following regulations relating to the "pull date" of perishable packaged food goods.

[Order 1329, § 16-142-001, filed 1/14/74.]

WAC 16-142-010 Application. "Perishable packaged food goods" as described by law under chapter 69.04 RCW shall provide an open "pull date" in the manner prescribed herein: The "pull date" shall allow the consumer time for normal home consumption or use under the proper care and storage conditions.

[Order 1329, § 16-142-010, filed 1/14/74.]

WAC 16-142-020 Date. The date required by this regulation shall be the last date on which the perishable packaged food goods shall be offered for sale in the channel of regular trade. ("Pull date") provided that:

(A) The packaged perishable foods whose "pull date" has expired may be sold if still wholesome and not a danger to health, and

(1) The "pull date" has not been removed, altered or changed, and

(2) The perishable package food goods is removed from the regular channel of sale and so identified by placard or other means as to fully inform the purchaser that the "pull date" has expired.

[Order 1329, § 16-142-020, filed 1/14/74.]

WAC 16-142-030 Package dating. Perishable packaged food goods subject to this regulation shall be dated in accordance with this section. The date must first show the month and then the day of the month.

The month shall be shown by a minimum of three letters that clearly identify the month such as "Jan." (January), "Feb." (February) and so on through "Dec." (December) or by digits "1" through "12," where "1" signifies January, "2" signifies February and so on through "12" which signifies December. The day of the month must be shown by digits "1" through "31" to show the date within the month specified. If only digits are used to indicate the month, then the month must be separated from the digits for the date within the month by a space or dash. No letters or digits shall immediately precede or follow the "pull date" specified.

[Order 1329, § 16-142-030, filed 1/14/74.]

WAC 16-142-040 Placement of "pull date." The date required by this regulation must be placed on each package made available to the purchaser. The date shall be presented in a size, manner and style clearly and easily legible to the purchaser at the time of making or accepting a selection for purchase.

[Order 1329, § 16-142-040, filed 1/14/74.]

WAC 16-142-050 Storage. Storage conditions including temperature requirements shall be the same as those set forth in WAC 248-84-001 and 248-84-010 rules and regulations of the state board of health governing food service establishments for perishable foods.

[Order 1329, § 16-142-050, filed 1/14/74.]

WAC 16-142-060 Effective date. The effective date of this order shall be February 14, 1974.

[Order 1329, § 16-142-060, filed 1/14/74.]

Chapter 16-144 WAC
PROCESSING FROZEN DESSERTS

WAC

| | |
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| 16-144-010 | Definitions. |
| 16-144-090 | Frozen yogurt. |
| 16-144-100 | Frozen lowfat yogurt. |
| 16-144-110 | Frozen nonfat yogurt. |
| 16-144-120 | Soft serve frozen yogurt mix. |
| 16-144-130 | Soft serve frozen lowfat yogurt mix. |
| 16-144-140 | Soft serve frozen nonfat yogurt mix. |
| 16-144-145 | Requirements for frozen dessert mix processing, handling, transportation and pasteurization. |
| 16-144-146 | How may frozen dessert mix be transported without requiring repasteurization? |
| 16-144-147 | Can frozen dessert mix be transported in milk tank trucks or milk cans? |
| 16-144-148 | What temperature must frozen dessert mix be held at? |
| 16-144-149 | How long may frozen dessert mix be held after pasteurization? |
| 16-144-150 | What ingredients must be added to the mix before final pasteurization? |
| 16-144-151 | What ingredients may be added after final pasteurization or at the freezer? |

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

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| 16-144-001 | Promulgation and purpose. [Statutory Authority: RCW 15.36.021 and 69.04.398(3). 95-16-062, § 16-144-001, filed 7/26/95, effective 8/26/95; Order 1069, Promulgation, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW. |
| 16-144-020 | Processing of ice cream. [Order 1069, Regulation 2, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW. |
| 16-144-030 | Processing of other desserts—Frozen and French custards—Labeling—Optional ingredients. [Order 1069, Regulation 3, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW. |
| 16-144-040 | Ice milk—Labeling—Optional ingredients. [Order 1069, Regulation 4, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW. |
| 16-144-050 | Nonfat frozen dairy desserts—Labeling—Optional ingredients. [Order 1069, Regulation 5, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW. |
| 16-144-060 | Dietetic or dietary frozen dairy desserts—Labeling—Optional ingredients. [Order 1069, Regulation 6, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW. |
| 16-144-070 | Fruit sherbets—Labeling—Optional ingredients. [Order 1069, Regulation 7, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW. |
| 16-144-080 | Water ices—Labeling—Optional ingredients. [Order 1069, Regulation 8, filed 9/20/67, effective 11/1/67.] Repealed by 96-18-106, filed 9/4/96, effective 10/5/96. Statutory Authority: Chapters 15.32 and 15.36 RCW. |

WAC 16-144-010 Definitions. (a) The definitions and standards contained in chapters 15.32 and 69.04 RCW shall apply under this order unless the context of this order clearly indicates otherwise.

(b) Frozen desserts means ice cream, frozen custard, ice milk, nonfat frozen dairy dessert, dietetic frozen desserts,

fruit sherbets, and water ices. Such terms shall also include any food product which is prepared or manufactured and which contains as an ingredient a substantial portion of any of the above mentioned frozen desserts.

(c) The terms "pasteurization," "pasteurized" and similar terms used in this order shall mean heating every particle of the product to a temperature of not less than 155 degrees Fahrenheit and holding continuously for at least thirty minutes in approved and properly operated equipment or heating to a temperature of not less than 175 degrees Fahrenheit for not less than 25 seconds continuously in approved and properly operated equipment.

(d) All frozen desserts shall be manufactured, processed, and pasteurized to conform with a bacteriological standard of not to exceed 50,000 per milliliter and a coliform limit not exceeding 10 per milliliter as determined by Standard Methods for the Examination of Dairy Products of the American Public Health Association, and the 11th Edition of Official Methods of Analyses of the Association of Official Agricultural Chemist. The frozen desserts shall be properly pasteurized as evidenced by the phosphatase test.

[Order 1069, Regulation 1, filed 9/20/67, effective 11/1/67.]

WAC 16-144-090 Frozen yogurt. (1) Frozen yogurt is a food produced by freezing under agitation, a mix consisting of pasteurized or ultra pasteurized dairy ingredients, which may contain one or more safe and suitable nondairy ingredients, excluding other food fats and oils, except which are natural components of the safe and suitable nondairy ingredient additive. All, or a portion of the dairy ingredient mix shall be cultured totally, or in part, by the addition of live bacteria cultures consisting of streptococcus thermophilus and lactobacillus bulgaricus, and optionally, other lactic acid-producing bacteria. Frozen yogurt shall not be subjected to chemical preservatives, heat treatment, or other processes that would eliminate or reduce the live yogurt bacteria.

(2) Frozen yogurt mix, prior to the addition of any flavorings, shall have a titratable acidity of not less than 0.3 percent (calculated as lactic acid) or the manufacturer shall be able to demonstrate that not less than 0.15 percent increase in titratable acidity, above that of the uncultured ingredients, has been achieved due to bacterial action. No food grade acids or acidogens are permitted for the purpose of meeting the prescribed minimum titratable acidity requirement.

(3) Frozen yogurt may contain safe and suitable sweeteners, flavorings, color additives, and other characterizing food ingredients which may be added before or after pasteurization.

(4) Frozen yogurt shall contain not less than 3.25 percent milkfat and 8.25 percent milk solids not fat before the addition of bulky flavoring ingredients. Frozen yogurt shall contain not less than 1.3 pounds of total solids per gallon and weight not less than 4.5 pounds per gallon.

(5) The name of the food is "frozen yogurt," and it shall be accompanied by a declaration of the characterizing flavor. Flavor and ingredient declarations shall be as shown in 21 C.F.R. Sec. 135.110 (e), (f). If a sweetener is used that is not a nutritive carbohydrate sweetener, the name of the food shall be accompanied by the statement "sweetened with

....." or "with sweetener" in type height not less than one-half the size of the name of the food.

[Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-076, § 16-144-090, filed 7/2/90, effective 8/2/90.]

WAC 16-144-100 Frozen lowfat yogurt. Lowfat frozen yogurt is the food prepared from the same ingredients and in the same manner prescribed in WAC 16-144-090 for frozen yogurt and complies with all the provisions of WAC 16-144-090 (including the requirements for label statements of all ingredients) except that:

(1) Its milkfat content is not less than 0.5 percent nor more than 2.0 percent before the addition of bulky flavoring ingredients.

(2) The name of the food is "frozen lowfat yogurt" or alternatively, "lowfat frozen yogurt."

[Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-076, § 16-144-100, filed 7/2/90, effective 8/2/90.]

WAC 16-144-110 Frozen nonfat yogurt. Nonfat frozen yogurt is the food prepared from the same ingredients and in the same manner prescribed in WAC 16-144-090 for frozen yogurt and complies with all the provisions of WAC 16-144-090 (including the requirements for label statements of all ingredients) except that:

(1) Its milkfat content is less than 0.5 percent before the addition of bulky flavoring ingredients.

(2) The name of the food is "frozen nonfat yogurt" or alternatively, "nonfat frozen yogurt."

[Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-076, § 16-144-110, filed 7/2/90, effective 8/2/90.]

WAC 16-144-120 Soft serve frozen yogurt mix. Soft serve frozen yogurt mix is the food prepared from the same ingredients and in the same manner prescribed in WAC 16-144-090 for frozen yogurt, except that:

The name of the food is "soft serve frozen yogurt mix."

[Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-076, § 16-144-120, filed 7/2/90, effective 8/2/90.]

WAC 16-144-130 Soft serve frozen lowfat yogurt mix. Soft serve frozen lowfat yogurt mix is the food prepared from the same ingredients and in the same manner prescribed in WAC 16-144-100(1) for frozen yogurt, except that:

The name of the food is "soft serve frozen lowfat yogurt mix" or alternatively, "soft serve lowfat frozen yogurt mix."

[Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-076, § 16-144-130, filed 7/2/90, effective 8/2/90.]

WAC 16-144-140 Soft serve frozen nonfat yogurt mix. Soft serve frozen nonfat yogurt mix is the food prepared from the same ingredients and in the same manner prescribed in WAC 16-144-110(1) for frozen yogurt, except that:

The name of the food is "soft serve frozen nonfat yogurt mix" or alternatively, "soft serve nonfat frozen yogurt mix."

[Statutory Authority: Chapters 15.32 and 15.36 RCW. 90-14-076, § 16-144-140, filed 7/2/90, effective 8/2/90.]

WAC 16-144-145 Requirements for frozen dessert mix processing, handling, transportation and pasteurization. (1) Definitions for terms used in this section may be found in the following sections:

- (a) Frozen desserts, WAC 16-144-010.
- (b) Washington Food, Drug and Cosmetic Act, chapter 69.04 RCW.
- (c) Fluid milk, RCW 15.36.012.
- (d) Intrastate commerce in foods, WAC 16-167-050 (1)(r).
- (e) Pasteurized milk ordinance adopted in WAC 16-101-700.

(2) Additional definition: Harmful microorganisms are bacteria or other microorganisms which have been shown to be capable of causing disease in humans by consumption or contact.

[Statutory Authority: RCW 15.36.021 and 69.04.398(3). 95-16-062, § 16-144-145, filed 7/26/95, effective 8/26/95.]

WAC 16-144-146 How may frozen dessert mix be transported without requiring repasteurization? (1) Single service containers which meet the requirements for Grade A milk products under Appendix J of the pasteurized milk ordinance (PMO).

(2) Containers with single service liners which meet the requirements for Grade A milk products under Appendix J of the PMO.

[Statutory Authority: RCW 15.36.021 and 69.04.398(3). 95-16-062, § 16-144-146, filed 7/26/95, effective 8/26/95.]

WAC 16-144-147 Can frozen dessert mix be transported in milk tank trucks or milk cans? No. Transport of mix in milk trucks or milk cans is not allowed. The risk of post pasteurization contamination is too great without final pasteurization at the plant where the mix is frozen and packaged.

[Statutory Authority: RCW 15.36.021 and 69.04.398(3). 95-16-062, § 16-144-147, filed 7/26/95, effective 8/26/95.]

WAC 16-144-148 What temperature must frozen dessert mix be held at? Forty-five degrees Fahrenheit or less at all times.

[Statutory Authority: RCW 15.36.021 and 69.04.398(3). 95-16-062, § 16-144-148, filed 7/26/95, effective 8/26/95.]

WAC 16-144-149 How long may frozen dessert mix be held after pasteurization? (1) Frozen dessert mix containers approved under WAC 16-144-146 must bear a pull date which establishes the last day it may be used. This pull date must meet the requirements for pull dating of perishable packaged food under chapters 69.04 RCW and 16-142 WAC.

(2) Pasteurized frozen dessert mix may be held for up to seventy-two hours in storage tanks before it must be repasteurized.

[Statutory Authority: RCW 15.36.021 and 69.04.398(3). 95-16-062, § 16-144-149, filed 7/26/95, effective 8/26/95.]

WAC 16-144-150 What ingredients must be added to the mix before final pasteurization? (1) All dairy

products including milk solids, whey, nonfat dry milk, condensed milk, cream, skim milk, and other milk products.

- (2) Egg products.
- (3) Reconstituted or recombined dry mixes including cocoa and cocoa products which are mixed with water or other liquids.
- (4) Liquid sweeteners.
- (5) Dry sugars.
- (6) Emulsifiers or stabilizers which do not meet one of the requirements under WAC 16-144-151.

[Statutory Authority: RCW 15.36.021 and 69.04.398(3). 95-16-062, § 16-144-150, filed 7/26/95, effective 8/26/95.]

WAC 16-144-151 What ingredients may be added after final pasteurization or at the freezer? (1) Ingredients which have been subjected to prior heat treatment sufficient to kill harmful microorganisms.

- (2) Ingredients with 0.85% water activity or less.
- (3) High acid ingredients with pH 4.7 or less.
- (4) Roasted nuts or confectionery chips (added at the freezer).
- (5) Harmless lactic acid forming bacteria cultures.
- (6) Fruits and vegetables (added at the freezer).
- (7) Ingredients with high alcohol content (i.e., fifteen percent or more by volume).
- (8) Ingredients which have been subjected to any other process approved by the director which will ensure that the finished product is free of harmful microorganisms.

[Statutory Authority: RCW 15.36.021 and 69.04.398(3). 95-16-062, § 16-144-151, filed 7/26/95, effective 8/26/95.]

Chapter 16-145 WAC FOOD STORAGE WAREHOUSES

WAC

- 16-145-010 Purpose.
16-145-020 Food storage warehouse license.

WAC 16-145-010 Purpose. These rules are promulgated under section 10, chapter 374, Laws of 1995. The purpose of these rules is to establish a renewal date for the annual food storage warehouse license.

[Statutory Authority: RCW 69.10.015. 96-01-041, § 16-145-010, filed 12/13/95, effective 1/13/96.]

WAC 16-145-020 Food storage warehouse license. The license period for food storage warehouses shall begin on April 1 and run through the following March 31. All food storage warehouse licenses shall expire on March 31 of each year.

[Statutory Authority: RCW 69.10.015. 96-01-041, § 16-145-020, filed 12/13/95, effective 1/13/96.]

Chapter 16-146 WAC FOOD PROCESSORS

WAC

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

WAC 16-146-100 Food processor license. Licenses to operate a food processing plant or to process food issued under RCW 69.07.040 shall expire on the 30th day of June of each year.

[Statutory Authority: RCW 69.07.040. 92-19-044 (Order 4011), § 16-146-100, filed 9/10/92, effective 10/10/92. Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.222, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-146-100, filed 7/25/91, effective 8/25/91.]

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

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

[Statutory Authority: RCW 69.07.040. 92-19-044 (Order 4011), § 16-146-110, filed 9/10/92, effective 10/10/92. Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.222, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-146-110, filed 7/25/91, effective 8/25/91.]

Chapter 16-147 WAC SANITARY CERTIFICATES

WAC

- 16-147-010 Authority and purpose.
16-147-020 Sanitary certificate defined.
16-147-030 Requirements for obtaining a sanitary certificate.

WAC 16-147-010 Authority and purpose. This chapter is promulgated under authority of RCW 69.07.020 and 69.07.085. The purpose of this rule is to establish requirements for issuance of sanitary certificates to food processors.

[Statutory Authority: RCW 69.07.020, 69.07.085. 95-02-016 (Order 5066), § 16-147-010, filed 12/27/94, effective 1/27/95.]

WAC 16-147-020 Sanitary certificate defined. A sanitary certificate is a notarized statement by a responsible food safety official that certifies that a food processing plant has been inspected and approved by this department and has been issued a license indicating the same.

It further certifies that its products to the best of our knowledge are prepared under sanitary conditions, are not harmful and are freely sold in the United States.

[Statutory Authority: RCW 69.07.020, 69.07.085. 95-02-016 (Order 5066), § 16-147-020, filed 12/27/94, effective 1/27/95.]

WAC 16-147-030 Requirements for obtaining a sanitary certificate. (1) All applicants for a sanitary certificate must have current license as a food processor in Washington state with the department of agriculture under RCW 69.07.040.

(2) Sanitary certificate will only cover products listed on the license application or otherwise approved by the department of agriculture.

(3) Products for certification must not be under embargo or litigation by Washington department of agriculture, the U.S. Food and Drug Administration, or other recognized public health authorities.

(4) A food processor must not be in arrears more than ninety days in paying for previous certificate issued.

(5) A food processor that requests sanitary certificates must have been inspected by the department of agriculture within the inspection frequency guidelines established by Washington state department of agriculture and must be in substantial compliance with applicable food safety laws and rules.

(6) Sanitary certificates will be in a form approved by the Washington state department of agriculture which specifies plant location where the products were produced and that the plant was inspected and in substantial compliance with food safety laws and rules. No statements will be made to infer that any given product was inspected and passed.

(7) Sanitary certificates will be issued as soon as possible in the order requests are received. However advance notice of three business days is required to ensure the sanitary certificates will be sent by the date needed.

(8) The department will deliver sanitary certificate by U.S. mail service. Requests for overnight mail or FAX will be allowed, but must be paid for by requester.

[Statutory Authority: RCW 69.07.020, 69.07.085. 95-02-016 (Order 5066), § 16-147-030, filed 12/27/94, effective 1/27/95.]

Chapter 16-150 WAC

FEDERAL MEAT INSPECTION REGULATIONS

WAC

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| 16-150-001 | Promulgation. |
| 16-150-010 | Adopting. |

WAC 16-150-001 Promulgation. (This promulgation relates to WAC 16-150-010 only.)

The adoption of these regulations amending the Federal Meat Inspection Regulations adopted by the 1969 and 1971 sessions of the Washington state legislature is necessary to protect the public health and welfare.

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 16.49A RCW, after due notice as provided under chapter 34.04 RCW, and a public hearing held on July 11, 1972 at 10:00 a.m. in the conference room of the General Administration Building, Olympia, Washington, do hereby promulgate the following regulation relating to meat inspection.

[Title 16 WAC—page 150]

[Order 1274, § 16-150-001, filed 8/14/72.]

WAC 16-150-010 Adopting. The regulations adopted by the United States Secretary of Agriculture December 20, 1971, and January 26, 1972, amending 9CFR parts 301, 311, 309.16 and 315 of the Federal Meat Inspection Regulations as adopted under the provision of RCW 16.49A.570 as last amended are hereby adopted and made part of said regulations.

[Order 1274, § 16-150-010, filed 8/14/72.]

Reviser's note: A pamphlet entitled *Federal Register — Volume 37 — Number 95, Part II, Department of Agriculture, Animal and Plant Health Inspection Service*. Poultry products inspection regulations was filed as a part of Order 1274, August 14, 1972, and may be inspected at the code reviser's office. Copies of this pamphlet may be obtained by writing the Department of Agriculture in Olympia, Washington.

Chapter 16-152 WAC

FEDERAL POULTRY INSPECTION REGULATIONS

WAC

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| 16-152-001 | Promulgation. |
| 16-152-010 | Adopting. |

WAC 16-152-001 Promulgation. (This promulgation relates to WAC 16-152-010 only.)

The adoption of these regulations amending the Federal Poultry Inspections Regulations adopted by the 1969 and 1971 sessions of the Washington state legislature is necessary to protect the public health and welfare.

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 16.74 RCW, after due notice as provided under chapter 34.04 RCW, and a public hearing held on July 11, 1972 at 11:00 a.m. in the conference room of the General Administration Building, Olympia, Washington, do hereby promulgate the following regulations relating to poultry and poultry products.

[Order 1273, § 16-152-001, filed 8/14/72.]

WAC 16-152-010 Adopting. The regulations of the United States secretary of agriculture in amending Title 9 CFR Part 381 of the Federal Poultry Products Inspection Regulations as adopted under the provision of chapter 16.74 RCW as last amended are hereby adopted and made part of said regulations.

[Order 1273, § 16-152-010, filed 8/14/72.]

Reviser's note: A pamphlet entitled *Title 9 — Animals and Animal Products — United States Department of Agriculture — Consumer and marketing service — CFR amendment 72-6* was filed on August 14, 1972, as part of Order 1273 and may be inspected in the Office of the Code Reviser, Legislative Building, Olympia, Washington, and can be obtained by writing the Department of Agriculture, Olympia, Washington 98504.

Chapter 16-154 WAC

ORGANIC CROP PRODUCTION STANDARDS

WAC

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| 16-154-010 | Purpose. |
| 16-154-030 | Definitions. |
| 16-154-040 | Organic food production guidelines. |

(1997 Ed.)

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

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-154-020 | Principles of organic food production. [Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-154-020, filed 4/11/91, effective 5/12/91; 86-18-040 (Order 1901), § 16-154-020, filed 8/29/86.] Repealed by 91-20-013, filed 9/20/91, effective 10/21/91. Statutory Authority: Chapter 15.86 RCW. |
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WAC 16-154-010 Purpose. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act. This chapter provides standards for organic crop production, and sets recordkeeping requirements for organic crop producers.

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

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

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

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

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

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

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

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

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

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

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

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life or virus (except virus on or in

living man or other animal) which is normally considered to be a pest or which the director may declare to be a pest;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Soil building.

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

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

(3) Transplants.

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

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

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

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

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

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

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

(a) Algae.

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

(i) Any green manure crop;

(ii) Any perennial crop;

(iii) Any crop not for human consumption; and

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

(c) Blood meal.

(d) Blue-green algae or cyanobacteria.

(e) Bone meal.

(f) Boron products.

(g) Biodynamic preparations.

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

(i) Chilean nitrate (see sodium nitrate).

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

(k) Compost.

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

(m) Cyanobacteria or blue-green algae.

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

(o) Dolomite: May cause buildup of magnesium.

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

(q) Epsom salts or magnesium sulphate.

(r) Fish emulsions: Forms which are "fortified" with urea or other synthetic plant nutrients are prohibited. Phosphoric acid used as a stabilizer in fish emulsion cannot exceed one percent by weight of P₂O₅.

(s) Fish meal.

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

(u) Grape, apple, and other pomaces.

(v) Greensand.

(w) Guano, bat, or bird.

(x) Gypsum.

(y) Hoof and horn meal.

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

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

(bb) Iron sulfate.

(cc) Kelp extracts.

(dd) Kelp meal.

(ee) Kieserite.

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

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

(hh) Limestone.

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

(jj) Microbial soil inoculants.

(kk) Mined materials.

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

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

(nn) Peat moss: Unfortified forms only.

(oo) Perlite.

(pp) Phosphate rock.

(qq) Potassium sulfate.

(rr) Rock phosphate.

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

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

(uu) Spent controlled atmosphere lime.

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

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

(xx) Sulfates of zinc or iron.

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

(zz) Vermiculite.

(aaa) Wood ashes.

(bbb) Worm castings.

(ccc) Zinc sulfate.

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

(a) Ammonia products.

(b) Calcium nitrate.

(c) Fortified humic acid derivatives.

(d) Growth regulators, synthetic.

(e) Hydrated lime.

(f) Magnesium nitrate.

(g) Mono-ammonium phosphate.

(h) Muriate of potash.

(i) Phosphoric acid.

(j) Potassium nitrate.

(k) Super phosphate.

(l) Triple phosphate.

(m) Urea.

(n) Vitamin B-1.

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

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

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

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

(b) Beneficial insects.

(c) Boric acid: Cannot be used on edible plant parts.

(d) Codling moth granulosis virus.

(e) Cryolite or sodium fluoaluminate: The mined material from Greenland is permitted.

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

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

(h) Garlic.

(i) Herbal preparations: May not be extracted with synthetic solvents.

(j) Insect extracts.

(k) Nematodes.

(l) Pheromones.

(m) Piperonyl butoxide (PBO): California and Oregon no longer allow the use of PBO in the production of organic food.

(n) Pyrethrums: Naturally occurring forms are allowed. The pyrethrums are highly unstable in the presence of air, light, and moisture. They have low mammalian toxicity and can cause dermatitis in humans. Use with caution.

(o) Rotenone: Use with caution. Rotenone is highly toxic to fish. Its persistence in the soil is unknown, though it loses its effectiveness within one week. Should not be used on crops nearing harvest time. Commercial rotenone comes from tropical leguminous shrubs in the genera *Lonchocarpus* and *Derris*. The active compounds, rotenoids, are present in a variety of legumes including soybeans.

(p) Ryania: Use with caution. The toxicological properties of ryania are largely unknown.

(q) Sabadilla: Use with caution.

(r) Soaps.

(s) Sulfur, elemental.

(t) Summer oils: May be used on woody plants only, carrot and/or weed oils are prohibited.

(u) Trapping substances.

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

(w) Virus sprays.

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

(a) Abamectin or avermectin.

(b) Carbamates.

(c) Chlorinated hydrocarbons.

(d) Dimethyl sulfoxide.

(e) Methyl bromide.

(f) Methyl sulfoxide.

(g) Moth balls/crystals.

(h) Nicotine: Nicotine is prohibited because of extreme toxicity.

(i) Organophosphates.

(j) Plant protectants, synthetic.

(k) Pyrethroids, synthetic.

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

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

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

(b) Grazing.

(c) Herbicidal soaps.

(d) Mechanical and cultural controls.

(e) Mulches of organic materials.

(f) Plastics for mulch, row covers, and solarization.

(g) Weeder geese.

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

(a) Broadcast and/or field burning.

(b) Carrot oil.

(c) Field burning.

(d) Herbicides.

(e) Synthetic growth regulators.

(f) Weed oils.

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

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

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

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

(c) Copper hydroxide.

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

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

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

(g) Hydrogen peroxide.

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

(i) Soil pasteurization.

(j) Sulfur, elemental.

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

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

(a) Broadcast and/or field burning.

(b) Soil fumigants.

(c) Synthetic fungicides, fumigants, sterilizants, and bactericides.

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

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

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

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

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

(c) Rodent traps.

(d) Strychnine: Underground use only.
 (e) Synthetic vitamin baits.
 (2) Prohibited materials and practices. The vertebrate pest control materials and practices that are prohibited for use in organic crop production includes but is not limited to the following:

- (a) Anticoagulant rodent baits
- (b) Aluminum phosphide
- (c) Alpha-Naphthylthiourea
- (d) Coumarins
- (e) Calcium cyanide
- (f) Indandiones
- (g) Organochlorines
- (h) Organo phosphates
- (i) Pyriminilureas
- (j) Phosphorus
- (k) Sodium fluoroacetate
- (l) Thallium sulfate
- (m) Zinc phosphide.

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

WAC 16-154-120 Materials list for organic food production—Post-harvest materials and practices. (1) Approved materials. The following list of materials and practices are approved for post-harvest use for organic food. Some materials have certain restrictions regarding their use. These restrictions are noted in the list. All materials must be used with awareness and care for the environment and in compliance with state and federal laws.

- (a) Beneficial insects.
- (b) Carbon dioxide gas.
- (c) Chlorine dioxide.
- (d) Citric acid, naturally derived.
- (e) Controlled atmosphere.
- (f) Ethylene gas: Ethylene gas may be used on bananas only.
- (g) Fruit waxes: Natural waxes are permitted as long as they do not contain synthetic additives.
- (h) Hydrogen peroxide.
- (i) Lignosulfonates for floating tree fruits.
- (j) Soap, biodegradable.
- (k) Soda ash for floating tree fruits.
- (l) Sodium silicate for floating tree fruits.
- (2) Prohibited materials. The post-harvest materials and practices that are prohibited for use in organic crop production includes but is not limited to the following:
 - (a) Antibiotics.
 - (b) Artificial preservatives.
 - (c) Fumigants.
 - (d) Fungicides.
 - (e) Irradiation.

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

Chapter 16-156 WAC

ORGANIC PRODUCER AND TRANSITION TO ORGANIC PRODUCER CERTIFICATION

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-156-001 Application. [Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-156-001, filed 5/6/92, effective 6/6/92. Statutory Authority: Chapter 15.86 RCW. 90-02-001, § 16-156-001, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-001, filed 3/8/88.] Repealed by 97-02-008 (Order 6011), filed 12/20/96, effective 1/20/97. Statutory Authority: Chapter 15.86 RCW.

WAC 16-156-003 Purpose. This chapter is promulgated pursuant to RCW 15.86.070 wherein the director is authorized to adopt rules establishing a certification program for producers of organic or transition to organic food.

[Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-156-003, filed 5/6/92, effective 6/6/92.]

WAC 16-156-004 Definitions. As used in this chapter:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department of agriculture or his or her duly authorized representative.
- (3) "Drift" is defined as the movement of prohibited substances by air, water or soil from the intended target and results in residues of prohibited substances on organic or transition to organic food in excess of five percent of the EPA tolerance level.
- (4) "Gross sales" means the sales of organic and transition to organic food sold during the calendar year.
- (5) "Labeling" means all written, printed, or graphic matter upon any article or any of its containers or wrappers, or accompanying such article, or used in the advertisement of such article.
- (6) "New applicant" means any person or organization who or which applies for organic or transition to organic certification for the first time, or when previous certification status has expired for at least one year.
- (7) "Organic food" means any agricultural product, including meat, dairy, and beverage, that:
 - (a) Is marketed using the term organic or any derivative of organic in its labeling or advertising; and
 - (b) That has had no applications of prohibited substances within three years prior to the harvest of the crop; and
 - (c) That is produced in compliance with standards defined in chapter 15.86 RCW and rules adopted thereunder.

(8) "Producer" means any person or organization who or which grows, raises or produces an agricultural product.

(9) "Prohibited substance" means a material which is disallowed in organic food production, handling, or processing.

(10) "Renewal applicant" means any person or organization who or which has applied for organic or transition to organic certification in the previous year.

(11) "Site" means a defined field, orchard, block, pasture, paddock, garden, circle, plot or other designed area.

(12) "Transition to organic food" means any agricultural product that:

(a) Is marketed using the term transition to organic or transitional in its labeling and advertising; and

(b) Satisfies all of the requirements of organic food except that it has had no applications of prohibited substances within one year prior to the harvest of the crop.

[Statutory Authority: Chapter 15.86 RCW. 97-02-008 (Order 6011), § 16-156-004, filed 12/20/96, effective 1/20/97.]

WAC 16-156-005 Standards for certification.

Standards for organic food producer and transition to organic food producer certification shall be as set forth in RCW 15.86.030 and rules adopted pursuant to chapter 15.86 RCW.

[Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-156-005, filed 5/6/92, effective 6/6/92. Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-156-005, filed 4/11/91, effective 5/12/91; 90-02-001, § 16-156-005, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-005, filed 3/8/88.]

WAC 16-156-010 Sampling. A sample representative of a food product grown, raised, or produced by producers of organic and transition to organic food may be tested for pesticide residues or other contaminants whenever the director deems it necessary to grant, renew, deny, or revoke certification.

It shall be the producer's responsibility to arrange for and bear the costs for any additional testing (in addition to one sample provided for) which is deemed necessary by the director to grant, renew, deny, or revoke certification.

[Statutory Authority: Chapter 15.86 RCW. 97-02-008 (Order 6011), § 16-156-010, filed 12/20/96, effective 1/20/97; 92-11-001, § 16-156-010, filed 5/6/92, effective 6/6/92. Statutory Authority: Chapter 15.86 RCW. 90-02-001, § 16-156-010, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-010, filed 3/8/88.]

WAC 16-156-020 Inspection. The department of agriculture shall make at least one announced visit and may make additional visits as the director deems necessary to each producer of organic and transition to organic food each year for the purpose of inspection for compliance with the standards for certification which are found in chapter 15.86 RCW (Organic food products) and rules adopted pursuant to chapter 15.86 RCW.

Inspections may entail survey of required records, examination of crops and fields, and any other information deemed necessary to the requirements of chapter 15.86 RCW or any rules adopted thereunder.

It shall be the producer's responsibility to arrange for and bear the costs for any additional inspections (in addition

to two inspections provided for) which are deemed necessary by the director to grant, renew, deny, or revoke certification.

[Statutory Authority: Chapter 15.86 RCW. 97-02-008 (Order 6011), § 16-156-020, filed 12/20/96, effective 1/20/97; 92-11-001, § 16-156-020, filed 5/6/92, effective 6/6/92. Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-156-020, filed 4/11/91, effective 5/12/91; 90-02-001, § 16-156-020, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-020, filed 3/8/88.]

WAC 16-156-030 Certification. (1) Washington state department of agriculture certification means that:

(a) Inspection of the producer by the department of agriculture showed no use of prohibited practices as defined in chapter 15.86 RCW or unless adopted thereunder; and

(b) Recordkeeping practices meet the requirements specified in WAC 16-156-040 or rules adopted under chapter 15.86 RCW; and

(c) Soil building programs, organic pest control programs, and buffer zones required under chapter 16-154 WAC were established on each site; and

(d) Analysis of samples taken by the department of agriculture showed no prohibited substance usage or drift from other contaminants; and

(e) No application of prohibited substances, as defined in chapter 16-154 WAC, have been used for:

- At least three years prior to the harvest of organic food; or
- At least one year prior to the harvest of transition to organic food.

(2) Producers of organic food who apply under this program will be able to use the words, "produced in accordance with the Washington state department of agriculture organic food certification program" in their labeling as long as their practices comply with chapter 15.86 RCW or any rules adopted thereunder.

Food produced under this organic food certification program may be identified by the use of one of the attached logos (WAC 16-156-060, Illus. 1, 1A). These logos shall only be used for food produced by producers who have been certified by the Washington state department of agriculture organic food certification program.

(3) Producers of transition to organic food who apply under this program will be able to use the words "produced in accordance with the Washington department of agriculture transition to organic food certification program" in their labeling as long as their practices comply with this chapter and chapter 15.86 RCW and rules adopted thereunder.

Food produced under this transition to organic food certification program may be identified by use of one of the attached logos (WAC 16-156-060, Illus. 2, 2A). These logos shall only be used for transition to organic food produced by producers who have been certified by the Washington state department of agriculture's organic food certification program.

(4) In no event shall food be sold as Washington certified organic or Washington certified transition to organic prior to the issuing of an organic or transition to organic food producer certificate by the department of agriculture for that crop year. First year applicants and new sites shall be inspected by the department before an organic or transition to organic food producer certificate is issued.

(5) The logos to identify organic food and transition to organic food shall not be changed except for increases or decreases in size, as appropriate.

[Statutory Authority: Chapter 15.86 RCW. 97-02-008 (Order 6011), § 16-156-030, filed 12/20/96, effective 1/20/97; 92-11-001, § 16-156-030, filed 5/6/92, effective 6/6/92. Statutory Authority: Chapter 15.86 RCW. 90-02-001, § 16-156-030, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-030, filed 3/8/88.]

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

- (1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;
- (2) Filed an application for certification which is false or misleading in any particular;
- (3) Violated any of the provisions of this chapter; or
- (4) Failed to provide records as required by this chapter, WAC 16-154-060 or 16-162-100;

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

Any producer who has received notice that its certification may be revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: Chapter 15.86 RCW. 97-02-008 (Order 6011), § 16-156-035, filed 12/20/96, effective 1/20/97; 92-11-001, § 16-156-035, filed 5/6/92, effective 6/6/92. Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-156-035, filed 4/11/91, effective 5/12/91; 90-02-001, § 16-156-035, filed 12/21/89, effective 1/21/90.]

WAC 16-156-040 Recordkeeping requirements. (1) All producers who sell products identified as organic and/or transition to organic shall keep accurate records of:

- (a) The acreage used for growing such products;
- (b) The materials applied to the plants and/or soil where the crop is being produced;
- (c) The sales records for all organic and transition to organic food products produced and sold by the producer;
- (d) Labeling and production records that enable the products to be tracked from production to shipment or sale.

(2) Such records shall be retained for two years and be available to the department for inspection.

(3) Inadequate recordkeeping may constitute cause for the director to prohibit labeling or marketing products as organic and/or transition to organic.

(4) The department shall keep confidential any business related information obtained under this chapter concerning an entity certified under this chapter or an applicant for such certification and such information shall be exempt from public inspection and copying consistent with RCW 15.86.110 and 42.17.310.

[Statutory Authority: Chapter 15.86 RCW. 97-02-008 (Order 6011), § 16-156-040, filed 12/20/96, effective 1/20/97; 90-02-001, § 16-156-040, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-040, filed 3/8/88.]

WAC 16-156-050 Application for certification. Producers who wish to apply for the organic food certification program must apply to the department by March 1 of each year. The application, accompanied by the appropriate fee shall be submitted to the department on forms furnished by the department. This application must include a sworn statement that they fully comply with the statute and rules for production of organic food and/or transition to organic food. Organic food producer and transition to organic food producer certificates shall expire on March 31st of the year following their issuance.

Applications made after the set deadline may be processed as the department can schedule the initial inspections. Except for producers who sell no more than five thousand dollars annually in value of agricultural products directly to consumers, all producers of organic or transition to organic food must be certified by the department.

[Statutory Authority: Chapter 15.86 RCW. 97-02-008 (Order 6011), § 16-156-050, filed 12/20/96, effective 1/20/97; 92-11-001, § 16-156-050, filed 5/6/92, effective 6/6/92. Statutory Authority: Chapter 15.86 RCW. 90-02-001, § 16-156-050, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-050, filed 3/8/88.]

WAC 16-156-060 Fee schedule. (1) The cost per application shall be based on the following fee schedule.

For renewal applicants -

Application fees shall be based on the previous calendar year's gross sales of organic and transition to organic food. In the event that the current calendar year's gross sales exceed the previous year's gross sales, the department may bill the producer for the additional fee. In the event that the current calendar year's gross sales is less than the previous year's gross sales, the producer may request a refund for the reduced fee. In addition, renewal applications postmarked after March 1, shall pay a late fee of fifty dollars.

For new applicants -

Application fees shall be based on an estimate of the current year's gross sales of organic and transition to organic food. In the event that the current calendar year's gross sales exceed the estimate, the department may bill the producer for the additional fee. In the event that the current calendar year's gross sales is less than the estimate, the producer may request a refund for the reduced fee. In addition, new applicants pay a seventy-five dollar new applicant fee. The fee shall accompany the application.

| Gross Sales | Annual Fee |
|-------------------------|------------|
| \$ 0 - \$ 12,000 | \$ 150 |
| \$ 12,001 - \$ 15,000 | \$ 185 |
| \$ 15,001 - \$ 20,000 | \$ 200 |
| \$ 20,001 - \$ 25,000 | \$ 250 |
| \$ 25,001 - \$ 30,000 | \$ 300 |
| \$ 30,001 - \$ 35,000 | \$ 350 |
| \$ 35,001 - \$ 42,500 | \$ 425 |
| \$ 42,501 - \$ 50,000 | \$ 500 |
| \$ 50,001 - \$ 65,000 | \$ 600 |
| \$ 65,001 - \$ 80,000 | \$ 750 |
| \$ 80,001 - \$ 100,000 | \$ 900 |
| \$ 100,001 - \$ 125,000 | \$ 1,000 |
| \$ 125,001 - \$ 150,000 | \$ 1,044 |
| \$ 150,001 - \$ 175,000 | \$ 1,200 |
| \$ 175,001 - \$ 200,000 | \$ 1,251 |
| \$ 200,001 - \$ 240,000 | \$ 1,400 |
| \$ 240,001 - \$ 280,000 | \$ 1,450 |
| \$ 280,001 - \$ 325,000 | \$ 1,500 |
| \$ 325,001 - \$ 375,000 | \$ 1,565 |

| | |
|-------------------------|----------|
| \$ 375,001 - \$ 425,000 | \$ 2,000 |
| \$ 425,001 - \$ 500,000 | \$ 2,089 |
| \$ 500,001 - \$ 750,000 | \$ 2,500 |
| \$ 750,001 and up | \$ 2,611 |

As of December 1, 1997 for gross sales:

| | |
|-------------------------|----------|
| \$ 0 - \$ 12,000 | \$ 150 |
| \$ 12,001 - \$ 15,000 | \$ 185 |
| \$ 15,001 - \$ 20,000 | \$ 200 |
| \$ 20,001 - \$ 25,000 | \$ 250 |
| \$ 25,001 - \$ 30,000 | \$ 300 |
| \$ 30,001 - \$ 35,000 | \$ 350 |
| \$ 35,001 - \$ 42,500 | \$ 425 |
| \$ 42,501 - \$ 50,000 | \$ 500 |
| \$ 50,001 - \$ 65,000 | \$ 600 |
| \$ 65,001 - \$ 80,000 | \$ 750 |
| \$ 80,001 - \$ 100,000 | \$ 900 |
| \$ 100,001 - \$ 125,000 | \$ 1,000 |
| \$ 125,001 - \$ 150,000 | \$ 1,085 |
| \$ 150,001 - \$ 175,000 | \$ 1,200 |
| \$ 175,001 - \$ 200,000 | \$ 1,300 |
| \$ 200,001 - \$ 240,000 | \$ 1,400 |
| \$ 240,001 - \$ 280,000 | \$ 1,450 |
| \$ 280,001 - \$ 325,000 | \$ 1,500 |
| \$ 325,001 - \$ 375,000 | \$ 1,625 |
| \$ 375,001 - \$ 425,000 | \$ 2,000 |
| \$ 425,001 - \$ 500,000 | \$ 2,171 |
| \$ 500,001 - \$ 750,000 | \$ 2,500 |
| \$ 750,001 and up | \$ 2,714 |

(2) Two inspections per year within the state of Washington are provided for under the above fee schedule. Additional inspections (in addition to two inspections provided for), if required for certification or maintenance of certification by the director, or requested by the producer, shall be at \$20/hr. plus mileage set at the rate established by the state office of financial management.

Out-of-state inspections, if necessary or requested, shall be at the rate of \$20/hr. plus transportation costs.

(3) One sample per year is provided for under the above fee schedule. Additional samples (in addition to one sample provided for), if required for certification or maintenance of certification by the director, or requested by the organic producer, shall cost an additional lab fee of one hundred ten dollars. If an additional visit must be arranged to obtain a sample, it shall be at \$20/hr. plus mileage set at the rate established by the state office of financial management.



[Statutory Authority: Chapter 15.86 RCW. 97-02-008 (Order 6011), § 16-156-060, filed 12/20/96, effective 1/20/97; 91-09-028, § 16-156-060, filed 4/11/91, effective 5/12/91; 90-02-001, § 16-156-060, filed 12/21/89, effective 1/21/90; 88-07-024 (Order 1968), § 16-156-060, filed 3/8/88.]

Chapter 16-158 WAC

STANDARDS FOR THE CERTIFICATION OF PROCESSORS OF ORGANIC FOOD

WAC

| | |
|------------|---|
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|---|
| 16-158-070 | Processed organic food certification. [Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-070, filed 6/5/90, effective 7/6/90.] Repealed by 95-13-072 (Order 5068), filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW. |
|------------|---|

WAC 16-158-010 Purpose. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act and pursuant to RCW 15.86.070 wherein the director is authorized to adopt rules establishing a certification program for processors of organic food.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-010, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-010, filed 6/5/90, effective 7/6/90.]

WAC 16-158-020 Definitions. As used in this chapter:

(1) "Approved" means any material or practice which meets the required criteria or standards for use in the processing or handling of organic agricultural products.

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

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

(4) "Facility" includes, but is not limited to, any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food is prepared, handled, or processed in any manner for resale or distribution to retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer.

(5) "Material" means any substance or mixture of substances that is used in the processing or handling of organic agricultural products.

(6) "Organic food product" means any food product, including fruit, vegetable, meat, dairy, beverage and grocery, that is marketed using the term organic or any derivative of the term organic in its labeling or advertising.

(7) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.

(8) "Procedure" means an act, method, or manner of proceeding in some process or course of action.

(9) "Processed organic food" means food that in whole or in part is organically grown and which in its processing has not been treated with synthetically or artificially derived preservatives, colorings, flavorings, or any other artificial or synthetic additive, except as otherwise approved for use under WAC 16-158-060.

(10) "Processor" means any person engaged in the canning, freezing, drying, dehydrating, cooking, pressing, powdering, packaging, baking, heating, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, jarring, or otherwise processing organic food.

(11) "Prohibited" means any material or practice which is disallowed in the processing or handling of organic agricultural products.

(12) "Recognized organic certification agency" means any third-party organization that is accepted by the director as being one which verifies compliance with standards consistent with chapter 15.86 RCW or rules adopted thereunder.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-020, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-020, filed 6/5/90, effective 7/6/90.]

WAC 16-158-025 Organic certification of processors. All processors must be certified by the department or through a recognized organic certification agency, except for processors who use less than fifty percent organic ingredients in their product(s). Producers who process and sell only their own product are not required to obtain certification under this chapter. Processors must complete an application for certification and submit it with the required fee to the department of agriculture on an annual basis.

Upon approval of the application by the director, the applicant shall be issued an organic food processor certification.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-025, filed 6/20/95, effective 7/21/95.]

WAC 16-158-027 Application for certification—Expiration date. Organic food processors must apply to the department for organic food certification by March 1 of each year. The application, accompanied by the appropriate fee shall be submitted to the department on forms furnished by the department. Organic food processor certificates shall expire on March 31st of the year following their issuance.

Applications made after the set deadline may be processed as the department can schedule the initial inspections, provided that the applicant pays a late fee of fifty dollars.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-027, filed 6/20/95, effective 7/21/95.]

WAC 16-158-030 Organic processing standards.**(1) Ingredients for processed organic foods:**

All organic ingredients used in processed organic food must be produced in compliance with organic food production standards as required by rules adopted under chapter 15.86 RCW. Organic food producer or processor certificates for all organic ingredients used in processing must be kept on file by the processor and available to the department upon request. All organic producers or processors that supply ingredients must be certified by a recognized organic certifying agent.

All nonorganic ingredients which are used in product formulation and that are not specifically approved under WAC 16-158-060 must be approved by the director and their sources must be listed as part of the audit process.

(2) Identification and storage:

All organic food products must be clearly identified as organic at all times on all boxes, bins, bags, or other containers that contain organic food products. All organic food products must be stored so that there is no cross contamination from or confusion with nonorganic food products.

Insect and rodent control programs must be in place for organic product storage areas. Any materials used in the organic product storage areas must be approved for use in organic food production under chapter 16-154 WAC or this chapter.

In areas where entire facilities are periodically fumigated, the processor must demonstrate that any fumigants used will not contaminate organic products.

Compounds for cleaning storage areas must be used in a manner that does not contaminate organic food products.

Organic and nonorganic food products may be stored in the same storage room as long as there is adequate separation of products and product identification assures no mixing of products.

Storage techniques may be used to alter the nitrogen, oxygen, and carbon dioxide levels in the storage room atmosphere. Organic food products shall not be stored in controlled atmosphere storage with diphenylamine treated food products.

(3) Processing of organic food products:

In addition to meeting all state and federal manufacturing standards, the processor of organic foods must submit a complete description of the processing method to the director. This description should detail how all ingredients are handled, changed, and ultimately packaged.

All packaging and products must be free of fungicides, preservatives, fumigants, and any other materials which are not approved for use on organic products under chapter 16-154 WAC or this chapter.

All water used in processing must be potable and comply with all local, state, and federal guidelines for potable water.

Cleaning and sanitizing must be done with appropriate cleansers and sanitizers that will ensure clean and sanitary facilities and do not leave any residues of cleansers or sanitizers on the organic food products.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-030, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-030, filed 6/5/90, effective 7/6/90.]

WAC 16-158-040 Labeling. All processed organic foods processed or sold in Washington state must comply with the following labeling regulations.

(1) All organically processed foods must be labeled in accordance with Title 21, C.F.R., Part 101.

(2) No organic food product may be labeled "organic when available."

(3) For foods which are composed of one hundred percent organic ingredients: The terms "organic" or "organically grown" may be used without restriction on the principal display panel of a processed food product if that product is a single or multi-ingredient food where all ingredients, excluding water and salt, are organically grown.

(4) For foods which are composed of more than ninety-five percent organic ingredients: The terms "organic" or "organically grown" may be used in the product identity on the principal display panel when less than five percent by weight of the total product contains minor ingredients or additives which are approved under WAC 16-158-060 or by the director.

(5) For foods which are composed of between fifty percent and ninety-five percent organic ingredients: In multi-ingredient food products which contain some nonorganic ingredients, excluding water and salt, the use of the terms "organic" or "organically grown" can only be used to modify the organic ingredient(s) and must restrict the type size of the words organic or organically grown etc., to not larger than three-quarters type size of the product identity.

(6) For foods which are composed of less than fifty percent organic ingredients: If organically grown ingredients comprise less than fifty percent by weight, excluding water and salt, of the ingredients in a multi-ingredient food the word organic or any derivative of the word organic can only be used on the ingredients list.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-040, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-040, filed 6/5/90, effective 7/6/90.]

WAC 16-158-050 Recordkeeping requirements.

(1) All organic food products must be clearly identified through appropriate labeling on all boxes, bins, bags, or other containers that contain organic food products from the time of receiving through the sale of the final product. Records must be maintained that track product from receiving through distribution or sale. Such records must include when applicable, invoices, bills of lading, and grower certificates for incoming raw product; date and quantity of product processed; repack data and production run reports; and invoices and bills of lading of products shipped out. These records must be maintained for a minimum of five years from date of processing.

(2) All processors shall have available to the department the following documents and information for the organic ingredients used in processing:

(a) For raw ingredients a copy of the producer's organic food producer certificate.

(b) For ingredients from intermediate processors or copackers a copy of the processor's or copacker's organic food processor certificate. All organic food producer and processor certificates shall be from recognized organic certification agencies.

(3) Except for applications for organic certification or lab analysis pertaining to that certification, the department shall keep confidential any business related information obtained under this chapter concerning an entity certified under this chapter or an applicant for such certification and such information shall be exempt from public inspection and copying consistent with RCW 15.86.110 and 42.17.310 (1)(dd).

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-050, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-050, filed 6/5/90, effective 7/6/90.]

WAC 16-158-060 Permitted substances for organic food processing. A list of permitted substances and good manufacturing practices will be made available by the department. In general, all substances used in organic food processing should be grown organically.

[Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-060, filed 6/5/90, effective 7/6/90.]

WAC 16-158-080 Use of processed organic food certification logo. Organic food processors certified under the Washington department of agriculture organic food program will be able to use the words "processed in accordance with the Washington state department of agriculture organic food certification program" in their labeling as long as their practices comply with this chapter, chapter 15.86 RCW, and chapter 16-154 WAC. Food processed and sold under this organic food processor certification program and which are composed of more than ninety-five percent organic ingredients may be identified by the use of one of the attached logos adopted in WAC 16-158-140.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-080, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-080, filed 6/5/90, effective 7/6/90.]

WAC 16-158-090 Inspection. The director shall make at least one visit and any additional visits deemed necessary to each facility each year for the purpose of inspection for compliance with this chapter and chapter 15.86 RCW and rules adopted pursuant to chapter 15.86 RCW.

This inspection may entail survey of required records, examination of handling, processing and storage areas, and any other information deemed necessary to the requirements of this chapter.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-090, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-090, filed 6/5/90, effective 7/6/90.]

WAC 16-158-100 Sampling. A representative sample of the product processed, packed, sold, or distributed may be tested for pesticide residues or other contaminants whenever the director deems it necessary for certification or maintenance of certification.

It shall be the processor's responsibility to arrange for and bear the costs for any additional testing which is deemed necessary by the director.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-100, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-100, filed 6/5/90, effective 7/6/90.]

WAC 16-158-110 Other requirements. Nothing in this chapter shall be construed as allowing foods to be labeled as a standardized food under Title 21 C.F.R. unless they meet the standards and identity of such foods. Organic food processors are subject to all the requirements of chapters 69.04, 69.07, 15.86, 15.32, and 69.28 RCW, and any other statutes which are applicable.

[Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-110, filed 6/5/90, effective 7/6/90.]

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

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

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

Any processor who has received notice that its certification may be revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-120, filed 6/20/95, effective 7/21/95. Statutory Authority: Chapter 15.86 RCW. 91-09-028, § 16-158-120, filed 4/11/91, effective 5/12/91. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-120, filed 6/5/90, effective 7/6/90.]

WAC 16-158-130 Fees. (1) The cost per application shall be one hundred fifty dollars per facility. In addition, an assessment fee based on the following fee schedule shall accompany the application. Gross value of production means the value of processed organic food produced during the previous calendar year. In the event that the current calendar year's production exceeds the previous year's production, the department may bill the processor for the additional fee. In the event that the current calendar year's production is less than the previous year's production, the processor may request a refund for the reduced fee. The appropriate fee shall accompany the application.

FEE SCHEDULE

| GROSS VALUE OF PRODUCTION | ASSESSMENT RATE |
|--|-----------------|
| For up to one million dollars | 0.25% |
| For over one million: | |
| 1st one million dollars | 0.25% |
| Value over one million dollars | 0.10% |

(2) Initial inspections within the state of Washington are provided for under the above fee schedule.

Additional inspections, (in addition to two inspections provided for), if necessary or requested, shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management. Out-of-state inspections, if necessary or requested, shall be at the rate of thirty dollars per hour plus transportation costs.

(3) Samples, (in addition to one sample provided for) if required for certification or maintenance of certification by the director, or requested by the applicant, shall be charged to the applicant at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged to obtain a sample, it shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.

[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-130, filed 6/20/95, effective 7/21/95. Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-130, filed 6/5/90, effective 7/6/90.]



WAC 16-158-140 Processed organic food logo.



[Statutory Authority: RCW 15.86.060 and chapter 15.86 RCW. 90-12-097 (Order 2042), § 16-158-140, filed 6/5/90, effective 7/6/90.]

WAC 16-158-150 Processed organic food certification logo.



[Statutory Authority: Chapter 15.86 RCW. 95-13-072 (Order 5068), § 16-158-150, filed 6/20/95, effective 7/21/95.]

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

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| 16-160-070 | Inspection. |
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WAC 16-160-010 Purpose. This chapter is promulgated pursuant to RCW 15.86.060(1) wherein the director is authorized to adopt rules and regulations for the proper administration of chapter 15.86 RCW and RCW 15.86.070 wherein the director is authorized to adopt rules governing the certification of producers of organic food.

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

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

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

(2) "Applicant" means the person who submits an application to register a material pursuant to the provisions of this chapter.

(3) "Approved material" means any material which is approved for use in organic food production under chapter 15.86 RCW, chapter 16-154 WAC, and WAC 16-160-060.

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

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

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

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

(8) "Distribute" means to offer for sale, hold for sale, sell, barter, deliver, or supply materials in this state.

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

(10) "Label" means the written, printed, or graphic matter on, or attached to, the material or the immediate container thereof, and the outside container or wrapper of the retail package.

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

(12) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

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

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

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

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

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

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

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

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

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

[Statutory Authority: Chapter 15.86 RCW. 91-05-007, § 16-160-020, filed 2/7/91, effective 3/10/91.]

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

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

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

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

(2) The name of the material;

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

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

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

(6) The intended uses of the product;

(7) For pesticides, a full description of the tests made and the results of acute toxicity, chronic toxicity, reproductive effects, teratogenicity tests, mutagenicity tests, carcinogenicity tests, ecological effects, environmental fate and

persistence. Similar information on nonpesticide materials must be provided when the data are available; and

(8) Any additional information deemed necessary.

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

WAC 16-160-050 Annual application and initial inspection fee—Expiration—Continuation if renewal application made. (1) Any person desiring to register a material for organic food production shall file with the director an application and a yearly inspection fee as set forth in WAC 16-160-070 for each material. All registrations expire on December 31st of each year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 16-162 WAC
ANIMAL PRODUCTION STANDARDS FOR
ORGANIC MEAT AND DAIRY PRODUCTS

WAC

| | |
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| 16-162-050 | Living conditions. |
| 16-162-070 | Disease prevention and control. |
| 16-162-100 | Recordkeeping. |

WAC 16-162-010 Purpose. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act. This chapter provides standards for the production of organic meat and dairy products.

[Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-162-010, filed 5/6/92, effective 6/6/92.]

WAC 16-162-025 Certification. Producers of organic animal products seeking certification as an organic food producer may apply for certification under chapter 16-156 WAC.

[Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-162-025, filed 5/6/92, effective 6/6/92.]

WAC 16-162-030 Definitions. As used in this chapter:

(1) "Approved" means any material or practice which meets the required criteria or standards for use in the production of organic animal products.

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

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

(4) "Drug" means any chemical substance or noninfectious biological substance, which may be administered to or used on or for animals, as an aid in the diagnosis, treatment, or prevention of disease or other abnormal condition, for the relief of pain or suffering, to control or improve any physiological or pathological condition, or to affect the structure or function of the animal.

(5) "Material" means any substance or mixture of substances that is used internally or externally in the production of animals or animal products.

(6) "Prohibited" means any material or practice which is disallowed in the production of organic animal products.

(7) "Recommended" means that the stated materials or practices are encouraged.

(8) "Remedy" means anything that relieves or cures a disease.

(9) "Required" means any material or practice which must be used or followed for the production of organic animal products.

[Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-162-030, filed 5/6/92, effective 6/6/92.]

WAC 16-162-031 "Organically produced meat."

Meat and meat products that have been produced from an animal which has, along with its mother, been raised in compliance with the provisions of this chapter from the date of its birth through slaughter may be labeled and sold as "organic" or "organically produced."

In addition:

(1) Meat and meat products that have been produced from an animal raised for beef which has been raised in compliance with the provisions of this chapter for at least twelve months prior to slaughter may be labeled and sold as "organic" or "organically produced"; and

(2) Meat and meat products that have been produced from birds which have been raised in compliance with the provisions of this chapter from one day after hatching may be labeled and sold as "organic" or "organically produced."

[Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-162-031, filed 5/6/92, effective 6/6/92.]

WAC 16-162-032 "Organically produced milk."

Milk produced from an animal which has been raised in compliance with this chapter since the conception of the offspring which causes lactation may be labeled and sold as "organic" or "organically produced."

[Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-162-032, filed 5/6/92, effective 6/6/92.]

WAC 16-162-033 "Organically produced eggs."

Eggs produced from hens which have been raised in compliance with this chapter since one day after hatching may be labeled and sold as "organic" or "organically produced."

[Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-162-033, filed 5/6/92, effective 6/6/92.]

WAC 16-162-050 Living conditions. (1) Required:

(a) Organic producers must provide, when appropriate, their animals with access to fresh air and daylight.

(b) Every animal must have enough room to get up, lie down, turn around, groom, and stretch its limbs.

(c) Stock facilities must be clean and sanitary.

(2) Prohibited:

Practices that are contrary to humane treatment guidelines, good sanitation practices, and good animal health programs.

[Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-162-050, filed 5/6/92, effective 6/6/92.]

WAC 16-162-070 Disease prevention and control.

A proper herd health program should include strategies for disease prevention, parasite control, and disease treatment. Producers of organic animal products shall market only healthy animals and animal products, and shall never deny treatment to an animal in order that it may be labeled or sold as organic.

(1) The following practices are recommended:

(a) Quarantine and fecal exams for all incoming stock.

(b) Adequate pasture rotation and good pasture management.

(c) Maintaining and cleaning facilities regularly.

(d) Periodic fecal exams and the culling of seriously infested animals.

(e) Vector and intermediate host control.

(f) Biological control methods.

(g) Maintaining dusting wallows for poultry.

(2) The following materials or practices are approved for use in the production of organic animal products:

(a) Rotenone and pyrethrum insecticides for external parasite control and for fly management, only if labeled for such use.

(b) Natural materials used in homeopathic, naturopathic, and herbal remedies.

(c) Tamed iodine, alcohol, and/or hydrogen peroxide as a disinfectant.

(d) Vaccinations against endemic disease.

(e) Sodium hypochlorite (bleach), for use on machinery and facilities.

(f) Steam sterilization of equipment.

(3) Prohibited materials and practices. The disease prevention and control materials and practices that are prohibited for use in the production of organic animal products includes but is not limited to the following:

(a) Administration of hormones or subtherapeutic levels of antibiotics.

(b) The use of synthetic internal parasiticides on a routine basis.

(c) Synthetic internal parasiticides used within twelve months of slaughter, milk production, or egg production.

(d) Antibiotics used within thirty days or twice the FDA withdrawal time, whichever is longer, in the production of organic milk.

(e) Antibiotics used within twelve months in the production of organic meat or eggs.

[Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-162-070, filed 5/6/92, effective 6/6/92.]

WAC 16-162-100 Recordkeeping. (1) All organic stock must be ear tagged or individually marked with the exception of poultry, which may be identified by flock.

(2) Records must be kept of:

(a) All medications administered (including dates, dosages, and sources);

(b) All feeds bought and fed;

(c) All feed supplements used; and

(d) The weight of slaughter animals at slaughter.

(3) All records must be kept from birth or purchase and for two years after sale or slaughter.

(4) Receipts for stock and materials must be kept to insure a complete audit trail.

(5) Inadequate recordkeeping may constitute cause for the director to prohibit labeling or marketing animal products as "organic" or "organically produced."

[Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-162-100, filed 5/6/92, effective 6/6/92.]

Chapter 16-164 WAC

STANDARDS FOR THE CERTIFICATION OF HANDLERS OF ORGANIC FOOD

WAC

| | |
|------------|---|
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| 16-164-020 | Definitions. |
| 16-164-030 | Organic certification of handlers, including packers and vendors. |
| 16-164-035 | Application for certification—Expiration date. |
| 16-164-040 | Standards for handlers. |
| 16-164-050 | Post harvest materials and practices. |
| 16-164-060 | Recordkeeping requirements. |
| 16-164-070 | Inspections. |
| 16-164-080 | Sampling. |
| 16-164-090 | Decertification. |
| 16-164-100 | Fee schedule. |

WAC 16-164-010 Purpose. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act and pursuant to RCW 15.86.070 wherein the director is authorized to establish a certification program for processors and vendors of organic food products. This chapter provides standards for the certification of handlers of organic food products, including packers and vendors.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-010, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-010, filed 8/7/92, effective 9/7/92.]

WAC 16-164-020 Definitions. As used in this chapter:

(1) "Approved" means any material or practice which meets the required criteria or standards for use in the handling of organic agricultural products.

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

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

(4) "Facility" includes, but is not limited to, any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food products are prepared, handled, packaged, or repackaged in any manner for eventual sale or distribution for eventual sale to the ultimate consumer.

(5) "Handler" means any person who sells, distributes, or packs organic food products.

(6) "Material" means any substance or mixture of substances that is used in the handling of organic agricultural products.

(7) "Organic food product" means any food product, including fruit, vegetable, meat, dairy, beverage and grocery, that is marketed using the term organic or any derivative of the term organic in its labeling or advertising.

(8) "Packer" means any person who receives any organic food product, either through gaining possession or through providing a service, from a producer or other party and packages or repackages that food product.

(9) "Packing" means to wrap, box, or put together raw or processed organic food in a container, box, or package in preparation for sale.

(10) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.

(11) "Processed organic food" means food that in whole or in part is organically grown and which in its processing has not been treated with synthetically or artificially derived preservatives, colorings, flavorings, or any other artificial or synthetic additive, except as otherwise approved for use under chapter 16-158 WAC.

(12) "Prohibited" means any material or practice which is disallowed in the handling of organic agricultural products.

(13) "Recognized organic certification agency" means any third-party organization that is accepted by the director as being one which verifies compliance with standards consistent with chapter 15.86 RCW or rules adopted thereunder.

(14) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-020, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-020, filed 8/7/92, effective 9/7/92.]

WAC 16-164-030 Organic certification of handlers, including packers and vendors. All handlers who pack, distribute or sell organic food products in Washington state must be certified by the department or through a recognized organic certification agency, except for final retailers of organic food products. Producers who pack or sell only their own product or persons certified as organic processors are not required to obtain certification under this chapter. A handler seeking certification must complete an application for certification and submit it with the required fee to the department of agriculture.

Upon approval of the application by the director the applicant shall be issued an organic food handler certification.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-030, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-030, filed 8/7/92, effective 9/7/92.]

WAC 16-164-035 Application for certification—Expiration date. Organic food handlers, except for final retailers, must apply to the department for organic food certification on an annual basis. The application deadline is March 1. The application, accompanied by the appropriate fee shall be submitted to the department on forms furnished by the department. Organic food handler certificates shall expire on March 31st of the year following their issuance.

Applications made after the set deadline may be processed as the department can schedule the initial inspections, provided that the handler pay a late fee of fifty dollars.

Except for final retailers of organic food products, it shall be unlawful for any handler to represent, label, or sell organic food products without having obtained an annual organic food handler certificate.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-035, filed 6/20/95, effective 7/21/95.]

WAC 16-164-040 Standards for handlers. (1) Identification: All organic food products must be clearly identified at all times with appropriate labeling on all boxes, bins, bags, or other containers that contain organic food products.

(2) Storage: All organic food products in a facility must be stored so that there is no cross contamination from or confusion with nonorganic food products.

Insect and rodent control programs must be in place for organic product storage areas. Any materials used in organic product storage areas must be approved for use in organic food production under chapter 16-154 WAC or this chapter.

In areas where entire facilities are periodically fumigated, the handler must demonstrate that any fumigants used will not contaminate organic products.

Compounds for cleaning storage areas must be used in a manner that does not contaminate organic food products.

Organic and nonorganic food products may be stored in the same storage room as long as there is adequate separation of products and product identification assures no mixing of products.

Storage techniques may be used to alter the nitrogen, oxygen, and carbon dioxide levels in the storage room atmosphere. Organic food products shall not be stored in controlled atmosphere storage with diphenylamine treated food products.

(3) Handling of organic food products:

All packaging and products must be free of fungicides, preservatives, fumigants, and any other materials which are prohibited for use on organic food products under chapter 16-154 WAC or this chapter.

All water used in handling must be potable and comply with all local, state, and federal guidelines for potable water.

Cleaning and sanitizing must be done with appropriate cleansers and sanitizers that will ensure clean and sanitary facilities and do not leave any residues of cleansers or sanitizers on the organic food products.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-040, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-040, filed 8/7/92, effective 9/7/92.]

WAC 16-164-050 Post harvest materials and practices. (1) Approved materials and practices. The following list of materials and practices are approved for post-harvest use for organic food. Some materials have certain restrictions regarding their use. These restrictions are noted in the list. All materials must be used with awareness and care for the environment and in compliance with state and federal laws.

(a) Beneficial insects.

(b) Carbon dioxide gas.

(c) Chlorine dioxide.

(d) Citric acid, naturally derived.

(e) Controlled atmosphere storage.

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

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

(h) Hydrogen peroxide.

(i) Lignosulfonates for floating tree fruits.

(j) Soap, biodegradable.

- (k) Soda ash for floating tree fruits.
- (l) Sodium silicate for floating tree fruits.
- (2) Prohibited materials and practices. The post-harvest materials and practices that are prohibited for use in organic packing includes but is not limited to the following:
 - (a) Antibiotics.
 - (b) Artificial preservatives.
 - (c) Fumigants.
 - (d) Fungicides.
 - (e) Irradiation.
 - (f) Other pesticides not specifically approved for use in subsection (1) of this section.

[Statutory Authority: Chapter 15.86 RCW. 92-17-018, § 16-164-050, filed 8/7/92, effective 9/7/92.]

WAC 16-164-060 Recordkeeping requirements. All organic food must be completely followed by an audit control system.

(1) Handlers must keep records of products bought and sold that will enable the department to trace food products from receiving through sale. Such records must include but are not limited to, invoices, bills of lading, and grower affidavits of incoming raw product; repack data and production run reports; and invoices and bills of lading of products shipped out.

(2) All handlers of organic food products shall have available to the department the following documents and information:

(a) For organic food products obtained directly from producers a copy of their organic food producer certificate. All organic food producer certificates shall be from recognized organic certification agencies.

(b) For organic food products obtained from another handler, a copy of that handler's organic food handler certificate, or, for handlers which are not certified, a copy of the certificate for each organic food product obtained from that handler. All organic food certificates shall be from recognized organic certification agencies.

(c) For processed organic food products a copy of the organic food processor certificate or, if the processor is not certified, a copy of a certification verification form must be on file. Certification verification forms shall include the percentage of organic ingredients contained in each product, a list of all organic ingredients, and the certification organization(s) of those ingredients. All organic food certificates shall be from recognized organic certification agencies.

(d) Recordkeeping that allows for the tracking of product from receiving through sale. Records must be kept for a minimum of two years except for final retailers which must keep records for a minimum of six months.

(e) All paperwork and labels associated with organic food products must clearly indicate that the product is an organic product.

(3) Except for applications for organic handler certification or lab analysis pertaining to that certification, the department shall keep confidential any business related information obtained under this chapter concerning an entity certified under this chapter or an applicant for such certification and such information shall be exempt from public inspection and copying consistent with RCW 15.86.110 and 42.17.310 (1)(dd).

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-060, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-060, filed 8/7/92, effective 9/7/92.]

WAC 16-164-070 Inspections. The director shall make at least one inspection and any additional inspections deemed necessary to each handler and/or each facility each year to determine compliance with this chapter and chapter 15.86 RCW and rules adopted pursuant to chapter 15.86 RCW. Inspections of handlers with multiple facilities shall entail at least one inspection at each facility which handles organic food products and at least one inspection of the offices where records are kept.

This inspection may entail a survey of required records, examination of facility and storage areas, and any other information deemed necessary by the requirements of this chapter.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-070, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-070, filed 8/7/92, effective 9/7/92.]

WAC 16-164-080 Sampling. A representative sample of the product packed, sold or distributed by the handler may be tested for residues of prohibited materials whenever the director deems it necessary for certification or maintenance of certification.

It shall be the handler's responsibility to arrange for and bear the costs for any testing which is deemed necessary by the director.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-080, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-080, filed 8/7/92, effective 9/7/92.]

WAC 16-164-090 Decertification. Whenever the director finds that a handler who has been certified under this program has:

(1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;

(2) Filed an application for certification which is false or misleading in any particular;

(3) Violated any of the provisions of this chapter; or

(4) Failed to provide records as required by WAC 16-164-050 or rules adopted under chapter 15.86 RCW;

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

Any handler who has received notice that its certification may be suspended or revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-090, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-090, filed 8/7/92, effective 9/7/92.]

WAC 16-164-100 Fee schedule. (1) The cost per application shall be based on the following fee schedule. Gross value shall be based on the previous calendar year's sales of organic food products. First year applicants shall

base gross value on an estimate of the value of organic food products which will be handled at the facility. In the event that first year sales of organic food products exceed the estimate, WSDA may bill the handler for the additional application fee. The appropriate fee shall accompany the application.

FEE SCHEDULE

| Gross value of products | FEE |
|-------------------------|--------|
| sales under \$25,000 | \$75 |
| 25,000 - 50,000 | 150 |
| 50,000 - 75,000 | 225 |
| 75,000 - 100,000 | 300 |
| 100,000 - 200,000 | 400 |
| 200,000 - 300,000 | 500 |
| 300,000 - 400,000 | 600 |
| 400,000 - 500,000 | 700 |
| 500,000 - 750,000 | 900 |
| 750,000 - 1,000,000 | 1,000 |
| 1,000,000 - 1,250,000 | 1,250 |
| 1,250,000 - 1,500,000 | 1,500 |
| 1,500,000 - 2,000,000 | 2,000 |
| 2,000,000 - 2,500,000 | 2,500 |
| 2,500,000 - 3,000,000 | 3,000 |
| 3,000,000 - 4,000,000 | 3,500 |
| 4,000,000 - 5,000,000 | 4,000 |
| 5,000,000 - 6,000,000 | 5,000 |
| 6,000,000 - 7,000,000 | 6,000 |
| 7,000,000 - 8,000,000 | 7,000 |
| 8,000,000 - 9,000,000 | 8,000 |
| 9,000,000 - 10,000,000 | 9,000 |
| over 10,000,000 | 10,000 |

(2) Additional inspections (in addition to two inspections provided for), if necessary or requested, shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management. Out-of-state inspections, if necessary or requested, shall be at the rate of thirty dollars per hour plus transportation costs.

(3) Samples and analysis for prohibited materials, if required for certification or maintenance of certification by the director, or requested by the handler, shall be charged to the handler at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged to obtain a sample, it shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.

[Statutory Authority: Chapter 15.86 RCW. 95-13-073 (Order 5070), § 16-164-100, filed 6/20/95, effective 7/21/95; 92-17-018, § 16-164-100, filed 8/7/92, effective 9/7/92.]

**Chapter 16-167 WAC
INTRASTATE COMMERCE IN FOODS**

WAC

| | |
|------------|--|
| 16-167-010 | Purpose and authority. |
| 16-167-020 | Pesticide chemicals. |
| 16-167-030 | Food additives. |
| 16-167-040 | Color additives. |
| 16-167-050 | General requirements. |
| 16-167-060 | Compliance policy guidelines. |
| 16-167-900 | Where can publications adopted by WSDA under this chapter be obtained? |

WAC 16-167-010 Purpose and authority. (1) Consistent with the concept of uniformity where possible with the federal regulations adopted under the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq. the following federal regulations are specifically made applicable to all persons subject to chapters 69.04 and 69.07 RCW by virtue of RCW 69.04.392, 69.04.394, 69.04.396 and 69.04.398. Although those regulations are automatically applicable to all persons subject to chapters 69.04 and 69.07 RCW, the department is nevertheless adopting as its own rules the following existing regulations of the federal government published in the Code of Federal Regulations revised as of April 1, 1996.

(2) The purpose of this rule is to adopt the following portion of the federal regulations promulgated under Title 21 CFR, Title 40 CFR and FDA Compliance Policy Guidelines as Washington standards for food safety to ensure uniformity with United States standards and to protect the consuming public from possible harm due to the purchase or consumption of adulterated or misbranded food.

(3) These rules are promulgated under authority of RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 97-02-036 (Order 6012), § 16-167-010, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-010, filed 12/27/94, effective 1/27/95.]

WAC 16-167-020 Pesticide chemicals. The following federal regulations are adopted as Washington tolerances for pesticide chemicals: 40 CFR Revised as of July 1, 1995.

(1) Parts 180 - Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities.

(a) Subpart A - Definitions and Interpretative Regulations.

(b) Subpart C - Specific Tolerances.

(2) Part 185 - Tolerances for Pesticides in Food.

(3) Part 186 - Tolerances for Pesticides in Animal Feeds.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 97-02-036 (Order 6012), § 16-167-020, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-020, filed 12/27/94, effective 1/27/95.]

WAC 16-167-030 Food additives. The following federal regulations prescribing the conditions under which such food additives may safely be used are adopted as Washington food additive regulations. 21 CFR Chapter 1 Revised as of April 1, 1996.

(1) Part 170 - Food Additives.

(2) Part 172 - Food Additives Permitted for Direct Addition to Food for Human Consumption.

(3) Part 173 - Secondary Direct Food Additives Permitted in Food for Human Consumption.

(4) Part 174 - Indirect Food Additives: General.

(5) Part 175 - Indirect Food Additives: Adhesives and Components of Coatings.

(6) Part 176 - Indirect Food Additives: Paper and Paperboard Components.

- (7) Part 177 - Indirect Food Additives: Polymers.
- (8) Part 178 - Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers.
- (9) Part 179 - Irradiation in the Production, Processing and Handling of Food.
- (10) Part 180 - Food Additives Permitted in Food on an Interim Basis or in Contact with Food Pending Additional Study.
- (11) Part 181 - Prior-Sanctioned Food Ingredients.
- (12) Part 182 - Substances Generally Recognized as Safe.
- (13) Part 184 - Direct Food Substances Affirmed as Generally Recognized as Safe.
- (14) Part 186 - Indirect Food Substances Affirmed as Generally Recognized as Safe.
- (15) Part 189 - Substances Prohibited From Use in Human Food.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 97-02-036 (Order 6012), § 16-167-030, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-030, filed 12/27/94, effective 1/27/95.]

WAC 16-167-040 Color additives. The following federal regulations prescribing the use or limited use of such color additives are adopted as Washington color additive regulations. 21 CFR Chapter 1 Subchapter A-General Revised as of April 1, 1996.

- (1) Part 70 - Color Additives.
- (2) Part 73 - Listing of Color Additives Exempt From Certification.
- (3) Part 74 - Listing of Color Additives Subject to Certification.
- (4) Part 81 - General Specifications and General Restrictions for Provisional Color Additives for Use in Foods, Drugs and Cosmetics.
- (5) Part 82 - Listing of Provisionally Listed Colors and Specifications.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 97-02-036 (Order 6012), § 16-167-040, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-040, filed 12/27/94, effective 1/27/95.]

WAC 16-167-050 General requirements. The following federal regulations concerning food are adopted as Washington requirements for regulating food in intrastate commerce.

- (1) 21 CFR Chapter 1 Subchapter A-General Revised as of April 1, 1996.
 - (a) Part 1 - General Enforcement Regulations.
 - (i) Subpart A General Provisions.
 - (ii) Subpart B General Labeling Requirements.
 - (b) Part 2 - General Administrative Rulings and Decisions.
 - (i) Subpart A General Provisions.
 - (ii) Subpart B Human and Animal Foods.
 - (c) Part 7 - Enforcement Policy.
- (2) 21 CFR Chapter 1 Subchapter B-Food for Human Consumption.
 - (a) Part 100 - General.
 - (b) Part 101 - Food Labeling.

- (c) Part 102 - Common or Usual Name for Nonstandardized Foods.
- (d) Part 103 - Quality Standards for Foods With no Identity Standards.
- (e) Part 104 - Nutritional Quality Guidelines for Foods.
- (f) Part 105 - Foods for Special Dietary Use.
- (g) Part 106 - Infant Formal Quality Control Procedures.
- (h) Part 107 - Infant Formula.
- (i) Part 108 - Emergency Permit Control.
- (j) Part 109 - Unavoidable Contaminants in Food for Human Consumption and Food Packaging Material.
- (k) Part 110 - Current Good Manufacturing Practice in Manufacturing, Packing and Holding Human Food.
- (l) Part 113 - Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers.
- (m) Part 114 - Acidified Foods.
- (n) Part 123 - Fish and Fishery Products.
- (o) Part 129 - Processing and Bottling Bottled Drinking Water.
 - (p) Part 130 - Food Standards: General.
 - (q) Part 131 - Milk and Cream.
 - (r) Part 133 - Cheeses and Related Cheese Products.
 - (s) Part 135 - Frozen Desserts.
 - (t) Part 136 - Bakery Products.
 - (u) Part 137 - Cereal Flours and Related Products.
 - (v) Part 139 - Macaroni and Noodle Products.
 - (w) Part 145 - Canned Fruits.
 - (x) Part 146 - Canned Fruit Juices.
 - (y) Part 150 - Fruit Butters, Jellies, Preserves and Related Products.
 - (z) Part 152 - Fruit Pies.
 - (aa) Part 155 - Canned Vegetables.
 - (bb) Part 156 - Vegetable Juices.
 - (cc) Part 158 - Frozen Vegetables.
 - (dd) Part 160 - Eggs and Egg Products.
 - (ee) Part 161 - Fish and Shellfish.
 - (ff) Part 163 - Cacao Products.
 - (gg) Part 164 - Tree Nut and Peanut Products.
 - (hh) Part 165 - Beverages.
 - (ii) Part 166 - Margarine.
 - (jj) Part 168 - Sweeteners and Table Syrups.
 - (kk) Part 169 - Food Dressings and Flavorings.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 97-02-036 (Order 6012), § 16-167-050, filed 12/26/96, effective 1/26/97. Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-050, filed 12/27/94, effective 1/27/95.]

WAC 16-167-060 Compliance policy guidelines. The following compliance policy guidelines are adopted as Washington regulations for regulating food in intrastate commerce. Food and Drug Administration Compliance Policy Guides.

- (1) Chapter 1 Beverage.
- (2) Chapter 2 Baked Goods.
- (3) Chapter 3 Food Storage.
- (4) Chapter 4 Processed Grain.
- (5) Chapter 5 Candy and Sugar.
- (6) Chapter 6 Dairy.
- (7) Chapter 7 Egg Industry.
- (8) Chapter 8 Fish and Seafood.
- (9) Chapter 9 Condiment Industry.

- (10) Chapter 10 Fruit.
- (11) Chapter 12 Nut.
- (12) Chapter 13 Edible Oil.
- (13) Chapter 14 Vegetable.
- (14) Chapter 16 Multiple Food.
- (15) Chapter 17 Food Related.
- (16) Chapter 18 Dietary Food.
- (17) Chapter 20 Food - General.
- (18) Chapter 27 Color.
- (19) Chapter 41 Pesticides.
- (20) Chapter 51 Inspectional.

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.398 and 69.07.020. 95-02-017 (Order 5065), § 16-167-060, filed 12/27/94, effective 1/27/95.]

WAC 16-167-900 Where can publications adopted by WSDA under this chapter be obtained? (1) Title 21 CFR and Title 40 CFR can be purchased from the Superintendent of Documents, U.S. Printing Office, Mail Stop SSOP, Washington D.C. 20402-9328.

(2) The compliance policy guidelines can be obtained by writing the Center for Food Safety and Applied Nutrition, Director, Office of Constituent Operations, Industry Activities Staff, HFS-S65 200 "C" Street SW, Washington D.C. 20204.

(3) Information can also be obtained from FDA's homepage at

[HTTP://WWW.FDA.GOV/FDAHOMEPAGE.HTML](http://www.fda.gov/fdahomepage.html)

[Statutory Authority: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398 and 69.07.020. 97-02-036 (Order 6012), § 16-167-900, filed 12/26/96, effective 1/26/97.]

Chapter 16-168 WAC

APPROVED INDEPENDENT SANITATION CONSULTANTS FOR FOOD STORAGE WAREHOUSES

WAC

- 16-168-010 What is the purpose of this rule?
- 16-168-020 Where does the department get authority to establish these rules?
- 16-168-030 Where can I find the definitions for terms used in this rule?
- 16-168-040 How is independent sanitation consultant for food storage warehouses defined in RCW 69.10.005(5)?
- 16-168-050 What are the minimum qualifications for an approved independent sanitation consultant for warehouses?
- 16-168-060 How do I apply for approval?
- 16-168-070 How will I know if my application was approved?
- 16-168-080 What would cause the department to deny or withdraw approval of my application?
- 16-168-090 Do I have a right to appeal denial of my application or withdrawal of my approved status?
- 16-168-100 What are the reporting requirements for inspections by independent sanitation consultants for food storage warehouses?

WAC 16-168-010 What is the purpose of this rule? These rules set minimum qualifications for independent sanitation consultants for food storage warehouses.

[Statutory Authority: RCW 69.10.055. 96-09-037 (Order 5093), § 16-168-010, filed 4/10/96, effective 5/11/96.]

WAC 16-168-020 Where does the department get authority to establish these rules? Under RCW 69.10.055.

[Statutory Authority: RCW 69.10.055. 96-09-037 (Order 5093), § 16-168-020, filed 4/10/96, effective 5/11/96.]

WAC 16-168-030 Where can I find the definitions for terms used in this rule? (1) Chapter 69.10 RCW.

(2) Chapter 69.04 RCW.

[Statutory Authority: RCW 69.10.055. 96-09-037 (Order 5093), § 16-168-030, filed 4/10/96, effective 5/11/96.]

WAC 16-168-040 How is independent sanitation consultant for food storage warehouses defined in RCW 69.10.005(5)? "Independent sanitation consultant" means an individual, partnership, cooperative, or corporation that by reason of education, certification, and experience has satisfactorily demonstrated expertise in food and dairy sanitation and is approved by the director to advise on such areas including, but not limited to: Principles of cleaning and sanitizing food processing plants and equipment; rodent, insect, bird, and other pest control; principals [principles] of hazard analysis critical control point; basic food product labeling; principles of proper food storage and protection; proper personnel work practices and attire; sanitary design, construction, and installation of food plant facilities, equipment, and utensils; and other pertinent food safety issues."

[Statutory Authority: RCW 69.10.055. 96-09-037 (Order 5093), § 16-168-040, filed 4/10/96, effective 5/11/96.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 16-168-050 What are the minimum qualifications for an approved independent sanitation consultant for warehouses? Education and experience:

(1) A bachelor's degree in biology, chemistry, microbiology, food science, dairy science or a related natural science plus three years experience inspecting food storage warehouses or similar operations for compliance with the Current Good Manufacturing Regulations, 21 CFR part 110 (GMPs); or

(2) Three years of college completed with study in the above subjects plus five years experience inspecting food storage warehouses or similar operations for compliance with the GMPs; or

(3) Two years of college completed with study in the above subjects plus seven years experience inspecting food storage warehouses or similar operations for compliance with the GMPs; or

(4) Eight years experience inspecting food storage warehouses or similar operations for compliance with the GMPs plus verifiable training in pest control, cleaning practices, food storage warehouse inspection or application of the GMPs.

[Statutory Authority: RCW 69.10.055. 96-09-037 (Order 5093), § 16-168-050, filed 4/10/96, effective 5/11/96.]

WAC 16-168-060 How do I apply for approval? (1) Obtain an application from the department.

(2) Complete the application, listing your qualifications.

(3) Each applicant must sign the application and have their signature notarized.

(4) Return the application to the address listed on the application.

[Statutory Authority: RCW 69.10.055. 96-09-037 (Order 5093), § 16-168-060, filed 4/10/96, effective 5/11/96.]

WAC 16-168-070 How will I know if my application was approved? If you are successful, you will receive a card identifying you as an approved independent sanitation consultant for food storage warehouses. Your name will also appear on a list of approved independent sanitation consultants for food storage warehouses available on request from the department.

The department will notify applicants who don't meet minimum qualifications or who submit incomplete applications within twenty-one working days in writing.

[Statutory Authority: RCW 69.10.055. 96-09-037 (Order 5093), § 16-168-070, filed 4/10/96, effective 5/11/96.]

WAC 16-168-080 What would cause the department to deny or withdraw approval of my application? The department may withdraw or deny approval to independent sanitation consultants or applicants under the following circumstances:

(1) For knowingly making false or inaccurate statements regarding qualifications on an application.

(2) For failing to accurately report violative conditions present in food storage warehouse at the time of inspection.

(3) For knowingly making or acquiescing in false or inaccurate statements on inspection reports as to the date of the inspection, findings, corrective actions taken, or any other statement material to the compliance status of a warehouse.

[Statutory Authority: RCW 69.10.055. 96-09-037 (Order 5093), § 16-168-080, filed 4/10/96, effective 5/11/96.]

WAC 16-168-090 Do I have a right to appeal denial of my application or withdrawal of my approved status? Yes, you have rights of appeal within twenty days of notice of such action under chapter 34.05 RCW, the Administrative Procedure Act.

[Statutory Authority: RCW 69.10.055. 96-09-037 (Order 5093), § 16-168-090, filed 4/10/96, effective 5/11/96.]

WAC 16-168-100 What are the reporting requirements for inspections by independent sanitation consultants for food storage warehouses? Reporting must be adequate to reflect the level of compliance with the GMPs.

[Statutory Authority: RCW 69.10.055. 96-09-037 (Order 5093), § 16-168-100, filed 4/10/96, effective 5/11/96.]

Chapter 16-200 WAC

FEEDS, FERTILIZERS AND LIVESTOCK REMEDIES

WAC

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| 16-200-512 | Screenings, screenings waste or screenings refuse, defined—Established tolerances. |
| 16-200-695 | Definitions. |
| 16-200-705 | Purpose. |
| 16-200-708 | Unlawful acts. |

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| 16-200-711 | Plant nutrients in addition to nitrogen, phosphorus and potassium. |
| 16-200-715 | Fertilizer labels. |
| 16-200-721 | Slowly released plant nutrients. |
| 16-200-725 | Commercial fertilizer definitions. |
| 16-200-731 | Commercial value of plant nutrients. |
| 16-200-735 | Breakdown of plant food elements within the guaranteed analysis. |
| 16-200-739 | Brand name. |
| 16-200-742 | Fertigation. |
| 16-200-750 | Definitions and terms. |
| 16-200-755 | Label format. |
| 16-200-760 | Brand and product names. |
| 16-200-770 | Expression of guarantees. |
| 16-200-790 | Ingredient statement. |
| 16-200-795 | Directions for use and precautionary statements. |
| 16-200-805 | Tonnage fees. |
| 16-200-815 | Adulteration. |
| 16-200-820 | Screenings. |
| 16-200-830 | Nonprotein nitrogen. |
| 16-200-840 | Artificial color. |
| 16-200-860 | Used sacks and containers. |
| 16-200-865 | Commercial feed license. |
| 16-200-885 | Commercial feed label submission. |
| 16-200-887 | Good manufacturing practices. |
| 16-200-890 | Definitions—Animal waste products. |
| 16-200-900 | Registration requirements. |
| 16-200-910 | Refusing or cancelling registration—Procedure. |
| 16-200-920 | Quality standards. |
| 16-200-930 | Labeling requirements of animal waste products. |
| 16-200-940 | Testing required. |
| 16-200-950 | Records required. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-200-001 | Promulgation. [Order 453, Promulgation, effective 3/1/46.] Repealed by 81-18-058 (Order 1747), filed 9/1/81. Statutory Authority: RCW 15.53.9018. |
| 16-200-002 | Promulgation. [Order 619, Promulgation, effective 2/11/52. Applies to WAC 16-200-512 and to chapter 16-28 WAC.] Repealed by 81-18-058 (Order 1747), filed 9/1/81. Statutory Authority: RCW 15.53.9018. |
| 16-200-003, 16-200-004, 16-200-005, 16-200-010 through 16-200-630. | [From Orders 779, 761, 629, 599, 591 and Regulations 1 through 63 and 69 of Order 453, filed 3/22/60.] |
| 16-200-006 | Promulgation. [Order 1032, Promulgation, filed 9/13/66, effective 11/15/66; Order 999, Promulgation, filed 12/10/65. Applies to WAC 16-200-700 through 16-200-743.] Repealed by 81-18-058 (Order 1747), filed 9/1/81. Statutory Authority: RCW 15.53.9018. |
| 16-200-007 | Promulgation. [Order 1164, § 16-200-007, filed 10/1/70; Order 1016, filed 5/20/66. Applies to WAC 16-200-750 through 16-200-870.] Repealed by 81-18-058 (Order 1747), filed 9/1/81. Statutory Authority: RCW 15.53.9018. |
| 16-200-640 | Livestock remedies—Application for registration. [Order 453, Regulation 64, effective 3/1/46.] Repealed by 96-15-018A (Order 5098), filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.9012. |
| 16-200-650 | Concentrates, minerals and medicine used in feeds. [Order 453, Regulation 65, effective 3/1/46.] Repealed by 96-15-018A (Order 5098), filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.9012. |
| 16-200-660 | through 16-200-690. [Regulation 453, §§ 66, 67, and 68, effective 3/1/46.] Superseded by Order 999, now codified as WAC 16-200-700 through 16-200-740. |
| 16-200-700 | Definition, labeling, and registration of customer-formula fertilizers. [Order 1032, Regulation 1, filed 9/13/66, effective 10/15/66; Order 999, Regulation 1, filed 12/10/65.] Repealed by 87-19-097 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW. |
| 16-200-710 | Secondary and minor plant nutrients. [Order 1032, Regulation 2, filed 9/13/66, effective 10/15/66; Order 999, Regulation 2, filed 12/10/65.] Repealed by 87-19-097 |

- 16-200-720 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW. Definitions, regulations, and analysis. [Order 1032, Regulation 3, filed 9/13/66, effective 10/15/66; Order 999, Regulation 3, filed 12/10/65.] Repealed by 87-19-097 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.
- 16-200-730 Specialty fertilizers. [Order 1032, Regulation 4, filed 9/13/66, effective 10/15/66; Order 999, Regulation 4, filed 12/10/65.] Repealed by 87-19-097 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.
- 16-200-740 Fertilizer brand registration. [Order 1032, Regulation 5, filed 9/13/66, effective 10/15/66; Order 999, Regulation 5, filed 12/10/65.] Repealed by 87-19-097 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.
- 16-200-743 Fertilizer brand registration—Labeling. [Order 1032, Regulation 6, filed 9/13/66, effective 10/15/66; Order 999, Regulation 6, filed 12/10/65.] Repealed by 87-19-097 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.
- 16-200-780 Definitions, sampling, and analysis. [Order 1016, filed 5/20/66.] Repealed by 96-15-018A (Order 5098), filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.9012.
- 16-200-800 Labeling. [Order 1164, § 16-200-800, filed 10/1/70; Order 1016, filed 5/20/66.] Repealed by 96-15-018A (Order 5098), filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.9012.
- 16-200-810 Minerals. [Order 1016, filed 5/20/66.] Repealed by 96-15-018A (Order 5098), filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.9012.
- 16-200-850 Medicated feeds. [Order 1164, § 16-200-850, filed 10/1/70; Order 1016, filed 5/20/66.] Repealed by 96-15-018A (Order 5098), filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.9012.
- 16-200-870 Products requiring registration. [Order 1016, filed 5/20/66.] Repealed by 96-15-018A (Order 5098), filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.9012.
- 16-200-880 Promulgation. [Order 1432, § 16-200-880, filed 3/12/76.] Repealed by 81-18-058 (Order 1747), filed 9/1/81. Statutory Authority: RCW 15.53.9018.

WAC 16-200-512 Screenings, screenings waste or screenings refuse, defined—Established tolerances. (As promulgated in Order 619, effective 2/11/52.)

(1) Definitions. Screenings consist of a mixture of mill or elevator run mixture or a combination of varying amounts of materials obtained in the process of cleaning grain or seeds, either or both; such as, light or broken grain or seed, weed seeds, hulls, chaff, joints, straw, elevator dust, or floor sweepings. Screenings waste or screenings refuse is a mixture of materials or a combination of varying amounts of materials obtained in the process of cleaning grain or seed, either or both, or recleaning of screenings; such as, weed seeds, which may be unpalatable or injurious, chaff, hulls, straw, joints, elevator dust, floor sweepings, sand and dirt.

(2) Established tolerances. The following are the established tolerances of weed seeds which may lawfully be contained in screenings, screenings waste or screenings refuse, sold offered or displayed for sale, or which are included in any wheat mixed feed, peas or processed grains: Not more than four or any combination totaling more than four of the following primary noxious weed seeds per pound: Canada Thistle, Perennial Sow Thistle, White Top, Perennial Peppergrass, Russian Knapweed, Leafy Spurge, St. Johnswort, White Horse Nettle, Camelthorn, Austrian Fieldcress, Blue Flowering Lettuce, Yellow Toadflax, Johnson Grass, and Common Barberry and Mahonia seeds;

or not more than one hundred or any combination totaling more than one hundred of the following secondary noxious weed seeds per pound, as defined: Dodder, Poverty Weed, Perennial Ragweed, Alkali Mallow, Corn Cockle, Docks, Sheep Sorrel, Charlock, Plantains, Fan Weed, Yellow Star Thistle, Perennial Nutgrass, Puncture Vine, Wild Onion, Perennial Ground Cherry, or any other known noxious weed seeds used for planting, feeding or any other purpose in the state of Washington.

[Order 619, Regulations 69 and 70, effective 2/11/52.]

Commercial registered feed lots, use of screenings in: Chapter 16-28 WAC. Screenings, destruction of or processing for feed purposes—Certificate of authorization: RCW 15.48.090

WAC 16-200-695 Definitions. The definitions set forth in this section shall apply throughout this chapter unless context otherwise requires:

(1) "Organic" means a material containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth. When the term "organic" is utilized in the label or labeling of any commercial fertilizer, it shall be qualified as either "synthetic organic" or "natural organic," with the percentage of each specified.

(2) "Natural organic" means a material derived from either plant or animal products containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth.

(3) "Synthetic organic" means a material that is manufactured chemically (by synthesis) from its elements and other chemicals, containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth.

(4) "Unit" means one percent (by weight) of a ton.

(5) "AOAC" means the association of official analytical chemists.

(6) "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 rules.

(7) "Fertigation" means a method of applying commercial fertilizers with irrigation water to fertilize land or plants.

[Statutory Authority: RCW 15.54.800. 91-01-015 (Order 2066), § 16-200-695, filed 12/7/90, effective 1/7/91. Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-695, filed 9/17/87.]

WAC 16-200-705 Purpose. The following sections concerning the protection of ground water, labeling requirements and examination of fertilizer minerals and limes (WAC 16-200-708 through 16-200-742) are established in this chapter under the authority of the Commercial Fertilizer Act, chapter 15.54 RCW.

[Statutory Authority: RCW 15.54.800. 91-01-015 (Order 2066), § 16-200-705, filed 12/7/90, effective 1/7/91. Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-705, filed 9/17/87.]

WAC 16-200-708 Unlawful acts. It shall be unlawful for any person to refuse or neglect to comply with the provisions of the applicable sections of chapter 15.54 RCW,

the rules adopted thereunder, or any lawful order of the department.

[Statutory Authority: RCW 15.54.800. 91-01-015 (Order 2066), § 16-200-708, filed 12/7/90, effective 1/7/91.]

WAC 16-200-711 Plant nutrients in addition to nitrogen, phosphorus and potassium. (1) Plant nutrients, other than nitrogen, phosphorus and potassium, when mentioned in any form or manner shall be registered and shall be guaranteed on the label. Guarantees shall be made on the elemental basis. Sources of the elements guaranteed shall be shown on the label. Proof of availability shall be provided the director upon request. Except guarantees for those water soluble nutrients labeled solely for hydroponic or continuous liquid feed programs, the minimum percentages which will be accepted for registration are as follows:

| Element | % |
|-----------------|--------|
| Calcium (Ca) | 1.0000 |
| Magnesium (Mg) | 0.5000 |
| Sulfur (S) | 1.0000 |
| Boron (B) | 0.0200 |
| Chlorine (Cl) | 0.1000 |
| Cobalt (Co) | 0.0005 |
| Copper (Cu) | 0.0500 |
| Iron (Fe) | 0.1000 |
| Manganese (Mn) | 0.0500 |
| Molybdenum (Mo) | 0.0005 |
| Sodium (Na) | 0.1000 |
| Zinc (Zn) | 0.0500 |

(2) Guarantees or claims for the plant nutrients listed in subsection (1) of this section are the only ones which shall be accepted by the department. Proposed labels and directions for the use of the fertilizer shall be furnished to the department with the application for registration upon request. Any of the above listed elements which are guaranteed shall appear in the order listed immediately following guarantees for the primary nutrients of nitrogen, phosphorus and potassium.

(3) A warning or caution statement may be required on the label for any commercial fertilizer containing more than 0.1% boron or more than 0.001% molybdenum. The following are examples of possible warning or caution statements:

- (a) Boron:
 - (i) This fertilizer contains boron which may be injurious to certain crops. Contact your local county agent or field consultant for specific information.
 - (ii) WARNING: This fertilizer carries added borax and is intended for use only on alfalfa. Its use on any other crops or under conditions other than those recommended may result in serious injury to the crops.
- (b) Molybdenum: CAUTION: This fertilizer is to be used only on crops which respond to molybdenum. Crops high in molybdenum are toxic to grazing animals (ruminants).

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-711, filed 9/17/87.]

WAC 16-200-715 Fertilizer labels. The following information, in the format presented, is the minimum

information required for all fertilizer labels. For packaged products, this information shall either appear on the front or back of the package; or occupy at least the upper-third side of the package; or be printed on a tag and attached to the package. This information shall be in a readable and conspicuous form. For bulk products, this same information in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery.

- (1) Net weight.
- (2) Brand.
- (3) Grade (provided that the grade shall not be required when no primary nutrients are claimed.)
- (4) Guaranteed analysis*
 - Total Nitrogen (N)** %
 - ___% ammoniacal nitrogen
 - ___% nitrate nitrogen
 - ___% water insoluble nitrogen
 - ___% urea nitrogen
 - ___% (other recognized and determined forms of N)
 - Available Phosphoric Acid (P₂O₅) %
 - Soluble Potash (K₂O) %
 - (Other nutrients, elemental basis)*** %
- (5) Sources of nutrients guaranteed on the label shall be listed below the completed guaranteed analysis statement.
- (6) Name and address of registrant.

* Zero guarantees shall not be made and shall not appear in the statement.

** If chemical forms of nitrogen are claimed or required, the form shall be shown and the percentages of the individual forms shall add up to the total nitrogen percentage.

*** As prescribed by WAC 16-200-711.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-715, filed 9/17/87.]

WAC 16-200-721 Slowly released plant nutrients.

(1) No fertilizer label shall bear a statement that connotes or implies that certain plant nutrients contained in a fertilizer are released slowly over a period of time, unless the nutrient or nutrients are identified and guaranteed.

(2) Types of products with slow release properties recognized are:

- (a) Water insoluble (nitrogen products only), such as natural organics, ureaform materials, urea-formaldehyde products, IBDU, oxamide, etc.;
- (b) Coated slow release, such as sulfur coated urea and other encapsulated soluble fertilizers;
- (c) Occluded slow release, where fertilizers or fertilizer materials are mixed with waxes, resins, or other inert materials and formed into particles; and
- (d) Products containing water soluble nitrogen such as ureaform materials, urea-formaldehyde products, methylenediurea (MDU), dimethylenetriurea (DMTU), dicyanodiamide (DCD), etc.

(3) The terms "water insoluble," "coated slow release," "slow release," "controlled release," "slowly available water soluble," and "occluded slow release" are accepted as descriptive of the products listed in subsection (2) of this section; however the registrant can show a testing program substantiating the claim (testing under guidance of experiment station personnel or a recognized reputable researcher acceptable to the director). A laboratory procedure, accept-

able to the director for evaluating the release characteristics of the product(s) shall also be provided by the registrant upon request.

(4) When the nitrogen is organic, it shall be established that if a label states the amount of organic nitrogen present in a phrase, such as "nitrogen in organic form equivalent to X% N," then the water insoluble nitrogen guarantee shall not be less than sixty percent of the nitrogen so designated. For example: If the total nitrogen guarantee for a fertilizer is ten percent and the label states "Nitrogen in organic form equivalent to 2.5% N" then the water insoluble nitrogen guarantee shall not be less than 1.5% (2.5% x 0.6 = 1.5%).

(5) When a slowly released nutrient is less than fifteen percent of the guarantee for either total nitrogen (N), available phosphoric acid (P₂O₅), or soluble potash (K₂O), as appropriate, the label shall bear no reference to such designations.

(6) AOAC method 2.074 (13th Edition), or as designated in subsequent editions, shall be used to confirm the coated slow release and occluded slow release nutrients and others whose slow release characteristics depend on particle size. AOAC method 2.072 (13th Edition) or as designated in subsequent editions, shall be used to determine the water insoluble nitrogen of organic materials.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-721, filed 9/17/87.]

WAC 16-200-725 Commercial fertilizer definitions.

Except as the director designates otherwise in specific cases, the names and definitions for commercial fertilizers shall be those adopted by the Association of American Plant Food Control Officials.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-725, filed 9/17/87.]

WAC 16-200-731 Commercial value of plant nutrients. The commercial values used in assessing penalties for plant nutrient deficiencies are as follows:

| (1) Fertilizer Materials | Commercial Value (\$/Unit) | | |
|---|----------------------------|-------------------------------|------------------|
| | N | P ₂ O ₅ | K ₂ O |
| Urea | 4.20 | | |
| Ammonium Nitrate (33.5% - 34% N) | 4.75 | | |
| Ammonium Sulfate | 3.27 | | |
| Ammonium Phosphate: | | | |
| 16-20-0 | 5.61 | 5.61 | |
| 18-46-0 | 4.81 | 4.81 | |
| 11-52-0 | 4.68 | 4.68 | |
| 11-55-0 | 4.63 | 4.63 | |
| Triple Superphosphate (45%-46% P ₂ O ₅) | | 5.25 | |
| Muriate of Potash (60%-62% K ₂ O) | | | 2.17 |
| Potassium Sulfate (50%-53% K ₂ O) | | | 6.64 |
| Sulfate of Potash-Magnesia | | | 8.20 |
| Anhydrous Ammonia (82% N) | 3.00 | | |
| Urea ammonium nitrate (32-0-0) | 4.62 | | |
| Aqua Ammonia (20-0-0) | 3.00 | | |

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| | | |
|----------------------------------|------|------|
| Ammonium Thiosulfate (12-0-0) | 5.00 | |
| Ammonium Polyphosphate (10-34-0) | 6.00 | 6.10 |

If the commercial value of any of the fertilizer materials listed above varies by more than 10% of the actual invoice value of the lot sampled, the registrant may request that the invoice be used in determining the commercial value of the fertilizer. The request must be accompanied by a copy of the invoice.

| (2) Relative values for macronutrients: | Commercial Value (\$/Unit) | | |
|---|----------------------------|-------------------------------|------------------|
| | N | P ₂ O ₅ | K ₂ O |
| Dry blend nonspecialty fertilizer (not listed in (1) above) | 4.48 | 5.16 | 2.74 |
| Liquid blend nonspecialty fertilizer (not listed in (1) above) | 3.93 | 5.96 | 2.74 |
| Dry blend specialty fertilizer | 18.96 | 18.96 | 18.96 |
| Liquid blend specialty fertilizer | 18.96 | 18.96 | 18.96 |

(3) Values used for determining and assessing penalties for secondary and minor plant nutrients shall be determined from the sales invoice.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-731, filed 9/17/87.]

WAC 16-200-735 Breakdown of plant food elements within the guaranteed analysis. When a plant nutrient guarantee is broken down into the component forms, the percentage for each component shall be shown before the name of the form. For example: 4% Nitrate Nitrogen.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-735, filed 9/17/87.]

WAC 16-200-739 Brand name. The addition of another prominent name or design to a registered brand (other than descriptive words associated with the grade) shall constitute a new and different brand. For example: Blue Bird 5-10-10 vs. John Doe Blue Bird 5-10-10.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-739, filed 9/17/87.]

WAC 16-200-742 Fertigation. The following shall apply to fertigation:

(1) Any irrigation system used for fertigation shall contain the following functional equipment:

(a) A backflow prevention device or system in the water supply line, upstream from the point of fertilizer introduction. Discharge of water into a reservoir tank prior to fertilizer injection is acceptable: *Provided*, That there is an air gap between the outlet end of the fill pipe and the top (or overflow rim) of the reservoir tank of at least twice the diameter of the fill pipe;

(b) An automatic, quick-closing check valve in the fertilizer injection pipeline to prevent the flow of the liquid back toward the injection pump;

(c) A normally closed, solenoid-operated valve located on the intake side of the injection pump, connected with the system interlock to prevent fluid from being withdrawn from the supply tank during shutdown;

(d) An interlocking control to automatically shut off the injection pump when the water pump stops or when water pressure decreases to a point where fertilizer distribution is affected;

(e) A metering pump fitted into the system interlock specified in (d) of this subsection.

(2) The department may issue permits exempting specific irrigation systems or locations from requirements of subsection (1) of this section: *Provided*, That alternative technology is substituted which will adequately fulfill the function of each waived requirement. In evaluating a permit request, the department may consult qualified engineers and Washington State University personnel.

[Statutory Authority: RCW 15.54.800. 91-01-015 (Order 2066), § 16-200-742, filed 12/7/90, effective 1/7/91.]

WAC 16-200-750 Definitions and terms. (1) The names and definitions for commercial feeds shall be the Official Definition of Feed Ingredients adopted by the Association of American Feed Control Officials (AAFCO), as they appear in the 1996 official publication of the association, except as the department designates otherwise in specific cases.

Note: A copy of the 1996 official publication of the association of American Feed Control Officials is on file with the department. Copies may be obtained from AAFCO Treasurer; Georgia Department of Agriculture; Plant Food, Feed and Grain Division; Capitol Square; Atlanta, GA 30334.

(2) The terms used in reference to commercial feeds shall be the Official Feed Terms adopted by the AAFCO, as they appear in the 1996 official publication of the association, except as the department designates otherwise in specific cases.

(3) The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of RCW 15.53.901(2): Raw meat, loose salt, hay, straw, stover, silages, cobs, husks, and hulls when unground and when not mixed or intermixed with other materials: *Provided*, That these commodities are not adulterated within the meaning of RCW 15.53.902.

(4) The term "quantity statement" means the net weight (mass) as defined in RCW 19.94.010 (1)(i), net volume (liquid or dry) or count.

(5) The following definitions, in addition to the official definitions adopted by AAFCO, as published in the 1996 edition, are adopted:

(a) Pea meal is a pea product resulting from the grinding of whole peas which are reasonably free of other crop seeds, weeds, and mold. It shall contain not less than twenty percent crude protein and not more than eight percent crude fiber.

(b) Pea by-products meal is a product containing light and broken peas, and offal from pea cleaning, which includes chips, pea powder, pea hulls, and screenings. It shall contain not less than fifteen percent crude protein nor more than thirty percent crude fiber.

(c) Pea screenings meal consists primarily of the various separates obtained from the screening and cleaning of peas. It shall contain not less than ten percent crude protein nor more than thirty-eight percent crude fiber.

(d) Pea bran consists primarily of the various separates obtained from the pea splitting operation. It shall contain not less than ten percent crude protein nor more than thirty-eight percent crude fiber.

(e) Grass seed by-products meal or pellets is a ground product consisting of light and broken seeds, hulls, chaff, straw, and a portion of the weed seeds; excluding sand, dirt, and heavy weed seeds.

(f) Grass seed screenings meal or pellets is the product obtained from the cleaning of various grass seed and shall be comprised chiefly of hulls.

(g) Dehydrated grass meal is the aerial portion of the plant cut prior to formation of seed reasonably free of other crop plants, weeds, and mold, which has been finely ground and dried by thermal (artificial) means. If a species name is used, the product must correspond thereto.

(h) Facility is defined as any place where a commercial feed is manufactured, sold or stored for later distribution.

[Statutory Authority: RCW 15.53.9012. 96-15-018A (Order 5098), § 16-200-750, filed 7/9/96, effective 8/9/96; Order 1016, filed 5/20/66.]

WAC 16-200-755 Label format. (1) Except as provided for in subsection (2) of this section, commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this section on the principal display panel of the product and in the following general format:

(a) Product name and brand name if any;

(b) If a drug is used, the label shall include:

(i) The word "medicated" directly following and below the product name in type size, no smaller than one-half the type size of the product name;

(ii) The purpose of the medication (claim statement);

(iii) An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with WAC 16-200-770(5);

(c) Directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by WAC 16-200-795 and 16-200-830 appear elsewhere on the label;

(d) The guaranteed analysis of the feed required under the provisions of RCW 15.53.9016 (1)(b). This shall include the following items, unless exempted in subsection (2) of this section, in the order listed:

(i) Minimum percentage of crude protein;

(ii) Maximum or minimum percentage of equivalent protein from nonprotein nitrogen as required in WAC 16-200-770(8);

(iii) Minimum percentage of crude fat;

(iv) Maximum percentage of crude fiber;

(v) Moisture guarantees shall be shown as a part of the guaranteed analysis on the labels of all canned pet foods and specialty pet foods. When water is added in the preparation of canned foods for animals, water must be listed as an ingredient;

(vi) For mineral feeds the guaranteed analysis shall include the following, if added:

(A) Minimum and maximum percentages of calcium (Ca);

(B) Minimum percentage of phosphorus (P);

(C) Minimum and maximum percentages of salt (NaCl); and

(D) Other minerals;

(vii) Vitamins in such terms as specified in WAC 16-200-770(4);

(viii) Total sugars as invert on dried molasses products or products being sold primarily for their sugar content;

(ix) Viable lactic acid producing microorganisms for use in silages in terms specified in WAC 16-200-770(10);

(e) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of RCW 15.53.9016 (1)(c):

(i) The name of each ingredient as defined in the 1996 Official Publication of the Association of American Feed Control Officials, common or usual name, or one approved by the department;

(ii) Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the 1996 Official Publication of the Association of American Feed Control Officials in lieu of the individual ingredients: *Provided, That:*

(A) When a collective term of a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label;

(B) The manufacturer shall provide the feed control official, upon request, with a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the state;

(f) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, and zip code; however the street address may be omitted if it is shown in the current city directory or telephone directory;

(g) Quantity statement.

(2) Exemptions.

(a) A mineral guarantee is not required when the feed or feed ingredient is not intended, or represented or does not serve as a principal source of that mineral to the animal.

(b) Guarantees for vitamins are not required when the commercial feed is neither formulated for, nor represented in any manner as a vitamin supplement.

(c) Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

(d) Guarantees for microorganisms are not required when the commercial feed is intended for a purpose other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, and no specific label claims are made.

(3) The information required by subsection (1)(a) and (b) and (d) through (g) of this section must appear in its entirety on one side of the label or container.

(4) The information required by subsection (1)(c) of this section shall be displayed in a prominent place on the label or container but not necessarily on the same side as the above information. When the information required by subsection (1)(c) of this section is placed on a different side of the label or container, it must be referenced on the front

side with a statement such as "see back of label for directions for use." None of the information required by RCW 15.53.9016 shall be subordinated or obscured by other statements or designs.

(5) No printed or written matter or design (e.g., picture of animal or bird) of any kind shall be attached to, appear on, or be distributed with feed if such matter is misleading or incorrect, or at variance in any respect with the information on the principal label. Labeling which suggests that presence of added enzyme-bearing materials improves utilization of a commercial feed is prohibited.

(6) No statement may appear on a label which refers to or compares properties of the package contents to some other competitive products unless such other competitive product is specifically identified. A negative statement is not allowed on a label except when this provides information deemed by the director to be beneficial to the purchaser.

(7) Customer-formula feed shall be labeled with the information prescribed using labels, invoice, delivery ticket, or other shipping document bearing the following information:

(a) The name and address of the manufacturer;

(b) The name and address of the purchaser;

(c) The date of delivery;

(d) The product name and the quantity statement;

(e) The product name and quantity statement of each commercial feed and each other ingredient used in the customer-formula feed must be on file at the plant producing the product. These records must be kept on file for one year after the date of the last sale. This information shall be available to the purchaser, the dealer making the sale, and the department on request;

(f) The direction for use and precautionary statements as required by WAC 16-200-795 and 16-200-830;

(g) If a drug is used, the labeling shall include:

(i) The purpose of the medication (claim statement);

(ii) The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with WAC 16-200-770(5).

(8) When bulk commercial feeds are sacked and offered for sale, each container shall be accompanied by a label in accordance with the provisions of RCW 15.53.9016(1).

(9) All bulk deliveries of commercial feed shall be accompanied by a label or a shipping document in accordance with the provisions of RCW 15.53.9016(1).

[Statutory Authority: RCW 15.53.9012. 96-15-018A (Order 5098), § 16-200-755, filed 7/9/96, effective 8/9/96.]

WAC 16-200-760 Brand and product names. (1) The brand or product name must be appropriate for the intended use of the feed and not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "dairy feed," for example, must be suitable for that purpose.

(2) When not specifically stated in chapter 15.53 RCW or otherwise designated by the department, the department will be guided by the definitions of feed ingredients and feed terms as established in the 1996 official publication of the Association of American Feed Control Officials in accepting product names for single ingredient feeds.

(3) A name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any component of a mixture unless all components are included in the name: *Provided*, That if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name, if in the opinion of the department, the ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product, that it does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients, and that it is not otherwise false or misleading.

(4) The word vitamin, or a contraction thereof, or any word suggesting vitamin, can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in WAC 16-200-770(4).

(5) The term "mineralized" shall not be used in the name of a feed except "trace mineralized salt." When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

(6) When the brand name carries a percentage value, it shall be understood to signify protein and/or protein equivalent content. If any other percentage values are used in brand names, they must be followed by the proper description.

(7) Commercial feed shall be considered as a distinct brand when differing either in guaranteed analysis, trademark name, or any other characteristic method of marking: *Provided*, That a brand may be sold in various physical forms.

(8) The word "protein" shall not be permitted in the brand name of a feed that contains added nonprotein nitrogen.

(9) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-products are made from cattle, swine, sheep and goats.

[Statutory Authority: RCW 15.53.9012, 96-15-018A (Order 5098), § 16-200-760, filed 7/9/96, effective 8/9/96; Order 1164, § 16-200-760, filed 10/1/70; Order 1016, filed 5/20/66.]

WAC 16-200-770 Expression of guarantees. (1) The guarantees for crude protein, equivalent protein from nonprotein nitrogen, crude fat, crude fiber and mineral guarantees (when required) will be in terms of percentage.

(2) The sliding-scale method of expressing guarantees (for example, protein fifteen to eighteen percent) is prohibited, except as specifically provided by the law or by rule.

(3) Mineral feeds shall be labeled with guarantees for the minimum and maximum percentages of calcium, minimum percentage of phosphorus, minimum and maximum percentages of salt, and minimum or maximum of other minerals as specified, if added.

(a) When the calcium and salt guarantees are given in the guaranteed analysis, they shall be stated and conform to the following:

(i) When the minimum is below 2.5%, the maximum shall not exceed the minimum by more than 0.5 percentage point.

(ii) When the minimum is 2.5% but less than 5.0%, the maximum shall not exceed the minimum by more than one percentage point.

(iii) When the minimum is above 5.0% or greater the maximum shall not exceed the minimum by more than 20% of the minimum and in no case shall the maximum exceed the minimum by more than five percentage points.

(b) When required, guarantees for minimum potassium, magnesium, sulfur and maximum fluoride shall be stated in parts per million (ppm) when the concentration is less than 10,000 ppm and in percentage when the concentration is 10,000 ppm (1%) or greater.

(4) Guarantees of minimum vitamin content of commercial feeds shall be listed in the order specified and shall be stated in milligrams per pound unless otherwise specified:

(a) Vitamin A, other than precursors of Vitamin A, in International Units per pound.

(b) Vitamin D-3 in products offered for poultry feeding, in International Chick Units per pound.

(c) Vitamin D, for other uses, in International Units per pound.

(d) Vitamin E, in International Units per pound.

(e) Concentrated oils and feed additive premixes containing vitamins A, D, and/or E may, at the option of the distributor be stated in units per gram instead of units per pound.

(f) Vitamin B-12, in milligrams or micrograms per pound.

(g) All other vitamin guarantees shall express the vitamin activity in milligrams per pound in terms of the following: Menadione; riboflavin; d-pantothenic acid; thiamine; niacin; vitamin B-6; folic acid, choline, biotin, inositol; p-amino benzoic acid; ascorbic acid; and carotene.

(5) Guarantees for drugs shall be stated in terms of percent by weight, except:

(a) Antibiotics, present at less than 2,000 grams per ton (total) of commercial feed shall be stated in grams per ton of commercial feed.

(b) Antibiotics, present at 2,000 or more grams per ton (total) of commercial feed, shall be stated in grams per pound of commercial feed.

(c) Labels for commercial feeds containing growth promotion and/or feed efficiency labels of antibiotics, which are to be fed continuously as the sole ration, are not required to make quantitative guarantees except as specifically noted in the Federal Food Additive Regulations for certain antibiotics, wherein, quantitative guarantees are required regardless of the level or purpose of the antibiotic.

(d) The term "milligrams per pound" may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.

(6) Pursuant to RCW 15.53.9016 (1)(b) of the law, all commercial feeds except poultry laying rations, containing five percent or more mineral ingredients, shall include in the guaranteed analysis the minimum percentages of phosphorus (P) and iodine (I), if added. Minerals, except salt (NaCl),

when quantitatively guaranteed, shall be stated in terms of percentage of the element. Should the registrant choose to guarantee minerals of commercial feeds with less than five percent of mineral ingredients, these guarantees shall be stated as above.

(7) Poultry laying rations containing twelve percent or more mineral ingredients shall be considered mineral feeds and subject to the requirements of subsection (6) of this section.

(8) Commercial feeds containing any added nonprotein nitrogen shall be labeled as follows:

(a) For ruminants:

(i) Complete feeds, supplements, and concentrates containing added nonprotein nitrogen and containing more than 5% protein from natural sources shall be guaranteed as follows:

Crude protein, minimum,%

(This includes not more than% equivalent crude protein from nonprotein nitrogen.)

(ii) Mixed feed concentrates and supplements containing less than 5% protein from natural sources may be guaranteed as follows:

Equivalent crude protein from nonprotein nitrogen, minimum,%

(iii) Ingredient sources of nonprotein nitrogen such as Urea, DiAmmonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic nonprotein nitrogen ingredients referenced under WAC 16-200-750 shall be guaranteed as follows:

Nitrogen, minimum,% equivalent crude protein from nonprotein nitrogen, minimum,%

(b) For nonruminants:

(i) Complete feeds, supplements and concentrates containing crude protein from all forms of nonprotein nitrogen, added as such, shall be labeled as follows:

Crude protein, minimum,%

(This includes not more than% equivalent crude protein which is not nutritionally available to species of animals.)

(ii) Premixes, concentrates or supplements intended for nonruminants containing more than 1.25% equivalent crude protein from all forms of nonprotein nitrogen, added as such, must contain adequate directions for use and prominent statement:

WARNING: This feed must be used only in accordance with directions furnished on the label.

(9) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.

(10) Guarantees for microorganisms shall be stated in colony forming units per gram (CFU/g) when directions are for using the product in grams, or in colony forming units per pound (CFU/lb) when directions are for using the product in pounds. A parenthetical statement following the guarantee shall list each species in order of predominance.

[Statutory Authority: RCW 15.53.9012, 96-15-018A (Order 5098), § 16-200-770, filed 7/9/96, effective 8/9/96; Order 1016, filed 5/20/66.]

WAC 16-200-790 Ingredient statement. (1) As provided in WAC 16-200-755 (1)(e), the name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the name defined in the Official Definitions of Feed Ingredients as published in the 1996 Official Publication of the Association of American Feed Control Officials, the common or usual name, or one approved by the department.

(2) The name of each ingredient must be shown in letters or type of the same size.

(3) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(4) The term "dehydrated" may precede the name of any product that has been artificially dried.

(5) A single ingredient product defined by the Association of American Feed Control Officials, as published in the 1996 official publication of Association of American Feed Control Officials, is not required to have an ingredient statement.

(6) Tentative definitions for ingredients shall not be used until adopted as official, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (i.e., sugar).

(7) When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.

(8) The term "degermed" must precede the name of any product from which the germ was wholly or partially removed.

(9) The use of commercial, copyrighted brand, or trade names in the guarantees and ingredient listing shall not be permitted.

[Statutory Authority: RCW 15.53.9012, 96-15-018A (Order 5098), § 16-200-790, filed 7/9/96, effective 8/9/96; Order 1164, § 16-200-790, filed 10/1/70; Order 1016, filed 5/20/66.]

WAC 16-200-795 Directions for use and precautionary statements. (1) Directions for use and precautionary statements on the labeling of all commercial feeds and customer-formula feeds containing additives (including drugs, special purpose additives, or nonnutritive additives) shall:

(a) Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and

(b) Include, but not be limited to, all information described by all applicable regulations of the Code of Federal Regulations, Title 21, parts 500-599 under the Federal Food, Drug and Cosmetic Act as provided in the 1995 edition.

Note: The Food and Drug Administration's regulations are published in the Code of Federal Regulations, and are available in book format from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. A copy of the 1995 edition, Parts 200-599 is on file with the department.

(2) Adequate directions for use and precautionary statements as identified in subsection (1) of this section are required for feeds containing nonprotein nitrogen as specified in WAC 16-200-830.

(3) Adequate directions for use and precautionary statements necessary for safe and effective use as identified in subsection (1) of this section are required on commercial

feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

[Statutory Authority: RCW 15.53.9012. 96-15-018A (Order 5098), § 16-200-795, filed 7/9/96, effective 8/9/96.]

WAC 16-200-805 Tonnage fees. Pursuant to RCW 15.53.9018, each initial distributor of a commercial feed in this state shall pay to the department of agriculture an inspection fee of nine cents per ton on all commercial feed sold by such person during the year. The minimum inspection fee, the late penalty fee and exceptions to payment of fee are as authorized in RCW 15.53.9018.

[Statutory Authority: RCW 15.53.9012. 96-15-018A (Order 5098), § 16-200-805, filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.9018. 94-08-034 (Order 5038), § 16-200-805, filed 3/31/94, effective 5/1/94; 81-18-058 (Order 1747), § 16-200-805, filed 9/1/81.]

WAC 16-200-815 Adulteration. (1) Pursuant to RCW 15.53.902, the terms "poisonous or deleterious substances" include but are not limited to the following:

(a) A commercial feed or feed ingredient which contains more than twenty parts per billion aflatoxin B1, B2, G1, G2, individually or total;

(b) Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds 0.20% for breeding and dairy cattle; 0.30% for slaughter cattle; 0.30% for sheep; 0.35% for lambs; 0.45% for swine; and 0.60% for poultry;

(c) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts: 0.004% for breeding and dairy cattle; 0.009% for slaughter cattle; 0.006% for sheep; 0.01% for lambs; 0.015% for swine and 0.03% for poultry;

(d) Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that results in a daily fluorine intake in excess of 50 milligrams of fluorine per 100 pounds of body weight;

(e) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinated solvents;

(f) Sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of vitamin B1 (Thiamine).

(2) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no more than one viable prohibited (primary) noxious weed seeds per pound and not more than twenty-five viable restricted (secondary) noxious weed seeds per pound.

[Statutory Authority: RCW 15.53.9012. 96-15-018A (Order 5098), § 16-200-815, filed 7/9/96, effective 8/9/96. Statutory Authority: RCW 15.53.902. 82-23-057 (Order 1776), § 16-200-815, filed 11/17/82.]

WAC 16-200-820 Screenings. (1) The admixture of any proportion of grain screenings requires a declaration to

that effect in the brand name in type of the same size as in the following:

(a) Wheat bran with ground grain screenings not to exceed run of the mill and in no case to exceed eight percent.

(b) Wheat shorts with ground grain screenings not to exceed run of the mill and in no case to exceed eight percent.

(c) Wheat mill run with ground grain screenings not to exceed run of the mill and in no case to exceed eight percent.

(2) When any proportion of screenings is added as such to a feed mixture, the label must state specifically the appropriate ingredient name, such as grain screenings, mixed screenings, or refuse screenings.

(3) Screenings must not contain any seed or other product injurious to animals, and must be ground fine enough or otherwise treated to destroy the viability of the noxious seeds contained therein.

(4) When screenings or scourings are added to unmixed by-product feeds, the label shall indicate this fact by the term "screenings," in type of the same size as the brand name, appearing either as part of or immediately below the brand name.

[Order 1016, filed 5/20/66.]

WAC 16-200-830 Nonprotein nitrogen. (1) Urea and other nonprotein nitrogen products defined in the 1996 official publication of the Association of American Feed Control Officials are accepted ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein.

(2) If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of nonprotein nitrogen added as such, or the equivalent crude protein from all forms of nonprotein nitrogen, added as such, or exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a caution statement: CAUTION: USE AS DIRECTED. The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

(3) The presence of added nonprotein nitrogen shall not require a duplication of the feeding directions or the warning or caution statements on medicated feed labels which contain adequate feeding directions and/or warning statements as long as those statements include sufficient information to insure the safe and effective use of this product due to the presence of nonprotein nitrogen.

(4) Nonprotein nitrogen defined in the 1996 Official Publication of the Association of American Feed Control Officials, when so indicated, are acceptable ingredients in commercial feeds distributed to nonruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from nonprotein nitrogen sources when used in nonruminant rations shall not exceed 1.25% of the total daily ration.

[Statutory Authority: RCW 15.53.9012. 96-15-018A (Order 5098), § 16-200-830, filed 7/9/96, effective 8/9/96; Order 1164, § 16-200-830, filed 10/1/70; Order 1016, filed 5/20/66.]

WAC 16-200-840 Artificial color. An artificial color may be used in feeds only if it has been shown to be harmless to animals. No material shall be used to enhance the natural color of a feed or feed ingredient whereby inferiority would be concealed.

[Order 1016, filed 5/20/66.]

WAC 16-200-860 Used sacks and containers. Used sacks and containers may be used again if thoroughly cleaned so that all feed and foreign matter is removed; and if the outer surface is free from all matter and labeling deceptive as to the contents of the sack and the container: *Provided*, That sacks and containers used for chemicals, pesticides, treated seeds, or other potential adulterants shall not knowingly be used for feed.

[Statutory Authority: RCW 15.53.9012. 96-15-018A (Order 5098), § 16-200-860, filed 7/9/96, effective 8/9/96; Order 1164, § 16-200-860, filed 10/1/70; Order 1016, filed 5/20/66.]

WAC 16-200-865 Commercial feed license. (1) Pursuant to RCW 15.53.9013, a commercial feed license is required for each facility. Any person who makes only retail sales of bagged or packaged commercial feed which bears labeling or other approved indication that the commercial feed is from a licensed manufacturer, guarantor, or distributor who has assumed full responsibility for the tonnage inspection fee due under RCW 15.53.9018 is not required to obtain a license.

(2) The commercial feed license application form, to be completed by applicants and licensees, shall include name and business address of the applicant and information regarding the types of business the firm is engaged in (feed manufacturer, dealer, broker) and the type of commercial feed distributed (medicated feed, complete feed, feed supplement, animal products).

[Statutory Authority: RCW 15.53.9012. 96-15-018A (Order 5098), § 16-200-865, filed 7/9/96, effective 8/9/96.]

WAC 16-200-885 Commercial feed label submission. Pursuant to RCW 15.53.9013, license applicants or licensees shall submit copies of commercial feed labels and labeling, when requested by the department with just cause, in order to determine compliance with the provisions of laws and rules.

[Statutory Authority: RCW 15.53.9012. 96-15-018A (Order 5098), § 16-200-885, filed 7/9/96, effective 8/9/96.]

WAC 16-200-887 Good manufacturing practices. For the purposes of enforcement of RCW 15.53.902(9) the department adopts the following as current good manufacturing practices:

(1) The regulations prescribing current good manufacturing practices for Type B and Type C medicated feeds as published in the 1995 edition of the Code of Federal Regulations, Title 21, Part 225, Sections 225.1-225.202.

(2) The regulations prescribing good manufacturing practices for Type A Medicated Articles as published in the 1995 edition of the Code of Federal Regulations, Title 21, Part 226, Sections 226.1-226.115.

[Statutory Authority: RCW 15.53.9012. 96-15-018A (Order 5098), § 16-200-887, filed 7/9/96, effective 8/9/96.]

WAC 16-200-890 Definitions—Animal waste products. (1) "Animal wastes" means a material composed of excreta, with or without bedding materials and/or animal drugs and collected from poultry, ruminants or other animals except humans.

(2) "Processed," as applied to animal waste, means thermally dehydrated, dry-stacked, ensiled, oxidized, chemically treated, microbiologically digested, chemically or physically fractionated, or treated by other processes which will enable the product to comply with the standards set forth in this order.

(3) "Processed animal waste product" means a product which shall be specifically identified as follows:

(a) "Dried poultry waste - (DPW)" means a processed animal waste product composed of the feces from commercial poultry, which has been thermally dehydrated to a moisture content not in excess of 12.00 percent.

(b) "Dried poultry waste - NPN extracted" means a processed animal waste product composed of the feces from commercial poultry which has been processed to remove part or all of the equivalent crude protein, NPN as urea and/or uric acid and which has been thermally dehydrated to a moisture content not in excess of 12.00 percent.

(c) "Dried poultry litter - (DPL)" means a processed animal waste product composed of a processed combination of feces from commercial poultry together with litter that was present in the floor production of poultry, which has been thermally dehydrated to a moisture content not in excess of 12.00 percent.

(d) "Dried ruminant waste - (DRW)" means a processed animal waste product composed of processed ruminant excreta which has been thermally dehydrated to a moisture content not in excess of 12.00 percent.

(e) "Undried processed animal waste product" means a processed animal waste product composed of excreta, with or without litter, from poultry, ruminants or any other animal except humans and which contains in excess of 12.00 percent moisture.

[Order 1432, § 16-200-890, filed 3/12/76.]

WAC 16-200-900 Registration requirements. (1) No person shall sell, offer or expose for sale, or distribute in this state any processed animal waste product intended, promoted, represented, advertised or distributed for use as a commercial feed or feed ingredient as defined in chapter 15.53 RCW prior to registering such animal waste product with the director of agriculture.

(2) Application for registration shall be made to the director of agriculture on forms provided by the department and shall be accompanied by payment of the statutory registration fees as set forth in chapter 15.53 RCW.

(3) Applications for registration of animal waste products shall be accompanied by the following:

(a) A copy of the label which the applicant proposed to use for the processed animal waste product.

(b) A detailed description of the testing of the processed animal waste product, a sampling schedule and a full description of all tests made, and the results thereof purport-

ing to show the processed animal waste product meets the standards of these rules and regulations for registration.

(c) The director may require an official sample of the processed animal waste product to be distributed in this state be taken for examination and analysis prior to approval of product registration.

[Order 1432, § 16-200-900, filed 3/12/76.]

WAC 16-200-910 Refusing or cancelling registration—Procedure. (1) General provisions: Registration of a processed animal waste product will be refused or cancelled if:

(a) The applicant or the processed animal waste product is determined to be in violation of any Washington state statute or Washington state agency rule or regulation affecting or relating to the sale of commercial feeds in this state.

(b) The processed animal waste product does not meet the Quality Standards as set forth in WAC 16-200-920 of this order.

(c) The processed animal waste product is not labeled in compliance with the requirements of chapter 15.53 RCW including the requirements as specified in WAC 16-200-930 of this order.

(2) The director shall notify the applicant of the manner in which the animal waste product or labeling, or other material required to be submitted with the application fails to comply with the provisions of this order so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of such notice, the applicant does not make the corrections, the director shall refuse to register the processed animal waste product. The applicant may request a hearing as provided for in chapter 34.04 RCW.

(3) The director, when he determines that an animal waste product or its labeling do not comply with the provisions of chapter 15.53 RCW or regulations adopted by this order, shall cancel the registration of such animal waste product after a hearing in accordance with the provisions of chapter 34.04 RCW.

[Order 1432, § 16-200-910, filed 3/12/76.]

WAC 16-200-920 Quality standards. (1) No processed animal waste product shall contain any extraneous materials such as, but not limited to, metal, glass, wire or nails, except as set forth in WAC 16-200-920 (5)(d) and (6) of this order.

(2) Dried poultry waste shall contain:

- (a) Not less than 20.00 percent crude protein
- (b) Not more than 15.00 percent crude fiber
- (c) Not more than 35.00 percent ash
- (d) Not more than 1.00 percent feathers
- (e) Not more than 12.00 percent moisture
- (f) Not more than 10.00 percent litter

(3) Dried poultry waste - NPN extracted shall contain:

- (a) Not less than 12.00 percent crude protein
- (b) Not more than 15.00 percent crude fiber
- (c) Not more than 35.00 percent ash
- (d) Not more than 1.00 percent feathers
- (e) Not more than 12.00 percent moisture
- (f) Not more than 10.00 percent litter

(4) Dried poultry litter shall contain:

- (a) Not less than 18.00 percent crude protein
- (b) Not more than 40.00 percent crude fiber
- (c) Not more than 30.00 percent ash
- (d) Not more than 5.00 percent feathers
- (e) Not more than 12.00 percent moisture
- (5) Dried ruminant waste shall contain:
 - (a) Not less than 12.00 percent crude protein
 - (b) Not more than 30.00 percent crude fiber
 - (c) Not more than 30.00 percent ash
 - (d) Not more than 40.00 percent combined straw, wood, wood shavings, litter, dirt, sand, rocks, and other similar extraneous materials
 - (e) Not more than 12.00 percent moisture
- (6) Undried processed animal waste products shall contain not more than 40.00 percent combined straw, wood, wood shavings, litter, dirt, sand, rocks and other extraneous materials.

(7) Any product labeled as, or containing dried animal waste products, shall be maintained at 12.00 percent moisture or less, to aid in maintaining a stable microbiological quality.

(8) Processed animal waste products shall not contain any harmful pathogenic organisms, pesticide residues, harmful parasites, or drug residues except as allowed in WAC 16-200-930 (1)(a) or other toxic or deleterious substances above levels permitted by department statute or regulation or which could be harmful to the animals or could result in residue in tissues of food products or by-products of animals at levels in excess of those allowed by statute or regulation.

(9) Processed animal waste products shall not contain aflatoxin in excess of 20 parts per billion (ppb) and shall not contain more than a total of 500 parts per million (ppm) of heavy metals as mercury, lead, bismuth, copper, cadmium, arsenic, antimony, and tin.

[Order 1432, § 16-200-920, filed 3/12/76.]

WAC 16-200-930 Labeling requirements of animal waste products. (1) General: The label, tag, or label invoice accompanying shipments of animal waste products shall contain information as required by chapter 15.53 RCW and in addition shall include the following information:

(a) If the product contains drugs or drug residues, then the label shall contain the following statement in boldface type at least one-half as large as the largest type appearing on the label: "WARNING: THIS PRODUCT CONTAINS DRUG RESIDUES. DO NOT USE WITHIN 30 DAYS OF SLAUGHTER AND DO NOT USE 30 DAYS PRIOR TO OR DURING THE FOOD PRODUCTION PERIOD OF DAIRY ANIMALS AND/OR HENS."

(b) If the product contains high levels (15 ppm or greater) of copper: "WARNING: CONTAINS HIGH LEVELS OF COPPER: DO NOT FEED TO SHEEP."

(c) Animal waste product labels, tags, or labeling shall contain the following guarantees in percentages by weight in the following order and form:

- (i) Minimum crude protein
- (ii) Maximum equivalent crude protein from nonprotein nitrogen (NPN)
- (iii) Minimum crude fat
- (iv) Maximum crude fiber
- (v) Minimum and maximum calcium (Ca)

- (vi) Minimum phosphorus (P)
- (vii) Maximum sodium (Na)
- (viii) Maximum ash
- (ix) Maximum moisture
- (x) Maximum lignin (if the processed animal waste product is dried poultry litter and if the product contains wood-based bedding materials).
- (xi) Maximum copper (Cu) (if the processed animal waste product is dried poultry waste or dried poultry litter and does not contain the warning "DO NOT FEED TO SHEEP").

(d) Mixed feeds containing processed animal waste products as an ingredient shall state on the label the maximum percentage and type of processed animal waste product used in the mixed feed.

(e) Processed animal waste product labeling shall contain as part of the product name the animal source and product type.

[Order 1432, § 16-200-930, filed 3/12/76.]

WAC 16-200-940 Testing required. (1) The purpose of the sampling and testing requirements of this section shall be to determine the presence of harmful materials or biological contaminants specified in WAC 16-200-920 of this order and to assure compliance with the quality standards as set forth in WAC 16-200-920 of this order.

(2) Any person seeking or receiving registration of any processed animal waste product shall test, by representative sampling and assaying of such samples, and keep accurate records thereof, the processed animal waste product for which the registration is sought or received.

(3) The sample shall be of sufficient size so as to provide meaningful data, statistically reliable in carrying out the purpose of such sampling and analysis.

(4) The registrant, manufacturer, or producer of any such processed animal waste product ingredient shall conform to the following sample and analyses requirements:

(a) Analyses specified to meet the requirements of the quality standards of WAC 16-200-920 of this order shall be conducted on sequential production runs sufficient to establish that the last three consecutive production runs of the feed ingredient are consistently within the limitations specified prior to registration and/or sale of the processed animal waste product.

(b) Following the initial sequential testing, periodic analyses shall be conducted on production runs, no less than one each calendar quarter. Less frequent testing may be allowed where the analytical results show continued uniformity and a consistent margin of compliance. More frequent tests shall be required where the analytical results show a wide range, or show levels close to the established quality standards. Any processed animal waste product that does not meet the quality standards for the product shall be further processed until standards are met, or shall be diverted to nonfeed or nonfood uses, or destroyed.

[Order 1432, § 16-200-940, filed 3/12/76.]

WAC 16-200-950 Records required. (1) Any person seeking or receiving registration of any processed animal waste product shall keep for a period of two years, accurate records containing at least the following information:

- (a) All sources of raw materials used in the production of processed animal waste products and the date acquired.
- (b) All production batches of processed animal waste products including a code or other method to identify the batch or date of production.
- (c) All sales and distribution of processed animal waste products including the name and address of the purchaser or to whom distributed, the date, quantity and production code.
- (d) Sampling and assay records of the testing required by WAC 16-200-940 of this order.

[Order 1432, § 16-200-950, filed 3/12/76.]

**Chapter 16-201 WAC
FERTILIZER BULK STORAGE AND
OPERATIONAL AREA CONTAINMENT RULES**

WAC

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|------------|---|
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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, attapulgite 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.

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[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 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), § 16-201-160, 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 16-212 WAC
GRAIN, HAY, BEANS AND PEAS—INSPECTION
FEES**

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| 16-212-110 | Bonds. |
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| 16-212-125 | Licenses; warehouse, terminal warehouse, country warehouse—Late renewal penalty. |
| 16-212-126 | Grain dealer license—Late renewal penalty. |
| 16-212-127 | Warehouse license expiration. |
| 16-212-128 | Grain dealer license expiration. |
| 16-212-130 | Net worth requirements. |
| 16-212-160 | Financial statements. |
| 16-212-170 | Dealer records. |
| 16-212-180 | Warehouseman records. |
| 16-212-190 | Shipments. |
| 16-212-195 | Inventory requirements. |
| 16-212-215 | Scales. |
| 16-212-220 | Signs. |
| 16-212-225 | Charges. |
| 16-212-230 | Certificates of deposit, letters of credit, life insurance. |
| 16-212-235 | Seed warehouseman records. |

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

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| 16-212-001 | Promulgation. [Order 1267, § 16-212-001, filed 5/31/72; Order 1153, § 16-212-001, filed 5/28/70, effective 7/1/70; Order 1118, § 16-212-001, filed 5/29/69, effective 7/1/69; Order 1031, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 891, filed 7/2/62; Order 790, effective 9/1/59.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW. |
| 16-212-00101 | Promulgation. [Order 1358, § 16-212-00101, filed 5/31/74.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW. |
| 16-212-002 | Promulgation. [Order 1226, § 16-212-002, filed 1/3/72, effective 2/2/72 through 6/30/72.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW. |
| 16-212-003 | Promulgation. [Order 1380, § 16-212-003, filed 1/28/75.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW. |
| 16-212-0031 | Promulgation. [Order 1404, § 16-212-003 (codified as WAC 16-212-0031), filed 6/30/75, effective 8/1/75.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW. |

- 16-212-004 Promulgation. [Order 1423, § 16-212-004, filed 9/24/75.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW.
- 16-212-00401 Promulgation. [Order 1490, § 16-212-003 (codified as WAC 16-212-00401), filed 3/1/77.] Repealed by 80-06-100 (Order 1705), filed 5/30/80. Statutory Authority: Chapter 22.09 RCW.
- 16-212-040 Physical analyses. [Order 1267, § 16-212-040, filed 5/31/72; Order 1118, § 16-212-040, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 5, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.
- 16-212-050 Certificates. [Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-050, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-050, filed 12/2/81. Statutory Authority: Chapter 22.09 RCW. 80-06-100 (Order 1705), § 16-212-050, filed 5/30/80; Order 1404, § 16-212-050, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-050, filed 5/31/72; Order 1118, § 16-212-050, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 6, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.] Repealed by 84-14-065 (Order 1836), filed 7/2/84. Statutory Authority: Chapter 22.09 RCW.
- 16-212-065 Miscellaneous sampling, testing, inspection and certification of grains and commodities. [Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-065, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-065, filed 12/2/81; Order 1490, § 16-212-065, filed 3/1/77; Order 1404, § 16-212-065, filed 6/30/75, effective 8/1/75; Order 1380, § 16-212-065, filed 1/28/75; Order 1267, § 16-212-065, filed 5/31/72; Order 1118, § 16-212-065, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 7, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 891, filed 7/2/65.] Repealed by 84-14-065 (Order 1836), filed 7/2/84. Statutory Authority: Chapter 22.09 RCW.
- 16-212-085 Inspection of corn or sorghum. [Statutory Authority: Chapter 22.09 RCW. 79-11-051 (Order 1659), § 16-212-085, filed 10/16/79.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.
- 16-212-090 Services rendered away from inspection points. [Statutory Authority: Chapter 22.09 RCW. 83-06-063 (Order 1789), § 16-212-090, filed 3/2/83; Order 1118, § 16-212-090, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 10, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.] Repealed by 84-14-065 (Order 1836), filed 7/2/84. Statutory Authority: Chapter 22.09 RCW.
- 16-212-100 Charges where fees not established. [Order 790, Regulation 10, effective 9/1/59.] Omitted from Order 981, which superseded Order 790.
- 16-212-140 Testing requirements. [Order 1226, § 16-212-140, filed 1/3/72, effective 2/2/72 through 6/30/72.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.
- 16-212-150 Fees. [Order 1226, § 16-212-150, filed 1/3/72, effective 2/2/72 through 6/30/72.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.
- 16-212-200 Promulgation. [Order 1325, § 16-212-200, filed 9/21/73.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.
- 16-212-210 Establishment of grain inspection office at Colfax, Washington. [Order 1325, § 16-212-210, filed 9/21/73.] Repealed by 83-06-063 (Order 1789), filed 3/2/83. Statutory Authority: Chapter 22.09 RCW.

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

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

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

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

(5) "Occasional work stoppage" means the union stop work meetings usually held once per month.

[Statutory Authority: Chapter 22.09 RCW. 84-14-065 (Order 1836), § 16-212-010, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-010, filed 3/2/83; Order 1118, § 16-212-010, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 1, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

WAC 16-212-020 Grain and commodity inspection points. The following cities in the state of Washington are hereby designated as inspection points for the purpose of inspecting and weighing standardized grains, beans, peas, lentils and other commodities: Clarkston, Colfax, Kalama, Pasco, Seattle, Spokane, Tacoma and Vancouver.

[Statutory Authority: Chapter 22.09 RCW. 94-10-002 (Order 5040), § 16-212-020, filed 4/20/94, effective 5/21/94; 92-15-046, § 16-212-020, filed 7/10/92, effective 8/10/92. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-020, filed 12/2/81; Order 1404, § 16-212-020, filed 6/30/75; Order 1118, § 16-212-020, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 2, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

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

(1) Straight time, rate per hour \$24.50

This hourly rate shall be applied on any job where the fee is not sufficient to provide revenue of \$24.50 per hour, per employee, and where no other hourly rate or fee is specified in the schedule of fees and charges. Whenever the lot size or workload is not of sufficient size to generate \$24.50 per hour, per employee, an additional fee shall be assessed so that total revenue generated is equal to the \$24.50 rate: *Provided*, That such revenue insufficiency may be established on the basis of the average hourly revenue generated at the worksite over the Monday through Sunday work week, upon written request of the applicant for service. In the absence of such request, fees shall be assessed on a daily basis.

(2) Overtime, and night shift rate per hour . . . \$6.40

Whenever a service is requested before or after regularly scheduled working hours, Monday through Friday, or anytime on Saturdays, Sundays or holidays, a fee of \$6.40 per hour, per employee, shall be charged in addition to the regular inspection and weighing fees.

(a) Requests for service on Saturdays, Sundays, or holidays, or for work shifts other than 8:00 a.m. to 5:00 p.m., Monday through Friday, must be received by the inspection office no later than 4:00 p.m. of the last regularly scheduled working day prior to the requested service. When the request is not received by 4:00 p.m., service will be provided where personnel are available, but an additional fee of \$4.25 per hour, per employee, will be assessed for that shift.

(b) Requests for service which is beyond the scope or volume normally provided at an inspection site must be

received by the inspection office no later than 4:00 p.m. of the last regularly scheduled working day prior to the date of the requested service in order for the department to guarantee to have adequate staff available to perform the service.

(c) Whenever an employee is called from home after regular working hours, or on a Saturday, Sunday or holiday, a minimum of two additional hours shall be charged at the rate of \$10.70 per hour and added to other fees charged.

(d) Scheduled night shifts.

At all designated inspection points, for night shifts, Monday through Friday (usually from 6:00 p.m. to 3:00 a.m.) that are, or will be, continuous for a period of one month or longer, with only an occasional work stoppage, additional overtime fees per hour will not apply.

(i) The department shall be given at least seven calendar days notice, in writing, to establish a scheduled night shift. If notice is not given, a fee of \$6.40 per hour, per employee, shall be assessed until the seven day notice period has elapsed.

(ii) The department shall be given at least twenty-one calendar days' notice, in writing, of cancellation of any scheduled night shift operation. If such notice is not given, a fee of \$6.40 per hour, per employee, shall be assessed for each hour under the regular night shift schedule that would have been worked until the twenty-one day notice period has elapsed.

(3) Standby rate per hour \$26.80

Whenever a service is requested before or after working hours, Monday through Friday or anytime on Saturdays, Sundays or holidays, and service cannot be performed through no fault of the department, a minimum of four hours at the standby rate of \$26.80 per hour, per employee, shall be charged. Whenever a service is requested before or after working hours or anytime on a Saturday, Sunday or holiday, and a cancellation of such request is not received by 4:00 p.m. of the last regularly scheduled working day prior to the requested service, the four hour standby charge shall be applied.

(4) Guarantee of expense. When a service is requested that requires assignment of personnel at a facility where the volume of work at the established fees may not be adequate to pay the cost of providing the service, a guarantee of the expense of providing the service may be required. These facilities may enter into agreement with the department at guaranteed staffing levels and negotiated minimum hours and unit fees.

[Statutory Authority: Chapter 22.09 RCW. 94-10-002 (Order 5040), § 16-212-030, filed 4/20/94, effective 5/21/94; 87-01-032 (Order 1913), § 16-212-030, filed 12/12/86; 84-14-065 (Order 1836), § 16-212-030, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-030, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-030, filed 12/2/81. Statutory Authority: Chapter 22.09 RCW. 80-06-100 (Order 1705), § 16-212-030, filed 5/30/80; Order 1490, § 16-212-030, filed 3/1/77; Order 1404, § 16-212-030, filed 6/30/75; Order 1267, § 16-212-030, filed 5/31/72; Order 1118, § 16-212-030, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 3, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

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

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

(a) From vessel to elevator, per ton \$ 0.128

(b) Bin transfers, per ton \$ 0.128
(c) From elevator to vessel, per ton \$ 0.128
(d) From railcars of a unit train, sampled by diverter samplers, batch weighed and inspected under the subplot inspection plan in units of not less than five cars, per ton \$ 0.128

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

(a) When sampled by United States Department of Agriculture approved mechanical belt, spout or leg samplers, per car (batch grades-up to a maximum of 5 car units are charged at the per car rate) \$ 15.50

(b) When sampled by United States Department of Agriculture approved grain trier, original and subsequent original inspections, per car \$ 24.00

(3) Inspection only of trucks, per truck \$ 15.00

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

(a) When based on an official file sample, per reinspection \$ 9.00

(b) When based on a new sample, for railcars only, per reinspection \$ 24.00

(c) When based on a new sample, for trucks only, per reinspection \$ 15.00

(5) Submitted samples,

(a) Standardized grains, except canola per inspection \$ 7.50

(b) Canola, per inspection \$ 13.75

(6) Fees for laboratory determination of erucic acid, and/or glucosinolate, and/or oil content of canola, identical to the fees assessed by the Federal Grain Inspection Service.

(7) Factor analysis and/or certification.

(a) Factors added to existing certificates, or requested on ship subplot analyses, that do not affect the grade: per factor \$ 2.50
Provided, That on submitted sample certificates of grade for wheat and barley, dockage to the nearest one-tenth percent will be shown in remarks section and, for wheat, foreign material shown on the factor line, when it is not a grading factor, without additional charge.

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

(i) Additional factors added to a factor certificate, per factor \$ 2.50
(A maximum of \$7.50 will be charged for grading factors only.)

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

(8) Official (NIRR or NIRT) protein analysis.

(a) Protein and/or oil analysis in conjunction with official inspection for grade \$ 6.25

(b) Protein and/or oil only \$ 8.50

When based on official sample (including new sample reinspection) add the applicable sampling charges.

(c) Protein and/or oil only: Submitted sample or reinspection based on official file sample. \$ 8.50

- (9) Inspection of sacked grain at inspection points, per cwt \$ 0.06
- (10) Checkloading sacked grain, per employee-hour \$ 24.50
- (11) Waxy corn determination, on request, per determination \$ 12.75
- (12) Aflatoxin testing fees
 - (a) Screening or quantitative testing determinations, based on official sample, except thin layer chromatography, per test \$ 37.50
 - (b) Submitted samples, screening or quantitative determinations, except thin layer chromatography, per test \$ 24.50
 - (c) Reinspection, based on official file, screening or quantitative, except thin layer chromatography, per test \$ 24.50
 - (d) Reinspection, based on a new sample, screening or quantitative, except thin layer chromatography, per test \$ 37.50
 - (e) Thin layer chromatography determinations will be assessed at a rate identical with the fees charged by the Federal Grain Inspection Service.
- (13) Stowage examinations - ships, barges or vessels.
 - (a) Per stowage space and/or tank, per examination \$ 24.00
 - (b) Initial inspection, minimum charge \$120.00
 - (c) Subsequent inspections, minimum charge \$ 72.00
 - (d) Stowage examinations will be made on ships or vessels at anchor in midstream when requested.
 - (i) It is the responsibility of the applicant to provide safe transportation by licensed tug or water taxi to and from the vessel.
 - (ii) A minimum of two hours of regular time at \$24.50 per hour (one inspector) for general cargo vessels and a minimum of four hours of regular time at \$24.50 per hour (two inspectors) shall be charged for tankers in addition to the established inspection fee.
 - (iii) Inspections can only be made at the convenience of the grain inspection office, during daylight hours, under safe working conditions, when weather conditions permit.
 - (iv) Inspections can only be made within the area of the designated tidewater grain inspection office.
 - (v) A ship's or vessel's officer or company agent shall accompany the licensed shiphold inspector(s).
 - (e) A minimum of four hours per inspector at the applicable overtime rate shall also be assessed on Saturdays, Sundays, or holidays.
- (14) Other stowage examinations.
 - (a) Sea van-type containers (when checkloading is not required) \$ 8.10
 - (b) Railroad cars, trucks and other containers, not in conjunction with loading, per container \$ 8.10
- (15) Checktesting of diverter and mechanical samplers, per employee-hour \$ 24.50
- (16) Ship samples.
 - (a) Ship composite samples.
 - (i) Initial set of samples to applicant (maximum of three samples) no charge

- (ii) Additional samples or samples at the request of other interested parties, per sample (two sample minimum when not requested with initial set) . . . \$ 5.25
- (b) Ship samples on a subplot basis, per sample \$ 5.25
- (17) Weighing services.
 - (a) Class X weighing services.
 - (i) From railroad boxcars, open or covered hopper-type cars (without inspection required) or vessels to elevator (grain only), per ton \$ 0.107
 - (ii) From elevator to boxcars, open or covered hopper-type cars, barges (without inspection required) or vessels (without inspection, grain only), per ton \$ 0.107
 - (iii) Bin transfers (grain only), per ton \$ 0.107
 - (iv) Trucks, per truck or weight lot \$ 7.50
 - (b) Class Y weighing services, per employee-hour \$ 24.50
 - (c) Checkweighing of sacked grain, per employee-hour \$ 24.50
 - (d) Scale certification/checktesting of official weighing scales.
 - (i) Weights and measures scale specialist, per employee-hour \$ 33.75
 - (ii) Grain inspection personnel, per employee-hour \$ 24.50

[Statutory Authority: Chapter 22.09 RCW. 94-10-002 (Order 5040), § 16-212-060, filed 4/20/94, effective 5/21/94; 92-15-046, § 16-212-060, filed 7/10/92, effective 8/10/92; 87-01-032 (Order 1913), § 16-212-060, filed 12/12/86; 84-14-065 (Order 1836), § 16-212-060, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-060, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-060, filed 12/2/81. Statutory Authority: Chapter 22.09 RCW. 80-06-100 (Order 1705), § 16-212-060, filed 5/30/80; Order 1490, § 16-212-060, filed 3/1/77; Order 1404, § 16-212-060, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-060, filed 5/31/72; Order 1118, § 16-212-060, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 4, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

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

- (1) Inspection or analysis of graded and nongraded commodities.
 - (a) Inspection of bagged commodities at inspection points, per cwt \$ 0.06
 - (b) Bulk commodity inspection at inspection points, per ton \$ 0.30
 - (c) Minimum charge for bulk or bagged commodities (one hour) \$ 24.50
 - (d) Submitted sample inspection, per sample \$ 13.75
 - (2) Weighing and combination inspection/weighing services for bulk commodities.
 - (a) Weighing only, other than grain, per ton \$ 0.117
 - (b) Combination inspection/weighing of bulk commodities under federal grade standards, state standards, or for factor determinations, per ton . \$ 0.128
 - (c) Weigh grain by-products into portable containers including fitness examination of the container, weigh and sample the by-product (thirty ton maximum) \$ 15.00
 - (3) Factor analysis.
 - (a) Moisture only \$ 5.25

(b) Additional factors, the determination of which are not required to establish grade, or otherwise not required by regulation, added to an existing certificate, per factor \$ 2.50

(c) Certification, factor only (maximum two factors), per certificate \$ 3.00

(d) Additional factors added to a factor certificate, per factor \$ 2.50
(A maximum of \$13.75 will be charged for grading factors only.)

(e) Analysis of rapeseed for official factors, per certificate \$ 13.75

(f) If official inspection is required for rapeseed, the applicable sampling only fee shall be assessed in addition to the factor analysis fee.

(4) Sampling only, bulk commodities.

(a) Trucks or containers, per carrier \$ 15.00

(b) Boxcars, open or covered hopper-type cars, per car \$ 24.00

(5) Processed commodity and defense personnel support center (DPSC) inspection fees.

(a) Per employee-hour, two hour minimum, rate per hour \$ 24.50

(b) In addition to the charges, if any, for sampling and other requested service, a fee will be assessed for each laboratory analysis or test identical with the amount charged by the federal grain inspection service for laboratory tests performed under authority of the Agricultural Marketing Act and for any postage or other costs of mailing not included in these fees.

(6) Sanitation inspections.

(a) Initial inspection no charge

(b) Reinspections, four hour minimum, per employee-hour \$ 24.50

(7) Stowage examinations under the Agricultural Marketing Act shall be subject to the rates, restrictions, and conditions cited in WAC 16-212-060 (13) and (14).

(8) Mycotoxin testing fees.

(a) Screening or quantitative testing determinations, except thin layer chromatography per test \$ 37.50

(b) Thin layer chromatography determinations will be assessed at a rate identical with the fees charged by the Federal Grain Inspection Service.

(9) Falling numbers determinations, per determination \$ 12.75

Liquefaction number, per determination \$ 0.50

[Statutory Authority: Chapter 22.09 RCW. 94-10-002 (Order 5040), § 16-212-070, filed 4/20/94, effective 5/21/94; 92-15-046, § 16-212-070, filed 7/10/92, effective 8/10/92; 87-01-032 (Order 1913), § 16-212-070, filed 12/12/86; 84-14-065 (Order 1836), § 16-212-070, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-070, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-070, filed 12/2/81; Order 1490, § 16-212-070, filed 3/1/77; Order 1404, § 16-212-070, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-070, filed 5/31/72; Order 1118, § 16-212-070, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 8, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 891, filed 7/2/62; Order 790, effective 9/1/59.]

WAC 16-212-080 Miscellaneous fees.

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

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

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

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

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

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

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

(e) Facsimile transmissions, per page \$ 1.00

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

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

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

(5) Phytosanitary certification

(a) When performed in conjunction with official inspection, per certificate \$ 6.75

(b) When performed without official inspection, add sampling fee, per hour \$24.50

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

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

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

(c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance.

[Statutory Authority: Chapter 22.09 RCW. 94-10-002 (Order 5040), § 16-212-080, filed 4/20/94, effective 5/21/94; 92-15-046, § 16-212-080, filed 7/10/92, effective 8/10/92; 84-14-065 (Order 1836), § 16-212-080, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-080, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-080, filed 12/2/81; Order 1490, § 16-212-080, filed 3/1/77; Order 1404, § 16-212-080, filed 6/30/75, effective 8/1/75; Order 1267, § 16-212-080, filed 5/31/72; Order 1118, § 16-212-080, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 9, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65; Order 790, effective 9/1/59.]

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

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

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

(3) Unofficial (NIRR or NIRT) protein analysis, per unit \$ 6.25

(4) Rapeseed (except canola) inspection under state standards.

(a) Submitted sample for factors or grade, per sample \$ 13.75

(b) When sampled by official personnel, add applicable sampling only fee.

(c) Export inspection and weighing in bulk, per ton \$ 0.128

(d) Inspection of bagged rapeseed, per cwt . . \$ 0.06

(e) Fees for laboratory determination of erucic acid and/or glucosinolate and/or oil content will be identical to the fees assessed by the Federal Grain Inspection Service.

Note: This fee is applied in addition to the inspection fee for grading under state standards.

(5) For other laboratory analysis not identified herein, a fee will be assessed for each test or analysis identical with the amount charged by USDA or Washington state agency laboratories.

[Statutory Authority: Chapter 22.09 RCW. 94-10-002 (Order 5040), § 16-212-082, filed 4/20/94, effective 5/21/94; 92-15-046, § 16-212-082, filed 7/10/92, effective 8/10/92; 87-01-032 (Order 1913), § 16-212-082, filed 12/12/86; 84-14-065 (Order 1836), § 16-212-082, filed 7/2/84.]

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

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

(2) Special year end audits that require re-measurement due to consolidation, per manhour \$ 23.00

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

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

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

WAC 16-212-087 Covered commodities. Commodities covered under chapter 22.09 RCW in respect to storage and/or merchandising shall include wheat, barley, oats, field corn, popcorn, rye, triticale, grain sorghum, soybeans, sunflowers, flax, buckwheat, rapeseed, safflower, millet, mustard, dry peas, dry beans, lentils, malt, and the by-products resulting from conditioning the above commodities.

[Statutory Authority: Chapter 22.09 RCW. 89-11-092 (Order 2007), § 16-212-087, filed 5/24/89.]

WAC 16-212-110 Bonds. (1) A bond of not less than fifty thousand dollars nor more than seven hundred fifty thousand dollars shall be required for each warehouseman and dealer licensed pursuant to chapter 22.09 RCW, the Washington Warehouse Act. The bond amount shall be computed at the rate of eighteen cents per bushel of licensed storage capacity or six percent of gross sales of agricultural commodities, whichever is higher.

(2) For purposes of this section, gross sales include only sales of agricultural commodities purchased from producers covered under the act during the preceding fiscal year of that dealer.

(1997 Ed.)

(3) Grain dealers who purchase less than one hundred thousand dollars annually from producers may petition the director for exemption from the bond requirements. A grain dealer who is granted exemption must:

(a) Pay for the commodity at time of taking possession by:

(i) Coin or currency.

(ii) Cashier's check.

(iii) Certified check.

(iv) Bank draft.

(b) Dealers must make and keep a copy of the contract, sale ticket and check or draft. All documents must be complete and show the actual date of the transaction. If paid for in coin or currency, a receipt must be issued and signed and dated by the producer.

[Statutory Authority: Chapter 22.09 RCW. 89-11-092 (Order 2007), § 16-212-110, filed 5/24/89; 83-15-036 (Order 1802), § 16-212-110, filed 7/19/83; Order 1423, § 16-212-110, filed 9/24/75; Order 1358, § 16-212-110, filed 5/31/74; Order 1118, § 16-212-110, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 11, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65.]

WAC 16-212-120 Grades and standards. The grades and standards established by the United States Department of Agriculture as of August 1, 1984, for all grains and commodities included within the provisions of this chapter are hereby adopted. In addition, the procedures to sample, grade, test and weigh grains and commodities, established by the regulations and instructions under the United States Grain Standards Act and the Agricultural Marketing Act of 1946, are hereby adopted for this state.

[Statutory Authority: Chapter 22.09 RCW. 84-14-065 (Order 1836), § 16-212-120, filed 7/2/84; 83-06-063 (Order 1789), § 16-212-120, filed 3/2/83. Statutory Authority: RCW 22.09.460. 81-24-066 (Order 1751), § 16-212-120, filed 12/2/81; Order 1490, § 16-212-120, filed 3/1/77; Order 1423, § 16-212-120, filed 9/24/75; Order 1267, § 16-212-120, filed 5/31/72; Order 1118, § 16-212-120, filed 5/29/69, effective 7/1/69; Order 1031, Regulation 12, filed 9/9/66, effective 10/10/66; Order 981, filed 6/1/65.]

WAC 16-212-125 Licenses; warehouse, terminal warehouse, country warehouse—Late renewal penalty.

(1) If the application for renewal of a warehouse license or licenses is not received by the department prior to June 30th of any year a penalty shall be assessed as provided by RCW 22.09.050.

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

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-212-125, filed 7/25/91, effective 8/25/91.]

WAC 16-212-126 Grain dealer license—Late renewal penalty.

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

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

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-212-126, filed 7/25/91, effective 8/25/91.]

WAC 16-212-127 Warehouse license expiration.

Warehouse licenses issued under RCW 22.09.070 shall expire on June 30th after the date of issuance.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-212-127, filed 7/25/91, effective 8/25/91.]

WAC 16-212-128 Grain dealer license expiration.

Grain dealer licenses issued under RCW 22.09.075 shall expire on June 30th after the date of issuance.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-212-128, filed 7/25/91, effective 8/25/91.]

WAC 16-212-130 Net worth requirements.

A warehouseman must maintain an allowable net worth of twenty cents per bushel of licensed space, with a minimum of twenty-five thousand dollars. A dealer must maintain an allowable net worth of four percent of sales of commodities purchased from producers, with a minimum of twenty-five thousand dollars. A warehouseman who is also a dealer must maintain the higher of these two requirements. For a warehouseman, any deficiency above the twenty-five thousand dollar minimum must be compensated for by increasing the amount of the warehouseman's bond by the amount of the deficiency, up to the seven hundred fifty thousand dollar maximum. For a dealer, any deficiency above the twenty-five thousand dollar minimum must be compensated for by increasing the amount of the dealer's bond by the amount of the deficiency regardless of the seven hundred fifty thousand dollar maximum. In addition, warehousemen who are also dealers must maintain a current asset to current liability ratio of at least point nine to one. Deficiencies must be made up by providing additional bonding in the amount of the deficiency.

[Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-130, filed 7/19/83; Order 1423, § 16-212-130, filed 9/24/75; Order 1358, § 16-212-130, filed 5/31/74; Order 1153, § 16-212-130, filed 5/28/70, effective 7/1/70.]

WAC 16-212-160 Financial statements.

Each warehouseman and dealer shall submit to the department an annual financial statement which shall have been audited or reviewed by a certified or licensed public accountant. The statement must be submitted to the department within four

months after the conclusion of the warehouseman's or dealer's fiscal year. The statement shall include:

- (1) A balance sheet.
- (2) An income statement which includes annual gross sales of commodities from producers covered under the act.
- (3) A statement of changes in financial position.
- (4) Footnotes or schedule disclosure of:
 - (a) The total bushels received annually by commodity.
 - (b) The amount of each commodity in storage at end of year.
 - (c) The amount of each commodity held for depositors.
 - (d) The amount of each commodity in storage contracted to purchase.
 - (e) The amount of farm storage contracted but not delivered.
 - (f) The amount of each commodity sold but not shipped.
 - (g) The amount of new crop purchases and sales by commodity.

For purposes of this section, commodity refers to those commodities covered under the Washington Warehouse Act, chapter 22.09 RCW.

[Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-160, filed 7/19/83; 79-05-055 (Order 1624), § 16-212-160, filed 4/30/79; Order 1532, § 16-212-160, filed 6/1/77, effective 7/2/77; Order 1423, § 16-212-160, filed 9/24/75.]

WAC 16-212-170 Dealer records. Each dealer shall maintain the following records at a location as required by RCW 22.09.340:

- (1) Contracts. Contracts issued to producers must:
 - (a) Be serially numbered.
 - (b) Clearly indicate the date title passes.
 - (c) Show the net price due the producer or charges to be deducted from the selling price.
 - (d) Show the date payment is due.
 - (e) Indicate the method of adjustment for over and under deliveries.
 - (f) Show date paid.
 - (g) Be maintained in numerical sequence by month payment is due for outstanding contracts, and completed contracts must be filed numerically.
- (2) Delayed price contracts. Delayed price contracts must contain the following information and be approved for use in advance by the department:
 - (a) Indicate in large type the date title will pass.
 - (b) Show the method for setting price.
 - (c) Show the date by which the commodity must be priced.
 - (d) State the method of setting the price if it is not priced by that date.
 - (e) Charges to be assessed.
 - (f) Commodity and quantity contracted.
- (3) Purchase reports. Each dealer who purchases commodity from a producer must issue a purchase report to the producer at the time of payment which shall:
 - (a) Be prenumbered.
 - (b) Show commodity and quantity purchased.
 - (c) Show price and basis.
 - (d) Show discounts.
 - (e) Show itemized charges assessed the producer.
 - (f) Show the check number and date paid with one copy filed numerically.

(4) Producer ledger. Each dealer must maintain a producer ledger showing:

(a) The name of each producer from whom the dealer has purchased an agricultural commodity.

(b) The amount contracted with corresponding contract number.

(c) Scale ticket numbers, lot numbers and/or bills of lading to apply against the contract.

(d) The purchase voucher number.

(5) Monthly position—Country warehousemen dealers. Each country warehouseman who is also a dealer shall maintain a monthly position record by commodity in regard to producer purchases showing:

(a) The net buy/sell position.

(b) The amount of delayed price grain sold which the producer has not priced.

(c) The amount shipped which has not been paid for.

(6) Monthly position—Other dealers. All dealers not covered under the previous subsection shall maintain a monthly position record by commodity in regard to producer purchases showing:

(a) The amount purchased year to date.

(b) The amount outstanding on delayed price contracts.

(c) The amount contracted and delivered but not yet paid for.

[Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-170, filed 7/19/83; Order 1532, § 16-212-170, filed 6/1/77, effective 7/2/77; Order 1423, § 16-212-170, filed 9/24/75.]

WAC 16-212-180 Warehouseman records. Each warehouseman shall maintain the following records at a location required by RCW 22.09.340:

(1) A printed daily position record showing by commodity:

(a) The amount received.

(b) The amount shipped.

(c) Adjustments.

(d) The amount forwarded to other locations.

(e) The amount in storage.

(f) The amount belonging to depositors.

(g) The amount belonging to the warehouseman.

(2) A depositor ledger for each depositor showing:

(a) The amount deposited each day by scale ticket number.

(b) The amount transferred to warehouse receipts with the corresponding warehouse receipt number.

(c) The amount transferred to other locations.

(d) The amount purchased and purchase report number.

(e) The amount contracted to purchase and contract number.

(f) The amount delivered back to depositors.

(g) The lot numbers and grade.

(h) Any crop divisions.

(3) Scale tickets. In addition to the requirements in RCW 22.09.010(16), scale tickets must:

(a) Show location where the commodity is deposited.

(b) Show that the commodity is insured for current market value.

(c) Plainly indicate that it is NONNEGOTIABLE and NONTRANSFERABLE.

(d) Be filed numerically in the main office.

(4) Shipments. Record of shipments out of a warehouse must be filed by warehouse location. Intra-company transfers must be on a prenumbered form and filed numerically by location.

[Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-180, filed 7/19/83; Order 1532, § 16-212-180, filed 6/1/77, effective 7/2/77.]

WAC 16-212-190 Shipments. Record of shipments of commodities out of a warehouse must be:

(1) Filed by location.

(2) Intra-company transfers must be on prenumbered forms and filed numerically by location.

[Order 1532, § 16-212-190, filed 6/1/77, effective 7/2/77.]

WAC 16-212-195 Inventory requirements. A warehouse not licensed prior to July 1, 1983, must meet the following requirements:

(1) Tanks and stices over two hundred bushels per foot must have inventory holes situated in such a manner as to allow the measurement of the high and low points of the commodity.

(2) Conventional flat storage must have an overhead catwalk with a minimum of five feet of headroom.

[Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-195, filed 7/19/83; Order 1532, § 16-212-200 (codified as WAC 16-212-195), filed 6/1/77, effective 7/2/77.]

WAC 16-212-215 Scales. All scales used by warehousemen and dealers must be certified for accuracy annually by the department of agriculture. Scale testing for certification may be performed by the department or by an approved scale company. When scales are tested by the department a seal shall be placed on the scales. The seal shall be dated and shall indicate approval or rejection. When scales are tested by an approved scale company, a copy of a scale test report shall be forwarded to the department and a copy shall be maintained in the warehouseman's file.

[Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-215, filed 7/19/83.]

WAC 16-212-220 Signs. A warehouseman shall post at each warehouse licensed under this act a conspicuous sign bearing the words "WASHINGTON BONDED WAREHOUSE" and of sufficient size to be easily read from thirty feet.

[Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-220, filed 7/19/83.]

WAC 16-212-225 Charges. Warehousemen and dealers who receive commodities for storage, handling, or conditioning shall post conspicuously a schedule of all charges, moisture adjustment factors, and disposition and/or ownership of all by-products. A copy of all charges assessed and billed to each depositor shall be itemized and retained in a numerical file.

[Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-225, filed 7/19/83.]

WAC 16-212-230 Certificates of deposit, letters of credit, life insurance. A certificate of deposit, irrevocable

letter of credit or assignment on a life insurance policy issued to the department in lieu of a bond shall not be released, canceled or discharged until three years after cancellation of the license unless the department determines that no outstanding claims exist for the subject period.

[Statutory Authority: Chapter 22.09 RCW. 89-11-092 (Order 2007), § 16-212-230, filed 5/24/89; 83-15-036 (Order 1802), § 16-212-230, filed 7/19/83.]

WAC 16-212-235 Seed warehouseman records.

Each seed warehouseman handling or treating seed shall:

(1) Daily post to the daily position record all seed delivered out of or returned to a licensed facility. Such seed may be deducted from company-owned, open storage or by the canceling of negotiable receipts.

(2) A subsidiary ledger may be maintained for open storage seed accounts with a total figure posted in the grower ledger at the end of seeding.

(3) A warehouseman may not reduce receipted obligations for seed withdrawal without canceling the receipt.

(4) A warehouseman may deduct seed from the company position on the daily position record on a daily basis even though this may show a negative position: *Provided*, That there is sufficient depositor withdrawals to cover the negative position.

(5) The grower ledger shall be adjusted as soon as practical after seeding or within thirty days.

[Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-212-235, filed 7/19/83.]

Chapter 16-213 WAC

MISCELLANEOUS AGRICULTURAL COMMODITY INSPECTION STANDARDS

WAC

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WAC 16-213-010 Promulgation. I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 22.09 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW and a public hearing held in Olympia, Washington, November 27, 1972, do hereby promulgate the following regulations relating to safflower seed grading standards.

[Order 1280, § 16-213-010, filed 12/1/72.]

WAC 16-213-100 Safflower seed standards—Definitions. (1) For the purposes of the official standards of the state of Washington for safflower seed:

(a) **Safflower seed.** Safflower seed shall be any seed which, before the removal of dockage, consists of 50% or more of safflower seed.

(b) **Grades.** Grades shall be "safflower seed"; "sample grade safflower seed"; and special grades provided for in the standards.

(c) **Dockage.** Dockage shall be weed seeds, weed stems, chaff, straw, grain other than safflower seed, empty hulls, sand, dirt, and other foreign material; also, underdeveloped, shriveled, and small pieces of safflower seed kernels removed in properly separating the material other than safflower seed and which cannot be recovered by properly rescreening or recleaning.

(d) **Damaged kernels.** Damaged kernels shall be kernels and pieces of kernels of safflower seed which are damaged by blight and/or mold, or which are heat damaged, sprouted, frosted, badly ground damaged, badly weather damaged, or otherwise materially damaged.

(e) **Heat-damaged kernels.** Heat-damaged kernels shall be kernels and pieces of kernels of safflower seed which have been damaged by heat.

(f) **Stones.** Stones shall be concreted, earthy, or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

(g) **Other grains.** Other grains in safflower seed shall consist of kernels of wheat, barley, and oats.

[Order 1280, § 16-213-100, filed 12/1/72.]

WAC 16-213-110 Application of standards. (1) The following principles shall apply in the determination of the grades of safflower seed:

(a) **Basis of determination.** Each determination of other grains, dockage, moisture, temperature, odor, live weevils or other insects injurious to stored safflower seed, and distinctly low quality shall be upon the basis of the seed as a whole. All other determinations shall be upon the basis of the seed when free from dockage.

(b) **Percentages.** All percentages shall be upon the basis of weight.

(c) **Moisture.** Moisture shall be ascertained by the air-oven method prescribed by the United States Department of Agriculture as described in Service and Regulatory Announcement No. 147, issued by the Agricultural Marketing Service, or ascertained by any method which gives equivalent results.

[Order 1280, § 16-213-110, filed 12/1/72.]

WAC 16-213-120 Grades, grade requirements, and grade designations. (1) The following grades, grade requirements, and grade designations are applicable under these standards:

(a) **Safflower seed.** The grade "safflower seed" shall be safflower seed with not more than 3.0 percent damaged kernels, not more than 0.1 percent heat-damaged kernels, not more than 3.0 percent other grains, and not more than 8.0 percent moisture.

(b) **Sample grade safflower seed.** The grade "sample grade safflower seed" shall be safflower seed which does not

meet the requirements for the grade safflower seed; or which contains stones; or which is musty, or sour, or heating, or hot; or which has any commercially objectionable foreign odor; or which is otherwise of distinctly low quality.

(c) **Grade designation.** The grade designation for safflower seed shall include the words "safflower seed" or the words "sample grade safflower seed" as the case may be; the name of each applicable special grade; and the word "dockage," together with the percentage thereof.

(d) **Dockage.** The quantity of dockage shall be calculated in terms of percentage based on the total weight of the seed including the dockage. Dockage shall be stated in terms of tenths (1/10) of percent.

[Order 1280, § 16-213-120, filed 12/1/72.]

WAC 16-213-130 Special grades for safflower seed.

(1) Weevily safflower seed:

(a) **Requirements.** Weevily safflower seed shall be safflower seed which is infested with live weevils or other insects injurious to stored safflower seed.

(b) **Grade designation.** Weevily safflower seed shall be graded and designated according to the grade requirements of the standard applicable to such safflower seed if it were not weevily, and there shall be added to, and made part of the grade designation, the word "weevily."

[Order 1280, § 16-213-130, filed 12/1/72.]

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

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

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

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

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

(6) "Sample grade buckwheat" means buckwheat which has a commercially objectionable foreign odor; or is musty, sour, heating, or hot; or contains eight or more stones per one thousand grams; or fails to meet the grade requirements of Washington numerical grades, or is otherwise distinctly low quality.

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

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

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

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

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

(10) "Weevily" buckwheat shall be buckwheat that is infested with live weevils or other insects injurious to stored buckwheat.

[Statutory Authority: Chapter 22.09 RCW. 84-06-036 (Order 1812), § 16-213-200, filed 3/2/84.]

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

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

(i) Set the air control at number six;

(ii) Set the feed control at number six;

(iii) Use the number two riddle in the riddle carriage;

(iv) Use no sieve in the top sieve carriage;

(v) Use the number eight sieve in the middle sieve carriage;

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

(b) Buckwheat produced in the Pacific Northwest tends to be exceptionally large and dockage cannot be accurately determined using the standard method. For this large northwest buckwheat, the Carter dockage tester shall be set up as follows:

(i) Set the air control at number three;

(ii) Set the feed control at number four;

(iii) Use the number twenty-five riddle in the riddle carriage;

(iv) Use no sieve in the top sieve carriage;

(v) Use the number eight sieve in the middle sieve carriage;

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

(c) Dockage will then consist of:

(i) The material removed from the air collecting pan;

(ii) Material over the number two or twenty-five riddle.

If any buckwheat is in this pan, remove and return to dockage free buckwheat;

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

(iv) Material through the number six bottom sieve.

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

0.50 to 0.99 percent is expressed as 0.5 percent;

1.00 to 1.49 percent is expressed as 1.0 percent;

1.50 to 1.99 percent is expressed as 1.5 percent, etc.

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

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

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

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

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

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

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

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

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

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

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

(7) The determination of type shall be made on a representative portion of approximately two hundred fifty grams cut from the work sample after the removal of dockage. One of the following methods may be used:

(a) The mechanical sieving method.

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

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

(b) Hand sieving method.

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

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

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

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

(v) Repeat the operation twenty times.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sample grade - Buckwheat which has a commercially objectionable foreign odor, or is musty, sour, heating, hot, contains eight or more stones per one thousand grams, or is otherwise distinctly low quality shall be graded Washington sample grade buckwheat with the inspector's notation as to quality and condition.

[Statutory Authority: Chapter 22.09 RCW. 86-20-050 (Order 1908), § 16-213-210, filed 9/29/86; 84-06-036 (Order 1812), § 16-213-210, filed 3/2/84.]

WAC 16-213-220 Inspection and certification of shiplots and combined lots of Washington buckwheat.

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

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

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

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

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

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

WAC 16-213-230 Washington stowage examinations. (1) Upon request, original inspection or reinspection stowage examinations to determine suitability for loading of carriers transporting cultivated buckwheat, beet pulp pellets and other commodities not specifically covered by the United States Grain Standards Act, as amended (7 U.S.C. 71 et seq.) or the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.) will be performed by inspectors of the Washington state department of agriculture who are licensed under one of the above acts to perform official export stowage examinations.

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

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

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

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

The terms "official" or "official stowage examination" shall not be used.

[Statutory Authority: Chapter 22.09 RCW. 84-06-036 (Order 1812), § 16-213-230, filed 3/2/84.]

WAC 16-213-240 Rapeseed inspection definitions.

(1) RAPESEED shall be grain which before the removal of dockage consists of fifty percent or more of whole seeds of rapeseed (*Brassica capestris* and/or *Brassica napus*) and may be divided into four categories by erucic acid content in the oil and glucosinolate content in the meal as follows:

- (a) Canola (LEAR-LG)-Low erucic acid content/low glucosinolate content.
- (b) LEAR-HG Low erucic acid content/high glucosinolate content.
- (c) HEAR-LG High erucic acid content/low glucosinolate content.
- (d) HEAR-HG High erucic acid content/high glucosinolate content.

(2) DOCKAGE shall be all matter other than rapeseed, also underdeveloped and shriveled rapeseed and small pieces of rapeseed, which can be readily removed from a test portion of the original sample by use of approved devices and handpicking in accordance with the procedures as set down in these standards.

(3) TOTAL CONSPICUOUS ADMIXTURE (INSEPARABLE FOREIGN MATERIAL) shall be all matter other than rapeseed that is easily distinguished by visual inspection and shall include stones up to 0.05%, Sclerotinia up to 0.15%, and ergot up to 0.05%.

(4) INCONSPICUOUS ADMIXTURE shall be foreign seed which is difficult to distinguish from rapeseed and shall include, but not be limited to, Wild Mustard (*Brassica kaber*) and Domestic Brown Mustard (*Brassica juncea*).

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

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

(7) OIL CONTENT shall be the percentage of oil in the rapeseed as determined by the American Oil Chemists' Society Method Ai 3-75, revised 1980, or any approved method yielding comparable results.

(8) ERUCIC ACID CONTENT shall be the percentage of erucic acid in the rapeseed as determined by gas liquid chromatography utilizing The Association of Official Analytical Chemists (AOAC) method 28.066 or any approved method that yields comparable results.

(9) GLUCOSINOLATE CONTENT shall be the micromoles per gram of the oil free, air dry solid component of the rapeseed of one or a mixture of 3-Butenyl Glucosinolate, 4-Pentenyl Glucosinolate, 2-Hydroxyl-3-Butenyl Glucosinolate, and 2-Hydroxyl-4-Pentenyl Glucosinolate as determined by any approved method.

(10) CHLOROPHYLL CONTENT shall be the parts per million of chlorophyll present in the rapeseed as determined by any approved method.

(11) SAMPLE GRADE RAPESEED shall be rapeseed which has a commercially objectionable foreign odor; or is musty, sour, heating or hot; or fails to meet the grade requirements of Washington numerical grades or is otherwise distinctly low quality.

(12) STONES shall be concreted, earthy or mineral matter or other substances of similar hardness that do not disintegrate readily in water.

(13) SCLEROTINIA shall be bodies in the resting stage of the fungal pathogen *Sclerotinia sclerotiorum*.

(14) EARTHLY PELLETS shall be dirt bodies remaining in the mechanically cleaned sample of which up to 2.5% shall be added to the dockage. A percentage greater than 2.5% shall cause the rapeseed to grade Washington sample grade.

(15) ERGOT shall be the bodies of the ergot fungus which attacks cereal grains and replaces the kernels with a dark-colored growth. Ergot in excess of 0.05% will cause the rapeseed to grade Washington sample grade.

(16) STAGHEAD RUST (WHITE RUST) shall be the bodies of the staghead fungus which attacks the flowering portions of the rapeseed and mustard plants producing antler-like structures often covered with white or gray powdery spores. Staghead rust shall be considered conspicuous foreign material.

(17) WEEVILY shall be rapeseed that is infested with live weevils or other live insects injurious to stored rapeseed.

(18) BROKEN SEEDS shall be pieces of rapeseed which are sound (not materially damaged). Broken seeds that may be reclaimed by sieving shall not be assessed as dockage.

(19) DAMAGED SEEDS shall include seeds that are distinctly shrunken or shriveled as from frost, discolored as from mold, completely rimed (having a white or icy-like coating caused by moisture), distinctly ground and/or weather damaged, sprouted, distinctly green, heat damaged, or otherwise damaged. Distinctly green and heat damaged

shall be determined by crushing the prescribed number of seeds. All other damages shall be determined by handpicking the prescribed portion size.

(20) DISTINCTLY GREEN SEEDS shall be seeds of rapeseed, which after being crushed, are a vivid green color throughout the seed.

(21) GOOD NATURAL COLOR shall be rapeseed which after crushing exhibits a color characteristic of sound rapeseed. Rapeseed that does not exhibit good natural color shall not be graded higher than Washington Number 2.

(22) HEAT DAMAGED SEEDS shall be rapeseed which has been discolored and damaged by excessive respiration or any other heating or drying process and which exhibits a color, after being crushed, from light tan to charcoal black throughout the seed.

(23) DISTINCTLY LOW QUALITY FACTORS FOR RAPESEED shall include but not be limited to rapeseed which contains animal filth, broken glass, castor beans, crotonaria seeds or an unknown foreign substance.

(24) CANOLA shall be the seed of the species *Brassica napus* or *Brassica campestris*, the oil components of which seed contains less than two percent erucic acid and the solid components of which seed contains less than thirty micromoles of any one or any mixture of 3-butenyl glucosinolate, 4-pentenyl glucosinolate, 2-hydroxy - 3-butenyl glucosinolate, and 2-hydroxy - 4-pentenyl glucosinolate per gram of air dry, oil free solid as determined by any approved method.

(25) LOW ERUCIC ACID RAPESEED - HIGH GLUCOSINOLATE (LEAR-HG) rapeseed varieties shall contain less than two percent erucic acid in the oil of the rapeseed and more than thirty micromoles per one gram (um/g) glucosinolates in the rapeseed meal.

(26) HIGH ERUCIC ACID RAPESEED - LOW GLUCOSINOLATE (HEAR-LG) rapeseed shall be rapeseed varieties used for production of industrial type oil which shall contain erucic acid levels above forty percent in the oil of the rapeseed and less than thirty micromoles per one gram (um/g) glucosinolates in the meal of the rapeseed.

(27) HIGH ERUCIC ACID RAPESEED - HIGH GLUCOSINOLATE (HEAR-HG) rapeseed shall be rapeseed varieties used for production of industrial type oil which shall contain erucic acid levels above forty percent in the oil of the rapeseed and more than thirty micromoles per one gram (um/g) glucosinolates in the meal of the rapeseed.

(28) Rapeseed which does not meet the category definitions in these standards shall qualify for factor analysis only: *Provided*, That erucic acid and glucosinolate levels may be shown in remarks on the official certificate.

[Statutory Authority: Chapter 22.09 RCW. 86-20-050 (Order 1908), § 16-213-240, filed 9/29/86.]

WAC 16-213-250 Rapeseed inspection procedures.

(1) The determination of dockage shall be on approximately five hundred grams cut from the representative sample.

(a) If the rapeseed contains cereal grains, hand sieve the sample as follows:

(i) Place the entire sample at the upper edge of a 6/64 round hole sieve;

(ii) Work the sample across the sieve with a gentle side-sieving motion until no more rapeseed will pass through the sieve;

(iii) All material other than rapeseed that remains on top of the sieve shall be placed with the dockage;

(iv) Material that passes through the sieve and all rapeseed remaining on top of the sieve shall be examined using the Carter Dockage tester.

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

(i) Set the air control at number five;

(ii) Set the feed control at number three;

(iii) Use the number 000 riddle in the riddle carriage;

(iv) Use the number four sieve in the top sieve carriage;

(v) Use no sieve in the middle sieve carriage;

(vi) Use no sieve in the bottom sieve carriage.

(c) Dockage will then consist of:

(i) Material removed by the Carter dockage tester (air and riddle), and material removed by the 6/64 round hole sieve;

(ii) Material removed by hand sieving the material in the bottom catch pan (material through no. 4 sieve) using a 3/64 X 3/8 or 3/64 X 11/32 sieve (thirty strokes on strand sizer - one hundred grams at a time) and then hand sieving the material that passed through these sieves using a .028 X 15/32, .032 X 15/32, .035 X 15/32, or .040 X 15/32 sieve. Select the hand sieve that removes the maximum amount of weed seeds with the minimum loss of rapeseed. The material that remains on top of these sieves will be returned to the rapeseed;

(iii) CONSPICUOUS ADMIXTURE. That material that can be readily removed by handpicking a portion of the mechanically cleaned rapeseed. Conspicuous admixture up to one percent is added to the dockage percentage.

(d) The percentage of dockage will be recorded on the pan ticket to hundredths. The calculation for total dockage shall be the percentage, by weight, of material removed by the Carter Dockage tester and the material removed by hand sieving plus the *adjusted* percentage of conspicuous admixture (handpicked foreign material).

The adjustment of the percentage of conspicuous admixture will be made by subtracting the percentage of machine and sieve separated dockage (M&SD) from one hundred percent and then multiplying the result by the conspicuous admixture percentage (CA%).

$$(100 - M\&SD) \times CA\% = \frac{\text{Adjusted Conspicuous Admixture} + \text{Machine and Sieve Separated Dockage}}{\text{Total Dockage (in hundredths)}}$$

The percentage of dockage shall be recorded on the certificate to the nearest tenth of a percent with fraction of a tenth disregarded as shown in the following examples:

0.00 to 0.05 percent is expressed as 0.0%.

0.06 to 0.14 percent is expressed as 0.1%.

0.15 to 0.25 percent is expressed as 0.2%.

0.26 to 0.34 percent is expressed as 0.3%, etc.

(2) The determination of conspicuous admixture (handpicked foreign material) shall be made on a representative portion of approximately fifteen grams cut from the mechanically cleaned work sample. The percentage of conspicuous admixture shall be shown on the pan ticket and the inspection certificate to the nearest tenth. Conspicuous admixture up to one percent is added to the total dockage percentage. Conspicuous admixture over one percent will

cause the sample to grade Washington sample grade. If the sample grades Washington sample grade due to the percentage of conspicuous admixture, the percentage of conspicuous admixture *will not* be included in the total dockage.

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

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

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

(b) BROKEN GLASS. Rapeseed containing two or more pieces of glass shall be graded Washington sample grade.

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

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

(e) UNKNOWN FOREIGN SUBSTANCE. Rapeseed containing four or more pieces or an unknown foreign substance shall be graded Washington sample grade. Pelletized material other than feed pellets shall be considered an unknown foreign substance. Feed pellets in rapeseed are considered dockage.

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

(6) STONES. Rapeseed containing more than 0.05% of stones by weight shall be graded Washington sample grade. The determination of stones shall be made on a representative portion of approximately fifteen grams after the removal of machine and sieve separated dockage.

(7) The determination of inconspicuous admixture shall be made on a representative portion of approximately one gram after the removal of dockage.

(8) The determination of distinctly green seeds, heat damaged seeds, and good natural color shall be on a representative portion of approximately fifteen grams obtained from the dockage free sample that has had the visible damage removed. Strips of seeds totaling five hundred shall be crushed and examined for distinctly green seeds and heat damaged seeds. The seeds of Wild Mustard (*Brassica kaber*) and Domestic Brown Mustard (*Brassica juncea*) shall be removed prior to crushing.

(9) The following certification requirements are applicable to rapeseed under these standards:

| DAMAGE | | | ADMIXTURES OF FOREIGN MATERIAL INCLUDED IN DOCKAGE | | | | | | | | | |
|-------------------------|-------------|------------------|--|--------------|----------------------|--------------|--------------|----------------|-----------------------------|---------------------------|-------------------------|---|
| GRADE | HEATED | DISTINCTLY GREEN | TOTAL DAMAGE | STONES | OTHER MINERAL MATTER | ERGOT | SCLERO-TINIA | INSECT EXCRETA | TOTAL CONSPICUOUS ADMIXTURE | DOCKAGE | INCONSPICUOUS ADMIXTURE | SOUNDNESS |
| WASHINGTON NO. 1 | 0.1% | 2.0% | 3.0% | 0.05% | 0.75% | 0.05% | 0.05% | 0.02% | 1.0% | 2.5% | 5.0% | WELL MATURE GOOD NATURAL COLOR, SWEET ODOR |
| WASHINGTON NO. 2 | 0.5% | 6.0% | 10.0% | 0.05% | 0.75% | 0.05% | 0.10% | 0.02% | 1.0% | 2.5% | 5.0% | FAIRLY WELL MATURE, REASONABLY GOOD COLOR SWEET ODOR |
| WASHINGTON NO. 3 | 2.0% | 20.0% | 20.0% | 0.05% | 0.75% | 0.05% | 0.15% | 0.02% | 1.0% | 2.5% | 5.0% | MAY HAVE THE NATURAL ODOR ASSOCIATED WITH LOW QUALITY SEED |
| WASHINGTON SAMPLE GRADE | EXCESS 2.0% | EXCESS 20.0% | EXCESS 20.0% | EXCESS 0.05% | EXCESS 0.75% | EXCESS 0.05% | EXCESS 0.15% | EXCESS 0.02% | EXCESS 1.0% | DOCKAGE IN EXCESS OF 2.5% | EXCESS 5.0% | DISTINCTLY SOUR, RANCID, MUSTY OR OTHER ODORS INDICATING SERIOUS DETERIORATION OR CONTAMINA- TION |

[Statutory Authority: Chapter 22.09 RCW. 86-20-050 (Order 1908), § 16-213-250, filed 9/29/86.]

WAC 16-213-260 Definitions. (1) "Cracked corn" is a byproduct of the elevating, transporting, or cleaning of corn. Cracked corn is the entire corn kernel, broken, ground, or fractured. Cracked corn may contain incidental whole kernels of corn. Cracked corn may be "yellow" or "white" if one color constitutes ninety percent or more of the mixture. Cracked corn may not contain more than four percent of admixture (foreign material).

(2) "Corn screenings" is a byproduct of the elevating, transporting, or cleaning of corn. Corn screenings is the entire corn kernel, broken, ground, or fractured. Corn screenings may contain incidental whole kernels of corn. Corn screenings must consist of seventy percent or more of corn, whole and broken, and may contain not more than thirty percent of admixture.

(3) "Mixed grain screenings" is a byproduct of the elevating, transporting, or cleaning of grain. Grain screenings is the entire grain kernel, broken, ground, or fractured. Mixed grain screenings may contain incidental whole kernels of grain. Mixed grain screenings must consist of seventy percent or more of whole, light, and broken kernels of wheat, barley, oats, corn, rye, flaxseed, sorghum, triticale, soybeans, or wild oats in combination. Mixed grain screenings may contain not more than thirty percent of other foreign material.

(4) "Admixture" in cracked corn or corn screenings means foreign material and standardized grains other than corn.

(5) "Other foreign material" in mixed grain screenings means material other than standardized grains under the United States Grain Standards Act and wild oats.

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

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

[Statutory Authority: Chapter 22.09 RCW. 87-08-030 (Order 1919), § 16-213-260, filed 3/26/87.]

WAC 16-213-270 Procedures. (1) The determination of cracked corn, yellow or white in cracked corn, corn screenings or mixed grain screenings shall be made on a representative portion of approximately thirty grams cut from the representative sample.

(a) In the case of cracked corn and corn screenings, the percentage of admixture shall be determined and recorded on the inspection certificate in whole and tenths of a percent to the nearest tenth of a percent.

(b) In the case of mixed grain screenings, the percentage of other foreign material shall be determined and recorded on the inspection certificate in whole and tenths of a percent to the nearest tenth of a percent.

(2) The determination for moisture shall be made on a representative portion of the sample of exactly two hundred fifty grams cut from the work sample. The percentage of moisture is determined by using the motomco moisture meter or other device that yields equivalent results. The percentage of moisture shall be recorded on the inspection certificate in whole and tenths of a percent to the nearest tenth of a percent.

(3) The determination of test weight per bushel shall be made on a representative portion of the sample ranging in size from one and one-eighth to one and one-fourth quarts. The test weight per bushel shall be recorded on the inspection certificate in whole and half pounds. A fraction of a half pound shall be disregarded.

(4) The examination of shiplots and combined lots of cracked corn, corn screenings and mixed grain screenings.

(a) When examining a shiplot or combined lot of cracked corn, corn screenings or mixed grain screenings, an individual subplot sample may exceed the limit for admixture in cracked corn and corn screenings and the limit of other foreign material in mixed grain screenings by up to two percent provided that:

(i) The weighted or mathematical average for the lot as a whole is within the prescribed limits of the applicable definition; and

(ii) The preponderance of the lot by weight meets the applicable definition.

(b) The certificate for a lot must show the following:

(i) The term cracked corn, corn screenings or mixed grain screenings.

(ii) The approximate weight of the lot.

(iii) In the case of cracked corn or corn screenings, the percentage of admixture.

(iv) In the case of mixed grain screenings, the percentage of other foreign material.

(v) The presence of sour, musty, or commercially objectionable foreign odors, an unknown foreign substance, live weevils or other live insects injurious to stored grain, glass, rodent pellets or the presence of other factors likely to adversely affect the quality of the cracked corn, corn screenings, or mixed grain screenings shall be noted in remarks on the certificate.

(c) At the request of the applicant, the certificate for a lot may show the following:

(i) In the case of cracked corn, the terms yellow or white.

(ii) The percentage of moisture.

(iii) The test weight per bushel.

(iv) In remarks, "We certify that cracked corn (or corn screenings) is not residue or waste from food industries. It is corn cracked during transportation or handling."

[Statutory Authority: Chapter 22.09 RCW. 87-08-030 (Order 1919), § 16-213-270, filed 3/26/87.]

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. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|--|
| 16-218-002 | Promulgation. [Order 1372, § 16-218-002, filed 7/5/74.] Repealed by 78-07-074 (Order 1580), filed 6/30/78. Statutory Authority: Chapter 22.09 RCW. |
| 16-218-020 | Accessibility for sampling—Checks—Holidays. [Order 815, Regulation 2, effective 7/1/60.] Later promulgation, see WAC 16-218-010. |

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) SO2 \$25.00
(j) H2O \$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.
16-219-016 Restricted use pesticides—Mevinphos (Phosdrin).
16-219-100 Ethyl parathion—Restricted use pesticide—Definitions.
16-219-105 Ethyl parathion—Application restrictions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-219-015 Restricted use pesticides—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-015, filed 4/15/94, effective 5/16/94. 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.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-219-017 Use requirements—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-017, filed 4/15/94, effective 5/16/94.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-219-018 Certified applicator requirements—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-018, filed 4/15/94, effective 5/16/94.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-219-020 Application requirements—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-020, filed 4/15/94, effective 5/16/94. 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.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-219-022 Closed systems—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-022, filed 4/15/94, effective 5/16/94.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-219-025 Restricted entry interval—Posting—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-025, filed 4/15/94, effective 5/16/94. 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.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-219-027 Prior notification—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-027, filed 4/15/94, effective 5/16/94.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-219-029 Dealer requirements—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-029, filed 4/15/94, effective 5/16/94.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-219-030 Training—Mevinphos (Phosdrin). [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.] Repealed by 94-09-028 (Order 5036), filed 4/15/94, effective

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) SO2 \$25.00
(j) H2O \$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.
16-219-016 Restricted use pesticides—Mevinphos (Phosdrin).
16-219-100 Ethyl parathion—Restricted use pesticide—Definitions.
16-219-105 Ethyl parathion—Application restrictions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-219-015 Restricted use pesticides—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-015, filed 4/15/94, effective 5/16/94. 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.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-219-017 Use requirements—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-017, filed 4/15/94, effective 5/16/94.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-219-018 Certified applicator requirements—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-018, filed 4/15/94, effective 5/16/94.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-219-020 Application requirements—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-020, filed 4/15/94, effective 5/16/94. 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.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-219-022 Closed systems—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-022, filed 4/15/94, effective 5/16/94.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-219-025 Restricted entry interval—Posting—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-025, filed 4/15/94, effective 5/16/94. 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.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-219-027 Prior notification—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-027, filed 4/15/94, effective 5/16/94.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-219-029 Dealer requirements—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-029, filed 4/15/94, effective 5/16/94.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-219-030 Training—Mevinphos (Phosdrin). [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.] Repealed by 94-09-028 (Order 5036), filed 4/15/94, effective

16-219-031 5/16/94. Statutory Authority: RCW 15.58.040 and 17.21.030. Weather conditions—Mevinphos (Phosdrin). [Statutory Authority: RCW 15.58.040 and 17.21.030. 94-09-028 (Order 5036), § 16-219-031, filed 4/15/94, effective 5/16/94.] Repealed by 95-01-075 (Order 5063), filed 12/16/94, effective 1/16/95. Statutory Authority: Chapters 17.21 and 15.58 RCW.

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 16-219-016 Restricted use pesticides—Mevinphos (Phosdrin). The sale and use of all formulations of mevinphos (Phosdrin) are prohibited in the state of Washington after February 28, 1995, and the distribution of mevinphos (Phosdrin) shall not be allowed after December 31, 1994.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 95-01-076 (Order 5062), § 16-219-016, filed 12/16/94, effective 1/16/95.]

WAC 16-219-100 Ethyl parathion—Restricted use pesticide—Definitions. (1) The insecticide ethyl parathion is hereby declared to be a restricted use pesticide in all counties of the state of Washington.

(2) The following definitions shall apply to WAC 16-219-105:

(a) The term "blossoming rape and canola" shall mean when there are five or more blooms per square yard on the average in a given field.

(b) The term "registered hives of bees" shall mean hives of bees registered with the department by their owner in accordance with RCW 15.60.050.

[Statutory Authority: RCW 15.58.040 and 17.21.030. 94-08-035 (Order 5037), § 16-219-100, filed 3/31/94, effective 5/1/94.]

WAC 16-219-105 Ethyl parathion—Application restrictions. (1) Application of ethyl parathion to blossom-

ing rape and canola is allowed only under the following conditions:

(a) Bloom shall be completed on the bottom two thirds of the canola/rape plants with no more than twenty five percent bloom remaining on the top one third of the plants.

(b) The application shall only be made in the evening from two hours before sunset to midnight, and only if bees are not foraging in the area to be treated.

(c) The area to be treated shall be inspected prior to application to ensure bees are not foraging at time of application.

(2) The requirements of subsection (1) of this section need not be met if there are no registered hives of bees within two miles of the field to be treated; or when the owner of the bees agrees to cover the hives during application; and all restrictions on the federally registered label are followed.

[Statutory Authority: RCW 15.58.040 and 17.21.030. 94-08-035 (Order 5037), § 16-219-105, filed 3/31/94, effective 5/1/94.]

Chapter 16-224 WAC

DESIGNATION OF WAREHOUSE STATIONS

WAC

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| 16-224-010 | Combining certain warehouses into stations. |
| 16-224-020 | Definition. |
| 16-224-025 | Emergency storage. |
| 16-224-030 | Contemporary grain storage. |
| 16-224-040 | Historical depositor. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-224-001 | Promulgation. [Order 1270, § 16-224-001, filed 5/30/72; Order 1154, § 16-224-001, filed 5/28/70, effective 7/1/70; Order 1119, § 16-224-001, filed 5/28/69, effective 7/1/69; Order 1097, § 16-224-001, filed 7/2/68; Order 1057, filed 7/14/67, effective 8/15/67.] Repealed by 81-15-057 (Order 1745), filed 7/17/81. Statutory Authority: Chapter 22.09 RCW. |
| 16-224-002 | Promulgation. [Order 1400, § 16-224-002, filed 5/29/75, effective 7/1/75.] Repealed by 81-15-057 (Order 1745), filed 7/17/81. Statutory Authority: Chapter 22.09 RCW. |
| 16-224-003 | Promulgation. [Order 1474, § 16-224-003, filed 6/21/76.] Repealed by 81-15-057 (Order 1745), filed 7/17/81. Statutory Authority: Chapter 22.09 RCW. |

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

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

(2) Almota Elevator Company is combining Port Almota, Union Center, and Mockonema into one station - Port Almota 185.

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

(4) BNP Lentil Company is combining Farmington, Pigeon Hollow Farm, and Belmont into one station - Farmington 43.

- (5) Berger & Company, A ConAgra Company, is combining Basin City, Merrills Corner, Toppenish, Othello, and Royal City into one station - Basin City 23.
- (6) CENEX LTD, dba Full Circle is combining Wheeler, Warden, Quincy, Bruce, Trinidad, and Glade into one station - Wheeler 887; and is combining Othello and Venner into one station - Othello 820.
- (7) Central Washington Grain Growers, Inc., is combining Almira, Hanson, Hartline, Coulee City, Grand Coulee, Withrow, Supplee, Waterville, Farmer, Douglas, Alstown, Mansfield, Brewster, Wenatchee, and Krupp into one station - Waterville 852.
- (8) Cheney Grain Growers, Inc., is combining Cheney and Rodna into one station - Cheney 330.
- (9) Columbia Bean & Produce Company, Inc., is combining Wheeler, Block 89, Royal Slope, Homestead, Quincy, Bruce, Sunnyside, Basin City, and Mattawa into one station - Wheeler 282.
- (10) Columbia County Grain Growers, Inc., is combining Dayton, Turner, Whetstone, Huntsville, Longs Siding, Alto Siding, Starbuck, Powers, Relief, Delaney, and Lyons Ferry into one station - Dayton 898.
- (11) Columbia Producers, Inc., is combining Warden and Royal City into one station - Warden 19.
- (12) Connell Grain Growers, Inc., is combining Frischnecht, Connell, Mesa, Eltopia, Sulphur, Hatton, Burbank, and Kahlotus into one station - Connell 770.
- (13) Davenport Union Warehouse Company is combining Davenport, Mondovi, Omans, Hunters, and Ritzville into one station - Davenport 289.
- (14) Eppich Grain Company is combining Royal Slope, Basin City, and Othello into one station - Basin City 28.
- (15) Fairfield Grain Growers, Inc., is combining Fairfield, Waverly, and Warner Siding into one station - Fairfield 525.
- (16) Fuhrman's Feed & Farm Supply Company is combining Kettle Falls, Colville, Chewelah, and Nelson Barn into one station - Kettle Falls 46.
- (17) The Garfield Union Warehouse Company is combining Garfield, Grinnell, Walters, Crabtree, Elberton, and Eden into one station - Garfield 24.
- (18) Graingrowers Warehouse Company is combining Wilbur and Ritzville into one station - Wilbur 384.
- (19) Inland Empire Milling Company is combining Pine City, St. John, and Pleasant Valley into one station - St. John 706.
- (20) Inland Empire Pea Growers Association, Inc., is combining Oakesdale, Garfield, Latah, Spangle, Waverly, West Fairfield, Fairfield, Spokane, and Spangle Creek into one station - Spokane 220.
- (21) Johnson Union Warehouse Company, Inc., is combining Johnson, Colton, and Chambers into one station - Johnson 645.
- (22) Lacrosse Grain Growers, Inc., is combining Lacrosse, Pampa, Gordon, Hooper, Schreck, Hay, and Dusty into one station - Lacrosse 131.
- (23) Lamont Grain Growers, Inc., is combining Lamont and Revere into one station - Lamont 476.
- (24) Logan Feed, Inc., is combining Wapato, Harrah, and Toppenish into one station - Toppenish 104.
- (25) M & E Seed & Grain Co. is combining Prosser, Mabton, and D & E Feed into one station - Prosser 744.
- (26) Oakesdale Grain Growers, Inc., is combining Oakesdale, Seabury, Fairbanks, Warner, Farmington, and Seltice into one station - Oakesdale 71.
- (27) Odessa Trading Company is combining Odessa, Ruff, Batum, Moody, Schmierer, and Warden into one station - Odessa 342.
- (28) Odessa Union Warehouse Co-op is combining Odessa, Irby, Lamona, Lauer, Reiman, Jantz, Schoonover, Packard, Harrington, Mohler, Downs, Davenport, Egypt, Rocklyn, and Ephrata into one station - Odessa 305.
- (29) Pendleton Grain Growers, Inc., is combining Prosser and Whitstran into one station - Prosser 648.
- (30) Perfection Seed, Inc., is combining Walla Walla and Martin's Elevator into one station - Walla Walla 705.
- (31) Pomeroy Grain Growers, Inc., is combining Pomeroy, Zumwalt, Dodge, and Central Ferry into one station - Pomeroy 400.
- (32) Pomeroy Warehouse & Feed Company, is combining Pomeroy, Gould City, and Central Ferry into one station - Pomeroy 853.
- (33) Prairie Grain, Inc., is combining Tilma, Seltice, and Garfield into one station - Tilma 689.
- (34) Quincy Farm Chemicals, Inc., is combining Quincy, and Royal Slope into one station - Quincy 29.
- (35) RR Warehouse, Inc., is combining Ritzville, Spokane, Moses Lake, Pasco, and Eltopia into one station - Ritzville 794.
- (36) Reardan Grain Growers, Inc., is combining Reardan, Gravelle, Eleanor, Hite, and Espanola into one station - Reardan 455.
- (37) Ritzville Warehouse Company, Inc., is combining Ritzville, Tokio, Ralston, Marcellus, Bengel, Maier, and Keystone into one station - Ritzville 295.
- (38) River Grain Inc., is combining Vista, Pasco, and Eltopia into one station - Vista 688.
- (39) Rockford Grain Growers, Inc., is combining Mead, Rockford, Freeman, Mt. Hope, Worley, Setters, and Spangle into one station - Rockford 1.
- (40) Rosalia Producers, Inc., is combining Rosalia, Plaza, Spring Valley, McCoy, Balder, Spangle, Squaw Canyon, Pine City, and Central Ferry into one station - Rosalia 415.
- (41) St. John Grain Growers, Inc., is combining St. John, Ewan, Willada, Juno, Sunset, and Pleasant Valley into one station - St. John 534.
- (42) Spokane Seed Company is combining Spokane, Colfax, Plaza, Setters, and Cashup into one station - Spokane 452.
- (43) Stateline Processors Inc., is combining Tilma, ID, Tilma, WA, Tekoa, Tensed, ID, and Farmington into one station - Tekoa 138.
- (44) Touchet Valley Grain Growers, Inc., is combining Waitsburg, Coppei, Bolles, McKay, Menoken, Whetstone, Prescott, Harsha, and Jensen Corner into one station - Waitsburg 780.
- (45) Union Elevator & Warehouse Company, Inc., is combining Lind, Pizarro, Schrag, Paha, Pence, Bauer, R. H. Phillips, Beatrice, and Moses Lake into one station - Lind 474.
- (46) Uniontown Co-operative Association is combining Uniontown, and Leon into one station - Uniontown 430.

(47) United Grain Growers, Inc., is combining Harrington, Mohler, Downs, Bluestem, Canby, Edwall, Waukon, Edens, Sprague, Wilbur, Sherman, Wheatridge, Govan, Creston, and Baldwin Farms into one station - Harrington 807.

(48) Wallace Grain & Pea Company is combining Palouse and Steptoe into one station - Palouse 195.

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

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

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

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

(53) Wilbur - Ellis Company is combining Conway and Burlington into one station - Conway 896.

(54) Wilson Creek Union Grain & Trading Company is combining Stratford, Wye Station, and Wilson Creek into one station - Wilson Creek 354.

(55) Wolfkill Feed & Fertilizer Corp. is combining Moses Lake and Mattawa into one station - Moses Lake 14.

[Statutory Authority: Chapter 22.09 RCW. 89-11-092 (Order 2007), § 16-224-010, filed 5/24/89; 84-10-021 (Order 1820), § 16-224-010, filed 4/26/84; 80-06-102 (Order 1687), § 16-224-010, filed 5/30/80; 78-06-075 (Order 1574), § 16-224-010, 5/31/78; Order 1531, § 16-224-010, filed 6/1/77, effective 7/2/77; Order 1474, § 16-224-010, filed 6/21/76; Order 1400, § 16-224-010, filed 5/29/75; Order 1270, § 16-224-010, filed 5/30/72; Order 1154, § 16-224-010, filed 5/28/70, effective 7/1/70; Order 1119, § 16-224-010, filed 5/28/69, effective 7/1/69; Order 1097, § 16-224-010, filed 7/2/68, effective 8/2/68; Order 1057, Regulation 1-22, filed 7/14/67, effective 8/15/67.]

WAC 16-224-020 Definition. "Permanent enclosed storage space" means a structure that has a foundation and both rigid walls and roof.

[Statutory Authority: Chapter 22.09 RCW. 81-15-057 (Order 1745), § 16-224-020, filed 7/17/81.]

WAC 16-224-025 Emergency storage. If the director determines that an emergency storage situation exists, a warehouseman may forward grain to other licensed warehouses for storage without canceling the depositor's negotiable receipt under the following conditions:

(1) The warehouseman must obtain department approval prior to shipment.

(2) The warehouseman must demonstrate to the department how he/she will be back in position within thirty days.

(3) The warehouseman must obtain a negotiable receipt in his/her name from the receiving warehouse.

[Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-224-025, filed 7/19/83.]

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

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

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

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

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

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

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

(2) Violation of this rule constitutes a violation of chapter 22.09 RCW and may result in fines and a suspension of the warehouseman's license.

[Statutory Authority: Chapter 22.09 RCW. 84-10-021 (Order 1820), § 16-224-030, filed 4/26/84; 83-15-036 (Order 1802), § 16-224-030, filed 7/19/83; 81-15-057 (Order 1745), § 16-224-030, filed 7/17/81.]

WAC 16-224-040 Historical depositor. Prior to allocating warehouse space on the basis of historical deposits, each warehouseman shall, for the purposes of the definition of "historical depositor" as set forth in RCW 22.09.010(12), file with the department of agriculture a policy statement setting forth the criteria that identifies a person who in the normal course of business operations has consistently made deposits, in the same warehouse, of commodities produced on the same land. Any subsequent changes in this policy shall be filed with the department.

[Statutory Authority: Chapter 22.09 RCW. 83-15-036 (Order 1802), § 16-224-040, filed 7/19/83. Statutory Authority: RCW 22.09.010(15). 81-21-023 (Order 1750), § 16-224-040, filed 10/13/81.]

Chapter 16-228 WAC

PESTICIDE REGULATIONS

WAC

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16-228-930 Other dispositions of alleged violations.

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| 16-228-001 | Promulgation. [Order 1470, § 16-228-001, filed 5/14/76.] Repealed by Order 1538, filed 7/29/77, effective 9/1/77. |
| 16-228-003 | Promulgation. [Order 1481, § 16-228-003, filed 7/15/76.] Repealed by 88-14-074 (Order 1981), filed 7/1/88. Statutory Authority: Chapter 17.21 and 15.58 RCW. |
| 16-228-150 | Responsibilities of pesticide applicators, operators, pesticide dealers and pest control consultants in sales of pesticides and in recommendations and application of pesticides. [Order 1481, § 16-228-150, filed 7/15/76; Order 1470, § 16-228-150, filed 5/14/76. Formerly WAC 16-220-205 and 16-222-130.] Repealed by Order 1538, filed 7/29/77, effective 9/1/77. |
| 16-228-165 | State restricted use pesticides for use by certified applicators only. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-165, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-165, filed 4/10/84; 80-03-040 (Order 1679), § 16-228-165, filed 2/20/80; 79-05-003 (Order 1597), § 16-228-165, filed 4/10/79; Order 1538, § 16-228-165, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-165, filed 5/14/76. Formerly WAC 16-222-160 and 16-223-230.] Repealed by 89-07-006 (Order 1996), filed 3/3/89. Statutory Authority: Chapters 17.21 and 15.58 RCW. |
| 16-228-174 | Private commercial applicator license. [Order 1538, § 16-228-174, filed 7/29/77, effective 9/1/77.] Repealed by 84-09-011 (Order 1817), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW. |
| 16-228-175 | Distribution requirements for growth regulating herbicides to be used in counties located east of the crest of the Cascade Mountains. [Order 1470, § 16-228-175, filed 5/14/76. Formerly WAC 16-222-190.] Repealed by Order 1538, filed 7/29/77, effective 9/1/77. |
| 16-228-176 | Private applicator certification. [Order 1538, § 16-228-176, filed 7/29/77, effective 9/1/77.] Repealed by 84-09-011 (Order 1817), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW. |
| 16-228-178 | Demonstration and research applicator certification. [Order 1538, § 16-228-178, filed 7/29/77, effective 9/1/77.] Repealed by 84-09-011 (Order 1817), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW. |
| 16-228-200 | Low flying prohibitions. [Order 1470, § 16-228-200, filed 5/14/76.] Repealed by Order 1538, filed 7/29/77, effective 9/1/77. |
| 16-228-235 | Purpose of rules—Endrin use. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-235, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-235, filed 8/1/83.] Repealed by 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW. |
| 16-228-240 | Endrin use in orchards—1983 to 1984. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-240, filed 8/1/83.] Repealed by 85-17-044 (Order 1869), filed 8/16/85. Statutory Authority: Chapter 17.21 RCW. |
| 16-228-245 | Endrin application—Criteria for determining crisis use on orchards. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-245, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-245, filed 8/1/83.] Repealed by 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW. |
| 16-228-250 | Endrin—Written recommendation—Licensed consultant—Game representative. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-250, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-250, filed 8/1/83.] Repealed by 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW. |
| 16-228-255 | Endrin—Distribution—Dealer records. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-255, filed 8/16/85. Statutory Authority: RCW |

- 17.21.030. 83-16-045 (Order 1805), § 16-228-255, filed 8/1/83.] Repealed by 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.
- 16-228-260 Endrin—Application restrictions. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-260, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-260, filed 8/1/83.] Repealed by 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.
- 16-228-265 Endrin—Posting requirements. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-265, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-265, filed 8/1/83.] Repealed by 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.
- 16-228-270 Permit. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-270, filed 8/1/83.] Repealed by 85-17-044 (Order 1869), filed 8/16/85. Statutory Authority: Chapter 17.21 RCW.
- 16-228-275 Endrin—Applicator records. [Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-275, filed 8/16/85. Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-275, filed 8/1/83.] Repealed by 94-13-195, filed 6/21/94, effective 7/22/94. Statutory Authority: Chapter 17.21 RCW.
- 16-228-280 Endrin advisory committee. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-280, filed 8/1/83.] Repealed by 85-17-044 (Order 1869), filed 8/16/85. Statutory Authority: Chapter 17.21 RCW.
- 16-228-285 Endrin use in orchards after December 31, 1984—Crisis permits—Permit requirements. [Statutory Authority: RCW 17.21.030. 83-16-045 (Order 1805), § 16-228-285, filed 8/1/83.] Repealed by 85-17-044 (Order 1869), filed 8/16/85. Statutory Authority: Chapter 17.21 RCW.
- 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.

WAC 16-228-010 Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

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

(2) "Agricultural emergency" means a sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employer has no control, and which requires entry into a pesticide treated area during a restricted-entry interval, when no alternative practices would prevent or mitigate a substantial economic loss.

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

(4) "Bait box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated synthetic material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized persons and domestic animals from gaining access to the bait. The cover shall be provided with a lock that can be

unlocked only by a combination, key, special tool, or forced entry. Fragile materials are unacceptable.

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

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

(7) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, or certified private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA as a restricted use pesticide or by the state as restricted to use by certified applicators only.

(8) "Complete wood destroying organism inspection" means (a) an inspection of a structure for the purpose of determining (i) evidence of infestation(s), and (ii) damage, and (iii) conducive conditions; or (b) any wood destroying organism inspection which is conducted as the result of a telephone solicitation by an inspection firm or pest control business, even if the inspection would otherwise fall within the definition of a limited wood destroying organism inspection.

(9) "Conducive conditions" means those conditions which may lead to or enhance an infestation of wood destroying organisms.

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

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

(12) "Diluent" means a material, liquid or solid, serving to dilute the pesticide product to field strength for adequate coverage (such as water).

(13) "Director" means the director of the department or a duly authorized representative.

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

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

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

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

(18) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended (61 stat. 163, 7 U.S.C. Sec. 136 et seq.).

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

(20) "Food service establishment" means any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand;

industrial-feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public, or nonprofit organization routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

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

(22) "Highly toxic pesticide" for the purpose of this chapter, means any pesticide that conforms to the criteria in 40 C.F.R. Sec. 156.10 for toxicity Category I due to oral inhalation or dermal toxicity.

(23) "Limited wood destroying organism inspection" means the inspection of a structure for purposes of identifying or verifying evidence of an infestation of wood destroying organisms.

(24) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators by the director for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the private applicator or the applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

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

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

(27) "Substantial economic loss" means a loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement cannot be considered in determining the loss.

(28) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(29) "Waste pesticide" is any pesticide formulation which cannot be used according to label directions in Washington state because of cancellation or suspension of its federal or state registration, or deterioration of the product or its label, and any pesticide formulation whose active ingredients are not clearly identifiable because of label deterioration or because the pesticide is not stored in its original container.

(30) "Wood destroying organisms" means those organisms including, but not limited to, subterranean termites, dampwood termites, carpenter ants, wood boring beetles of

the family anobiidae (deathwatch beetle), and wood decay fungus (rot). Wood destroying organisms shall not include such organisms which occurred prior to the manufacturing or processing of the lumber, e.g., pocket rot.

(31) "Wood destroying organism inspection" means the service of inspecting a building for the presence of wood destroying organism pests destructive to its structural components, and/or their damage, and/or conducive conditions. For purposes of these rules a wood destroying organism inspection shall be either a "complete wood destroying organism inspection" or a "limited wood destroying organism inspection."

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 95-01-077 (Order 5060), § 16-228-010, filed 12/16/94, effective 1/16/95. Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-010, filed 3/17/92, effective 4/17/92. Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-010, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-010, filed 7/1/88. Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-010, filed 8/16/85. Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-010, filed 4/10/84; Order 1538, § 16-228-010, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-010, filed 5/14/76. Formerly WAC 16-220-200 (part).]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-228-020, filed 7/25/91, effective 8/25/91.]

WAC 16-228-115 Pesticide labeling requirements.

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

(2) Conditions set forth as part of an exemption from registration under provisions of section 18 of FIFRA shall be considered labeling for purposes of enforcement.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-115, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-115, filed 4/10/84; Order 1470, § 16-228-115, filed 5/14/76. Formerly WAC 16-222-030.]

WAC 16-228-116 Complete pesticide formula. The complete pesticide formula shall include a listing of each active and inert ingredient and the percentage of each ingredient. This information will be kept confidential and is exempt from disclosure as a public record as provided by RCW 15.58.065. Information required by this section may be submitted on company letterhead marked "confidential" in red ink on each sheet or each "EPA confidential statement of formula" information sheet.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-116, filed 11/30/89, effective 12/31/89.]

WAC 16-228-117 Home and garden products—Definition—Registration fee. (1) For purposes of this section, "home and garden use only" means any pesticide determined by the department to be packaged and labeled solely for use by the general public in and around a residence. In making this determination, the department shall consider, but not be limited to, the following criteria:

- (a) Packaging;
- (b) Package size;
- (c) Label instructions;
- (d) Application method;
- (e) Equipment to be used;
- (f) Rates of application.

(2) Registrants applying for new or renewal registration of any pesticide labeled and intended for home and garden use only shall pay an additional registration fee of ten dollars per product over and above the registration fees established in RCW 15.58.070.

(3) The additional ten dollar fee received by the department for the registration of home and garden products shall be deposited in the agriculture local fund to assist in funding

activities of the pesticide incident reporting and tracking review panel.

[Statutory Authority: Chapter 15.58 RCW. 89-22-074 (Order 2019), § 16-228-117, filed 10/31/89, effective 12/1/89.]

WAC 16-228-120 Artificial coloring. (1) No highly toxic pesticide in powdered or granular form or highly toxic pesticide baits having a label recommendation for use in any building, ship, or similar enclosure shall be sold within the state of Washington unless it is distinctly colored or discolored in such a way that it does not resemble any food.

(2) A pesticide in liquid form with colors resembling a beverage or liquid food, which does not have a distinctive odor, shall have an odorous substance added that is distinctly different from any beverage or liquid food.

[Order 1470, § 16-228-120, filed 5/14/76. Formerly WAC 16-222-040.]

WAC 16-228-125 Experimental use permits. (1)

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

- (a) Name of the active ingredient and/or product name and/or EPA registration number of the product to be used;
- (b) Person responsible for carrying out provisions of the experimental permit and means of locating this person in case of emergency;
- (c) Target pest(s);
- (d) Crop or site and location(s) to which the pesticide is to be applied;
- (e) Disposition of any treated food or feed and of subsequent crops from treated sites;
- (f) Rate of application of formulation or active ingredient and number of applications;
- (g) Timing and duration of the proposed program;
- (h) Area to which the pesticide is to be applied;
- (i) Total amount of pesticide to be applied;
- (j) Federal experimental use permit number and text;
- (k) Labeling to accompany the pesticide in the field;
- (l) Any other information required by the director.

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

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

(4) The director may monitor the implementation of any experimental use permit. This may include collection of samples, inspection of premises, records and equipment, and

any other related activities specified by the director. The conditions of any experimental use permit may require notification of a designated department office prior to application and/or presence of a departmental representative at the application. Experimental use permits shall be considered labeling for purposes of enforcement. Violations of these permits shall be considered use inconsistent with the label.

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

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

(7) The director may limit the amount of pesticide, acres or areas to be treated, licensing, or qualifications of persons exercising the permit, or any other condition of an experimental use permit. The director may deny, amend, suspend or revoke any experimental use permit if it is found to be in violation of applicable federal regulations, in violation of chapters 15.58 and 17.21 RCW or rules adopted thereunder, or if the director deems such action necessary to protect public health and the environment.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-125, filed 4/10/84; Order 1470, § 16-228-125, filed 5/14/76. Formerly WAC 16-220-070.]

WAC 16-228-130 Pesticide-fertilizer registration and labeling. (1) Each pesticide-fertilizer mix containing different pesticide active ingredients and/or percentages must be registered with the director: *Provided*, That the fertilizer portion shall be considered an inert ingredient for the purpose of this order: *And provided further*, That such registrations may be to the nearest one-tenth of one percent by weight of all active ingredient/s, except for nitrification inhibitor-pesticide mixes as stated in (4) below.

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

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

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

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

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

(e) Net weight of the shipment;

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

(g) Any other information required by the director.

(3) Labeling bearing all of the information specified in (2) above and a complete specimen label for each pesticide product used to formulate the pesticide-fertilizer mix shall accompany each pesticide-fertilizer mix shipment. All or portions of the information required in (2) above may occur

on the invoice of a custom mix: *Provided*, That an appropriate specimen invoice has been registered by the director as pesticide labeling.

(4) Pesticide-fertilizer mixes containing nitrification inhibitors or agents intended for nitrogen stabilization only, and no other pesticide active ingredients, may be registered without specifying the percentage of active ingredient. The amount of active ingredient in the mix must be stated on the label that accompanies each shipment.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-130, filed 4/10/84; Order 1470, § 16-228-130, filed 5/14/76. Formerly WAC 16-222-090.]

WAC 16-228-140 Pesticide-fertilizer mix restrictions. No person shall distribute, sell, offer for sale, or hold for sale any dry pesticide incorporated in a dry blended bulk fertilizer mix.

[Order 1470, § 16-228-140, filed 5/14/76. Formerly WAC 16-222-100.]

WAC 16-228-143 Pirt surcharge. All licenses valid on January 1, 1990, and all licenses and pesticide registrations renewed in 1990 are subject to a one-time surcharge as specified in chapters 15.58 and 17.21 RCW. License and registration renewals shall not be granted until the surcharge has been paid.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-143, filed 11/30/89, effective 12/31/89.]

WAC 16-228-145 Adequate containers. Containers, i.e., packages, cartons, bags, cans, barrels, bins, etc., in which pesticides are sold, offered for sale, or transported within the state of Washington shall be of sufficient strength and of such construction as to alleviate danger of spillage or breakage. Pesticides found to be packaged in unsafe containers shall be placed under "stop sale" order. Containers shall meet the minimum federal specifications.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-145, filed 11/30/89, effective 12/31/89; Order 1470, § 16-228-145, filed 5/14/76. Formerly WAC 16-222-110.]

WAC 16-228-14501 Sale or possession of sodium fluoracetate, fluoracetamide, and phosphorus pastes. (1) No person shall possess or use sodium fluoracetate (1080) and fluoracetamide (1081) except federal, state, county, or municipal officers or their employees for use in their official duties in pest control, research or chemical laboratories in their respective fields; pest control operators licensed by the state; and wholesalers or jobbers of pesticides for sale to the aforementioned persons, or for export.

(2) No person shall possess or use phosphorus pastes except federal, state, county, or municipal officers or their employees for use in their official duties in pest control; research or chemical laboratories in their respective fields; pest control operators licensed by the state; and wholesalers or jobbers of pesticides for sale to the aforementioned persons or for export.

[Order 1470, § 16-228-145 (codified as WAC 16-228-14501), filed 5/14/76. Formerly WAC 16-222-120.]

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

- (a) DiNitro-O-Sec Butyl Phenol (DNOSBP)
- (b) Endothall (20% and above)
- (c) Ethion (26% and above)
- (d) Guthion (16% and above)
- (e) Hydrogen Cyanide (Hydrocyanic acid) (HCN)
- (f) Methyl Bromide
- (g) Strychnine and its salts (Strychnine Alkaloid 1.1% and above)

(2) Pesticide dealers shall keep records on the sale of any of the above listed pesticides. These records shall contain the date of sale, the name and amount of the pesticide sold and the name and address of the purchaser. These records shall be kept on file for a period of seven years and the director shall have access to these records upon request.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-155, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-155, filed 4/10/84; Order 1538, § 16-228-155, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-155, filed 5/14/76. Formerly WAC 16-222-145.]

WAC 16-228-157 Waste pesticide disposal. Under authority of chapter 15.58 RCW, the department may establish a waste pesticide disposal program for farmers, or other parties regulated under chapter 17.21 RCW or licensed under chapter 15.58 RCW.

(1) Upon review and determination that a pesticide is no longer useable, the department may declare a pesticide to be a "waste pesticide."

(2) The department may take possession of a waste pesticide with the owner's written consent for the purpose of disposal.

(3) For the purpose of waste pesticide disposal, the department may:

- (a) Become identified as a hazardous waste generator;
- (b) Enter into contracts or cooperative agreements to carry out portions of or all of the waste pesticide disposal program. The department may also enter into cooperative agreements to carry out portions of or all of the development of education programs relating to waste pesticide disposal and programs for dissemination of information concerning the department's disposal program.

(4) The department may accept pesticides whose active ingredients are not clearly identifiable for disposal. These pesticides may be analyzed by either the department or a private laboratory. If upon analysis the material is not a pesticide, not identified or not acceptable for disposal, it shall be returned to the owner and/or not accepted for disposal.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-157, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-157, filed 7/1/88.]

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

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

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

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

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

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

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

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

(9) All pesticide incidents involving undesirable impacts on human health shall be reported to the Washington state department of social and health services.

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

(11) No person shall distribute or sell any pesticide unless it is in the registrant's or the manufacturer's unbro-

ken, immediate container and there is affixed to the container its registered pesticide label.

(12) A user of a pesticide may distribute a properly labelled pesticide to another user who is legally entitled to use that pesticide without obtaining a pesticide dealer's license if the exclusive purpose of distributing the pesticide is keeping it from becoming a hazardous waste as defined in chapter 70.105 RCW.

(13) The distribution and use of DDT and DDD shall be prohibited in this state except for uses allowed by the Environmental Protection Agency or the Center for Disease Control of the United States Department of Health and Human Services.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-160, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-160, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-160, filed 4/10/84; Order 1538, § 16-228-160, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-160, filed 5/14/76. Formerly WAC 16-222-150.]

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

- (1) Name and address of purchaser;
- (2) Date of purchase;
- (3) Amount sold;
- (4) Brand name of the product and/or the EPA registration number;
- (5) Crop and/or site to which pesticide will be applied, if known.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-161, filed 4/10/84.]

WAC 16-228-162 Phenoxy herbicide restrictions.

(1) The distribution, use and application of all high volatile ester and dust formulations of phenoxy herbicides shall be prohibited throughout the state: *Provided*, That this section shall not apply to dust or granular formulations packaged in shaker cans intended for home and garden use.

(2) Pesticide dealers shall make available to the purchaser a copy of the rules pertaining to the use of dicamba and/or phenoxy hormone-type herbicides, including 2,4-D and MCPA, in the area in which the material will be applied.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-07-006 (Order 1996), § 16-228-162, filed 3/3/89; 84-09-011 (Order 1817), § 16-228-162, filed 4/10/84; 80-03-040 (Order 1679), § 16-228-162, filed 2/20/80.]

WAC 16-228-164 State restricted use pesticides for use by certified applicators only. (1) Pesticides containing the following active ingredients are hereby declared state restricted use pesticides for the protection of groundwater and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified

applicators or persons under the direct supervision of a certified applicator and only for those uses covered by the certified applicator's license category(s).

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

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

(2) Pesticides defined by the following categories are hereby declared state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category. Dealers shall keep records as defined in subsection (4) of this section, and shall furnish the records to the director as defined in subsection (7) of this section.

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

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

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

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

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

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

- (a) Home and garden use;
- (b) Pet products;
- (c) Cooling tower, air conditioner, industrial systems and humidifier biocides;

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

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

- (a) Name and address of purchaser;
- (b) Name and address of certified applicator (if different from (a) above);
- (c) Name of authorized agent (if applicable);
- (d) Brand and specific pesticide name and/or EPA registration number;
- (e) Number of pounds or gallons of the pesticide distributed;
- (f) Date of distribution;
- (g) Certified applicator number.

(5) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides listed in subsections (1) and (2) of this section by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization to the dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license or certification number.

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

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

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

WAC 16-228-166 Aquatic pesticides. (1) All pesticide formulations labeled for application onto or into water to control pests in or on water are hereby declared state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator.

(2) Pesticides which are not classified as EPA restricted use pesticides and which are labeled only for the following uses shall be exempt from this section:

- (a) Swimming pools
- (b) Wholly impounded ornamental pools or fountains
- (c) Aquariums
- (d) Closed plumbing and sewage systems
- (e) Enclosed food processing systems
- (f) Air conditioners, humidifiers, and cooling towers
- (g) Industrial heat exchange, air washing, and similar industrial systems
- (h) Disinfectants

(i) Aquatic environments in states other than Washington

(3) Distribution of pesticides bearing combined labeling for uses into or onto water and for other uses may be made by licensed pesticide dealers to noncertified applicators, if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that it is not to be applied into or onto water. If requested by the department, dealers shall furnish records on the sales of pesticides labeled for application into or onto water, whether sold for that use or not. Records shall include the name and address of the purchaser, the complete product name and/or EPA registration number of the pesticide and the amount purchased.

(4) Licensed dealers shall keep records as specified in WAC 16-228-164(4) on each distribution of pesticides designated in subsection (1) of this section. The director shall have access to these records immediately upon request.

(5) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides designated in subsection (1) of this section by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization to the dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license or certification number.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-07-006 (Order 1996), § 16-228-166, filed 3/3/89.]

WAC 16-228-168 Change of exemptions. The licensing exemption for jurisdictional health officers as provided for in RCW 17.21.220; and research personnel provided for in RCW 17.21.203 shall not apply when applying EPA restricted use pesticides or state restricted use pesticides which are restricted to use by certified applicators only: *Provided*, That research personnel shall be required to obtain a demonstration and research applicator certification.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-168, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-168, filed 4/10/84; Order 1538, § 16-228-168, filed 7/29/77, effective 9/1/77.]

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

(2) A licensed pesticide dealer manager shall be available to the staff, customers, and department representatives at all times that an outlet or location distributes pesticides. A dealer manager may be the designated dealer manager of more than one outlet or location only if the dealer manager can be physically present at both outlets or locations during all times of pesticide distribution and handling.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-170, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-170, filed 4/10/84; Order 1470, § 16-228-170, filed 5/14/76. Formerly WAC 16-222-170.]

WAC 16-228-172 Permits. (1) Private applicator certification, demonstration and research applicator certification, user permits and private-commercial applicator licenses shall be considered as certified applicator permits as provided for in RCW 17.21.030 and 15.58.040 (2)(h).

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

- (a) Permit number
 - (b) Date of issuance
 - (c) Expiration date, which shall be not longer than one year from the date of issuance
 - (d) Name and address of certified applicator
 - (e) Crop or site and area to which the pesticide will be applied
 - (f) Amount of pesticide obtained
 - (g) Any other information prescribed by the director.
- (3) Pesticide dealers shall keep user permits for a period of one year from the date of issuance, and the director shall have access to these records upon request.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-172, filed 4/10/84; Order 1538, § 16-228-172, filed 7/29/77, effective 9/1/77.]

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

- (a) Made false or fraudulent claims through any media misrepresenting the effect of materials or methods to be utilized;
- (b) Made a pesticide recommendation or gave advice or used a pesticide inconsistent with the labeling, the EPA or Washington state registration for that pesticide, an EPA or Washington state experimental use permit for that pesticide, an exemption from registration under provisions of section 18 of FIFRA, or in violation of the EPA or Washington state restrictions on the use of that pesticide;
- (c) Applied known ineffective or improper pesticides or materials;
- (d) Operated a faulty or unsafe apparatus;
- (e) Operated in a faulty, careless or negligent manner;
- (f) Refused or neglected to comply with the provisions of the applicable sections of chapters 15.58 and 17.21 RCW, the rules adopted thereunder, or of any lawful order of the director;
- (g) Refused or neglected to keep and maintain records required by chapters 15.58, 17.21 RCW, and rules adopted thereunder, or to make reports when and as required;
- (h) Made false or fraudulent records, invoices, reports, and/or recommendations;
- (i) Caused the application of a pesticide without having a licensed or certified applicator or operator in direct supervision;
- (j) Operated an unlicensed apparatus or an apparatus without a license plate issued for that particular apparatus as provided for in chapter 17.21 RCW or failed to locate the

apparatus license plate on the apparatus in a manner required by the department;

(k) Failed to properly display, when required, a department issued certified commercial ground applicator vehicle sticker;

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

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

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

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

(p) Made false, misleading or erroneous statements or reports during or after an inspection concerning any infestation or infection of pests found on land or in connection with any pesticide complaint or department investigation;

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

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

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

(t) Made or failed to make an inspection, statement, or report in violation of WAC 16-228-400 through 16-228-430.

(2) A penalty fee assessed as a result of a late license or registration renewal does not prevent the department from taking additional regulatory action against the violator.

(3) No pesticide dealer or dealer manager license shall be denied, suspended, or revoked, simply because a pesticide purchased from that dealer was applied in violation of chapters 15.58, 17.21 RCW or rules adopted thereunder, unless the department finds the dealer or dealer manager in violation of chapters 15.58, 17.21 RCW or rules adopted thereunder.

[Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-180, filed 3/17/92, effective 4/17/92. Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-180, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-180, filed 4/10/84; Order 1538, § 16-228-180, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-180, filed 5/14/76.]

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

to regulate the timing and technique of pesticide applications to or around blossoming plants.

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

(3) No person shall pollute streams, lakes, and other water supplies in pesticide loading, mixing, and application. Adequate, functioning devices and procedures to prevent backsiphoning shall be used.

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

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

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

(6) Requirements for unattended pesticides and their containers:

(a) Good generally accepted housekeeping practices shall be maintained for all pesticides and their containers.

(b) The provisions of (d) and (e) of this subsection and subsection (7) of this section shall not apply to empty pesticide containers when adequately decontaminated (e.g., three successive rinsings); shall not apply to categories 2, 3, and 4 pesticide formulations labeled for home and garden use only.

(c) For the purposes of (d) and (e) of this subsection and subsection (7) of this section, pesticides and their containers at the loading area shall not be considered unattended during the spraying operation if the operator maintains either visual control or repeatedly returns at closely spaced intervals.

(d) Category 1 — Pesticides labeled with the signal word "danger" and their containers shall be stored in one of the following enclosures which, when unattended, shall be so constructed and locked (except (v) below) to prevent children, unauthorized persons, livestock, or other animals from gaining entry.

- (i) Closed vehicle.
- (ii) Closed trailer.

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

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

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

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

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

(7) Requirements for posting of storage for category 1 pesticides:

(a) For purposes of this subsection, warning signs shall show the skull and crossbones symbol and the words: "Danger/Poison (or Pesticide or Chemical) Storage Area/Keep Out" in letters large enough to be legible at a distance of thirty feet.

(b) Warning signs shall be posted:

(i) On enclosures specified in subsection (6)(d) of this section, when such enclosures are unattended;

(ii) At each entrance or exit from a storage area and on each exterior wall, so that a sign is visible from any direction;

(iii) If the pesticide storage area is contained in a larger, multipurpose structure, warning signs shall be clearly visible on each exterior wall of the structure within thirty feet of the pesticide storage area and from the main entrance to the larger structure: *Provided*, That posting of the main entrance shall not be required, if a sign is visible from the entrance which clearly identifies the possibility that pesticides may be stored on the premises, (i.e., XYZ Pest Control or XYZ Wood Treatment, Inc.);

(8) No person shall disperse a pesticide or pesticide rinsate from any aircraft while in flight except over the target field and at the customary application height for that crop: *Provided*, That emergency dumping shall not be considered a violation of this section.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-185, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-185, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-185, filed 4/10/84; Order 1538, § 16-228-185, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-185, filed 5/14/76. Formerly WAC 16-222-180.]

WAC 16-228-190 Applicator requirements. (1) Certified applicators and all persons applying pesticides to more than one acre of agricultural land in a calendar year including public entities engaged in roadside spraying shall keep records on a form prescribed by the director which shall include the following:

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

(b) The address or exact location of the land where the pesticide was applied. If the application is made to one acre or more of agricultural land, the field must be located on the map on the prescribed form.

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

(d) The product name used on the registered label and the United States Environmental Protection Agency registration number, if applicable, of the pesticide which was applied.

(e) The direction from which the wind is blowing and estimated velocity of the wind in miles per hour (mph) and the temperature in degrees Fahrenheit at the time the pesticide was applied: *Provided*, That this subsection (e) shall not apply to applications of baits in bait stations and pesticide applications within structures.

(f) The total amount of pesticide applied such as pounds, gallons, ounces, etc.

(g) The amount of pesticide applied per acre or one thousand square feet or other appropriate measure.

(i) For PCO classification or residential ornamental applications, the amount shall be recorded to the nearest ounce of product or to the nearest gallon of liquid spray per site.

(ii) Fumigation records shall include the pounds of gas released per one thousand cubic feet of space, the temperature, and the duration of the exposure period.

(h) The concentration of pesticide that was applied. Liquid applications may be recorded as amount of product per one hundred gallons of liquid spray or other appropriate measure.

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

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

(k) Apparatus license plate number.

(l) The licensed applicator's name, certified pesticide applicator license number, address, telephone number, and the name and license number(s) if applicable of the individual or individuals making the application.

(m) The number of acres or other appropriate measure to which the pesticide was applied.

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

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

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

(5) Except as stated in subsection (6) of this section, the information required in subsection (1) of this section shall be kept on the appropriate page of the pesticide record form (figures 1-8): *Provided*, That computerized records may be maintained as long as the records can be produced in the form and format prescribed by the department.

(6) The department may allow by written permit the information required in subsection (1) of this section to be kept in a different form and format than that described in figures 1-8: *Provided*, That the following criteria are met:

(a) The pesticide application record keeping system is computerized;

(b) The pesticide application record keeping system was in place and operational prior to July 23, 1989;

(c) The pesticide application record keeping system contains all the information required by subsection (1) of this section, and can be produced in a form and format acceptable to the department.

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

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

(9) The applicator shall make available necessary safety equipment in proper working order and advise employees on its use to meet the safety requirements of the pesticide label.

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

(11) All containers used for prepared mixtures, other than those in an apparatus, shall have a label identifying the contents as a pesticide, the active ingredient, and appropriate cautions.

State of Washington
Department of Agriculture
Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 1)

NOTE: This form must be completed same day as the application
and it must be retained for 7 years. (Ref. RCW 17.21)

- 1. Date of Application - Year: Month: Day: Time:
- 2. Name of person for whom the pesticide was applied:
Firm Name (if applicable):
Street Address: City: State: Zip:
- 3. Licensed Applicator's Name (if different from #2 above): License No.
Firm Name (if applicable): Tel. No.
Street Address: City: State: Zip:
- 4. Name of person(s) who applied the pesticide (if different than #3 above):
..... License No(s), if applicable:
- 5. Application Crop or Site:
- 6. Total Area Treated (acre, sq. ft., etc):
- 7. Was this application made as a result of a WSDA Permit? No Yes (if yes, give Permit No.) #
- 8. Pesticide Information (please list all information for each pesticide in the tank mix):

| a) Product Name | b) EPA Reg. No. | c) Total Amount of Pesticide Applied in Area Treated | d) Pesticide Applied/Acre (or other measure) | e) Concentration Applied |
|-----------------|-----------------|--|--|--------------------------|
| _____ | _____ | _____ | / | _____ |
| _____ | _____ | _____ | / | _____ |
| _____ | _____ | _____ | / | _____ |
| _____ | _____ | _____ | / | _____ |
| _____ | _____ | _____ | / | _____ |

9. Address **or exact location** of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form

- 10. Wind direction and estimated velocity during the application:
- 11. Temperature during the application:
- 12. Apparatus license plate number (if applicable):
- 13. Air Ground Chemigation
- 14. Miscellaneous Information:

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only):

Township: N

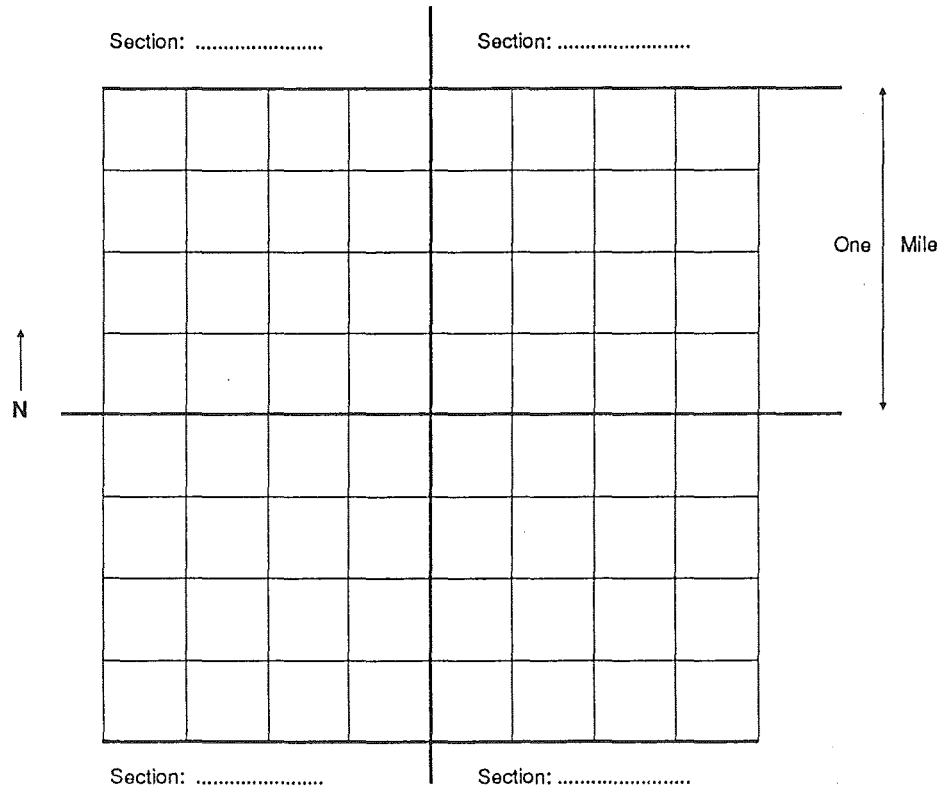
Range: E OR W (please indicate)

Section(s):

County:

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



Miscellaneous Information:

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State of Washington
Department of Agriculture
Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 2)

NOTE: Application information must be completed on the same day as the application and must be retained for seven years. (Ref. RCW 17.21)

| | |
|--|---|
| 1. Name & Address of Person for Whom Pesticide was Applied: | 2. Applicator Name and Address (if different from (1)): Tel. No. Lic. No. |
| 3. Address or exact location of application (NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form) | 4. Misc. Info. : |

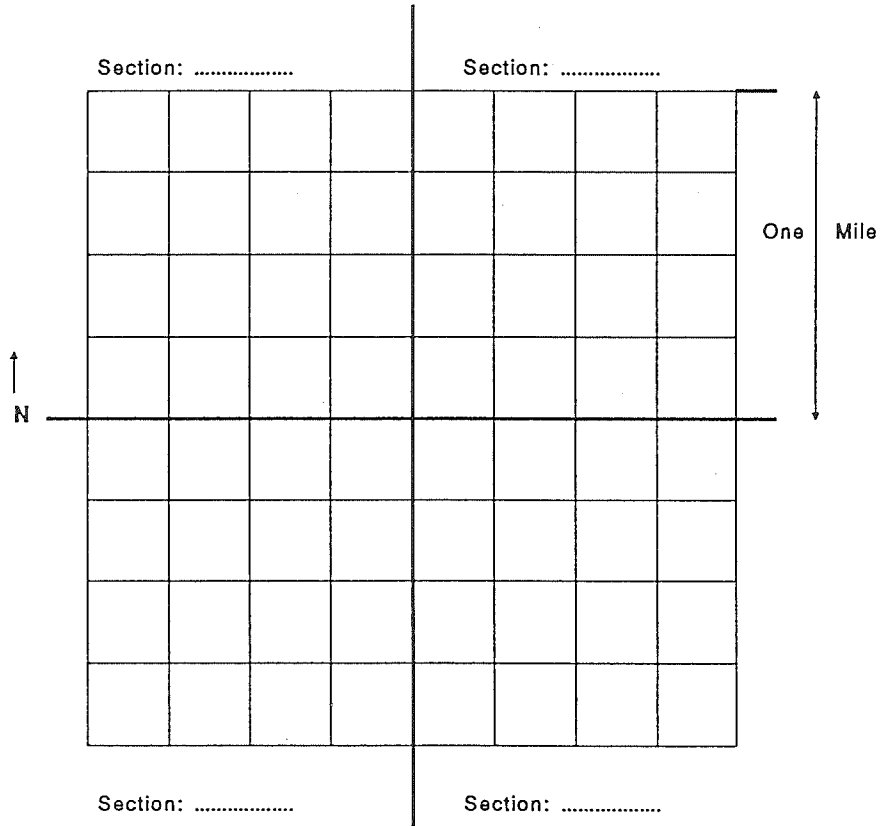
| 5. Date and Time of Application | 6. Crop or Site Treated <input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation | 7. Acres Treated (or other measure) | 8. PRODUCT NAME | 9. EPA Registration Number | 10. Amount of Product Applied | | 11. Concentration | 12. Weather Conditions, Apparatus License Plate No. and Name and License No. of person(s) who applied pesticide |
|---------------------------------|--|-------------------------------------|-----------------|----------------------------|----------------------------------|-----------------------|-------------------|---|
| | | | | | Rate per acre (or other measure) | Total Product Applied | | |
| | <input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation | | | | | | | |
| | <input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation | | | | | | | |
| | <input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation | | | | | | | |
| | <input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation | | | | | | | |

Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only):

TOWNSHIP: N
RANGE: E OR W (please indicate)
SECTION(S):
COUNTY:

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



State of Washington
 Department of Agriculture
 Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 3)

NOTE: This form must be completed same day as the application and it must be retained for 7 years. (Ref. RCW 17.21)

1. Date of Application - Year: Month: Day(s):
2. Name of person for whom the pesticide was applied:
 Firm Name (if applicable):
 Street Address: City: State: Zip:
3. Licensed Applicator's Name (if different from #2 above): License No.
 Firm Name (if applicable): Tel. No.
 Street Address: City: State: Zip:
4. Air Ground Chemigation
5. Application Crop or Site:
6. Total Area Treated (acre, sq. ft., etc):
7. Was this application made as a result of a WSDA Permit? No Yes (if yes, give Permit No.) #
8. Pesticide Information (please list all information for each pesticide in the tank mix):

| a) Product Name | b) EPA Reg. No. | c) Total Amount of Pesticide Applied in Area Treated | d) Pesticide Applied/Acre (or other measure) | e) Concentration Applied |
|-----------------|-----------------|--|--|--------------------------|
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| _____ | _____ | _____ | / | _____ |
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| _____ | _____ | _____ | / | _____ |
| _____ | _____ | _____ | / | _____ |

9. Address **or exact Location** of Application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.

| 10. Date | 11. Name of person(s) making the application | 12. License No. | 13. Apparatus Lic. Plate No. | 14. Time | | 15. Acres Completed | 16. Wind | | 17. Temp. |
|----------|--|-----------------|------------------------------|----------|------|---------------------|----------|------|-----------|
| | | | | Start | Stop | | Dir. | Vel. | |
| | | | | | | | | | |
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CONTINUED ON PAGE TWO

| 10. Date | 11. Name of person(s) making the application | 12. License No. | 13. Apparatus Lic. Plate No. | 14. Time | | 15. Acres Completed | 16. Wind | | 17. Temp. |
|----------|--|-----------------|------------------------------|----------|------|---------------------|----------|------|-----------|
| | | | | Start | Stop | | Dir. | Vel. | |
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Location of Application (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only):

Township: N

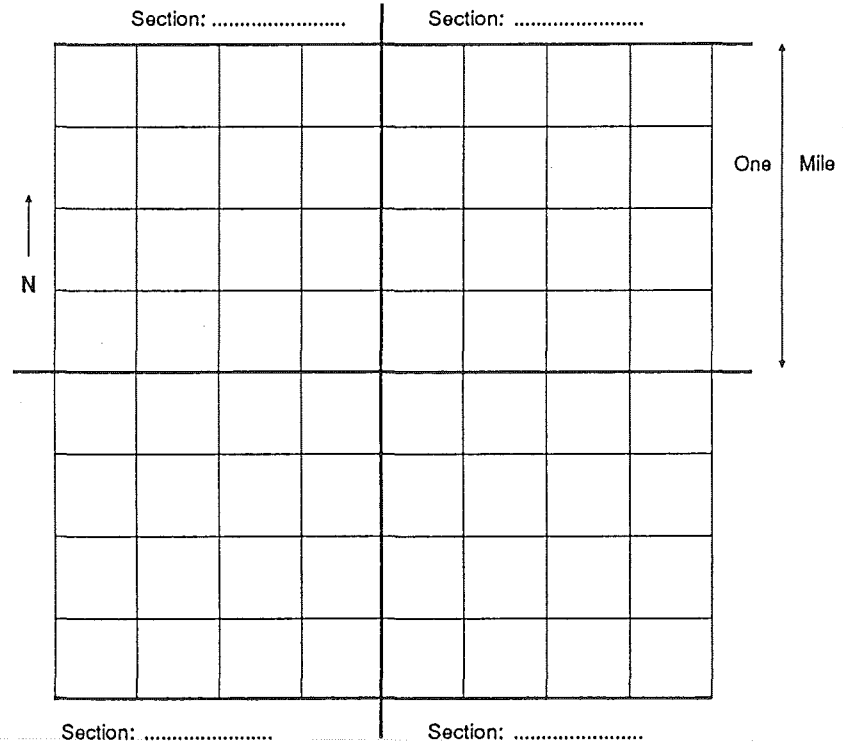
Range: E OR W (please indicate)

Section(s):

County:

PLEASE NOTE:

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



Miscellaneous Information:

State of Washington
Department of Agriculture
Olympia, Washington 98504

PESTICIDE APPLICATION RECORD (Version 4)
May be used for Commercial Residential Ornamental and Lawn Applications only
NOTE: This form must be completed same day as the application and it must be retained for 7 years.

- A. Date of Application - Year: Month: Day:
- B. Firm name: Telephone No.
Commercial Applicator's Name: License No.
Street Address: City: State: Zip:
- C. Name of person(s) who applied the pesticide:.....
License No(s):
- D. Pesticide Information (please list all information for each pesticide in the tank mix):

| <u>Product Name</u> | <u>EPA Reg. No.</u> | <u>Concentration</u> Amount - (Lbs., Qts., etc.) of brand per 100 gallons of tank mix. Amount and unit must be specified |
|---------------------|---------------------|--|
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- E. Application crop or site: F. Apparatus License Plate No.
- G. Record the following information for the specific conditions during each application:

| | CUSTOMER | | AMOUNT APPLIED (gals. of mix) | AREA TREATED (sq. ft., etc.) | TIME | TEMP F ° | WIND | |
|-------|---------------|--|----------------------------------|---------------------------------|------|-------------|------|--------------|
| | (a) full name | (b) location of application - street address | | | | | DIR | VEL (mph) |
| 1. a) | | | | | | | | |
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| 1. b) | | | | | | | | |
| 2. a) | | | | | | | | |
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| 2. b) | | | | | | | | |
| 3. a) | | | | | | | | |
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| 3. b) | | | | | | | | |
| 4. a) | | | | | | | | |
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| 4. b) | | | | | | | | |
| 5. a) | | | | | | | | |
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| 5. b) | | | | | | | | |
| 6. a) | | | | | | | | |
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| 6. b) | | | | | | | | |
| 7. a) | | | | | | | | |
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| 7. b) | | | | | | | | |
| 8. a) | | | | | | | | |
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| 8. b) | | | | | | | | |
| 9. a) | | | | | | | | |
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| | | | | | | | | |
| 9. b) | | | | | | | | |

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DAILY PESTICIDE APPLICATION RECORD (Version 5)

For Commercial Pest Control Operators Only

NOTE: This form must be completed same day as the application and retained for seven years.

A. FIRM NAME AND ADDRESS:

TELEPHONE NUMBER:

B. APPLICATOR NAME:

LICENSE NO.

C. PERSON MAKING APPLICATION:

LICENSE NO.

D. DATE:

E. APPARATUS LICENSE NO.

| CUSTOMER | | | (a) EPA REG. NO. / PRODUCT NAME(S) (b) CONCENTRATION (c) TOTAL AMOUNT USED | (a) TIME (IN/OUT) (b) TEMP. (c) WIND DIR./ VELOCITY | APPLICATION SITE (C & C, SPOT, VOID INJECTIONS, ETC.) | * PESTICIDE APPLIED / ACRE OR OTHER MEASURE |
|---------------|-----------------------------|-----------------|--|---|--|---|
| (a) FULL NAME | (b) LOCATION OF APPLICATION | (c) TARGET PEST | | | | |
| 1. a) | _____ | _____ | _____ | _____ | _____ | / _____ |
| b) | _____ | _____ | _____ | _____ | _____ | / _____ |
| c) | _____ | _____ | _____ | _____ | _____ | / _____ |
| 2. a) | _____ | _____ | _____ | _____ | _____ | / _____ |
| b) | _____ | _____ | _____ | _____ | _____ | / _____ |
| c) | _____ | _____ | _____ | _____ | _____ | / _____ |
| 3. a) | _____ | _____ | _____ | _____ | _____ | / _____ |
| b) | _____ | _____ | _____ | _____ | _____ | / _____ |
| c) | _____ | _____ | _____ | _____ | _____ | / _____ |
| 4. a) | _____ | _____ | _____ | _____ | _____ | / _____ |
| b) | _____ | _____ | _____ | _____ | _____ | / _____ |
| c) | _____ | _____ | _____ | _____ | _____ | / _____ |
| 5. a) | _____ | _____ | _____ | _____ | _____ | / _____ |
| b) | _____ | _____ | _____ | _____ | _____ | / _____ |
| c) | _____ | _____ | _____ | _____ | _____ | / _____ |
| 6. a) | _____ | _____ | _____ | _____ | _____ | / _____ |
| b) | _____ | _____ | _____ | _____ | _____ | / _____ |
| c) | _____ | _____ | _____ | _____ | _____ | / _____ |
| 7. a) | _____ | _____ | _____ | _____ | _____ | / _____ |
| b) | _____ | _____ | _____ | _____ | _____ | / _____ |
| c) | _____ | _____ | _____ | _____ | _____ | / _____ |

[Statutory Authority: RCW 17.21.030 and 17.21.100. 90-22-022 (Order 2057), § 16-228-190, filed 10/30/90, effective 11/30/90. Statutory Authority: Chapters 17.21 and 15.58 RCW. 90-11-024, § 16-228-190, filed 5/9/90, effective 6/9/90; 88-14-074 (Order 1981), § 16-228-190, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-190, filed 4/10/84; Order 1538, § 16-228-190, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-190, filed 5/14/76. Formerly chapter 16-222 WAC.]

WAC 16-228-195 Compliance with federal requirements. All pilots and aircraft, used for or engaged in the commercial application of pesticides shall comply fully with the appropriate rules and regulations of the Federal Aviation Administration.

[Order 1470, § 16-228-195, filed 5/14/76.]

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

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

(b) Address of insured

(c) Policy number

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

(e) Effective period

(f) Amount of insurance. Minimum requirements are:

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

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

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

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

(h) Acknowledgement of provisions for ten days' prior written notice of cancellation or reduction of the insurance coverage.

(2) The department may waive the requirements of this section, wholly or in part, if a properly executed surety bond in a form prescribed by the director is offered as evidence of financial responsibility, as provided for in RCW 17.21.160 and 17.21.170.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-210, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-210, filed 4/10/84; Order 1470, § 16-228-210, filed 5/14/76.]

WAC 16-228-213 Requirements on placement of commercial applicator apparatus license plates and windshield identification. (1) Apparatus license plates, as provided for in chapter 17.21 RCW, shall be attached to and prominently displayed on the apparatus for which they have been issued: *Provided*, That an apparatus license plate may be affixed to a vehicle which contains the particular apparatus. Attached plates shall be clearly visible and in a location easily accessible for inspection by the department.

(2) Each vehicle involved in the operations of a certified commercial ground application business, which does not prominently display a department issued apparatus license

plate on its exterior or on the specific apparatus when that apparatus is exteriorly visible, shall be required to have a department issued sticker affixed to the lower left side of the windshield.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-213, filed 11/30/89, effective 12/31/89.]

WAC 16-228-214 Apparatus display signs. (1) A certified applicator making a landscape application shall display the name and telephone number of the applicator or applicator's employer on any power equipment.

(2) A certified applicator making a right of way application shall display the name and telephone number of the applicator or the applicator's employer and the words "VEGETATION MANAGEMENT APPLICATION."

(3) Apparatus display signs shall be attached to and prominently displayed on the application apparatus and shall be clearly visible.

(4) Lettering of the apparatus display signs shall be, at a minimum, two inches in height and shall be printed in color contrasting to the background.

[Statutory Authority: Chapter 17.21 RCW. 92-15-001, § 16-228-214, filed 7/1/92, effective 8/1/92.]

WAC 16-228-215 Application fee and FAA certificate. (1) An applicant shall complete the application form for a pesticide license and pay the required license application fee prior to being given pesticide examinations, unless prior arrangements have been made.

(2) All applicants for an aerial applicators license shall comply with FAA certification requirements. The department may require a current copy of the FAA operating certificate prior to issuance of a license.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-215, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-215, filed 7/1/88; Order 1470, § 16-228-215, filed 5/14/76.]

WAC 16-228-220 Examination requirements. (1) An examination fee of ten dollars shall be paid prior to administration of any pesticide license examination at other than a regularly scheduled examination session. Scheduled exam sessions occur every Tuesday at the Olympia and Yakima pesticide management division offices. The department reserves the right to restrict the number of applicants examining at any given time.

(2) Any individual who fails any pesticide licensing examination twice shall be required to wait at least fourteen days before retaking that examination a third time. Subsequent testing shall be at the director's discretion.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-220, filed 11/30/89, effective 12/31/89; 88-14-074 (Order 1981), § 16-228-220, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-220, filed 4/10/84; Order 1470, § 16-228-220, filed 5/14/76.]

WAC 16-228-223 Ground maintenance on an occasional basis—Exempt from licensing requirements. Grounds maintenance persons are exempt from licensing requirements as a commercial pesticide applicator, as provided under chapter 17.21 RCW, only if they perform ground maintenance on an occasional basis not amounting to a regular occupation. Exempted persons shall only perform

pesticide applications to the grounds of residential dwellings and shall only use home and garden products.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-223, filed 11/30/89, effective 12/31/89.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) Thallium-containing compounds shall not be used for vertebrate control.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 89-24-029 (Order 2022), § 16-228-225, filed 11/30/89, effective 12/31/89; 84-09-011 (Order 1817), § 16-228-225, filed 4/10/84; Order 1538, § 16-228-225, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-225, filed 5/14/76. Formerly WAC 16-220-210.]

WAC 16-228-227 Tributyltin. (1) The distribution for use in Washington state of paint, stain, paint additives, or similar products containing any chemical form of tributyltin for use in interiors of inhabited structures (i.e., residences, office buildings, institutions, recreational vehicles, and retail stores) shall be prohibited: *Provided*, That this section shall not apply to specialty products, such as tile grout additives or cooling tower biocides.

(2) No tributyltin-containing paint, stain, paint additives, or similar products as specified in subsection (1) of this section may be registered for distribution unless its label clearly indicates that it shall not be used on interior surfaces of inhabited structures or that it shall be used on exterior surfaces only.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-227, filed 7/1/88.]



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

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

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

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

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

DANGER
FATAL POISON - RODENT BAIT
IN THIS AREA
 DO NOT TOUCH BAITS 
OR DEAD ANIMALS
Name, address, and phone number
of applicator

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

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

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

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

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

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

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

(d) A date is given for completion of the baiting operation (not more than thirty days duration) when the licensee

will service the bait boxes (if any) and determine if a renewal of the permit is necessary.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-230, filed 4/10/84; Order 1470, § 16-228-230, filed 5/14/76. Formerly WAC 16-220-215.]

WAC 16-228-232 Chemigation. After October 31, 1988, the following shall apply:

(1) No pesticide may be applied through an irrigation system, unless its registered label contains statement(s) specifically permitting this means of application: *Provided*, That applications of spray adjuvants are exempt from requirements of this section.

(2) Any person calibrating, loading, starting up, monitoring during application, or shutting down a chemigation system shall be knowledgeable about the system, and shall be under the direct supervision of a certified applicator.

(3) Any irrigation system used for chemigation shall contain the following functional equipment:

(a) A backflow prevention device or system in the water supply line, upstream from the point of pesticide introduction. Discharge of water into a reservoir tank prior to pesticide injection is acceptable: *Provided*, That there is an air gap between the outlet end of the fill pipe and the top (or overflow rim) of the reservoir tank of at least twice the inside diameter of the fill pipe;

(b) An automatic, quick-closing check valve in the pesticide injection pipeline to prevent the flow of liquid back toward the injection pump;

(c) A normally closed, solenoid-operated valve located on the intake side of the injection pump, connected with the system interlock to prevent fluid from being withdrawn from the supply tank during shutdown;

(d) An interlocking control to automatically shut off the injection pump when the water pump stops or when water pressure decreases to a point where pesticide distribution is affected; and

(e) A metering pump fitted into the system interlock specified in (d) of this subsection.

(4) The department may issue permits exempting specific irrigation systems or locations from requirements of subsection (3) of this section: *Provided*, That alternative technology is substituted which will adequately fulfill the function of each waived requirement. In evaluating a permit request, the department may consult qualified engineers and Washington State University personnel.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-232, filed 7/1/88.]

WAC 16-228-233 Investigative response time. Upon receipt of a verified report of loss as set forth in RCW 17.21.190, the department shall initiate an investigation. Investigation of a complaint concerning immediate acute pesticide exposure to humans or animals shall be initiated immediately. Other complaint investigations shall be initiated no later than forty-eight hours after receipt of the verified report of loss.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-24-029 (Order 2022), § 16-228-233, filed 11/30/89, effective 12/31/89.]

WAC 16-228-320 Heptachlor treated grain seed—

Definition. Any grain seed treated with heptachlorotetrahydro-4,7-methanoindene (heptachlor) is hereby declared to be a pesticide.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-090 (Order 1641), § 16-228-320, filed 6/29/79.]

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

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

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

(4) Heptachlor treated grain seed shall be exempt from the pesticide registration requirements of sections 15.58.050 and 15.58.130 of the Washington Pesticide Control Act chapter 15.58 RCW.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-090 (Order 1641), § 16-228-330, filed 6/29/79.]

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

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

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

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

(4) Citrus fruit and papayas:

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

(b) Edible pulp of whole fruit - not to exceed thirty parts per billion.

[Statutory Authority: Chapters 17.21 and 69.04 RCW. 84-12-034 (Order 1827), § 16-228-340, filed 5/30/84.]

WAC 16-228-400 Inspection and reporting criteria for complete wood destroying organism inspections. All persons licensed to conduct wood destroying organism inspections shall comply with the following criteria when performing complete wood destroying organism inspections.

(1) The inspector shall make a thorough inspection of accessible areas of the subject structure which are not excluded. The inspection shall be conducted by making a careful visual examination, and/or probing with inspection instruments.

(2) Substructural crawl areas shall be inspected when accessible.

(3) Upon completion of an inspection, a wood destroying organism report shall be issued to the person paying for and/or otherwise requesting the inspection. Such report shall include the following: *Provided*, That all diagrammatic representations may be omitted from the report provided to the person paying for or otherwise requesting the inspection, but shall be maintained on file pursuant to subsection (3)(k) of this section.

(a) Date of inspection;

(b) Name of seller/ owner and purchaser (when applicable);

(c) Street address of structure inspected. When there is more than one structure that may be used as a dwelling at a given street address it shall be clearly indicated which structure was inspected;

(d) Name of structural inspector and department pesticide license number;

(e) Substructural crawl areas which are not accessible due to inadequate clearance, or foundation walls/partitions, etc., which block access, shall be clearly indicated on the complete wood destroying organism inspection report including any diagram which is a part of that report. It shall be stated on the report that such areas may be vulnerable to attack by wood destroying organisms, and should be made accessible for inspection if feasible. In the event that it is neither feasible or necessary to make access into such areas, a statement indicating the reason(s) shall be included on the report;

(f) With the exception of areas within the living quarters of an occupied structure, all areas which are excluded from the inspection shall be clearly indicated on any complete wood destroying organism inspection report;

(g) Evidence of infestation of wood destroying organisms which shall include:

(i) Common name of the wood destroying organism(s). Termites shall be described as either dampwoods or subterranean. Wood boring beetles shall be described by the appropriate family name, i.e., anobiidae (deathwatch beetles). Buprestid and Cerambycid beetles shall not be described as "powder post beetles";

(ii) Statement describing specific evidence of infestation(s) observed;

(iii) If evidence of infestation(s) is observed only in wood which is not normally considered a part of the structure i.e., form boards, cellulose debris, roots, stumps, landscaping wood/ lumber, etc., the report shall so state;

(iv) Diagrammatic representation of areas infested sufficient to identify the approximate location of areas infested;

(h) Optional method of control. When infestations of dampwood termites or rot fungus are localized in a structure, or observed only in wood which is not normally considered a part of the structure, such as form boards, cellulose debris, roots, stumps, landscaping wood/lumber, it shall be stated in the report that such infestations may be eliminated by removal of all infested wood and correction of any contributing conducive conditions;

(i) Damage caused by wood destroying organisms:

(i) A statement describing any damage which was observed in accessible areas of the structure which were not excluded from the inspection.

(ii) A diagrammatic representation indicating such areas of damage;

(j) Conducive conditions for an infestation of wood destroying organisms. Written statements and diagrammatic representation of the following shall be provided:

(i) Inadequate clearance: Where there is less than eighteen inches clear space between the bottom of floor joists and the unimproved ground area in any crawl space or portion thereof.

(ii) Earth-wood contact: Where wood of the structure is in direct contact with the soil. This does not include wood that has been treated for direct soil contact.

(iii) Cellulose debris: Where wood by-product material can be raked or is larger than can be raked, or where any stumps, roots, form boards, etc., are on the ground of a crawl space.

(iv) Excess moisture: Where there is standing water or evidence of seasonal standing water in crawl space or basement. Plumbing and other moisture leaks.

(v) Inadequate ventilation: Where there is detectable excessive moisture content in the wood of a substructure, and/or an active infestation of wood destroying organisms which can be attributed to the lack of sufficient ventilation in the substructure;

(k) A record of the complete wood destroying organism inspection report shall be maintained on file by the structural inspector or employer for a period of seven years. Such record shall be made available to the department upon request.

[Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-400, filed 3/17/92, effective 4/17/92.]

WAC 16-228-410 Inspection and report prerequisite to wood destroying organism treatment. All persons licensed to conduct wood destroying organism inspections shall conduct either a limited or complete wood destroying organism inspection prior to treatment.

(1) A limited or complete wood destroying organism inspection shall be conducted and a report issued to the person paying for and/or otherwise requesting the inspection prior to the contracting of any treatment for wood destroying organisms, except when the treatment is for preventative purposes only. In situations when treatment is for preventative purposes, the person requesting treatment shall provide the following preauthorization:

I have requested that perform a preventative treatment for control of on the structure located at I acknowledge that this preventative treatment may be performed without inspection.

.....
Signed (property owner or custodian)

(2) A limited or complete wood destroying organism inspection report or treatment preauthorization form shall accompany or be included within any proposal/estimate for treatment of wood destroying organisms.

(3) When no evidence of infestation is observed, and any proposed treatment is for preventative purposes only, a limited or complete wood destroying organism inspection report shall include:

(a) A statement describing that no evidence of infestation was observed, and the treatment proposed is for preventative purposes only. Such statement shall stand out by having larger print than the main body of the report, or by being highlighted or underlined.

(b) The initials of the person, or representative thereof, that requested the inspection shall be inscribed directly under or adjacent to the statement as described in (a) of this subsection. Such initials shall be obtained prior to the commencement of any preventative treatment.

(4) Treatment performed for wood destroying organisms under an existing warranty shall not require the preparation of a limited or complete wood destroying organism inspection report.

[Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-410, filed 3/17/92, effective 4/17/92.]

WAC 16-228-420 Limited wood destroying organism inspections. A limited wood destroying organism inspection shall not be construed as a complete wood destroying organism inspection. In no case shall a limited wood destroying organism inspection report be submitted in lieu of a complete wood destroying organism inspection report to a lending institution, title company, real estate office or agent, or other person, when a complete wood destroying organism inspection has been requested for the purpose of verifying that a structure is free of visible evidence of wood destroying organisms, their damage, or conducive conditions.

[Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-420, filed 3/17/92, effective 4/17/92.]

WAC 16-228-430 Reporting criteria for limited wood destroying organism inspections. All persons licensed to conduct wood destroying organism inspections shall comply with the following criteria when performing a limited wood destroying organism inspection.

(1) A limited wood destroying organism inspection report shall include the following: *Provided*, That all diagrammatic representations may be omitted from the report provided to the person paying for or otherwise requesting the inspection, but shall be maintained on file pursuant to subsection (2) of this section:

(a) Date of inspection;

(b) Name of person or agency requesting the inspection, proposal, or estimate;

(c) Address of structure inspected;
 (d) Name of structural inspector and WSDA license number;

(e) A statement describing specific evidence of infestation(s) observed;

(f) If evidence of infestation(s) is observed only in wood which is not normally considered a part of the structure, i.e., form boards, cellulose debris, roots, stumps, landscaping wood/ lumber, etc., the report shall so state;

(g) Common name of wood destroying organisms. Termites shall be described as either dampwoods or subterraneans. Wood boring beetles shall be described by the appropriate family name, i.e., anobiidae (deathwatch beetles). Buprestid and Cerambycid beetles shall not be described as "powder post beetles";

(h) A diagrammatic representation of area of infestation sufficient to identify the appropriate location of areas infested: *Provided*, That a diagram shall not be necessary when the homeowner/caretaker presents an insect and/or wood sample to the inspector, and this is the only evidence of infestation(s) observed;

(i) Optional method of control: When infestations of dampwood termites or rot fungus are localized in a structure, or observed only in wood which is not normally considered a part of the structure, such as form boards, cellulose debris, roots, stumps, landscaping wood/lumber, it shall be stated in the report that such infestations may be eliminated by removal of all infested wood and correction of any contributing conducive conditions.

(2) A record of the limited wood destroying organism inspection report shall be maintained on file by the structural inspector or employer for a period of one year. Such records shall be made available to the department upon request.

[Statutory Authority: Chapter 15.58 RCW and RCW 15.58.150. 92-07-084, § 16-228-430, filed 3/17/92, effective 4/17/92.]

WAC 16-228-600 Use of pesticides on small seeded vegetable seed crops and seed alfalfa. (1) For purposes of pesticide registration, the following crops, when grown to produce seed specifically for crop reproduction purposes, are considered nonfood and nonfeed sites of pesticide use:

| Common Name | Synonyms |
|------------------|---|
| alfalfa | |
| arugula | Mediterranean salad, rucola, roquette, Ghargir |
| beet | |
| broccoli raab | Rapani, Choy Sum, Chinese flowering cabbage |
| Brussels sprouts | |
| cabbage | |
| carrot | |
| cauliflower | |
| Chinese cabbage | Pe-tsai |
| Chinese kale | Chinese broccoli |
| Chinese mustard | Pak Choi (Choy), Bok Choi (Choy) Taisai, celery mustard, spoon cabbage |
| collard | |

| | |
|----------------------------|--------------|
| coriander | cilantro |
| dill | |
| endive | |
| kale | bore kale |
| kohlrabi | |
| leek | |
| lettuce | |
| mustard | |
| onion (bulb) | |
| onion (bunching) | |
| parsley | |
| parsnip | |
| radish (other than daikon) | |
| rape | |
| rutabaga | |
| spinach | |
| spinach mustard | |
| swiss chard | spinach beet |
| turnip | |

(2) For the seed crops listed in subsection (1) of this section, the following conditions shall be met:

(a) All seed screenings shall be disposed of in such a way that they cannot be distributed or used for food or feed. The seed conditioner shall keep records of screening disposal for three years from the date of disposal and shall furnish the records to the director forthwith upon request. Disposal records shall consist of documentation from a controlled dump site, incinerator, or other equivalent disposal site and shall show the lot numbers, amount of material disposed of, its grower(s), and the date of disposal.

(b) No portion of the seed plant, including but not limited to green chop, hay, pellets, meal, whole seed, cracked seed, roots, bulbs, leaves and seed screenings may be used or distributed for food or feed purposes.

(c) All seed from the crops listed in subsection (1) of this section grown or conditioned in this state shall bear a tag or container label which forbids use of the seed for human consumption or animal feed.

(d) No seed from the crops listed in subsection (1) of this section grown or conditioned in this state may be distributed for human consumption or animal feed.

(3) Violation of any condition listed in subsection (2) of this section is declared to be a violation of chapters 17.21 and 15.58 RCW.

(4) Any seed crop certified under provisions of RCW 15.86.070, the Organic Food Products Act, shall be exempt from the requirements of this section.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 95-01-019 (Order 5064), § 16-228-600, filed 12/9/94, effective 1/9/95; 88-21-098 (Order 1989), § 16-228-600, filed 10/19/88.]

WAC 16-228-650 Declaration of an agricultural emergency. (1) The director may declare the existence of circumstances causing an agricultural emergency on a particular establishment or establishments.

(2) The director may declare an agricultural emergency based on the reasonably expected certainty of circumstances occurring based on weather or other forecasts that would create conditions that would normally be anticipated to cause an agricultural emergency.

(3) The agricultural employer may determine if the establishment under his/her control is subject to the agricultural emergency declared by the director.

(4) Emergency repair of equipment that is in use and sited within a pesticide treated area under a restricted-entry interval, such as frost protection devices, shall be considered to be an agricultural emergency. The conditions in WAC 16-228-655 shall be met.

(5) Activities that require immediate response such as fire suppression, relocation of greenhouse plants due to power failure, and similar conditions, shall be considered to be agricultural emergencies. The conditions in WAC 16-228-655 shall be met.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 95-01-077 (Order 5060), § 16-228-650, filed 12/16/94, effective 1/16/95.]

WAC 16-228-655 Agricultural activities permitted under an agricultural emergency. (1) A worker may enter a pesticide treated area under a restricted-entry interval in an agricultural emergency to perform tasks, including hand labor tasks, necessary to mitigate the effects of the agricultural emergency if the agricultural employer assures that all the following requirements are met:

(a) No entry is permitted for the first four hours after the pesticide application or the minimum reentry interval allowed by EPA for that product, whichever is less;

(b) The personal protective equipment specified on the product labeling for early entry is provided to the worker;

(c) The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early entry, and any other labeling requirements related to safe use;

(d) The agricultural employer shall assure that the worker wears the proper PPE and that the PPE is in operable condition and that the worker has been trained in its proper use.

(e) The agricultural employer shall assure that measures have been taken, when appropriate, to prevent heat-related illness.

(f) A decontamination site has been provided in accordance with EPA regulations.

(g) The agricultural employer shall not allow or direct any worker to wear home or take home personal protective equipment contaminated with pesticides.

(2) If the agricultural emergency is due to equipment failure, then the agricultural employer shall assure that all the requirements in subsection (1) of this section are met plus the following additional requirement. The only permitted activity until the restricted-entry interval has elapsed is equipment repair that would mitigate the effect of the equipment failure.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 95-01-077 (Order 5060), § 16-228-655, filed 12/16/94, effective 1/16/95.]

WAC 16-228-660 Record keeping required for agricultural emergencies. (1) If the employer declares that his/her establishment is affected by an agricultural emergen-

cy and that activities regulated by the Worker Protection Standard have been performed, the employer shall keep the following records for seven years from the date of the agricultural emergency:

(a) Date of the agricultural emergency;

(b) Time of the agricultural emergency, start and end;

(c) Reason for the agricultural emergency, such as frost, fire, equipment failure, etc.;

(d) Crop/site;

(e) Pesticide(s) - name, EPA number, REI;

(f) Name, date, time of entry and exit of early-entry person(s);

(g) Estimated potential of economic loss which would have occurred had no early-entry been allowed.

(2) Records shall be completed within twenty-four hours of the early-entry exposure and be available to the department and/or department of health and/or medical facility or treating physician if requested by the above or the employee.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 95-01-077 (Order 5060), § 16-228-660, filed 12/16/94, effective 1/16/95.]

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 administrative 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) | UNKNOWINGLY | | | KNOWINGLY | | |
|---------------------|-------------------|-------------------|---|--------------------|--------------------|---|----------------------|
| | | MINIMUM | MEDIAN | MAXIMUM | MINIMUM | MEDIAN | MAXIMUM |
| First | la. Not probable | \$100 1 day | \$200 and 13 days SUSPENSION | \$300 15 days | \$200 3 days | \$300 and 15 days SUSPENSION | \$400 7 days |
| | lb. Probable | \$150 1 day | \$250 and 13 days SUSPENSION | \$350 15 days | \$250 3 days | \$350 5 days | \$450 7 days |
| Second | la. Not probable | \$200 3 days | \$300 and 15 days SUSPENSION | \$400 17 days | \$300 5 days | \$400 and 7 days SUSPENSION | \$500 9 days |
| | lb. Probable | \$300 3 days | \$350 and 15 days SUSPENSION | \$450 17 days | \$350 5 days | \$450 and 7 days SUSPENSION | \$550 9 days |
| Third | la. Not probable | \$400 10 days | \$700 and 115 days SUSPENSION | \$1000 120 days | \$500 10 days | \$1000 and 120 days SUSPENSION | \$1500 130 days |
| | lb. Probable | \$500 10 days | \$1000 and 115 days SUSPENSION | \$1500 120 days | \$600 10 days | \$1300 and 120 days SUSPENSION | \$2000 130 days |
| Fourth | la. Not probable | \$600 115 days | \$1000 and 120 days SUSPENSION | \$3000 125 days | \$700 120 days | \$2100 and 130 days SUSPENSION | \$3500 140 days |
| | lb. Probable | \$700 120 days | \$2100 and 130 days SUSPENSION | \$3500 140 days | \$800 130 days | \$2400 and 140 days SUSPENSION | \$4000 150 days |
| Fifth or More | la. Not probable | \$800 120 days | \$3400 and 140 days SUSPENSION | \$6000 160 days | \$900 150 days | \$3700 and 160 days SUSPENSION | \$6500 170 days |
| | lb. Probable | \$900 150 days | \$3700 and 160 days SUSPENSION | \$6500 170 days | \$1000 150 days | \$4250 and 170 days SUSPENSION | \$7500 190 days |
| | | | OR | | | | 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) | UNKNOWINGLY | | | KNOWINGLY | | |
|-----------------------|-------------------|------------------|------------------------|-----------------|-----------------|------------------------|-----------------|
| | | MINIMUM | MEDIAN | MAXIMUM | MINIMUM | MEDIAN | MAXIMUM |
| IFirst | 1a. Not probable | \$100 1 day | \$150 and 2 days | \$200 3 days | \$150 2 days | \$200 and 3 days | \$250 4 days |
| | | SUSPENSION | | | SUSPENSION | | |
| | 1b. Probable | \$150 1 day | \$200 and 3 days | \$250 3 days | \$200 2 days | \$250 and 3 days | \$300 4 days |
| | | SUSPENSION | | | SUSPENSION | | |
| ISecond | 1a. Not probable | \$200 12 days | \$250 and 3 days | \$300 4 days | \$250 3 days | \$300 and 4 days | \$350 5 days |
| | | SUSPENSION | | | SUSPENSION | | |
| | 1b. Probable | \$250 2 days | \$300 and 3 days | \$350 4 days | \$300 3 days | \$350 and 4 days | \$400 5 days |
| | | SUSPENSION | | | SUSPENSION | | |
| IThird | 1a. Not probable | \$300 3 days | \$350 and 4 days | \$400 5 days | \$350 4 days | \$400 and 5 days | \$450 6 days |
| | | SUSPENSION | | | SUSPENSION | | |
| | 1b. Probable | \$350 3 days | \$400 and 4 days | \$450 5 days | \$400 4 days | \$450 and 5 days | \$500 6 days |
| | | SUSPENSION | | | SUSPENSION | | |
| IFourth | 1a. Not probable | \$400 4 days | \$450 and 5 days | \$500 6 days | \$450 5 days | \$500 and 6 days | \$550 7 days |
| | | SUSPENSION | | | SUSPENSION | | |
| | 1b. Probable | \$450 4 days | \$500 and 5 days | \$550 6 days | \$500 5 days | \$550 and 6 days | \$600 7 days |
| | | SUSPENSION | | | SUSPENSION | | |
| IFifth or IMore | 1a. Not probable | \$500 5 days | \$550 and 6 days | \$600 7 days | \$550 6 days | \$600 and 7 days | \$650 8 days |
| | | SUSPENSION | | | SUSPENSION | | |
| | 1b. Probable | \$550 5 days | \$600 and 6 days | \$650 7 days | \$600 6 days | \$650 and 7 days | \$750 8 days |
| | | SUSPENSION | | | SUSPENSION | | |

[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

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**PART 1
GENERAL PROVISIONS**

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.]

**PART 2
PERMANENT STORAGE FACILITIES**

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.]

**PART 3
PERMANENT MIXING/LOADING SITES**

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

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- 16-230-673 Restricted use herbicides—Eastern Washington—Application through irrigation systems.
- 16-230-675 Restricted use herbicides—Eastern Washington—Minimum nozzle orifice and core plate sizes for aircraft application.
- 16-230-800 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Area under order.
- 16-230-810 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Restricted use pesticides.
- 16-230-813 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Oil-type carriers.
- 16-230-815 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Paraquat and diquat.
- 16-230-820 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Sulfonylurea herbicides.
- 16-230-825 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Permits.
- 16-230-830 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Emergency clause.
- 16-230-835 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Area 1.

- 16-230-840 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Area 2.
- 16-230-845 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Area 3.
- 16-230-850 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Area 4.
- 16-230-855 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Area 5.
- 16-230-860 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Area 6.
- 16-230-861 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Wind conditions.
- 16-230-862 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Area 1A.
- 16-230-863 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Restricted use herbicides ground apparatus nozzle requirements.
- 16-230-864 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Restricted use herbicides, aircraft boom length, pressure, and nozzle requirements.
- 16-230-866 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Restricted use herbicides—Temperature conditions.
- 16-230-868 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Restricted use herbicide weather conditions.
- 16-230-870 Other rules.
- 16-230-080 Regulation 7, filed 4/17/62.] Omitted from Orders 945 and 980 which superseded Orders 916 and 887. Time of sunrise and sunset. [Order 1041, Regulation 10, filed 2/15/67, effective 3/20/67; Order 980 (part), filed 4/6/65; Order 945 (part), filed 3/30/64; Order 916 (part), filed 4/22/63; Order 887, Regulation 7, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-230-085 Aircraft carrying restricted use pesticides—Permission required. [Order 1041, Regulation 11, filed 2/15/67, effective 3/20/67.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-230-090 Restrictions in certain areas. [Order 1041, Regulation 12, filed 2/15/67, effective 3/20/67.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-230-100 Regulations pertaining to the collection of special program fees on sales of 2,4-D—Promulgation. [Order 1424, § 16-230-100, filed 10/2/75.] Repealed by 84-09-013, (Order 1819), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-230-101 Promulgation. [Order 1469, § 16-230-101, filed 5/14/76.] Repealed by 84-09-013, (Order 1819), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-230-110 Regulations pertaining to the collection of special program fees on sales of 2,4-D—Definitions. [Order 1469, § 16-230-110, filed 5/14/76; Order 1424, Regulation 1 (codified as WAC 16-230-110), filed 10/2/75.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-230-115 Procedure for collecting special program fees. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-016 (Order 1637), § 16-230-115, filed 6/12/79; 78-06-076 (Order 1576), § 16-230-115, filed 5/31/78; Order 1534, § 16-230-115, filed 7/1/77; Order 1469, § 16-230-115, filed 5/14/76; Order 1424, Regulation 2 (codified as WAC 16-230-115), filed 10/2/75.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-230-120 Procedure for submitting reports. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-016 (Order 1637), § 16-230-120, filed 6/12/79; 78-06-076 (Order 1576), § 16-230-120, filed 5/31/78; Order 1534, § 16-230-120, filed 7/1/77; Order 1469, § 16-230-120, filed 5/14/76; Order 1424, Regulation 3 (codified as WAC 16-230-120), filed 10/2/75.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-230-200 Walla Walla County Area 2. [Order 1545, § 16-230-200, filed 11/30/77.] Repealed by 79-02-046 (Order 1591), filed 1/29/79. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 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 Supersedure. [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.
- 16-230-475 Restricted use herbicides—Distribution, use, and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-230-475, filed 4/12/88.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-230-805 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Recordkeeping. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-16-073 (Order 2014), § 16-230-805, filed 7/31/89, effective 8/31/89.] Repealed by 90-14-034 (Order 2046), filed 6/29/90, effective 7/30/90. Statutory Authority: Chapters 17.21 and 15.58 RCW.

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

- 16-230-001 Promulgation. [Order 1041, Promulgation, filed 2/15/67, effective 3/20/67; Order 980, Promulgation, filed 4/6/65; Order 945, filed 3/30/64; Order 916, filed 4/22/63; Order 887, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-230-020 Nonuse on blossoming alfalfa and clover crops. [Order 1041, Regulation 4, filed 2/15/67, effective 3/20/67; Order 980, Regulation 4, filed 4/6/65; Order 945, Regulation 4, filed 3/30/64; Order 916, Regulation 2, filed 4/22/63; Order 887, Regulation 2, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-230-040 Spray chemicals—Time when. [Order 1041, Regulation 6, filed 2/15/67, effective 3/20/67; Order 980, Regulation 6, filed 4/6/65; Order 945, Regulation 6, filed 3/30/64; Order 916, Regulation 4, filed 4/22/63; Order 887, Regulation 4, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-230-050 Endrin spray or dust—Time when. [Order 1041, Regulation 7, filed 2/15/67, effective 3/20/67; Order 980, Regulation 7, filed 4/6/65; Order 945, Regulation 7, filed 3/30/64; Order 916, Regulation 5, filed 4/22/63; Order 887, Regulation 5, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-230-060 Dieldrin Sevin—Spray or dust—Time when. [Order 1041, Regulation 8, filed 2/15/67, effective 3/20/67; Order 980, Regulation 8, filed 4/6/65; Order 945, Regulation 8, filed 3/30/64; Order 916, Regulation 6, filed 4/22/63; Order 887, Regulation 6, filed 4/17/62.] Repealed by 84-09-012 (Order 1818), filed 4/10/84. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-230-070 Parathion, metacide and methyl parathion—Use when. [Order 916, Regulation 7, filed 4/22/63; Order 887,

16-230-865 Other rules. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 90-14-034 (Order 2046), § 16-230-865, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-865, filed 7/31/89, effective 8/31/89.] Repealed by 92-13-035, filed 6/10/92, effective 7/11/92. Statutory Authority: Chapters 17.21 and 15.58 RCW.

WAC 16-230-010 Restricted use pesticides on blossoming alfalfa, clover and mint—Area under order.

(1) The following agricultural pesticides are declared to be restricted use pesticides in all counties of the state of Washington:

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

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

(2) Area under order. All counties of the state of Washington.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-010, filed 10/19/88; 84-09-012 (Order 1818), § 16-230-010, filed 4/10/84; Order 1041, Regulations 2 and 3, filed 2/15/67, effective 3/20/67; Order 980, Regulations 2 and 3, filed 2/30/64; Order 916, Regulation 1, filed 4/22/63; Order 887, Regulation 1, filed 4/17/62.]

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

(2) The time of sunrise and sunset shall be that of the official tables, U.S. Weather Bureau, Yakima, Washington.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-012 (Order 1818), § 16-230-015, filed 4/10/84; Order 1041, Regulation 1, filed 2/15/67, effective 3/20/67; Order 980, Regulation 1, filed 4/6/65; Order 945, Regulation 1, filed 3/30/64.]

WAC 16-230-030 Alfalfa and clover—Chemical restrictions.

(1) The use or application of any formulation (except where the formulation is specified) of the following listed pesticides shall be prohibited on blossoming alfalfa and clover crops within seven days to blossoming: *Provided*, That methidathion (Supracide) when used in Kittitas County on timothy hay mixed with alfalfa and/or clover shall only be prohibited within three days to blossoming. See WAC 16-230-076 and 16-230-078 for additional restrictions in certain areas of Walla Walla County.

- Azinphos-methyl (Guthion)
- Carbaryl (Sevin)
- Carbofuran (Furadan)
- Dimethoate (Cygon or Rebelate)
- Methidathion (Supracide)

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

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

- Carbaryl (Sevin) see number (1) above
- Diazinon
- Fenthion (Baytex)
- Malathion dust and ULV
- Methyl parathion
- Mevinphos (Phosdrin) dust
- Naled (Dibrom) dust
- Parathion
- Phosmet (Imidan)

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

- Carbophenothion (Trithion)
- Formetanate hydrochloride (Carzol)
- Demeton (Systox)

- (d) Naled (Dibrom) emulsifiable concentrate
- (e) Disulfoton (Di-Syston)
- (f) Endosulfan (Thiodan)
- (g) Oxydemeton-methyl (Metasystox-R)
- (h) Methomyl (Lannate or Nudrin)
- (i) Methoxychlor (Marlate)
- (j) Phorate (Thimet) granular
- (k) Trichlorfon (Dylox)
- (l) Oxamyl (Vydate)
- (m) Fluvalinate (Spur)

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-030, filed 10/19/88; 88-08-050 (Order 1971), § 16-230-030, filed 4/4/88; 84-09-012 (Order 1818), § 16-230-030, filed 4/10/84; Order 1041, Regulation 5, filed 2/15/67, effective 3/20/67; Order 980, Regulation 5, filed 4/6/65; Order 945, Regulation 5, filed 3/30/64; Order 916, Regulation 3, filed 4/22/63; Order 887, Regulation 3, filed 4/17/62.]

WAC 16-230-075 Blossoming mint—Chemical restrictions. The use or application of malathion dust on blossoming mint is prohibited. The use or application of malathion liquid, oxydemeton-methyl (Metasystox-R), and methomyl (Lannate or Nudrin) liquid on blossoming mint is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise the following morning. The use or application of any formulation of acephate (Orthene) on blossoming mint is restricted to applications only within the period beginning at two and one-half hours prior to sunset and ending at midnight of the same day.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-075, filed 10/19/88; 84-09-012 (Order 1818), § 16-230-075, filed 4/10/84; Order 1041, Regulation 9, filed 2/15/67, effective 3/20/67; Order 980, Regulation 9, filed 4/6/65; Order 945, Regulation 9, filed 3/30/64.]

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

(2) Area 1 restrictions. In addition to the restrictions in WAC 16-230-030, the use or application of azinphos-methyl (Guthion), carbofuran (Furadan), phosmet (Imidan), chlorpyrifos (Lorsban), and methidathion (Supracide) on alfalfa and clover crops, shall be prohibited after May 23 of each year, and the use or application of dimethoate (Cygon or Rebelate) on alfalfa and clover crops shall be prohibited after May 30 of each year.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-076, filed 10/19/88; 84-09-012 (Order 1818), § 16-230-076, filed 4/10/84.]

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

(2) Area 2 restrictions. In addition to the restrictions in WAC 16-230-030, the use or application of azinphos-methyl (Guthion), carbofuran (Furadan), phosmet (Imidan), chlorpyrifos (Lorsban), and methidathion (Supracide) on alfalfa and clover crops, shall be prohibited after May 30 of each year, and the use or application of dimethoate (Cygon or Rebelate) on alfalfa and clover crops shall be prohibited after June 6 of each year.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-078, filed 10/19/88; 84-09-012 (Order 1818), § 16-230-078, filed 4/10/84.]

WAC 16-230-079 Special permits. The department may issue a permit upon receipt of a written request to apply restricted use pesticides listed in WAC 16-230-010 in variation of any restrictions listed in WAC 16-230-015, 16-230-030, and 16-230-075 through 16-230-078. The department shall consider the hazard to pollinating insects before a permit is issued.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-08-050 (Order 1971), § 16-230-079, filed 4/4/88.]

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

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

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

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

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

WAC 16-230-084 Areas 1 and 2. (1) Area 1 description - Yakima County. This area includes all of the irrigable lands encompassed by a line beginning at the southwest corner of Section 18, T8N, R21E; thence north nine miles more or less to the southeast corner of Section 36, T10N, R20E; thence fifteen miles west more or less to

the southwest corner of Section 34, T10N, R18E; thence north fifteen miles more or less to the northwest corner of Section 22, T12N, R18E; thence east four miles more or less to the Northern Pacific Railroad tracks; thence following the tracks southeast to the Oldenway Road; thence north along the Oldenway Road and section lines to the Yakima River; thence southeast along the Yakima River to Highway 22 north of Toppenish; thence north along Highway 22 to Highway 12 at Buena; thence southeasterly along Highway 12 to the southern section line of Section 31, T11N, R21E; thence south one-quarter mile more or less to the Yakima River; thence southeast along the Yakima River to the Sunnyside-Mabton Road; thence south one mile to the Boundary Road; thence southwest along the Boundary Road and the Yakima Indian reservation boundary to the northern section line of Section 22, T8N, R22E; thence west nine miles more or less to the point of beginning.

(2) Area 2 description - Franklin, Adams and Grant counties. This area includes all of the irrigable lands encompassed by a line beginning at Highway 12 and the Columbia River; thence north and west following the river the length of Franklin County and into Grant County to the junction of Grant-Douglas County line; thence north on Grant-Douglas County line to the fifth standard parallel north; thence east twenty-five miles more or less to Highway 17; thence southeast seventeen miles more or less on Highway 17 to Highway 90; thence east twelve miles more or less to Grant-Adams County line; thence south on county line twelve miles more or less to the southeast corner of Section 36, T17N, R30E (southeast corner of Grant County); thence south twelve miles more or less (in Adams County) along east boundary of Section 1, 12, 13, 24, 25, 36, T16N, R30E; thence south along east boundary of Sections 1, 12, 13, 24, 25, 36, T15N, R30E continuing south into Franklin County along east boundary of Section 1 and 12, T14N, R30E to southeast corner of said Section 12; thence west one mile to Highway 17 (Franklin County); thence south on Highway 17 seventeen miles more or less to junction with Highway 395; thence south on Highway 395 fifteen miles more or less to Highway 12; thence west and south four miles more or less to Columbia River to the point of beginning.

(3) Area 1 and 2 restrictions.

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

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

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

(d) On and after September 1 to October 1 of any given year, application of diazinon, fenvalerate (Pydrin), endosulfan (Thiodan), Sevin XLR, methomyl (Lannate or

Nudrin), malathion liquid, and permethrin (Ambush or Pounce) on pollen shedding corn is prohibited between the hours of 10:00 a.m. and 4:00 p.m.

(e) The application of microencapsulated methyl parathion shall be prohibited on all pollen shedding corn when properly marked honey bee apiaries occur within a six-mile radius of the pollen shedding corn to be treated.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-013 (Order 1819), § 16-230-084, filed 4/10/84.]

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

(2) Area 3 restriction. This area is unrestricted as to the use of carbaryl (Sevin), diazinon, endosulfan (Thiodan), fenvalerate (Pydrin), malathion, methomyl (Lannate or Nudrin), methyl parathion, parathion, and permethrin (Ambush or Pounce) on pollen shedding corn: *Provided*, That the application of microencapsulated methyl parathion shall be prohibited on all pollen shedding corn when properly marked honey bee apiaries occur within a six-mile radius of the pollen shedding corn to be treated.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-013 (Order 1819), § 16-230-086, filed 4/10/84.]

WAC 16-230-088 Permit. Upon receipt of a written request and justification for a variance, the director of the Washington state department of agriculture may issue a permit granting a variance from restrictions pertaining to pollen shedding corn.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-013 (Order 1819), § 16-230-088, filed 4/10/84.]

WAC 16-230-150 Area under order—Restricted use desiccants and defoliants. (1) Area under order: All counties located east of the crest of the Cascade Mountains.

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

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

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

WAC 16-230-160 Desiccants and defoliants—Ground equipment—Nozzle and pressure requirements for the entire area under order. The following require-

ments apply to the entire area under order as listed in WAC 16-230-150:

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

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

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

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

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

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

(1) Boom length restrictions:

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

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

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

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

(a) Fixed wing:

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

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

(b) Helicopter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WAC 16-230-190 Restrictions on the use of desiccants and defoliant in Walla Walla County. The following restrictions shall apply in Walla Walla County:

(1) Area 1 description - town of Walla Walla and vicinity: This area includes all lands lying within the town of Walla Walla and vicinity beginning at the Washington-Oregon border and the west section line of Section 15, T6N, R34E; thence north along section lines and McDonald Road approximately seven miles to the southwest corner of Section 3, T7N, R36E; thence east along section lines approximately twenty miles to the southeast corner of Section 1, T7N, R37E; thence south approximately seven miles to the Washington-Oregon border; thence west approximately fifteen miles to point of beginning.

(2) Area 1 restrictions:

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

(3) Area 2 description - southern portion of Walla Walla County: This area includes all lands lying within an area encompassed by a line beginning at the Washington-Oregon border and the west section line of Section 18, T6N, R33E; thence north along section lines approximately eight miles to the northwest corner of Section 7, T7N, R33E; thence west along section lines approximately nine miles to the southeast corner of Section 4, T7N, R34E; thence south along section lines approximately eight miles to the Washington-Oregon border; thence west along the border approximately nine miles to the point of beginning.

(4) Area 2 restrictions:

(a) Paraquat restrictions:

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

(b) Diquat restrictions:

During the period of February 15 through November 1 of any year, any application of Diquat or any mixture containing Diquat is hereby restricted to ground apparatus only.

[Statutory Authority: RCW 17.21.030 (b)(c) and 15.58.040(h). 95-14-093 (Order 5071), § 16-230-190, filed 6/30/95, effective 7/31/95. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-08-058 (Order 2081), § 16-230-190, filed 4/2/91, effective 5/3/91; 87-15-001 (Order 1938), § 16-230-190, filed 7/2/87; 85-17-066 (Order 1871), § 16-230-190, filed 8/21/85; 85-12-012 (Order 1858), § 16-230-190, filed 5/24/85; 80-05-005 (Order 1682), § 16-230-190, filed 4/4/80; 79-05-043 (Order 1598), § 16-230-190, filed 4/26/79; 79-02-046 (Order 1591), § 16-230-190, filed 1/29/79; Order 1545, § 16-230-190, filed 11/30/77.]

WAC 16-230-250 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 16-230-281 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 16-230-400 Restricted use herbicides—Spokane County—Area under order. (1) The area under order shall include all lands lying within the borders of Spokane County. WAC 16-230-410 through 16-230-470 shall apply to the area under order.

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

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

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

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

WAC 16-230-420 Area 2. (1) This area includes all lands lying within a boundary line starting at the intersection of state Highway 2 and Christianson Road; thence north two miles more or less to the northwest corner of Section 17, T25N, R41E; thence east five miles more or less to Hayford Road; thence north eight miles more or less to the northwest corner of Section 6, T26N, R41E; thence east ten miles more or less to the northeast corner of Section 3, T26N, R43E; thence south five miles more or less to the northeast corner of Section 34, T26N, R43E; thence east fourteen miles more or less to the Idaho-Washington border; thence south seven miles more or less to the common boundary line between T24N and 25N; thence west six miles more or less to Chapman Road; thence south one mile more or less along Chapman Road to the common boundary line between Sections 1 and 12, T24N, R44E; thence east thirteen miles more or less to the Cheney-Spokane Road; thence southwesterly along the Cheney-Spokane Road two miles more or less to the common boundary line between Sections 14 and 15, T24N, R42E; thence south one and one-half miles more or less to the southeast corner of Section 22, T24N, R42E; thence west one and one-half miles more or less to the Cheney-Spokane Highway; thence southerly one mile more or less along the Cheney-Spokane Highway to the common boundary line between Section 28 and 33, T24N, R42E; thence east six miles more or less to Interstate 90; thence southerly three miles more or less to the intersection of Interstate 90 and Salnave Road; thence northwesterly along the Salnave Road three miles more or less to its intersection with the Medical Lake-Tyler Road; thence north four miles more or less to the intersection of Hallet and Richey Road; thence east one mile more or less along Hallet Road to the intersection of Hallet Road and Brooks Road; thence north three miles more or less on Brooks Road to the intersection of Brooks Road and Highway 2; thence east one mile more or less along Highway 2 to the point of beginning.

(2) Area 2 restrictions.

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

(b) For roadside and right-of-way application drift reduction type systems such as directo-spray, raindrop or invert systems must be used.

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

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

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

(f) Restricted use herbicides shall not be applied on or after May 1 through October 15 when the temperature is 85° or above at the point of application.

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

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-039 (Order 1678), § 16-230-420, filed 2/20/80; 79-01-038 (Order 1585), § 16-230-420, filed 12/20/78.]

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

(2) Area 3 restrictions[.]

(a) The aerial application of restricted use herbicides is prohibited within Area 3: *Provided*, That the department, upon written request, may issue a permit to allow aerial applications of nonvolatile formulations of restricted use herbicides up to one-half mile of the city limits of incorporated towns and cities and up to one-half mile of the center of any unincorporated towns comprised of ten or more inhabited[,] closely grouped residences.

(b) On and after May 1 through October 15, aerial applications shall be made using the danger area restrictions (see WAC 16-230-675).

(c) Ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

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

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-039 (Order 1678), § 16-230-430, filed 2/20/80; 79-01-038 (Order 1585), § 16-230-430, filed 12/20/78.]

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.

WAC 16-230-440 Restricted use herbicides—Spokane County—Area 4. (1) Area 4 description. All remaining lands in Spokane County not included in WAC 16-230-420 and 16-230-430.

(2) Area 4 restrictions.

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

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

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

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

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

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

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

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

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

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

WAC 16-230-510 Definition. Picloram means all registered pesticide products containing 4-amino-3,5,6-trichloropicolinic acid as the potassium salt. This formulation may be known as Tordon.

[Statutory Authority: Chapters 15.57 and 17.21 RCW. 79-07-091 (Order 1633), § 16-230-510, filed 6/29/79.]

WAC 16-230-520 Use and application. Picloram (Tordon) is hereby declared to be a restricted use pesticide and the use or application of any formulation of picloram shall be prohibited in the following portion of Spokane

County: An area beginning at the intersection of Brooks Road and state Highway 902; thence northerly along the Brooks Road four miles more or less to state Highway 2; thence easterly along state Highway 2 four miles more or less to the Craig Road; thence northerly on Craig Road for 1/2 mile more or less to the Airway Heights city limits; thence easterly one mile more or less along the north boundary of the Airway Heights city limits; thence southerly 1/2 mile more or less along the east boundary of the Airway Heights city limits to state Highway 2; thence easterly one mile along state Highway 2 to the Hayford Road; thence southerly three miles more or less along the Hayford Road to state Highway 902; thence westerly along state Highway 902 to the point of beginning.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 79-07-091 (Order 1633), § 16-230-520, filed 6/29/79.]

WAC 16-230-600 High volatile ester and dust formulations and area under order. (1) The distribution, use and application of all high volatile ester and dust formulations of restricted use herbicides shall be prohibited throughout the state.

(2) WAC 16-230-605 through 16-230-675 shall apply to all counties located east of the crest of the Cascade Mountains.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-600, filed 2/20/80.]

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

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

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

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

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

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

WAC 16-230-615 Restricted use herbicides—Eastern Washington—Sale and distribution. Liquid formulations of restricted use herbicides distributed in

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

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

WAC 16-230-620 Low volatile. The sale of low volatile formulations of restricted use herbicides in containers of less than one gallon is prohibited.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-620, filed 2/20/80.]

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

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

WAC 16-230-630 Storage. Restricted use herbicides shall not be stored in areas where their use is prohibited unless they are in a sealed container (tight screw-type bungs, tightly closed lids or packages), and the outside of the containers not contaminated with the restricted use herbicide.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-630, filed 2/20/80.]

WAC 16-230-635 Oil-type carriers, emulsifiers, and spreader stickers. Oil-type carriers, emulsifiers and spreader stickers may be used when not in excess of one pint per acre: *Provided*, That oil-type carriers in excess of one pint per acre may be used with invert systems: *Provided further*, That invert systems may be used on aircraft by written permit only.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-635, filed 2/20/80.]

WAC 16-230-640 Restricted use herbicides—Eastern Washington—Weather and temperature conditions. Restricted use herbicides shall not be applied on and after April 1 through October 31 of each year when there is a temperature inversion; or throughout the year if weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization, or the temperature is 85°F. or above at the point of application: *Provided*, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches shall be exempt from the 85°F. temperature cutoff requirement: *Provided further*, That when using the invert system,

applications may continue up to 95°F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-230-640, filed 2/12/88; 87-09-015 (Order 1923), § 16-230-640, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-640, filed 2/20/80.]

WAC 16-230-645 Restricted use herbicides—Eastern Washington—Evening cutoff. On and after May 1 through October 31 of each year, the application of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: *Provided*, That if there is a mean sustained legal wind velocity of not less than five miles per hour the application of restricted use herbicides shall be allowed in Areas 3 and 4 up to one hour prior to sunset in all counties as restricted by rule except Benton, Franklin, Yakima, and Walla Walla counties.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 87-09-015 (Order 1923), § 16-230-645, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-645, filed 2/20/80.]

WAC 16-230-650 Restricted use herbicides—Eastern Washington—Application permit. The Washington state department of agriculture may issue a permit, upon receipt of a written request, to mix, load and apply certain restricted use herbicides for purposes of critical weed control when such activities are restricted by rule. The director may consider recommendations of the 2,4-D committee for the county in question: *Provided*, That the 2,4-D committee is kept current for each county.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 87-09-015 (Order 1923), § 16-230-650, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-650, filed 2/20/80.]

WAC 16-230-655 Restricted use herbicides—Eastern Washington—Ground equipment pressure requirements. Pressure shall not exceed twenty-five pounds per square inch at the nozzles: *Provided*, That pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns, up to ninety pounds per square inch at the nozzle manifold for an invert system: *Provided further*, That when using a LP 8002 nozzle instead of a regular 8004 or equivalent, the maximum pressure shall be fifteen pounds per square inch at the nozzle.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-230-655, filed 2/12/88; 87-09-015 (Order 1923), § 16-230-655, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-655, filed 2/20/80.]

WAC 16-230-660 Turning and low flying of aircraft. Aircraft carrying restricted use herbicides are prohibited from turning and/or low flying during spraying operations over cities and towns unless authorized by the city or town in question pursuant to an agreement for pesticide applications; or residences, windbreaks, orchards or susceptible crops belonging to any person other than the owner of the property being treated, except by permission of the person whose residence, windbreak, orchard or susceptible crop is involved.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-041 (Order 1680), § 16-230-660, filed 2/20/80.]

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WAC 16-230-665 Restricted use herbicides—Eastern Washington—Aircraft restrictions near vineyards. Aerial application of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: *Provided*, That the Washington state department of agriculture may approve written requests and issue permit for aerial application of restricted use herbicides that may be applied to lands located one-half to one mile from commercial vineyards: *Provided further*, That no distance restrictions shall apply to aerial applications of restricted use herbicides near vineyards during the grape dormant season if written permission of the vineyard owner/manager is obtained. EXCEPTIONS are found in Franklin and Grant County restrictions.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-230-665, filed 9/1/87; 80-03-041 (Order 1680), § 16-230-665, filed 2/20/80.]

WAC 16-230-670 Restricted use herbicides—Eastern Washington—Aircraft boom length and pressure requirements. In all Areas 1 and 2, of all counties restricted by rule the working boom length on fixed wing aircraft shall not exceed 3/4 of the wing span and the working boom length on helicopters shall not exceed 6/7 of the total rotor length or 3/4 of the total rotor length where the rotor length exceeds forty feet.

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

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

WAC 16-230-673 Restricted use herbicides—Eastern Washington—Application through irrigation systems. Restricted use herbicides applied through irrigation systems shall be subject to the same requirements as ground applications of restricted use herbicides except for nozzle size and pressure requirements.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-230-673, filed 9/1/87.]

WAC 16-230-675 Restricted use herbicides—Eastern Washington—Minimum nozzle orifice and core plate sizes for aircraft application. Minimum nozzle orifice and core plate sizes shall be as listed in the dormant season, caution, warning, and danger area restrictions.

(1) DORMANT SEASON AREA. (Dormant season only - refer to specific county regulations.)

(a) Fixed wing -

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

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

(b) Helicopter -

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

(2) CAUTION AREA.

(a) Fixed wing -

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

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

(b) Helicopter -

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

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

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

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

(3) WARNING AREA

(a) Fixed wing -

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

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate in all counties under order except Franklin County and Benton County). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight: *Provided*, That RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used. Nozzles shall be directed downward and backward 170 degrees or more from direction of flight.

(iii) No flat fan nozzles shall be allowed.

(b) Helicopter -

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

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

(iii) No flat fan nozzles shall be allowed.

(4) DANGER AREA

(a) Fixed wing - minimum nozzle or

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

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter -

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

(ii) No flat fan nozzles shall be allowed.

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

WAC 16-230-800 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Area under order. The area under order shall include:

(1) All lands lying within the boundaries of Benton County; and

(2) Portions of Franklin and Walla Walla counties as follows: All lands lying within a boundary line beginning at the intersection of the Esquatzel Diversion Channel drain and the Columbia River thence east along the Esquatzel Channel to its intersection with Road 68; thence southeasterly approximately one mile along Road 68 to its intersection with Fraser Drive near the northeast corner of Section 24, T10N, R28E; thence south approximately one mile along Fraser Drive to its intersection with Selph Landing Road; thence east seven miles along Selph Landing Road to its intersection with Highway 395 near the northeast corner of Section 30, T10N, R30E; thence south two miles along Highway 395 to the southeast corner of Section 31, T10N, R30E; thence east three miles along section lines to the northeast corner of Section 3, T9N, R30E; thence south one mile along the section line to the southeast corner of Section 3, T9N, R30E; thence east seven miles along section lines and a portion of the Pasco-Kahlotus Road to its intersection with the Ice Harbor Dam Road at the northeast corner of Section 11, T9N, R31E; thence southerly approximately four miles along Ice Harbor Dam Road and Ice Harbor Drive to the west section line of Section 25, T9N, R31E; thence south approximately eleven miles along section lines to the Walla Walla River; thence west along the Walla Walla River to the Columbia River and the Walla Walla-Benton County line; thence northwesterly along the Walla Walla-Benton County line to the Benton-Franklin County line; thence northwesterly along the Benton-Franklin County line and the Columbia River to the point of beginning.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-16-073 (Order 2014), § 16-230-800, filed 7/31/89, effective 8/31/89.]

WAC 16-230-810 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Restricted use pesticides. For the purposes of WAC 16-230-800 through 16-230-870, the following pesticides are declared to be restricted use pesticides:

(1) Restricted use herbicides:

(a) Sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort)

(b) Desiccants and defoliants (such as Paraquat, Diquat, Endothall)

(c) Glyphosate (such as Roundup, Landmaster)

(d) Phenoxy type herbicides (such as 2,4-D, MCPA)

- (e) dicamba (such as Banvel)
- (f) Bromoxynil (such as Brominal, Bucril, Bronate)

(2) Restricted use insecticides:

(a) All Category I insecticides with the signal words danger/poison on the label, except granular and pellet formulations;

(b) Additionally, all insecticides, except granular and pellet formulations, are declared to be restricted use in Area 1 and Area 1A as described in WAC 16-230-835.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 92-13-035, § 16-230-810, filed 6/10/92, effective 7/11/92; 89-16-073 (Order 2014), § 16-230-810, filed 7/31/89, effective 8/31/89.]

WAC 16-230-813 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Oil-type carriers. On and after April 5 through October 31, oil-type carriers are prohibited for brush control: *Provided*, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 92-13-035, § 16-230-813, filed 6/10/92, effective 7/11/92.]

WAC 16-230-815 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Paraquat and diquat. Aerial application of paraquat and diquat is prohibited in the entire area under order listed in WAC 16-230-800.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-16-073 (Order 2014), § 16-230-815, filed 7/31/89, effective 8/31/89.]

WAC 16-230-820 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Sulfonylurea herbicides. Application of sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort) to fallow land or to land during the time between harvest and emergence above the furrows of the subsequent cereal grain crop is prohibited.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-16-073 (Order 2014), § 16-230-820, filed 7/31/89, effective 8/31/89.]

WAC 16-230-825 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Permits. The following conditions will apply to all permits issued under the authority of WAC 16-230-800 through 16-230-870.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 2015 S. 1st Street, Yakima, Washington 98903. Applications may also be taken in person or by facsimile. Permits will not be granted by telephone.

(2) The department may make on-site monitoring of the application a condition of any permit. 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 of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

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(3) No permit shall be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 92-13-035, § 16-230-825, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-825, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-825, filed 7/31/89, effective 8/31/89.]

WAC 16-230-830 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Emergency clause. In the event of an emergency, as declared by the director, the department may issue permits for the use of restricted use pesticides in variation of any restrictions contained in the area under order as defined in WAC 16-230-800. An emergency under this section may be declared if the director determines that the risk and amount of economic harm to any agriculture crop substantially outweighs the risk and amount of damage likely to occur if a variance permit is issued.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 89-16-073 (Order 2014), § 16-230-830, filed 7/31/89, effective 8/31/89.]

WAC 16-230-835 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Area 1. (1) Area 1 description (North Horse Heaven Hills). An area including all lands lying within a boundary line beginning at the northwest corner of Section 31, T8N, R24E; thence east two miles along section lines to the northwest corner of Section 33, T8N, R24E; thence north one mile along section lines to the northwest corner of Section 28, T8N, R24E; thence east seven miles along section lines to the northwest corner of Section 27, T8N, R25E; thence north two miles along section lines to the northwest corner of Section 15, T8N, R25E; thence east eight miles along section lines to the northwest corner of Section 13, T8N, R26E; thence south two miles along section lines to the northwest corner of Section 25, T8N, R26E; thence east two miles along section lines to the northwest corner of Section 29, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 32, T8N, R27E; thence east three miles along section lines to the northwest corner of Section 35, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 2, T7N, R27E; thence east one mile along section lines to the northwest corner of Section 1, T8N, R27E; thence south two miles along section lines to the northwest corner of Section 13, T7N, R27E; thence east four miles along section lines to the northwest corner of Section 15, T7N, R28E; thence south one mile along section lines to the northwest corner of Section 22, T7N, R28E; thence east ten miles along section lines to the northwest corner of Section 20, T7N, R30E; thence south two miles along section lines to the northwest corner of Section 32, T7N, R30E; thence east seven miles along section lines to the Columbia River in Section 29, T7N, R31E; thence south approximately two miles along the Columbia River to the south section line of Section 5, T6N, R31E; thence west approximately eight miles along section lines to the southwest corner of Section 1, T6N, R29E; thence north two miles along section lines to the southwest corner of Section 25, T7N, R29E; thence west thirteen miles along section

lines to the southeast corner of Section 27, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 27, T7N, R27E; thence west one mile along the section line to the northwest corner of Section 27, T7N, R27E; thence north two miles along section lines to the northeast corner of Section 16, T7N, R27E; thence west one mile along the section line to the southeast corner of Section 8, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 8, T7N, R27E; thence west approximately twenty miles along section lines to the Benton-Yakima County line at the southwest corner of Section 6, T7N, R24E; thence north two miles along the county line to the point of beginning.

(2) Area 1 restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-230-810 is prohibited: *Provided*, That the department may issue written permits for application of insecticides not containing the signal words danger/poison on the label.

(b) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after April 5 through October 31 of each year: *Provided*, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: *Provided*, That applications of restricted use herbicides shall be exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: *Provided further*, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset restrictions: *Provided further*, That persons licensed to perform applications of restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset restrictions.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 92-13-035, § 16-230-835, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-835, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-835, filed 7/31/89, effective 8/31/89.]

WAC 16-230-840 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Area 2. (1) Area 2 description. Tri-Cities, Benton City area. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence south approximately five miles along section lines to the intersection with the Kennewick Irrigation District (K.I.D.) main canal; thence easterly along the K.I.D. main canal to the Amon pumping station located in Section 7, T8N, R29E; thence southeasterly along the K.I.D. Division Four Canal to the Columbia River in Section 8, T7N, R31E; thence south approximately one-half mile along the Columbia River to the south section line of Section 8, T7N, R31E; thence east approximately three miles across the Columbia River to the intersection with U.S. Highway 12 at the south section line of Section 10, T7N, R31E; thence northwesterly along Highway 12 to its intersection with Interstate 182; thence westerly along Interstate 182 to the west shoreline of the Columbia River; thence

northerly approximately six and one-half miles along the Columbia River to the United States Department of Energy Hanford Site south boundary line; thence west approximately one mile and south approximately two and one-half miles along the south boundary line to the southeast corner of Section 27, T10N, R28E; thence west seven miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(2) Area 2 restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-230-810 is prohibited.

(b) The use or application of low volatile ester formulations of restricted use herbicides is prohibited: *Provided*, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: *Provided*, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: *Provided further*, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: *Provided further*, That persons licensed to perform applications of restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 92-13-035, § 16-230-840, filed 6/10/92, effective 7/11/92; 89-16-073 (Order 2014), § 16-230-840, filed 7/31/89, effective 8/31/89.]

WAC 16-230-845 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Area 3. (1) Area 3 description.

(a) Eastern Yakima Valley. An area including all lands lying within a boundary line beginning at the northwest corner of Section 19, T8N, R24E; thence east four miles along section lines to the southwest corner of Section 14, T8N, R24E; thence north one mile along the section line to the northwest corner of Section 14, T8N, R24E; thence east two miles along section lines to the southwest corner of Section 7, T8N, R25E; thence north one mile along the section line to the northwest corner of Section 7, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 5, T8N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 5 to the northeast corner of Section 5, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 34, T9N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 34 to the northeast corner of Section 34, T9N, R25E; thence east two miles along section lines to the southwest corner of Section 30, T9N, R26E; thence north one mile along the section line to the northwest corner of Section 30, T9N, R26E; thence east one mile along the section line to the southwest corner of Section 20, T9N,

R26E; thence northeast approximately one and four-tenths of a mile diagonally across Section 20 to the northeast corner of Section 20, T9N, R26E; thence east two miles along section lines to the northwest corner of Section 23, T9N, R26E; thence southeast approximately one and four-tenths of a mile diagonally across Section 23 to the southeast corner of Section 23, T9N, R26E; thence north six miles along section lines to the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence south approximately eleven miles along the Benton-Yakima county line to the point of beginning.

(b) Cold Creek Area. An area including all lands lying within a boundary line beginning at the intersection of the Benton-Yakima County line and the Columbia River in Section 7, T13N, R24E; thence south approximately six and one-half miles along the Benton-Yakima County line to the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence west approximately five miles along the Columbia River to the point of beginning.

(c) Horse Heaven Hills southwest buffer zone. An area near Patterson starting at the southeast corner of Section 7, T5N, R26E following section lines north five miles to the northeast corner of Section 19, T6N, R26E; thence west two miles to the northwest corner of Section 24, T6N, R25E; thence south one-half mile along section line; thence west two miles to the common boundary of Sections 21 and 22, T6N, R25E; thence north one-half mile to the northeast corner of Section 21, T6N, R25E; thence west three miles to the northwest corner of Section 19, T6N, R25E; thence south three miles to the southwest corner of Section 31, T6N, R25E; thence east three miles to the southeast corner of Section 33, T6N, R25E; thence south three miles to the southeast corner of Section 16, T5N, R25E; thence west one mile to the northwest corner of Section 21, T5N, R25E; thence south one mile to the southwest corner of Section 21, T5N, R25E; thence east two miles to the southeast corner of Section 22, T5N, R25E; thence north one mile to the northeast corner of Section 22, T5N, R25E; thence east two miles to the southeast corner of Section 13, T5N, R25E; thence north one mile to the northeast corner of Section 13, T5N, R25E; thence east one mile to the point of origin.

(2) Area 3 restrictions.

(a) Application by air of restricted use herbicides as defined in WAC 16-230-810 is prohibited.

(b) The use or application of low volatile ester formulations of restricted use herbicides is prohibited: *Provided*, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of restricted use herbicides shall be

prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: *Provided*, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: *Provided further*, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: *Provided further*, That persons licensed to perform applications of the restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 92-13-035, § 16-230-845, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-845, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-845, filed 7/31/89, effective 8/31/89.]

WAC 16-230-850 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Area 4. (1) Area 4 description.

(a) Tri-cities northwest buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence north two miles along section lines to the northwest corner of Section 13, T10N, R26E; thence east one mile along the section line to the northeast corner of Section 13, T10N, R26E; thence north approximately one-half mile along the section line to the United States Department of Energy Hanford Site south boundary line; thence easterly approximately ten miles and south approximately two and one-half miles along the south boundary line to the south section line of Section 27, T10N, R28E; thence west approximately six and three-fourths miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(b) Tri-cities northeast buffer zone. An area including all lands lying within a boundary line beginning at the intersection of the Esquatzel Diversion Channel drain and the Columbia River; thence east along the Esquatzel Channel to its intersection with Road 68; thence southeasterly approximately one mile along Road 68 to its intersection with Fraser Drive near the northeast corner of Section 24, T10N, R28E; thence south approximately four miles along section lines and portions of Fraser Drive and Dent Road to the southwest corner of Section 6, T9N, R29E; thence east approximately eight and one-half miles along section lines and a portion of Foster Wells Road to its intersection with the Bonneville Power Administration power line in Section 4, T9N, R30E; thence southeasterly approximately seven miles along the power line to its intersection with SR 124 in Section 32, T9N, R31E; thence easterly approximately two and one-half miles along SR 124 to the east section line of Section 34, T9N, R31E near the intersection of SR 124 and the Union Pacific Railroad; thence south approximately three miles along section lines to the southeast corner of Section 15, T8N, R31E; thence west approximately one-fourth mile along the section line to the Union Pacific Railroad; thence southerly approximately four and one-half miles along the railroad to its intersection with U.S. Highway 12 near the

Boise Cascade paper mill; thence northwesterly along Highway 12 to its intersection with Interstate 182; thence westerly along I-182 to the west shoreline of the Columbia River; thence northerly approximately six and one-half miles along the Columbia River to the U.S. Department of Energy Hanford Site south boundary line in Section 14, T10N, R28E; thence east approximately one-half mile across the Columbia River to its east shoreline; thence northerly approximately one-half mile to the point of beginning.

(2) Area 4 restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-230-810 may be made by written permit only.

(b) The use or application of low volatile ester formulations of restricted use herbicides is prohibited: *Provided*, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: *Provided*, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: *Provided further*, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: *Provided further*, That persons licensed to perform applications of the restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 92-13-035, § 16-230-850, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-850, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-850, filed 7/31/89, effective 8/31/89.]

WAC 16-230-855 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Area 5. (1) Area 5 description.

(a) Cold Creek buffer zone. An area including all lands lying within a boundary line beginning at the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence easterly approximately two miles along the Columbia River to the east section line of Section 6, T13N, R25E, near the Vernita Bridge; thence south approximately eight and one-half miles along section lines to the southeast corner of Section 18, T12N, R25E; thence west seven miles along section lines to the Benton-Yakima County line at the southwest corner of Section 18, T12N, R24E; thence north one mile along the county line to the point of beginning.

(b) Roza buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the

section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence north two miles along the county line to the northwest corner of Section 18, T10N, R24E; thence east four miles along section lines to the northeast corner of Section 15, T10N, R24E; thence south one mile along the section line to the southeast corner of Section 15, T10, R24E; thence east seven miles along section lines to the southwest corner of Section 13, T10N, R25E; thence north one mile along the section line to the northwest corner of Section 13, T10N, R25E; thence east six miles along section lines to the northwest corner of Section 13, T10N, R26E; thence south two miles along section lines to the point of beginning.

(c) Horse Heaven Hill southwest buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 13, T6N, R24E; thence south five miles along section lines to the southwest corner of Section 1, T5N, R24E; thence east three miles along the section lines to the northeast corner of Section 8, T5N, R25E; thence south one mile along the section line to the southeast corner of Section 8, T5N, R25E; thence west one mile along the section line to the southwest corner of Section 8, T5N, R25E; thence south approximately five miles to the Washington Oregon border; thence northeasterly along the Washington Oregon border until its intersection with the eastern section line of Section 8, T5N, R26E; thence north approximately six miles along section lines to the northeast corner of Section 17, T6N, R26E; thence west nine miles to the point of beginning.

(2) Area 5 restrictions.

(a) Application by air of restricted use herbicides as defined by WAC 16-230-810 may be made by written permit only.

(b) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after April 5 through October 31 of each year: *Provided*, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: *Provided*, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: *Provided further*, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: *Provided further*, That persons licensed to perform applications of the restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 92-13-035, § 16-230-855, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-855, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-855, filed 7/31/89, effective 8/31/89.]

WAC 16-230-860 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Area 6. (1) Area 6 description. All remaining lands in the area under order.

(2) Area 6 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after April 5 through October 31 of each year: *Provided*, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(b) On and after April 5 through October 31 of each year all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: *Provided*, That applications of restricted use herbicides shall be exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: *Provided further*, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset restrictions: *Provided further*, That persons licensed to perform applications of restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset restrictions.

(c) On and after April 5 through October 31 of each year, aerial applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 92-13-035, § 16-230-860, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-860, filed 6/29/90, effective 7/30/90; 89-16-073 (Order 2014), § 16-230-860, filed 7/31/89, effective 8/31/89.]

WAC 16-230-861 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Wind conditions. The use or application of all herbicides and class 1 and 2 insecticides are prohibited in the area under order listed in WAC 16-230-800 when the mean sustained wind velocity is over ten miles per hour throughout the year: *Provided*, That applications shall be allowed in higher velocity winds when an approved ground apparatus is used. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data: *Provided further*, That applications of granular and pellet formulations of restricted use pesticides defined in WAC 16-230-810 as well as applications made to structures shall be exempt from the wind restrictions.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 92-13-035, § 16-230-861, filed 6/10/92, effective 7/11/92; 90-14-034 (Order 2046), § 16-230-861, filed 6/29/90, effective 7/30/90.]

WAC 16-230-862 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Area 1A. (1) Area 1A description. All lands lying within a boundary line beginning at the northwest corner of Section 31, T8N, R24E; thence east two miles along section lines to the northwest corner of Section 33, T8N, R24E; thence north one mile along section lines to the northwest corner of Section 28, T8N, R24E; thence east seven miles along section lines to the northwest corner of Section 27, T8N, R25E; thence north two miles along

section lines to the northwest corner of Section 15, T8N, R25E; thence east eight miles along section lines to the northwest corner of Section 13, T8N, R26E; thence south two miles along section lines to the northwest corner of Section 25, T8N, R26E; thence east two miles along section lines to the northwest corner of Section 29, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 32, T8N, R27E; thence east three miles along section lines to the northwest corner of Section 35, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 2, T7N, R27E; thence east one mile along section lines to the northwest corner of Section 1, T8N, R27E; thence south two miles along section lines to the northwest corner of Section 13, T7N, R27E; thence east four miles along section lines to the northwest corner of Section 15, T7N, R28E; thence south one mile along section lines to the northwest corner of Section 22, T7N, R28E; thence east ten miles along section lines to the northwest corner of Section 20, T7N, R30E; thence south two miles along section lines to the northwest corner of Section 32, T7N, R30E; thence east seven miles along section lines to the Columbia River in Section 29, T7N, R31E; thence north approximately three miles to the Kennewick Irrigation District (K.I.D.) Division Four Canal in Section 8, T7N, R31E; thence westerly along the K.I.D. Division Four Canal to the intersection with the K.I.D. Main Irrigation Canal at the Amon Pumping Station located in Section 7, T8N, R29E; thence westerly along the K.I.D. Main Irrigation Canal to its intersection with the east section line of Section 14, T9N, R26E; thence south approximately one mile along the section line to the northwest corner of Section 25, T9N, R26E; thence northwest approximately one and four tenths miles diagonally across Section 23 to the northwest corner of Section 23, T9N, R26E; thence west two miles along section lines to the northwest corner of Section 21, T9N, R26E; thence southwest approximately one and four tenths miles diagonally across Section 20 to the northwest corner of Section 29, T9N, R26E; thence west one mile along section lines to the northwest corner of Section 30, T9N, R26E; thence south one mile along section lines to the northwest corner of Section 31, T9N, R26E; thence west two miles along section lines to the northwest corner of Section 35, T9N, R25E; thence southwest approximately one and four tenths miles diagonally across Section 34 to the northwest corner of Section 3, T8N, R25E; thence west one mile along section lines to the northwest corner of Section 4, T8N, R25E; thence southwest approximately one and four tenths miles diagonally across Section 5 to the northwest corner of Section 8, T8N, R25E; thence west one mile along section lines to the northwest corner of Section 7, T8N, R25E; thence south one mile along section lines to the northwest corner of Section 18, T8N, R25E; thence west two miles along section lines to the northwest corner of Section 14, T8N, R24E; thence south one mile along section lines to the northwest corner of Section 23, T8N, R24E; thence west four miles to the northwest corner of Section 19, T8N, R24E; thence south two miles along the county line to the point of beginning.

(2) Area 1A restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-230-810 is prohibited: *Provided*, That the department may issue written permits for application of

insecticides not containing the signal words danger/poison on the label.

(b) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after April 5 through October 31 of each year: *Provided*, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: *Provided*, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: *Provided further*, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: *Provided further*, That persons licensed to perform applications of restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 92-13-035, § 16-230-862, filed 6/10/92, effective 7/11/92.]

WAC 16-230-863 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Restricted use herbicides ground apparatus nozzle requirements. Ground applications of restricted use herbicides in the area under order listed in WAC 16-230-800 shall be made, throughout the year, using nozzles having a single orifice and minimum diameter of .052 inches or a LP 8002 nozzle. Pressure shall not exceed twenty-five pounds per square inch at the nozzle for .052 and other orifice openings and pressure shall not exceed fifteen pounds per square inch at the nozzle for LP 8002 or equivalent nozzle. Pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns and up to ninety pounds per square inch at the nozzle manifold for an inert system: *Provided*, That the department may issue a permit for other nozzles and pressure combinations that are equal or better. Prior to issuing such permits, the request shall be reviewed by a scientific committee established by the director: *Provided further*, That when Glyphosate is the only restricted use herbicide being used during an application for weed control in reduced tillage cropping any nozzles may be used that delivers at a minimum ten gallons of water carrier or greater per treated acre at a pressure not exceeding twenty-five pounds per square inch at the nozzle: *Provided further*, That Glyphosate applications using a .052 nozzle at twenty-five pounds of pressure or less at the nozzle, and a LP 8002 nozzle at fifteen pounds of pressure or less at the nozzle shall be exempt from the ten-gallon minimum volume: *Provided further*, That pressurized handheld household devices used to apply restricted use herbicides, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such herbicide applications shall be exempt from nozzle requirements.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 92-13-035, § 16-230-863, filed 6/10/92, effective 7/11/92.]

WAC 16-230-864 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Restricted use herbicides, aircraft boom length, pressure, and nozzle requirements. The aerial application of restricted use herbicides in the area under order listed in WAC 16-230-800 shall be made in accordance with the following requirements:

(1) The working boom length on fixed wing aircraft shall not exceed three-fourths of the wing span and the working boom length on a helicopter shall not exceed six-sevenths of the total rotor length where the rotor length exceeds forty feet.

(2) Pressure for aerial equipment shall not exceed twenty-five psi at the nozzles.

(3) Nozzles for aircraft:

(a) Fixed wing:

(i) Minimum nozzle orifice of .075 inches (no core plate) provided, that RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward one hundred seventy degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter:

(i) Minimum nozzle orifice of .063 inches (no core plate) provided, that RD8 nozzles with orifice size of .125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward ninety degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 92-13-035, § 16-230-864, filed 6/10/92, effective 7/11/92.]

WAC 16-230-866 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Restricted use herbicides—Temperature conditions. All phenoxy compounds and Banvel shall not be applied when the temperature is above eighty-five degrees F. or above at the point of application: *Provided*, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches shall be exempt from the eighty-five degrees F. temperature requirement: *Provided further*, That when using the invert system, applications may continue up to ninety-five degrees F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 92-13-035, § 16-230-866, filed 6/10/92, effective 7/11/92.]

WAC 16-230-868 Application of pesticides in Benton County and portions of Franklin and Walla Walla counties—Restricted use herbicide weather conditions. Restricted use herbicides shall not be applied throughout the year in the entire area under order when there is a temperature inversion present or weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization: *Provided*, That applications of restricted use herbicides shall be exempt from the inversion requirements

when using one hundred gallons or greater of water carrier per treated acre while using no greater than fifteen pounds of pressure per square inch at the nozzle.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 92-13-035, § 16-230-868, filed 6/10/92, effective 7/11/92.]

WAC 16-230-870 Other rules. Provisions of WAC 16-230-800 through 16-230-868 shall take precedence over all existing, less restrictive rules of the department affecting the application of pesticides in Benton, Franklin, or Walla Walla counties. No provision of WAC 16-230-800 through 16-230-868 shall be construed as relieving any requirement of existing rules except those in direct conflict.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 92-13-035, § 16-230-870, filed 6/10/92, effective 7/11/92.]

Chapter 16-231 WAC RESTRICTED USE HERBICIDES

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-231-001 | Restricted use herbicides—Benton County—Area under order. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-001, filed 2/26/91, effective 3/29/91; 80-03-038 (Order 1677), § 16-231-001, filed 2/20/80.] Repealed by 92-13-035, filed 6/10/92, effective 7/11/92. Statutory Authority: Chapters 17.21 and 15.58 RCW. |
| 16-231-005 | Restricted use herbicides. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-038 (Order 1677), § 16-231-005, filed 2/20/80.] Repealed by 92-13-035, filed 6/10/92, effective 7/11/92. Statutory Authority: Chapters 17.21 and 15.58 RCW. |
| 16-231-010 | Oil-type carriers. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-038 (Order 1677), § 16-231-010, filed 2/20/80.] Repealed by 92-13-035, filed 6/10/92, effective 7/11/92. Statutory Authority: Chapters 17.21 and 15.58 RCW. |
| 16-231-015 | Restricted use herbicides—Benton County—Area 1. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-015, filed 2/12/88; 87-18-060 (Order 1950), § 16-231-015, filed 9/1/87; 80-03-038 (Order 1677), § 16-231-015, filed 2/20/80.] Repealed by 92-13-035, filed 6/10/92, effective 7/11/92. Statutory Authority: Chapters 17.21 and 15.58 RCW. |
| 16-231-020 | Restricted use herbicides—Benton County—Area 2. [Statutory Authority: Chapters 15.58 and 17.21 RCW. |

- 88-05-033 (Order 1965), § 16-231-020, filed 2/12/88; 87-09-015 (Order 1923), § 16-231-020, filed 4/6/87; 80-03-038 (Order 1677), § 16-231-020, filed 2/20/80.] Repealed by 92-13-035, filed 6/10/92, effective 7/11/92. Statutory Authority: Chapters 17.21 and 15.58 RCW.
- 16-231-025 Area 3. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-038 (Order 1677), § 16-231-025, filed 2/20/80.] Repealed by 92-13-035, filed 6/10/92, effective 7/11/92. Statutory Authority: Chapters 17.21 and 15.58 RCW.
- 16-231-030 Restricted use herbicides—Benton County—Wind conditions. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 87-09-015 (Order 1923), § 16-231-030, filed 4/6/87; 80-03-038 (Order 1677), § 16-231-030, filed 2/20/80.] Repealed by 92-13-035, filed 6/10/92, effective 7/11/92. Statutory Authority: Chapters 17.21 and 15.58 RCW.
- 16-231-033 Restricted use herbicides—Application records—Benton County. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-033, filed 9/1/87.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-035 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-038 (Order 1677), § 16-231-035, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-120 Area 1A. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 81-07-044 (Order 1726), § 16-231-120, filed 3/16/81; 80-03-037 (Order 1676), § 16-231-120, filed 2/20/80.] Repealed by 87-18-060 (Order 1950), filed 9/1/87. Statutory Authority: Chapters 17.21 and 15.58 RCW.
- 16-231-148 Restricted use herbicides—Application records—Franklin County. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-148, filed 9/1/87.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-150 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-150, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-238 Restricted use herbicides—Application records—Yakima County. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-238, filed 9/1/87.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-240 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-240, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-343 Restricted use herbicides—Application records—Adams County. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-343, filed 9/1/87.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-345 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-345, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-430 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-034 (Order 1673), § 16-231-430, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-535 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-033 (Order 1672), § 16-231-535, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-625 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-029 (Order 1668), § 16-231-625, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-730 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-027 (Order 1666), § 16-231-730, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-845 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-845, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-938 Restricted use herbicides—Application records—Grant County. [Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-938, filed 9/1/87.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-940 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-940, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-950 Restricted use herbicides—Distribution, use, and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-231-950, filed 4/12/88.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.

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

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

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

WAC 16-231-105 Restricted use herbicides. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-105, filed 2/20/80.]

WAC 16-231-110 Oil-type carriers. On and after April 5 through October 31, oil-type carriers are prohibited for brush control: *Provided*, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-110, filed 2/20/80.]

WAC 16-231-115 Restricted use herbicides—Franklin County—Area 1. (1) Area 1 description.

(a) This area includes all lands lying within a boundary line starting at the northwest corner of Section 6, T14N, R28E; thence east along the Adams-Franklin County line thirteen miles more or less to the intersection with State Route 17; thence southeasterly along State Route 17, including the right of way, to the intersection with Highway 395 at the town of Mesa; thence southerly along Highway 395, including the right of way, seven miles more or less to the intersection with the common boundary between Sections 2 and 11, T11N, R30E at the town of Eltopia; thence east along the section line, one mile more or less to the northeast corner of Section 12, T11N, R30E; thence south along the section lines fifteen miles more or less to the Snake River; thence southwesterly along the Snake River to its confluence with the Columbia River; thence northwesterly along the Columbia River to the Grant-Franklin County line at the north section line of Section 29, T14N, R27E; thence east along the Grant-Franklin County line four miles more or less to the northwest corner of Section 30, T14N, R28E; thence north along the Grant-Franklin County line four miles to the point of beginning.

(b) Also including Levey (Ice Harbor Dam area): This area includes all lands lying within a two-mile radius of Levey within Franklin County.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year: *Provided*, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: *Provided*, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the department: *Provided*, That on and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be allowed using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: *Provided*, That on and after April 5 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: *Provided further*, That on and after April 5 through April 30 written requests to apply 2,4 DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-115, filed 2/12/88; 87-18-060 (Order 1950), § 16-231-115, filed 9/1/87; 87-09-015 (Order 1923), § 16-231-115, filed 4/6/87; 81-07-044 (Order 1726), § 16-231-115, filed 3/16/81; 80-03-037 (Order 1676), § 16-231-115, filed 2/20/80.]

WAC 16-231-119 Restricted use herbicides—Franklin County—Area 1A. (1) Area 1A description.

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This area includes all lands lying within a boundary line starting at the intersection of State Route 17 and the Adams-Franklin County line at the north section line of Section 5, T14N, R30E; thence east along the Adams-Franklin County line five miles more or less to the Burlington Northern Railroad; thence southeasterly along the railroad, including the right of way, four miles more or less to the intersection with Moon Road; thence southerly along Moon Road, including the right of way, two miles more or less to the intersection with State Route 260 at the southeast corner of Section 27, T14N, R31E; thence west along State Route 260, including the right of way, five miles more or less to the intersection with State Route 17; thence northwesterly along State Route 17, excluding the right of way, to the point of beginning.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: *Provided*, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: *Provided*, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-119, filed 2/12/88.]

WAC 16-231-125 Restricted use herbicides—Franklin County—Area 2. (1) Area 2 description. This area includes all of the lands lying inside a boundary line starting at the intersection of State Routes 17 and 260 located at the northwest corner of Section 36, T14N, R30E; thence east along State Route 260, excluding the right of way, five miles more or less to the northeast corner of Section 34, T14N, R31E; thence south along the section lines fifteen miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road, including the right of way, to the Brass Road; thence easterly along the Brass Road, including the right of way, to the Bannenburg Road; thence southeasterly along the Bannenburg Road, including the right of way, to the northwest corner of Section 6, T10N, R33E; thence south along the section line one mile more or less to the Snake River; thence southwesterly along the Snake River to the east section line of Section 25, T9N, R30E; thence north along the section lines fifteen miles more or less to the southeast corner of Section 1, T11N, R30E; thence west along the section line one mile more or less to Highway 395; thence northerly along Highway 395, excluding the right of way, seven miles more or less to its intersection with State Route

17 at the town of Mesa; thence northerly along State Route 17, excluding the right of way, seven miles more or less to the point of beginning, excluding lands in Franklin County within a two-mile radius of the town of Levey.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the Washington state department of agriculture.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-125, filed 2/12/88; 87-09-015 (Order 1923), § 16-231-125, filed 4/6/87; 81-07-044 (Order 1726), § 16-231-125, filed 3/16/81; 80-03-037 (Order 1676), § 16-231-125, filed 2/20/80.]

WAC 16-231-130 Restricted use herbicides—Franklin County—Area 3. (1) Area 3 description. (Dry land area south and east of Connell.) An area beginning at the northeast corner of Section 3, T14N, R33E and the Reeder Road; thence south along the Reeder Road to and along the Black Road to the Swanson Road; thence east and south along the Swanson Road to state Highway 260; thence southerly along state Highway 260 to the Munt Road; thence south along the Munt Road to the Largent Road; thence east along the Largent Road to the Pasco-Kahlotus Highway to the Walker Road; thence southerly along the Walker Road to the Snake River; thence southerly along the Snake River to the east boundary line of Area 2; thence northerly along the east boundary line of Area 2 and Area 1A to the Franklin-Adams County line; thence east fifteen miles more or less along the county line to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 16 through October 31 of each year.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-231-130, filed 4/12/88; 80-03-037 (Order 1676), § 16-231-130, filed 2/20/80.]

WAC 16-231-135 Area 4. (1) Area 4 description. (Dry land area.) All of the remaining lands in Franklin County lying east of Area 3.

(2) Area 4 restrictions.

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

(b) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-135, filed 2/20/80.]

WAC 16-231-140 Restrictions on aircraft. The loading and/or mixing of restricted use herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-140, filed 2/20/80.]

WAC 16-231-145 Restricted use herbicides—Franklin County—Wind conditions. The use or application of restricted use herbicides shall be prohibited in Areas 1, 1A, 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That such applications shall be prohibited in Area 1 on and after April 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-231-145, filed 4/12/88; 87-18-060 (Order 1950), § 16-231-145, filed 9/1/87; 87-09-015 (Order 1923), § 16-231-145, filed 4/6/87; 80-03-037 (Order 1676), § 16-231-145, filed 2/20/80.]

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

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

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

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

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

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

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

WAC 16-231-215 Restricted use herbicides—Yakima County—Area 1. (1) Area 1 description. (An area south of the Yakima firing center including the upper and lower Yakima Valley.) An area starting at the Yakima-Benton County line and the northeast corner of Section 1, T11N, R23E; thence west along section lines seventeen miles more or less to the southeast corner of Section 31, T12N, R21E; thence north eight miles along section lines to the northeast corner of Section 30, T13N, R21E; thence west along section lines eleven miles to the Yakima River; thence northwesterly along the Yakima River four miles more or less to the junction of the Yakima and Naches Rivers; thence northwesterly along the Naches River for seven miles more or less to the northwest corner of Section 31, T14N, R18E; thence south one mile along the section line to the southwest corner of Section 31, T14N, R18E; thence west along section lines six miles to the northwest corner of Section 6, T13N, R17E; thence south twenty-four miles along section lines to the southwest corner of Section 31, T10N, R17E; thence east twenty-four miles along section lines to the southeast corner of Section 36, T10N, R20E; thence south six miles along section lines to the southwest corner of Section 31, T9N, R21E; thence east six miles along section lines to the northwest corner of Section 6, T8N, R22E; thence south six miles along section lines to the southwest corner of Section 31, T8N, R22E; thence east twelve miles along section lines to the Benton County line; thence north twenty-four miles to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31: *Provided*, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops at any time.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: *Provided*, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of restricted use herbicides shall be allowed only on nonirrigated lands on and after November 1 through April 4 of the following year and shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications of restricted use herbicides shall be prohibited on and after April 5 through October 31: *Provided*, That hormone sprays may be applied to orchards to prevent fruit drop: *Provided further*, That aircraft applications shall be allowed by written permit issued by the Washington state department of agriculture in those dry land wheat growing areas east of Moxee and on the Rattlesnake Ridge and the area south of Horse Heaven Hills Ridge contained in Sections 25, 26, 27, 28, 32, 33, 34, 35 and 36, T8N, R23E up to within one mile of commercial grape plantings and to within one-quarter mile of other susceptible crops.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 87-09-015 (Order 1923), § 16-231-215, filed 4/6/87; 80-03-036 (Order 1675), § 16-231-215, filed 2/20/80.]

WAC 16-231-220 Area 1A. (1) Area 1A description. (Tieton-Naches Area.) That portion of T14N, R17E and those portions of Sections 31, 32 and 33, T15N, R17E, lying southwest of the Naches-Selah Canal; and that portion of T14N, R16E, and those portions of Sections 35 and 36 lying southeast of the Tieton and Naches rivers.

(2) Area 1A restrictions. On and after April 15 through October 31, the use and application of low volatile formulations of restricted use herbicides is prohibited. On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be allowed using the warning area restrictions (see WAC 16-230-675) on dry land wheat up to within one-quarter mile of susceptible crops.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-220, filed 2/20/80.]

WAC 16-231-225 Restricted use herbicides—Yakima County—Area 2. (1) Area 2 descriptions. All remaining lands in Yakima County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-225, filed 2/12/88; 87-09-015 (Order 1923), § 16-231-225, filed 4/6/87; 80-03-036 (Order 1675), § 16-231-225, filed 2/20/80.]

WAC 16-231-230 Restrictions on mixing and loading. The mixing and/or loading of restricted use herbicides is limited to those formulations which may be applied in that area. The loading of aircraft is prohibited in any area where aerial application of restricted use herbicides is prohibited.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-230, filed 2/20/80.]

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

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-235, filed 2/26/91, effective 3/29/91; 87-09-015 (Order

1923), § 16-231-235, filed 4/6/87; 80-03-036 (Order 1675), § 16-231-235, filed 2/20/80.]

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

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

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

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

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

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

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

WAC 16-231-315 Area 1. (1) Area 1 description. (Lands generally lying within the Columbia Basin irrigation project east of Warden and in the Othello area.) An area starting at the intersection of the East Low Canal and Grant-Adams County line in Section 18, T18N, R31E; thence southerly along the East Low Canal to the intersection of the East Low Canal and the Grant-Adams County line near the southwestern corner of Section 17, T17N, R31E; thence north six miles more or less to the point of beginning; and also all lands within a line starting at the intersection of the East Low Canal and the Grant-Adams County line near the corner of Section 6, T16N, R30E; thence southeasterly along the East Low Canal to the Adams-Franklin County line and the southwest corner of Section 31, T15N, R28E; thence north along the Grant-Adams County line beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: *Provided*, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: *Provided*, That applications of restricted use herbicides on

asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-315, filed 2/20/80.]

WAC 16-231-320 Area 2. (1) Area 2 description. (Buffer area east of Area 1.) Beginning at the Grant-Adams County line Section 6, T18N, R31E; thence east six miles more or less along the Burlington Northern Railroad tracks to Kulm Road; thence south three miles more or less along Kulm Road to Franz Road; thence east one mile along Franz Road to Roxboro Road; thence south fourteen miles along the Roxboro Road to Cunningham Road; thence southeasterly one mile more or less along Cunningham Road to Lind-Hatton Road; thence southerly three miles more or less along Lind-Hatton Road to Roxboro Road; thence southerly three miles more or less to the Adams-Franklin County line; thence west seven miles more or less along Adams-Franklin County line to the East Low Canal; thence northwesterly along the East Low Canal to the Grant-Adams County line; thence east five miles more or less and three miles north more or less along the Grant-Adams County line to the East Low Canal; thence northeasterly along East Low Canal to the Grant-Adams County line; thence north two miles more or less along Grant-Adams County line to the point of beginning.

(2) Area 2 restrictions.

(a) On and after May 1 through October 31, the use or application of low volatile formulations of restricted use herbicides shall be prohibited.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-320, filed 2/20/80.]

WAC 16-231-325 Area 3. (1) Area 3 description. An area starting at the northwest corner of Section 6, T20N, R31E, on the Lincoln-Adams County line; thence east twenty-three miles more or less on the Davis Road to Paha-Packard Road; thence south seventeen miles more or less along the Paha-Packard Road to the intersection of Paha-Packard Road and SR 395; thence southwesterly twenty-six miles more or less along SR 395 to the Adams-Franklin County line; thence west one mile more or less along Muse Road to the Roxboro Road; thence northerly and westerly thirty-one miles more or less along the east and north boundary of Area 2 to the Grant-Adams County line; thence north twelve miles more or less along the Grant-Adams County line to the point of beginning.

(2) Area 2 restrictions.

(a) On and after May 16 through October 31, the use and application of low volatile formulations of restricted use herbicides shall be prohibited.

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

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-325, filed 2/20/80.]

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

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

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

WAC 16-231-335 Aerial applications near vineyards. Aerial applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard in the area under order: *Provided*, That aerial application of restricted use herbicides to lands located within one-half mile to one mile from commercial vineyards shall be considered through written request to the Washington state department of agriculture.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-335, filed 2/20/80.]

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

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

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

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

ment of agriculture. Approval shall be based on research data.

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

WAC 16-231-400 Restricted use herbicides—Columbia County—Area under order. (1) The area under order shall include all lands lying within the boundaries of Columbia County. WAC 16-231-405 through 16-231-425 shall apply to the area under order.

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

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

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

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

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

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

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

(2) Area 1 restrictions. Aircraft applications of restricted use herbicides are prohibited on and after April 5 through October 31: *Provided*, That upon written request to the Washington state department of agriculture, aircraft applications by permit shall be considered for purposes of critical weed control.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 85-07-029 (Order 1849), § 16-231-413, filed 3/15/85.]

WAC 16-231-415 Area 2. (1) Area 2 description. (Huntsville, Dayton, Baileysburg, and vicinity.) Sections 1 through 12, T9N, R38E; Sections 24, 25, 26 and 30 through 36, T10N, R38E; Sections 19, 20 and 28 through 33, T10N, R39E; Sections 2 through 11, 15 through 17, 21 and 22 and that portion of Section 20 lying east of the Payne Hollow Road in T9N, R39E in Columbia County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches. On and after November 1 through April 30, ground application shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the warning area restrictions (see WAC 16-230-675). On and after November 1 through April 30, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-034 (Order 1673), § 16-231-415, filed 2/20/80.]

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

(2) Area 4 restrictions.

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

(b) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-420, filed 2/26/91, effective 3/29/91; 80-03-034 (Order 1673), § 16-231-420, filed 2/20/80.]

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

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

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

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

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

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

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

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

(2) Area 1 restrictions.

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

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

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

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

WAC 16-231-515 Area 3. (1) Area 3 description. (Eastern portion of Whitman County.) An area east of a north-south line starting at the Whitman-Spokane County line and State Highway 195; thence southerly along Highway 195 to Colfax; thence southerly along County Roads No. 478 and No. 141 to the junction of County Roads No. 141 and No. 451; thence southerly on County Road No. 451 to County Road No. 143; thence southerly along County Road No. 143 to Almota and the Snake River.

(2) Area 3 restrictions.

(a) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-033 (Order 1672), § 16-231-515, filed 2/20/80.]

WAC 16-231-520 Area 4. (1) Area 4 description. (Outlying area west of Area 3.) All remaining lands in Whitman County west of Area 3.

(2) Area 4 restrictions.

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

(b) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-033 (Order 1672), § 16-231-520, filed 2/20/80.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WAC 16-231-613 Area 2. (1) Area 2 description. (Southeast corner of Klickitat County.) Sections 13, 14, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, Township 5 north, Range 23 east; Sections 21, 22, south half of Section 23, Sections 26, 27, 28, 33, 34, west half of Section 35, Township 5 north, Range 22 east; Sections 1, 2, 11, 12, Township 4 north, Range 23 east.

(2) Area 2 restrictions.

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

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

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using danger area restrictions (see WAC 16-230-675): *Provided*, That aircraft applications shall be prohibited within one mile of commercial vineyards and within one-half mile of other susceptible crops: *Provided further*, That upon written request to the Washington state department of agriculture, aircraft applications from one-half mile to one mile of commercial vineyards and within one-half mile of other susceptible crops by permit shall be considered for purposes of critical weed control. On and after November 1 through April 14 of the following year, aircraft applications shall be made using caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 85-07-029 (Order 1849), § 16-231-613, filed 3/15/85.]

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

(2) Area 3 restrictions.

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

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

(c) On and after May 1 through September 30, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-615, filed 2/26/91, effective 3/29/91; 85-07-029 (Order 1849), § 16-231-615, filed 3/15/85; 80-03-029 (Order 1668), § 16-231-615, filed 2/20/80.]

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

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

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

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

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

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

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

WAC 16-231-710 Area 1. (1) Area 1 description. (Okanogan County) An area starting at the intersection of the east boundary line of Section 24, T29N, R25E, and the Columbia River; thence north 19 miles more or less to the southwest corner of Section 7, T32N, R26E; thence east

three miles to the southeast corner of Section 9; thence north two miles to the northeast corner of Section 4; thence east three miles more or less to the southeast corner of Section 36, T33N, R26E; thence north four miles to the southwest corner of Section 7, T33N, R27E; thence east two miles to the southeast corner of Section 8; thence north six miles to the northeast corner of Section 17, T34N, R27E; thence west eight miles to the northwest corner of Section 18, T34N, R26N; thence south four miles to the southwest corner of Section 31; thence west three miles to the northwest corner of Section 3, T33N, R25E; thence south four miles to the southwest corner of Section 22, T33N, R25E; thence west three miles to the northwest corner of Section 30; thence south two miles to the southwest corner of Section 31; thence west two miles to the northwest corner of Section 2, T32N, R24E; thence south ten miles to the southwest corner of Section 23, T31N, R24E; thence west four miles to the northwest corner of Section 30; thence south seven miles more or less to the north bank of the Columbia River; thence easterly along the north bank of the Columbia River to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 15 through October 31 of each year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aerial applications of restricted use herbicides shall be made using caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-027 (Order 1666), § 16-231-710, filed 2/20/80.]

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

(2) Area 4 restrictions. On and after May 1 through October 31, aerial applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-715, filed 2/26/91, effective 3/29/91; 80-03-027 (Order 1666), § 16-231-715, filed 2/20/80.]

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

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

WAC 16-231-725 Restrictions on aircraft. The loading and/or mixing of restricted use herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-027 (Order 1666), § 16-231-725, filed 2/20/80.]

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

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

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

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

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

WAC 16-231-810 Area 1. (1) Area 1 description - Chelan County. An area starting at the southeast corner of Section 32, T21N, R22E; thence west one mile to the southwest corner of Section 32; thence north five miles more or less to the right of way of the Malaga Road; thence along and including the Malaga Road right of way to the city limits of Wenatchee; thence east to the Columbia River, and along the west bank of the Columbia River to the point of beginning.

(2) Area 1 description - Douglas County. An area on the east bank of the Columbia River, beginning at the southwest corner of Section 33, T21N, R22E; thence east one mile to the southeast corner of Section 33; thence north one mile to the southwest corner of Section 27; thence east one mile to the southeast corner of Section 27; thence north one mile to the southwest corner of Section 23, thence east one mile to the southeast corner of Section 23; thence north one mile to the northeast corner of Section 23; thence west one mile to the northwest corner of Section 23; thence north one mile to the northeast corner of Section 15; thence west one mile to the northwest corner of Section 15; thence north two miles to the northeast corner of Section 4; thence west one mile more or less to and including the right of way of State Road 28; thence northwest along the highway right of way to the east section line of Section 25, T22N, R21E; thence north five miles more or less to the northeast corner of Section 1, T22N, R21E; thence west eight miles more or less to the east bank of the Columbia River; thence southeasterly along the east bank of the Columbia River to the point of beginning.

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(3) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31.

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

(c) On and after April 15 through October 31, aerial applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-810, filed 2/20/80.]

WAC 16-231-815 Area 2. (1) Area 2 description. (Buffer area — a protective area around Azwell, Manson, and the mouth of the Moses-Coulee.)

(a) Chelan County - those areas lying within a one mile radius from the center of the towns of Azwell and Manson. Sections 13, 14, 15 and 16, T28N, R21E.

(b) Douglas County - (Moses-Coulee and Bridgeport area.) Section 1, 2, 3, 10, 11, 12, 13, 14, 24, 25, 26, 34, 35, and 36, N21N, R22E, and Sections 1, 2, 3, 4, 9, 10, 11, 12 and those portions of Sections 13, 14, 15 and 16, T20N, R22E.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-815, filed 2/20/80.]

WAC 16-231-820 Area 3. (1) Area 3 description. (Buffer area between Rock Island and Palisades.) An area starting at the northwest corner of Section 6, T22N, R22E; thence east along the township line twelve miles to the Douglas-Grant county line; thence southwesterly along the county line to the east boundary line of Area 2; thence north and west along the Area 2 boundary line to the Area 1 boundary line; thence northerly along the Area 1 boundary line to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after May 1 through October 31.

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

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-820, filed 2/20/80.]

WAC 16-231-825 Restricted use herbicides—Douglas and Chelan counties—Area 4. (1) Area 4

description. All remaining lands in Douglas County not included in WAC 16-231-810, 16-231-815 and 16-231-820.

(2) Area 4 restrictions. On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-825, filed 2/26/91, effective 3/29/91; 80-03-028 (Order 1667), § 16-231-825, filed 2/20/80.]

WAC 16-231-830 Restrictions on aircraft. The loading and/or mixing of restricted use herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-830, filed 2/20/80.]

WAC 16-231-835 Aerial applications near vineyards. Aerial application of restricted use herbicides shall be prohibited within one mile of any commercial vineyard in the area under order: *Provided*, That aerial application of restricted use herbicides to lands located within one-half mile to one mile from commercial vineyards shall be considered through written request to the Washington state department of agriculture.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-835, filed 2/20/80.]

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

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

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

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

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-900, filed 2/26/91, effective 3/29/91; 80-03-031 (Order 1670), § 16-231-900, filed 2/20/80.]

WAC 16-231-905 Restricted use herbicides—Grant County. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D and MCPA are declared to be restricted use herbicides in the area under order as listed in WAC 16-231-900.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-905, filed 2/26/91, effective 3/29/91; 80-03-031 (Order 1670), § 16-231-905, filed 2/20/80.]

WAC 16-231-910 Restricted use herbicides—Grant County—Area 1. (1) Area 1 description. (Lands generally within the Columbia Basin irrigation project.) An area starting at the southwest corner of Section 21, T14N, R27E; thence east along the county line four miles more or less to the southeast corner of Section 24, T14N, R27E; thence north along the county line sixteen miles to the southwest corner of Section 31, T17N, R28E; thence east along the county line thirteen miles more or less to the East Low Canal; thence northerly and easterly along the East Low Canal to the Adams County line; thence north along the Grant-Adams County lines six miles more or less to the East Low Canal; thence northwesterly along the East Low Canal to the southeast boundary of Block 70; thence easterly, northerly, and westerly, encompassing Block 70, Soap Lake and Block 701, to the West Main Canal; thence southwesterly along the West Main Canal to the north boundary line of Unit 1, Block 73; thence westerly along the northern boundary line of Block 73 to the northwest corner of Unit 278; then due west to the Willow Springs Draw; thence down Willow Springs Draw to the Columbia River; thence southerly along the Columbia River to the south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to Highway 24; thence south and west along Highway 24 to Vernita Bridge; thence easterly along the Columbia River to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: *Provided*, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: *Provided*, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

(e) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: *Provided*,

That on and after April 15 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: *Provided further*, That on and after April 15 through April 30 written request to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-910, filed 9/1/87; 87-09-015 (Order 1923), § 16-231-910, filed 4/6/87; 80-03-031 (Order 1670), § 16-231-910, filed 2/20/80.]

WAC 16-231-912 Restricted use herbicides—Grant County—Area 1A. (1) Area 1A description. Lands generally in the Mattawa area in the southwestern part of the county starting at the west end of the crest of Saddle Mountain at the Columbia River, south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to Highway 24; thence following Highway 24 to the Vernita Bridge at the Columbia River; thence northwesterly along the Columbia River to the point of beginning.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31: *Provided*, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: *Provided*, That applications of restricted use herbicides on asparagus shall be made using nozzles having a minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675.)

(d) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the Washington state department of agriculture.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-912, filed 2/12/88; 87-09-015 (Order 1923), § 16-231-912, filed 4/6/87.]

WAC 16-231-915 Area 2. (1) Area 2 description. (Buffer area.) An area lying north and east of Area 1 starting at the junction of the Grant-Douglas County line and the Columbia River near Trinidad; thence north and easterly along the county line to the southwest corner of Section 35, T23N, R26E; thence east along section lines twelve miles to Grant County Road J/NW; thence south one mile along Grant County Road J/NW to the Burlington Northern Railroad tracks; thence east fourteen miles more or less to the Grant-Lincoln County line; thence south twenty-five miles more or less along the Grant-Lincoln and Grant-Adams County line to the northern boundary line of Area 1 (East Low Canal); thence northerly and westerly along the

northern boundary line of Area 1 to the point of beginning; and also an area near Warden starting at the East Low Canal near the southeast corner of Section 13, T17N, R30E; thence westerly and southerly along the East Low Canal to the Grant-Adams County line near the corner of Section 32, T17N, R30E; thence east five miles and north three miles along the Grant-Adams County line to the point of beginning.

(2) Area 2 restrictions.

(a) On and after May 1 through October 31, the use or application of low volatile formulations of restricted use herbicides shall be prohibited.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-915, filed 2/20/80.]

WAC 16-231-920 Area 3. (1) Area 3 description. (Outlying area.) An area starting at the intersection of the Burlington Northern Railroad tracks near the northeast corner of Section 13, T22N, R30E; thence north nineteen miles more or less along the Grant County line to Highway 2; thence westerly along Highway 2 to the Douglas County line; thence southwesterly along the Douglas County line to the southwest corner of Section 35, T23N, R26E; thence east along section lines twelve miles to Grant County Road J/NW; thence south one mile along Grant County Road J/NW to the Burlington Northern Railroad tracks near Stratford; thence easterly along the Burlington Northern Railroad tracks fourteen miles more or less to the point of beginning.

(2) Area 3 restrictions.

(a) On and after May 16 through October 31, the use and application of low volatile formulations of restricted use herbicides shall be prohibited.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-920, filed 2/20/80.]

WAC 16-231-925 Area 4. (1) Area 4 description. All remaining lands in Grant County lying north of Highway 2.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-925, filed 2/20/80.]

WAC 16-231-930 Restrictions on airstrips. The loading and/or mixing of restricted use herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-930, filed 2/20/80.]

16-232-315 Restricted use herbicides—Kittitas County—Wind conditions.

WAC 16-231-935 Restricted use herbicides—Grant County—Wind conditions. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 and 1A when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through March 31 of the following year, and over ten miles per hour from April 1 through October 31: *Provided*, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-231-935, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-231-935, filed 4/6/87; 80-03-031 (Order 1670), § 16-231-935, filed 2/20/80.]

Chapter 16-232 WAC

RESTRICTED USE HERBICIDES IN CERTAIN COUNTIES

WAC

- 16-232-001 Restricted use herbicides—Walla Walla County—Area under order.
- 16-232-005 Restricted use herbicides.
- 16-232-010 Restricted use herbicides—Walla Walla County—Area 1.
- 16-232-015 Restricted use herbicides—Walla Walla County—Area 2.
- 16-232-020 Restricted use herbicides—Walla Walla County—Area 2A.
- 16-232-025 Restricted use herbicides—Walla Walla County—Area 3.
- 16-232-027 Restricted use herbicides—Walla Walla County—Area 3A.
- 16-232-030 Aerial application near vineyards.
- 16-232-035 Restricted use herbicides—Walla Walla County—Wind conditions.
- 16-232-038 Restricted use herbicides—Application records—Walla Walla County.
- 16-232-100 Restricted use herbicides—Lincoln County—Area under order.
- 16-232-105 Restricted use herbicides—Lincoln County.
- 16-232-110 Restricted use herbicides—Lincoln County—Oil-type carriers.
- 16-232-115 Area 3.
- 16-232-120 Restricted use herbicides—Lincoln County—Area 4.
- 16-232-200 Restricted use herbicides—Garfield County—Area under order.
- 16-232-205 Restricted use herbicides—Garfield County.
- 16-232-210 Area 2.
- 16-232-215 Area 3.
- 16-232-220 Restricted use herbicides—Garfield County—Area 4.
- 16-232-225 Restricted use herbicides—Garfield County—Wind conditions.
- 16-232-300 Restricted use herbicides—Kittitas County—Area under order.
- 16-232-305 Restricted use herbicides—Kittitas County.
- 16-232-310 Area 1.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-232-040 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-026 (Order 1665), § 16-232-040, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-232-125 Wind conditions. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-125, filed 2/20/80.] Repealed by 87-09-015 (Order 1923), filed 4/6/87. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-232-130 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-130, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-232-230 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-230, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-232-320 Distribution, use and application. [Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-320, filed 3/31/82.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-232-950 Restricted use herbicides—Distribution, use, and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-232-950, filed 4/12/88.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.

WAC 16-232-001 Restricted use herbicides—Walla Walla County—Area under order. (1) The area under order shall include all lands lying within the boundaries of Walla Walla County. WAC 16-232-005 through 16-232-038 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-001, filed 2/26/91, effective 3/29/91; 80-03-026 (Order 1665), § 16-232-001, filed 2/20/80.]

WAC 16-232-005 Restricted use herbicides. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides, including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-026 (Order 1665), § 16-232-005, filed 2/20/80.]

WAC 16-232-010 Restricted use herbicides—Walla Walla County—Area 1. (1) Area 1 description. (Columbia River Buffer area.) An area starting at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines ten miles more or less to the southeast corner of Section 22, T8N, R32E; thence east along the section lines two miles to the southeast corner of

Section 24, T8N, R32E; thence north along the section lines five miles more or less to the intersection with the Northern Pacific Railroad; thence northeasterly seven miles more or less along the railroad, including the right of way, to the intersection with State Route 124 and C.M. Rice Road at the northeast corner of Section 2, T9N, R33E; thence northerly along C.M. Rice Road, including the right of way, to the Snake River; thence southwesterly along the Snake River to the Columbia River; thence southerly along the Columbia River to the Washington-Oregon state line; thence east along the state line nine miles more or less to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of .052 inches or a LP8002 or equivalent nozzle.

(c) On and after April 5 through October 31, aerial applications shall be prohibited except by written permit issued by the department.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-010, filed 2/12/88; 87-09-015 (Order 1923), § 16-232-010, filed 4/6/87; 81-07-041 (Order 1724), § 16-232-010, filed 3/13/81; 80-03-026 (Order 1665), § 16-232-010, filed 2/20/80.]

WAC 16-232-015 Restricted use herbicides—Walla Walla County—Area 2. (1) Area 2 description. (Walla Walla and vicinity, Dixie, Waitsburg, and Prescott areas.) Those areas lying within a one mile radius from the center of the town of Dixie and within one mile of the city limits of the towns of Waitsburg and Prescott and an area starting at the intersection of the common boundary line between Sections 15 and 16, T6N, R36E and the Washington-Oregon state line; thence north along the section line one mile more or less to the southwest corner of Section 3, T6N, R36E; thence east along the section lines two miles to the southeast corner of Section 2, T6N, R36E; thence north along the section lines three miles to the southwest corner of Section 24, T7N, R36E; thence east along the section line one mile to the southeast corner of Section 24, T7N, R36E; thence north along the section line one mile to the southwest corner of Section 18, T7N, R37E; thence east along the section line one mile to the southeast corner of Section 18, T7N, R37E; thence north along the section line one mile to the northeast corner of Section 18, T7N, R37E; thence west along the section lines nine miles to the northwest corner of Section 14, T7N, R35E; thence south along the section line one mile to the northeast corner of Section 22, T7N, R35E; thence west along the section line one mile to the northwest corner of Section 22, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, including the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, including the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, including the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road,

including the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, including the right of way, one mile more or less to the Washington-Oregon state line; thence east along the state line eight miles more or less to the point of beginning.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications shall be prohibited on and after April 15 through October 31: *Provided, That:*

(i) The aerial application of MCPA shall be allowed using warning area restrictions (see WAC 16-230-675).

(ii) Aerial applications of nonvolatile formulations of restricted use herbicides from one-half to one mile of the center of the town of Dixie and from the city limits of Waitsburg, Prescott and Walla Walla shall be considered through written request to the Washington state department of agriculture.

(iii) Those portions of the city of Walla Walla which fall within Sections 13, 14, 22, 23 and 24, T7N, R35E of Walla Walla County shall not be considered as part of the city limits of Walla Walla for purposes of issuing permits by the department for aerial application of nonvolatile formulations of restricted use pesticides.

(d) Restrictions on the use of airstrips. The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield or any location within Area 2: *Provided, That* the municipal airport located northeast of Walla Walla shall not be subject to this provision.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-232-015, filed 10/19/88; 88-05-033 (Order 1965), § 16-232-015, filed 2/12/88; 80-03-026 (Order 1665), § 16-232-015, filed 2/20/80.]

WAC 16-232-020 Restricted use herbicides—Walla Walla County—Area 2A. (1) Area 2A description. (Buffer area surrounding Dixie and Walla Walla.) An area, excluding a one mile radius from the center of the town of Dixie, starting at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines six miles more or less to the northwest corner of Section 14, T7N, R32E; thence east along the section lines ten miles to the southwest corner of Section 9, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 9, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 2, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 2, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 31, T8N, R35E; thence north along the section lines six miles to the northwest corner of Section 6, T8N, R35E; thence east along the section lines and the Columbia-Walla Walla County line twenty-four miles to the northeast corner of Section 1, T8N, R38E; thence south along the Columbia-

Walla Walla County line fourteen miles more or less to the Washington-Oregon state line; thence west along the state line fifteen miles to the common boundary line between Sections 15 and 16, T6N, R36E; thence north along the section line one mile more or less to the northwest corner of Section 10, T6N, R38E; thence east along the section lines two miles to the southwest corner of Section 1, T6N, R36E; thence north along the section lines three miles to the northwest corner of Section 25, T7N, R36E; thence east along the section line one mile to the southwest corner of Section 19, T7N, R37E; thence north along the section line one mile to the northwest corner of Section 19, T7N, R37E; thence east along the section line one mile to the northeast corner of Section 19, T7N, R37E; thence north along the section line one mile to the southwest corner of Section 8, T7N, R37E; thence west along the section lines nine miles to the northeast corner of Section 15, T7N, R35E; thence south along the section line one mile to the southeast corner of Section 15, T7N, R35E; thence west along the section line one mile to the southwest corner of Section 15, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, excluding the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, excluding the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, excluding the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, excluding the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, excluding the right of way, one mile more or less to the Washington-Oregon state line; thence west along the state line fifteen miles more or less to the point of beginning.

(2) Area 2A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: *Provided*, That 2,4-DB shall be allowed on alfalfa seed crops at any time.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-020, filed 2/12/88; 80-03-026 (Order 1665), § 16-232-020, filed 2/20/80.]

WAC 16-232-025 Restricted use herbicides—Walla Walla County—Area 3. (1) Area 3 description. All of the remaining lands within the border of Walla Walla County.

(2) Area 3 restrictions.

(a) The use and application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 15 through October 31.

(b) On and after May 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 15 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-025, filed 2/12/88; 80-03-026 (Order 1665), § 16-232-025, filed 2/20/80.]

WAC 16-232-027 Restricted use herbicides—Walla Walla County—Area 3A. (1) Area 3A description. An area beginning at the southwest corner of Section 11, T7N, R32E; thence east along the section lines six miles more or less to the intersection with the Touchet North Road at the southeast corner of Section 10, T7N, R33E; thence northerly along the Touchet North Road, including the right of way, to the intersection with State Route 124; thence west one-half mile more or less along State Route 124, excluding the right of way, to the intersection with the Northern Pacific Railroad at the northwest corner of Section 1, T9N, R33E; thence southwesterly seven miles more or less along the railroad, excluding the right of way, to the intersection with the common boundary line between Section 25, T9N, R32E and Section 30, T9N, R33E; thence south along the section lines five miles more or less to the northeast corner of Section 25, T8N, R32E; thence west along the section lines two miles to the northwest corner of Section 26, T8N, R32E; thence south along the section lines four miles to the point of beginning.

(2) Area 3A restrictions.

(a) The use and application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-027, filed 2/12/88.]

WAC 16-232-030 Aerial application near vineyards. Aerial applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: *Provided*, That aerial application of restricted use herbicides to lands located within one-half to one mile from commercial vineyards shall be considered through written request of the Washington state department of agriculture.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-026 (Order 1665), § 16-232-030, filed 2/20/80.]

WAC 16-232-035 Restricted use herbicides—Walla Walla County—Wind conditions. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, 2A, 3, and 3A when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That such applications shall be prohibited in Areas 1 and 2 on and after April 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used.

Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-232-035, filed 4/12/88; 87-09-015 (Order 1923), § 16-232-035, filed 4/6/87; 80-03-026 (Order 1665), § 16-232-035, filed 2/20/80.]

WAC 16-232-038 Restricted use herbicides—Application records—Walla Walla County. (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1, 2, and 3A of Walla Walla County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-038, filed 2/12/88; 87-18-060 (Order 1950), § 16-232-038, filed 9/1/87.]

WAC 16-232-100 Restricted use herbicides—Lincoln County—Area under order. (1) The area under order shall include all lands lying within the boundaries of Lincoln County. WAC 16-232-105 through 16-232-120 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-100, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-100, filed 2/20/80.]

WAC 16-232-105 Restricted use herbicides—Lincoln County. All formulations of Dicamba (Banvel) and

all formulations of phenoxy hormone-type herbicides including 2,4-D and MCPA are declared to be restricted use herbicides in the area under order as listed in WAC 16-232-100.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-105, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-105, filed 2/20/80.]

WAC 16-232-110 Restricted use herbicides—Lincoln County—Oil-type carriers. On and after May 15 through October 31, oil-type carriers are prohibited in the area under order for brush control: *Provided*, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-110, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-110, filed 2/20/80.]

WAC 16-232-115 Area 3. (1) Area 3 description. (Southwestern Lincoln County.) Beginning at the Grant-Lincoln County line and state Highway 2; thence northeasterly two and one-half miles more or less along state Highway 2 to the Almira South Road; thence south seven miles more or less along the Almira South Road to the Monson Road; thence east six miles more or less along the Monson Road to state Highway 21; thence south twenty-seven miles more or less along state Highway 21 to the Lincoln-Adams County line; thence west thirteen and one-half miles more or less along the common boundary line between Lincoln and Adams counties to the Grant County line; thence north twenty-nine and one-half miles more or less along the common boundary line between Grant County and Lincoln County to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 16 through October 31 of each year.

(b) On and after May 16 through October 31 of each year, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 16 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-115, filed 2/20/80.]

WAC 16-232-120 Restricted use herbicides—Lincoln County—Area 4. (1) Area 4 description. All remaining lands in Lincoln County not included in WAC 16-232-115.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-120, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-120, filed 2/20/80.]

WAC 16-232-200 Restricted use herbicides—Garfield County—Area under order. (1) The area under order shall include all lands lying within the boundaries of

Garfield County. WAC 16-232-205 through 16-232-225 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-200, filed 2/26/91, effective 3/29/91; 80-03-032 (Order 1671), § 16-232-200, filed 2/20/80.]

WAC 16-232-205 Restricted use herbicides—Garfield County. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D and MCPA are declared to be restricted use herbicides in the area under order as listed in WAC 16-232-200.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-205, filed 2/26/91, effective 3/29/91; 80-03-032 (Order 1671), § 16-232-205, filed 2/20/80.]

WAC 16-232-210 Area 2. (1) Area 2 description. The city of Pomeroy and those sections and partial sections lying within one mile east, one mile south and one mile west of the city limits of Pomeroy.

(2) Area 2 restrictions.

(a) On and after May 1 through October 31, ground applications shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) Aerial applications of restricted use herbicides shall be prohibited.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-210, filed 2/20/80.]

WAC 16-232-215 Area 3. (1) Area 3 description. An area starting at the intersection of the Snake River and the west boundary of Section 18, T14N, R43E; thence south to and along the Lambie Grade Road to and along the Casey Creek Road to the southeast corner of Section 8, T13N, R43E; thence east along section lines one and one-half miles more or less to the Snake River; thence northwesterly along the Snake River to the point of beginning.

(2) Area 3 restrictions.

(a) The use and application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 16 through August 31.

(b) On and after April 16 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 16 through October 31, aerial applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-215, filed 2/20/80.]

WAC 16-232-220 Restricted use herbicides—Garfield County—Area 4. (1) Area 4 description. This area includes all remaining lands in Garfield County not included in WAC 16-232-210 and 16-232-215.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-220, filed 2/26/91, effective 3/29/91; 80-03-032 (Order 1671), § 16-232-220, filed 2/20/80.]

WAC 16-232-225 Restricted use herbicides—Garfield County—Wind conditions. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That such applications shall be prohibited in Areas 2 and 3 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-225, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-232-225, filed 4/6/87; 80-03-032 (Order 1671), § 16-232-225, filed 2/20/80.]

WAC 16-232-300 Restricted use herbicides—Kittitas County—Area under order. (1) The area under order shall include all lands lying within the boundaries of Kittitas County. WAC 16-232-305 through 16-232-315 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-300, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-300, filed 3/31/82.]

WAC 16-232-305 Restricted use herbicides—Kittitas County. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D and MCPA are declared to be restricted use herbicides in the area under order as listed in WAC 16-232-300.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-305, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-305, filed 3/31/82.]

WAC 16-232-310 Area 1. (1) Area 1 description. An area starting at the intersection of Canyon Road and Thrall Road on the south line of Section 30, T17 N, R19E, thence east along Thrall Road three and one-half miles more or less to Billeter Road; thence south approximately one-half mile; thence east approximately one and one-half miles to Wilson Road; thence south on Wilson Road for one-half mile to intersection of Fourth Parallel Road; thence east on Fourth Parallel Road for approximately three-fourths mile to

Anderson Road; thence south on Anderson Road for one-half mile more or less to E. Kern Road; thence east on E. Kern Road for approximately one-half mile; thence south approximately one and one-half miles to the north boundary of Section 18, T16, R20; thence west for two and one-half miles to intersection of I82; thence northwest for approximately three miles to the northeast corner of Section 5, T16, R19; thence west for two miles more or less to the Canyon Road; thence north for one mile more or less on the Canyon Road to the point of beginning.

(2) Area 1 restrictions.

(a) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using danger area restrictions (see WAC 16-230-675). On and after April 15 through October 31, aircraft applications are prohibited within 500 feet of all orchards: *Provided*, That aircraft applications may be allowed when written permission is received from the owner of the orchard.

(b) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31 of each year on all lands within 500 feet of all orchards: *Provided*, That low volatile ester formulations may be used when written permission is received from the owner of the orchard.

(c) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches on all lands within 500 feet of all orchards.

[Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-310, filed 3/31/82.]

WAC 16-232-315 Restricted use herbicides—Kittitas County—Wind conditions. The use or application of restricted use herbicides shall be prohibited in Area 1 when the mean sustained wind velocity is over twelve miles on and after April 15 through October 31: *Provided*, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used. Ground apparatus shall be approved by the department of agriculture. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-315, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-232-315, filed 4/6/87. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-315, filed 3/31/82.]

Chapter 16-233 WAC

WORKER PROTECTION STANDARDS

WAC

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| 16-233-001 | Federal worker protection standards—Washington state department of labor and industries. |
| 16-233-005 | Scope and purpose—Worker protection standards—40 CFR, § 170.1. |
| 16-233-010 | Definitions—Worker protection standards—40 CFR, § 170.3. |
| 16-233-020 | General duties and prohibited actions—Worker protection standards—40 CFR, § 170.7. |

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16-233-025 Violations of this chapter—Worker protection standards—40 CFR, § 170.9.

STANDARD FOR WORKERS

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STANDARD FOR PESTICIDE HANDLERS

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| 16-233-250 | Decontamination—Standards for pesticide handlers—40 CFR, § 170.250. |
| 16-233-255 | Emergency assistance—Standards for pesticide handlers—40 CFR, § 170.260. |

GENERAL PROVISIONS

WAC 16-233-001 Federal worker protection standards—Washington state department of labor and industries. This chapter contains the federal Environmental Protection Agency worker protection standards as listed in 40 CFR, Part 170. Revisions to the federal language have been incorporated into this chapter in order to be consistent with other requirements of Washington state law. These rules are adopted in conjunction with rules adopted by the Washington state department of labor and industries in chapter 296-306A WAC.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-001, filed 10/3/96, effective 11/3/96.]

WAC 16-233-005 Scope and purpose—Worker protection standards—40 CFR, § 170.1. This chapter contains standards designed to reduce the risks of illness or injury resulting from workers' and handlers' occupational exposures to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forests and also to reduce the accidental exposure of workers and other persons to such pesticides. It requires workplace practices designed to reduce or eliminate exposure to pesticides and establishes procedures for responding to exposure-related emergencies.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-005, filed 10/3/96, effective 11/3/96.]

WAC 16-233-010 Definitions—Worker protection standards—40 CFR, § 170.3. Terms used in this chapter have the same meanings they have in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. In addition, the following terms, when used in this chapter, shall have the following meanings:

(1) "Agricultural emergency" means a sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employer has no control, and which requires entry into a pesticide treated area during a restricted-entry interval, when no alternative practices would prevent or mitigate a substantial economic loss.

(2) "Agricultural employer" means any person who hires or contracts for the services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is an owner of or is responsible for the management or condition of an agricultural establishment that uses such workers.

(3) "Agricultural establishment" means any farm, forest, nursery, or greenhouse.

(4) "Agricultural plant" means any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, and fiber plants; trees; turfgrass; flowers, shrubs; ornamentals; and seedlings.

(5) "Animal premise" means the actual structure used to house, cage, or confine animals such as barns, poultry houses, mink sheds, corrals or structures used for shelter.

(6) "Chemigation" means the application of pesticides through irrigation systems.

(7) "Commercial pesticide handling establishment" means any establishment, other than an agricultural establishment, that:

(a) Employs any person, including a self-employed person, to apply on an agricultural establishment, pesticides used in the production of agricultural plants.

(b) Employs any person, including a self-employed person, to perform on an agricultural establishment, tasks as a crop advisor.

(8) "Crop advisor" means any person who is assessing pest numbers or damage, pesticide distribution, or the status or requirements of agricultural plants and who holds a current Washington state department of agriculture commercial consultant license in the agricultural areas in which they

are advising. The term does not include any person who is performing hand labor tasks.

(9) "Early entry" means entry by a worker into a treated area on the agricultural establishment after a pesticide application is complete, but before any restricted-entry interval for the pesticide has expired.

(10) "Farm" means any operation, other than a nursery or forest, engaged in the outdoor production of agricultural plants.

(11) "Forest" means any operation engaged in the outdoor production of any agricultural plant to produce wood fiber or timber products.

(12) "Fumigant" means any pesticide product that is a vapor or gas, or forms a vapor or gas on application, and whose method of pesticidal action is through the gaseous state.

(13) "Greenhouse" means any operation engaged in the production of agricultural plants inside any structure or space that is enclosed with nonporous covering and that is of sufficient size to permit worker entry. This term includes, but is not limited to, polyhouses, mushroom houses, rhubarb houses, and similar structures. It does not include such structures as malls, atriums, conservatories, arboretums, or office buildings where agricultural plants are present primarily for aesthetic or climatic modification.

(14) "Hand labor" means any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues. These activities include, but are not limited to, harvesting, detasseling, thinning, weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include operating, moving, or repairing irrigation or watering equipment or performing the tasks of crop advisors.

(15) "Handler" means any person, including a self-employed person:

(a) Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment to which WAC 16-233-200 applies and who is:

(i) Mixing, loading, transferring, or applying pesticides.

(ii) Disposing of pesticides or pesticide containers.

(iii) Handling opened containers of pesticides.

(iv) Acting as a flagger.

(v) Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.

(vi) Assisting with the application of pesticides.

(vii) Entering a greenhouse or other enclosed area after the application and before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling has been met:

(A) To operate ventilation equipment.

(B) To adjust or remove coverings used in fumigation.

(C) To monitor air levels.

(viii) Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins.

(ix) Performing tasks as a crop advisor:

(A) During any pesticide application.

(B) Before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling has been met.

(C) During any restricted-entry interval.

(b) The term does not include any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions or, in the absence of such instructions, have been subjected to triple-rinsing or its equivalent.

(16) "Handler employer" means any person who is self-employed as a handler or who employs any handler, for any type of compensation.

(17) "Immediate family" includes only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters.

(18) "Nursery" means any operation engaged in the outdoor production of any agricultural plant to produce cut flowers and ferns or plants that will be used in their entirety in another location. Such plants include, but are not limited to, flowering and foliage plants or trees; tree seedlings; live Christmas trees; vegetable, fruit, and ornamental transplants; and turfgrass produced for sod.

(19) "Owner" means any person who has a present possessory interest (fee, leasehold, rental, or other) in an agricultural establishment covered by this chapter. A person who has both leased such agricultural establishment to another person and granted that same person the right and full authority to manage and govern the use of such agricultural establishment is not an owner for purposes of this chapter.

(20) "Restricted-entry interval" means the time after the end of a pesticide application during which entry into the treated area is restricted.

(21) "Substantial economic loss" means a loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement cannot be considered in determining the loss.

(22) "Treated area" means any area to which a pesticide is being directed or has been directed.

(23) "Worker" means any person, including a self-employed person, who is employed for any type of compensation and who is performing activities relating to the production of agricultural plants on an agricultural establishment to which WAC 16-233-100 applies. While persons employed by a commercial pesticide handling establishment are performing tasks as crop advisors, they are not workers covered by the requirements of WAC 16-233-100.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-010, filed 10/3/96, effective 11/3/96.]

WAC 16-233-020 General duties and prohibited actions—Worker protection standards—40 CFR, § 170.7.

(1) General duties. The agricultural employer or the handler employer, as appropriate, shall:

(a) Assure that each worker subject to WAC 16-233-100 or each handler subject to WAC 16-233-200 receives the protections required by this chapter.

(b) Assure that any pesticide to which WAC 16-233-200 applies is used in a manner consistent with the labeling of the pesticide, including the requirements of this chapter.

(c) Provide, to each person who supervises any worker or handler, information and directions sufficient to assure that each worker or handler receives the protections required by this chapter. Such information and directions shall specify which persons are responsible for actions required to comply with this chapter.

(d) Require each person who supervises any worker or handler to assure compliance by the worker or handler with the provisions of this chapter and to assure that the worker or handler receives the protections required by this chapter.

(2) Prohibited actions. The agricultural employer or the handler employer shall not take any retaliatory action for attempts to comply with this chapter or any action having the effect of preventing or discouraging any worker or handler from complying or attempting to comply with any requirement of this chapter.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-020, filed 10/3/96, effective 11/3/96.]

WAC 16-233-025 Violations of this chapter—

Worker protection standards—40 CFR, § 170.9. (1) RCW 15.58.150 (2)(c) provides that it is unlawful for any person ". . . to use or cause to be used any pesticide contrary to label directions . . ." When 40 CFR, Part 170 is referenced on a label, users must comply with all of its requirements except those that are inconsistent with product specific instructions on the labeling. For purposes of this chapter, the term "use" is interpreted to include:

(a) Preapplication activities, including, but not limited to:

- (i) Arranging for the application of the pesticide;
- (ii) Mixing and loading the pesticide; and
- (iii) Making necessary preparations for the application of the pesticide, including responsibilities related to worker notification, training of handlers, decontamination, use and care of personal protective equipment, emergency information, and heat stress management.

(b) Application of the pesticide.

(c) Post-application activities necessary to reduce the risks of illness and injury resulting from handlers' and workers' occupational exposures to pesticide residues during the restricted-entry interval plus thirty days. These activities include, but are not limited to, responsibilities related to worker training, notification, and decontamination.

(d) Other pesticide-related activities, including, but not limited to, providing emergency assistance, transporting or storing pesticides that have been opened, and disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.

(2) A person who has a duty under this chapter, as referenced on the pesticide product label, and who fails to perform that duty, violates RCW 15.58.330 and 17.21.315, and is subject to civil penalties under RCW 15.58.335, 15.58.260 and 17.21.315.

(3) FIFRA section 14 (b)(4) provides that a person is liable for a penalty under FIFRA if another person employed by or acting for that person violates any provision of FIFRA.

The term "acting for" includes both employment and contractual relationships.

(4) The requirements of this chapter, including the decontamination requirements, shall not, for the purposes of section 653(b)(1) of Title 29 of the U.S. Code, be deemed to be the exercise of statutory authority to prescribe or enforce standards or regulations affecting the general sanitary hazards addressed by the WISHA Field Sanitation Standard, WAC 296-24-120, or other agricultural, nonpesticide hazards.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-025, filed 10/3/96, effective 11/3/96.]

STANDARD FOR WORKERS

WAC 16-233-100 Applicability of this chapter—Standards for workers—40 CFR, § 170.102. Requirement. Except as provided by WAC 16-233-105 and 16-233-110, this section applies when any pesticide product is used on an agricultural establishment in the production of agricultural plants.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-100, filed 10/3/96, effective 11/3/96.]

WAC 16-233-105 Exceptions—Standards for workers—40 CFR, § 170.103. This section does not apply when any pesticide is applied on an agricultural establishment in the following circumstances:

(1) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.

(2) On livestock or other animals, or in or about animal premises.

(3) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.

(4) On plants that are in ornamental gardens, parks, and public or private lawns and grounds that are intended only for aesthetic purposes or climatic modification.

(5) By injection directly into agricultural plants. Direct injection does not include "hack and squirt," "frill and spray," chemigation, soil-incorporation, or soil-injection.

(6) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use.

(7) For control of vertebrate pests.

(8) As attractants or repellents in traps.

(9) On the harvested portions of agricultural plants or on harvested timber.

(10) For research uses of unregistered pesticides.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-105, filed 10/3/96, effective 11/3/96.]

WAC 16-233-110 Exemptions—Standards for workers—40 CFR, § 170.104. The workers listed in this section are exempt from the specified provisions of WAC 16-233-100 through 16-233-155.

(1) Owners of agricultural establishments.

(a) The owner of an agricultural establishment is not required to provide to himself/herself or members of his/her immediate family who are performing tasks related to the production of agricultural plants on their own agricultural establishment the protections of:

(i) WAC 16-233-120 (3)(e) through (i);

(ii) WAC 16-233-120 (3)(e) through (i); as referenced in WAC 16-233-120 (4)(b)(iii) and (5);

(iii) WAC 16-233-125;

(iv) WAC 16-233-130;

(v) WAC 16-233-140;

(vi) WAC 16-233-145;

(vii) WAC 16-233-150;

(viii) WAC 16-233-155.

(b) The owner of the agricultural establishment must provide the protections listed in (a)(i) through (viii) of this subsection to other workers and other persons who are not members of his/her immediate family.

(2) Crop advisors.

(a) Provided that the conditions of this subsection are met, a person who is certified or licensed as a crop advisor by the Washington state department of agriculture, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

(i) WAC 16-233-150.

(ii) WAC 16-233-155.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in (b)(iii) and (iv) of this subsection. Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(b) Conditions of exemption.

(i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in WAC 16-233-225 (3)(d).

(ii) Applies only when performing crop advising tasks in the treated area.

(iii) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his/her direct supervision in a language that the person understands.

(iv) Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his/her direct supervision of the pesticide product and active ingredient(s) applied, method of application, time of application, the restricted entry interval, which tasks to undertake, and how to contact the crop advisor.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-110, filed 10/3/96, effective 11/3/96.]

WAC 16-233-115 Restrictions associated with pesticide applications—Standards for workers—40 CFR, § 170.110. (1) Farms and forests. During the application of any pesticide on a farm or in a forest, the agricultural employer shall not allow or direct any person, other than an

appropriately trained and equipped handler, to enter or to remain in the treated area.

(2) Nurseries. In a nursery, during any pesticide application described in column A of Table 1 of this subsection, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the area specified in column B of Table 1 of this subsection. After the application is completed, until the end of any restricted-entry interval, the entry-restricted area is the treated area.

Table 1.—Entry-Restricted Areas in Nurseries During Pesticide Applications

| A. During Application of a Pesticide: | B. Workers are Prohibited in: |
|---|---|
| (1)(a) Applied: (i) Aerially, or (ii) In an upward direction, or (iii) Using a spray pressure greater than 150 psi, or | Treated area plus 100 feet in all directions on the nursery |
| (b) Applied as a: (i) Fumigant, or (ii) Smoke, or (iii) Mist, or (iv) Fog, or (v) Aerosol. | |
| (2)(a) Applied downward using: (i) A height of greater than 12 inches from the planting medium, or (ii) A fine spray, or (iii) A spray pressure greater than 40 psi and less than 150 psi. | Treated area plus 25 feet in all directions on the nursery |
| (b) Not as in 1 or 2(a) above but for which a respiratory protection device is required for application by the product labeling. | |
| (3) Applied otherwise. | Treated area |

(3) Greenhouses.

(a) When a pesticide application described in column A of Table 2 under (d) of this subsection takes place in a greenhouse, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the area specified in column B of Table 2 until the time specified in column C of Table 2 has expired.

(b) After the time specified in column C of Table 2 under (d) of this subsection has expired, until the expiration of any restricted-entry interval, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area as specified in column D of Table 2 under (d) of this subsection, except as provided in WAC 16-233-120.

(c) When column C of Table 2 under (d) of this subsection specifies that ventilation criteria must be met, ventilation shall continue until the air concentration is measured to be equal to or less than the inhalation exposure level the labeling requires to be achieved. If no inhalation exposure level is listed on the labeling, ventilation shall continue until after:

- (i) Ten air exchanges are completed; or

- (ii) Two hours of ventilation using fans or other mechanical ventilating systems; or
 - (iii) Four hours of ventilation using vents, windows or other passive ventilation; or
 - (iv) Eleven hours with no ventilation followed by one hour of mechanical ventilation; or
 - (v) Eleven hours with no ventilation followed by two hours of passive ventilation; or
 - (vi) Twenty-four hours with no ventilation.
- (d) The following Table 2 applies to (a), (b) and (c) of this subsection.

Table 2.—Greenhouse Entry Restrictions Associated With Pesticide Applications

| A. When a Pesticide is Applied: | B. Workers are Prohibited in: | C. Until: | D. After the Expiration of Time in Column C Until the Restricted-Entry Interval Expires, the Entry-Restricted Area is: |
|---|---|--|--|
| (1) As a fumigant | Entire greenhouse plus any adjacent structure that cannot be sealed off from the treated area | The ventilation criteria of (c) of this subsection are met | No entry restrictions after criteria in column C are met |
| (2) As a: | Entire enclosed area | The ventilation criteria of (c) of this subsection are met | Entire enclosed area is the treated area |
| (i) Smoke, or (ii) Mist, or (iii) Fog, or (iv) Aerosol | | | |
| (3) Not in 1 or 2 above, and for which a respiratory protection device is required for application by the product labeling | Entire enclosed area | The ventilation criteria of (c) of this subsection are met | Treated area |
| (4) Not in 1, 2, or 3 above, and: | Treated area plus 25 feet in all directions in the enclosed area | Application is complete | Treated area |
| (i) From a height of greater than 12 in. from the planting medium, or (ii) As a fine spray, or (iii) Using a spray pressure greater than 40 psi | | | |
| (5) Otherwise | Treated area | Application is complete | Treated area |

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-115, filed 10/3/96, effective 11/3/96.]

WAC 16-233-120 Entry restrictions—Standards for workers—40 CFR, § 170.112. (1) General restrictions.

(a) After the application of any pesticide on an agricultural establishment, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area before the restricted-entry interval specified on the pesticide labeling has expired, except as provided in this section.

(b) Entry-restricted areas in greenhouses are specified in column D in Table 2 under WAC 16-233-115 (3)(d).

(c) When two or more pesticides are applied at the same time, the restricted-entry interval shall be the longest of the applicable intervals.

(d) The agricultural employer shall assure that any worker who enters a treated area under a restricted-entry interval as permitted by subsections (3), (4), and (5) of this section uses the personal protective equipment specified in the product labeling for early entry workers and follows any other requirements on the pesticide labeling regarding early entry.

(2) Exception for activities with no contact. A worker may enter a treated area during a restricted-entry interval if the agricultural employer assures that both of the following are met:

(a) The worker will have no contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants; and

(b) No such entry is allowed until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling have been met.

(3) Exception for short-term activities. A worker may enter a treated area during a restricted-entry interval for short-term activities if the agricultural employer assures that the following requirements are met:

(a) No hand labor activity is performed.

(b) The time in treated areas under a restricted-entry interval for any worker does not exceed one hour in any twenty-four-hour period.

(c) No such entry is allowed for the first four hours following the end of the application, and no such entry is allowed thereafter until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling have been met.

(d) The personal protective equipment specified on the product labeling for early entry is provided to the worker. Such personal protective equipment shall conform to the following standards:

(i) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(ii) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing

are not considered personal protective equipment for the purposes of this section and are not subject to the requirements of this section, although pesticide labeling may require that such work clothing be worn during some activities.

(iii) When "chemical-resistant" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(iv) When "waterproof" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(v) When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose-fitting, one-piece or two-piece, chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(vi) When "coveralls" are specified by the product labeling, they shall be a loose-fitting, one-piece or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over a layer of clothing. If a chemical-resistant suit is substituted for coveralls, it need not be worn over a layer of clothing.

(vii) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent materials must not be worn for early entry activities unless these materials are listed on the product labeling as acceptable for such use. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable for tasks with roses or other plants with sharp thorns, leather gloves may be worn over chemical-resistant liners. However, once leather gloves have been worn for this use, thereafter they shall be worn only with chemical-resistant liners and they shall not be worn for any other use.

(viii) When "chemical-resistant footwear" is specified by the product labeling, it shall be one of the following types of footwear: Chemical-resistant shoes, chemical-resistant boots, or chemical-resistant shoe coverings worn over shoes or boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable for workers, then leather boots may be worn in such terrain.

(ix) When "protective eyewear" is specified by the product labeling, it shall be one of the following types of eyewear: Goggles; face shield; safety glasses with front, brow, and temple protection; or a full-face respirator.

(x) When "chemical-resistant headgear" is specified by the product labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(e) The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner that the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early entry, and any other labeling requirements related to safe use.

(f) The agricultural employer shall assure that:

(i) Workers wear the personal protective equipment correctly for its intended purpose and use personal protective equipment according to manufacturer's instructions.

(ii) Before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(iii) Personal protective equipment that cannot be cleaned properly is disposed of in accordance with any applicable federal, state, and local regulations.

(iv) All personal protective equipment is cleaned according to manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(v) Before being stored, all clean personal protective equipment is dried thoroughly or is put in a well-ventilated place to dry.

(vi) Personal protective equipment contaminated with pesticides is kept separately and washed separately from any other clothing or laundry.

(vii) Any person who cleans or launders personal protective equipment is informed that such equipment may be contaminated with pesticides, of the potentially harmful effects of exposure to pesticides, and of the correct way(s) to handle and clean personal protective equipment and to protect themselves when handling equipment contaminated with pesticides.

(viii) All clean personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(ix) Each worker is instructed how to put on, use, and remove the personal protective equipment and is informed about the importance of washing thoroughly after removing personal protective equipment.

(x) Each worker is instructed in the prevention, recognition, and first aid treatment of heat-related illness.

(xi) Workers have a clean place(s) away from pesticide-storage and pesticide-use areas for storing personal clothing not in use; putting on personal protective equipment at the start of any exposure period; and removing personal protective equipment at the end of any exposure period.

(g) When personal protective equipment is required by the labeling of any pesticide for early entry, the agricultural employer shall assure that no worker is allowed or directed to perform the early entry activity without implementing, when appropriate, measures to prevent heat-related illness.

(h) During any early entry activity, the agricultural employer shall provide a decontamination site in accordance with WAC 16-233-150.

(i) The agricultural employer shall not allow or direct any worker to wear home or to take home personal protective equipment contaminated with pesticides.

(4) Declaration of an agricultural emergency.

(a) The director may declare the existence of circumstances causing an agricultural emergency on a particular establishment or establishments.

(b) The director may declare an agricultural emergency based on the reasonably expected certainty of circumstances occurring based on weather or other forecasts that would create conditions that would normally be anticipated to cause an agricultural emergency.

(c) The agricultural employer may determine if the establishment under his/her control is subject to the agricultural emergency declared by the director.

(d) Emergency repair of equipment that is in use and sited within a pesticide treated area under a restricted-entry interval, such as frost protection devices, shall be considered to be an agricultural emergency. The conditions in WAC 16-228-655 shall be met.

(e) Activities that require immediate response such as fire suppression, relocation of greenhouse plants due to power failure, and similar conditions, shall be considered to be agricultural emergencies. The conditions in WAC 16-228-655 shall be met.

(5) Agricultural activities permitted under an agricultural emergency.

(a) A worker may enter a pesticide treated area under a restricted-entry interval in an agricultural emergency to perform tasks, including hand labor tasks, necessary to mitigate the effects of the agricultural emergency if the agricultural employer assures that all the following requirements are met:

(i) No entry is permitted for the first four hours after the pesticide application or the minimum reentry interval allowed by EPA for that product, whichever is less;

(ii) The personal protective equipment specified on the product labeling for early entry is provided to the worker;

(iii) The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early entry, and any other labeling requirements related to safe use;

(iv) The agricultural employer shall assure that the worker wears the proper PPE and that the PPE is in operable condition and that the worker has been trained in its proper use;

(v) The agricultural employer shall assure that measures have been taken, when appropriate, to prevent heat-related illness;

(vi) A decontamination site has been provided in accordance with WISHA regulations;

(vii) The agricultural employer shall not allow or direct any worker to wear home or take home personal protective equipment contaminated with pesticides.

(b) If the agricultural emergency is due to equipment failure, then the agricultural employer shall assure that all the requirements in subsection (1) of this section are met plus the following additional requirement. The only permitted activity until the restricted-entry interval has elapsed is equipment repair that would mitigate the effect of the equipment failure.

(6) Recordkeeping required for agricultural emergencies.

(a) If the employer declares that his/her establishment is affected by an agricultural emergency and that activities regulated by the worker protection standard have been performed, the employer shall keep the following records for seven years from the date of the agricultural emergency:

(i) Date of the agricultural emergency;

(ii) Time of the agricultural emergency, start and end;

(iii) Reason for the agricultural emergency, such as frost, fire, equipment failure, etc.;

(iv) Crop/site;

(v) Pesticide(s) - name, EPA number, REI;

(vi) Name, date, time of entry and exit of early entry person(s);

(vii) Estimated potential of economic loss which would have occurred had no early entry been allowed.

(b) Records shall be completed within twenty-four hours of the early entry exposure and be available to the department and/or department of health and/or medical facility or treating physician if requested by the above or the employee.

(7) Exception to entry restrictions requiring EPA approval. EPA may in accordance with 40 CFR, Part 170.112(e) grant an exception from the requirements of this section. A request for an exception must be submitted to the Director, Office of Pesticide Programs (H-7501C), Environmental Protection Agency, 401 "M" Street SW, Washington, DC 20460 and must be accompanied by two copies of the information specified in 40 CFR, Part 170.112(e).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-120, filed 10/3/96, effective 11/3/96.]

WAC 16-233-125 Notice of applications—Standards for workers—40 CFR, § 170.120. (1) Notification to workers of pesticide applications in greenhouses. The agricultural employer shall notify workers of any pesticide application in the greenhouse in accordance with this subsection.

(a) All pesticide applications shall be posted in accordance with subsection (3) of this section.

(b) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall also provide oral notification of the application to the worker in accordance with subsection (4) of this section.

(c) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through the greenhouse; or

(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by subsection (4)(a) through (c) of this section.

(2) Notification to workers on farms, in nurseries, or in forests of pesticide applications. The agricultural employer shall notify workers of any pesticide application on the farm or in the nursery or forest in accordance with this subsection.

(a) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall post signs in accordance with subsection (3) of this section and shall provide oral notification of the application to the worker in accordance with subsection (4) of this section.

(b) For any pesticide other than those for which the labeling requires both posting and oral notification of applications, the agricultural employer shall give notice of the application to the worker either by the posting of warning signs in accordance with subsection (3) of this section or orally in accordance with subsection (4) of this section, and shall inform the workers as to which method of notification is in effect.

(c) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through on foot the treated area or any area within one-quarter mile of the treated area; or

(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by subsection (4)(a) through (c) of this section.

(3) Posted warning signs. The agricultural employer shall post warning signs in accordance with the following criteria:

(a) The warning sign shall have a background color that contrasts with red. The words "DANGER" and "PELIGRO,"

plus "PESTICIDES" and "PESTICIDAS," shall be at the top of the sign, and the words "KEEP OUT" and "NO ENTRE" shall be at the bottom of the sign. Letters for all words must be clearly legible. A circle containing an upraised hand on the left and a stern face on the right must be near the center of the sign. The inside of the circle must be red, except that the hand and a large portion of the face must be in a shade that contrasts with red. The length of the hand must be at least twice the height of the smallest letters. The length of the face must be only slightly smaller than the hand. Additional information such as the name of the pesticide and the date of application may appear on the warning sign if it does not detract from the appearance of the sign or change the meaning of the required information. A black and white example of a warning sign meeting these requirements, other than the size requirements, follows:



(b) The standard sign shall be at least fourteen inches by sixteen inches with letters at least one inch in height. Farms and forests shall use the standard size sign unless a smaller sign is necessary because the treated area is too small to accommodate a sign of this size. In nurseries and greenhouses, the agricultural employer may, at any time, use a sign smaller than the standard size sign. Whenever a small sign is used on any establishment, there are specific posting distances depending on the size of the lettering and symbol on the sign. If a sign is used with DANGER and PELIGRO in letters at least 7/8 inch in height and the remaining letters at least 1/2 inch in height and a red circle at least three inches in diameter containing an upraised hand and a stern face, the signs shall be no further than fifty feet apart. If a sign is used with DANGER and PELIGRO in letters at least 7/16 inch in height and the remaining letters at least 1/4 inch in height and a red circle at least 1 1/2 inches in diameter containing an upraised hand and a stern face, the signs shall be no further than twenty-five feet apart. A sign with DANGER and PELIGRO in letters less than 7/16 inch in height or with any words in letters less than 1/4 inch in height or a red circle smaller than 1 1/2 inches in diameter containing an upraised hand and a stern face will not satisfy the requirements of the rule. All signs must meet the requirements of (a) of this subsection.

(c) The employer may replace the Spanish portion of the warning sign with a non-English language read by the largest group of workers who do not read English. The replacement sign must be in the same format as the original sign and be visible and legible.

(d) On farms and in forests and nurseries, the signs shall be visible from all usual points of worker entry to the treated area, including at least each access road, each border with any labor camp adjacent to the treated area, and each footpath and other walking route that enters the treated area. When there are no usual points of worker entry, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(e) In greenhouses, the signs shall be posted so they are visible from all usual points of worker entry to the treated area including each aisle or other walking route that enters the treated area. When there are no usual points of worker entry to the treated area, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(f) The signs shall:

(i) Be posted no sooner than twenty-four hours before the scheduled application of the pesticide.

(ii) Remain posted throughout the application and any restricted-entry interval.

(iii) Be removed within three days after the end of the application and any restricted-entry interval and before agricultural-worker entry is permitted, other than entry permitted by WAC 16-233-120.

(g) The signs shall remain visible and legible during the time they are posted.

(h) When several contiguous areas are to be treated with pesticides on a rotating or sequential basis, the entire area may be posted. Worker entry, other than entry permitted by WAC 16-233-120, is prohibited for the entire area while the signs are posted.

(4) Oral warnings. The agricultural employer shall provide oral warnings to workers in a manner that the worker can understand. If a worker will be on the premises during the application, the warning shall be given before the application takes place. Otherwise, the warning shall be given at the beginning of the worker's first work period during which the application is taking place or the restricted-entry interval for the pesticide is in effect. The warning shall consist of:

(a) The location and description of the treated area.

(b) The time during which entry is restricted.

(c) Instructions not to enter the treated area until the restricted-entry interval has expired.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-125, filed 10/3/96, effective 11/3/96.]

WAC 16-233-130 Providing specific information about applications—Standards for workers—40 CFR, § 170.122. When workers are on an agricultural establishment and, within the last thirty days, a pesticide covered by this chapter has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, specific information about the pesticide.

(1) Location, accessibility, and legibility. The information shall be displayed in the location specified for the pesticide safety poster in WAC 16-233-145(4) and shall be accessible and legible, as specified in WAC 16-233-145 (4) and (6).

(2) Timing.

(a) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

(b) The information shall be posted before the application takes place, if workers will be on the establishment during application. Otherwise, the information shall be posted at the beginning of any worker's first work period.

(c) The information shall continue to be displayed for at least thirty days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least thirty days after the end of the application) or at least until workers are no longer on the establishment, whichever is earlier.

(3) Required information. The information shall include:

(a) The location and description of the treated area.

(b) The product name, EPA registration number, and active ingredient(s) of the pesticide.

(c) The time and date the pesticide is to be applied.

(d) The restricted-entry interval for the pesticide.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-130, filed 10/3/96, effective 11/3/96.]

WAC 16-233-135 Notice of applications to handler employers—Standards for workers—40 CFR, § 170.124. Whenever handlers who are employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the agricultural employer shall provide to the handler employer, or assure that the handler employer is aware of, the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within

one-quarter mile of) and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

- (1) Specific location and description of any such areas; and
- (2) Restrictions on entering those areas.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-135, filed 10/3/96, effective 11/3/96.]

WAC 16-233-140 Pesticide safety training—Standards for workers—40 CFR, § 170.130. (1) General requirement.

(a) Agricultural employer assurance. The agricultural employer shall assure that each worker, required by this section to be trained, has been trained according to this section during the last five years, counting from the end of the month in which the training was completed.

(b) Requirement for workers performing early entry activities. Before a worker enters a treated area on the agricultural establishment during a restricted-entry interval to perform early entry activities permitted by WAC 16-233-120 and contacts anything that has been treated with the pesticide to which the restricted-entry interval applies, including but not limited to, soil, water, or surfaces of plants, the agricultural employer shall assure that the worker has been trained.

(c) Requirements for other agricultural workers.

(i) Information before entry. Except as provided in (b) of this subsection, before a worker enters any areas on the agricultural establishment where, within the last thirty days a pesticide to which this chapter applies has been applied or the restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that the worker has been provided the pesticide safety information specified in subsection (3) of this section, in a manner that agricultural workers can understand, such as by providing written materials or oral communication or by other means. The agricultural employer must be able to verify compliance with this requirement.

(ii) Training before the start of a work period. The agricultural employer shall assure that a worker has been trained before the worker enters any areas on the agricultural establishment where, within the last thirty days a pesticide to which this chapter applies has been applied or a restricted-entry interval for such pesticide has been in effect.

(2) Exceptions. The following persons need not be trained under this section:

(a) A worker who is currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW.

(b) A worker who satisfies the handler training requirements of WAC 16-233-225(3).

(c) A worker who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230: *Provided*, That a requirement for such certification or licensing is pesticide safety training that includes all the information set out in WAC 16-233-225(3)(d).

(3) Pesticide safety information. The pesticide safety information required by subsection (1)(c)(i) of this section shall be presented to workers in a manner that the workers can understand. At a minimum, the following information shall be provided:

(a) Pesticides may be on or in plants, soil, irrigation water, or drifting from nearby applications.

(b) Prevent pesticides from entering your body by:

(i) Following directions and/or signs about keeping out of treated or restricted areas.

(ii) Washing before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wearing work clothing that protects the body from pesticide residues.

(iv) Washing/showering with soap and water, shampoo hair, and put on clean clothes after work.

(v) Washing work clothes separately from other clothes before wearing them again.

(vi) Washing immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(c) Other information as required in WISHA, WAC 296-62-054 through 296-62-05427, hazardous communication program.

(4) Training programs.

(a) General pesticide safety information shall be presented to workers either orally from written materials or audiovisually. The information must be presented in a manner that the workers can understand (such as through a translator) using nontechnical terms. The presenter also shall respond to workers' questions.

(b) The person who conducts the training shall meet at least one of the following criteria:

(i) Be currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW; or

(ii) Be currently designated as a trainer of certified applicators or pesticide handlers by the Washington state department of agriculture in accordance with chapters 15.58 and 17.21 RCW; or

(iii) Have completed a pesticide safety train-the-trainer program approved by the Washington state department of agriculture in accordance with chapters 15.58 and 17.21 RCW; or

(iv) Satisfy the training requirements in WAC 16-233-225(3).

(c) Any person who issues a Washington state department of agriculture-approved worker protection standard worker training card must assure that the worker who receives the training card has been trained in accordance with subsection (4)(d) of this section.

(d) The training materials shall convey, at a minimum, the following information:

(i) Where and in what form pesticides may be encountered during work activities.

(ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

(iii) Routes through which pesticides can enter the body.

(iv) Signs and symptoms of common types of pesticide poisoning.

(v) Emergency first aid for pesticide injuries or poisonings.

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures, including emergency eyeflushing techniques.

(viii) Hazards from chemigation and drift.

(ix) Hazards from pesticide residues on clothing.

(x) Warnings about taking pesticides or pesticide containers home.

(xi) Requirements of this chapter designed to reduce the risks of illness or injury resulting from workers' occupational exposure to pesticides, including application and entry restrictions, the design of the warning sign, posting of warning signs, oral warnings, the availability of specific information about applications, and the protection against retaliatory acts.

(5) Verification of training.

(a) Except as provided in subsection (5)(b) of this section, if the agricultural employer assures that a worker possesses a Washington state department of agriculture-approved worker protection standard worker training card, then the requirements of subsection (1) of this section will have been met. Employers must still comply with the requirements of subsection (3)(c) of this section, hazardous communication program.

(b) If the agricultural employer is aware or has reason to know that a Washington state department of agriculture-approved worker protection standard worker training card has not been issued in accordance with this section, or has not been issued to the worker bearing the card, or the training was completed more than five years before the beginning of the current month, a worker's possession of that card does not meet the requirements of subsection (1) of this section.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-140, filed 10/3/96, effective 11/3/96.]

WAC 16-233-145 Posted pesticide safety information—Standards for workers—40 CFR, § 170.135. (1) Requirement. When workers are on an agricultural establishment and, within the last thirty days, a pesticide covered by this chapter has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, pesticide safety information.

(2) Pesticide safety poster. A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

(a) Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:

(i) Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.

(ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).

(iv) Wash/shower with soap and water, shampoo hair, and put on clean clothes after work.

(v) Wash work clothes separately from other clothes before wearing them again.

(vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(vii) Follow directions about keeping out of treated or restricted areas.

(b) There are federal rules to protect workers and handlers, including a requirement for safety training.

(3) Emergency medical care information.

(a) The name, address, and telephone number of the nearest emergency medical care facility shall be on the safety poster or displayed close to the safety poster.

(b) The agricultural employer shall inform workers promptly of any change to the information on emergency medical care facilities.

(4) Location.

(a) The information shall be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by workers.

(b) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by workers and where workers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

(5) Accessibility. Workers shall be informed of the location of the information and shall be allowed access to it.

(6) Legibility. The information shall remain legible during the time it is posted.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-145, filed 10/3/96, effective 11/3/96.]

WAC 16-233-150 Decontamination—Standards for workers—40 CFR, § 170.150. (1) Requirement. The agricultural employer must provide decontamination supplies for workers in accordance with this section whenever:

(a) Any worker on the agricultural establishment is performing an activity in the area where a pesticide was applied or a restricted-entry interval (REI) was in effect within the last thirty days; and

(b) The worker contacts anything that has been treated with the pesticide, including, but not limited to soil, water, plants, plant surfaces, and plant parts;

(c) *Exception.* The thirty-day time period established in (a) of this subsection shall not apply if the only pesticides used in the treated area are products with an REI of four hours or less on the label (but not a product without an REI on the label). When workers are in such treated areas, the agricultural employer shall provide decontamination supplies for not less than seven days following the expiration of any applicable REI.

(2) General conditions.

(a) The agricultural employer shall provide workers with adequate water for routine washing and emergency eyeflushing. At all times when the water is available to workers, the employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.

(b) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(c) The agricultural employer shall provide soap and single-use towels in quantities sufficient to meet workers' needs.

(d) To provide for emergency eyeflushing, the agricultural employer shall assure that at least one pint of water is

immediately available to each worker who is performing early entry activities permitted by WAC 16-233-120 and for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the early entry worker, or shall be on the vehicle the early entry worker is using, or shall be otherwise immediately accessible.

(3) Location.

(a) The decontamination supplies shall be located together and be reasonably accessible to and not more than one-quarter mile from where workers are working.

(b) For worker activities performed more than one-quarter mile from the nearest place of vehicular access:

(i) The soap, single-use towels, and water may be at the nearest place of vehicular access.

(ii) The agricultural employer may permit workers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water located at the nearest place of vehicular access.

(c) The decontamination supplies shall not be maintained in an area being treated with pesticides.

(d) The decontamination supplies shall not be maintained in an area that is under a restricted-entry interval, unless the workers for whom the supplies are provided are performing early entry activities permitted by WAC 16-233-120 and involving contact with treated surfaces and the decontamination supplies would otherwise not be reasonably accessible to those workers.

(4) Decontamination after early entry activities. At the end of any exposure period for workers engaged in early entry activities permitted by WAC 16-233-120 and involving contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants, the agricultural employer shall provide, at the site where the workers remove personal protective equipment, soap, clean towels, and a adequate amount of water so that the workers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at early entry sites that do not have running water.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-150, filed 10/3/96, effective 11/3/96.]

WAC 16-233-155 Emergency assistance—Standards for workers—40 CFR, § 170.160. If there is reason to believe that a person who is or has been employed on an agricultural establishment to perform tasks related to the production of agricultural plants has been poisoned or injured by exposure to pesticides used on the agricultural establishment, including, but not limited to, exposures from application, splash, spill, drift, or pesticide residues, the agricultural employer shall:

(1) Make available to that person prompt transportation from the agricultural establishment, including any labor camp on the agricultural establishment, to an appropriate emergency medical facility.

(2) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(a) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

(b) Antidote, first aid, and other medical information from the product labeling.

(c) The circumstances of application or use of the pesticide on the agricultural establishment.

(d) The circumstances of exposure of that person to the pesticide.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-155, filed 10/3/96, effective 11/3/96.]

STANDARD FOR PESTICIDE HANDLERS

WAC 16-233-200 Applicability of this subpart—Standards for pesticide handlers—40 CFR, § 170.202. (1) Requirement. Except as provided by subsection (2) of this section and WAC 16-233-205, this chapter applies when any pesticide is handled for use on an agricultural establishment.

(2) Exceptions. This chapter does not apply when any pesticide is handled for use on an agricultural establishment in the following circumstances:

(a) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.

(b) On livestock or other animals, or in or about animal premises.

(c) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.

(d) On plants that are in ornamental gardens, parks, and public or private lawns and grounds and that are intended only for aesthetic purposes or climatic modification.

(e) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use.

(f) For control of vertebrate pests.

(g) As attractants or repellents in traps.

(h) On the harvested portions of agricultural plants or on harvested timber.

(i) For research uses of unregistered pesticides.

(j) Exemptions. Except as provided by WAC 16-233-200 and 16-233-205, this chapter applies when a pesticide is handled for an agricultural establishment.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-200, filed 10/3/96, effective 11/3/96.]

WAC 16-233-205 Exemptions—Standards for handlers—40 CFR, § 170.204. The handlers listed in this section are exempt from the specified provisions of this chapter.

(1) Owners of agricultural establishments.

(a) The owner of an agricultural establishment is not required to provide to himself or members of his immediate family who are performing handling tasks on their own agricultural establishment the protections of:

(i) WAC 16-233-210 (2) and (3).

(ii) WAC 16-233-215.

(iii) WAC 16-233-225.

(iv) WAC 16-233-230.

- (v) WAC 16-233-235.
- (vi) WAC 16-233-240.
- (vii) WAC 16-233-245 (5) through (7).
- (viii) WAC 16-233-250.
- (ix) WAC 16-233-255.

(b) The owner of the agricultural establishment must provide the protections listed in subsection (1)(a)(i) through (ix) of this section to other handlers and other persons who are not members of his immediate family.

(2) Crop advisors.

(a) Provided that the conditions of (b) of this subsection are met, a person who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

- (i) WAC 16-233-230.
- (ii) WAC 16-233-245.
- (iii) WAC 16-233-250.
- (iv) WAC 16-233-255.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in (b)(iv) and (v) of this subsection. Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(b) Conditions of exemption.

(i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in WAC 16-233-225 (3)(d).

(ii) No entry into the treated area occurs until after application ends.

(iii) Applies only when performing crop advising tasks in the treated area.

(iv) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

(v) Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his direct supervision of the pesticide products and active ingredient(s) applied, method of application, time of application, the restricted-entry interval, which tasks to undertake, and how to contact the crop advisor.

(c) Applies only when the persons are performing crop advising tasks in the treated area.

(d) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-205, filed 10/3/96, effective 11/3/96.]

WAC 16-233-210 Restrictions during applications—Standards for pesticide handlers—40 CFR, § 170.210. (1) Contact with workers and other persons. The handler

employer and the handler shall assure that no pesticide is applied so as to contact, either directly or through drift, any worker or other person, other than an appropriately trained and equipped handler.

(2) Handlers handling highly toxic pesticides. The handler employer shall assure that any handler who is performing any handling activity with a product that has the skull and crossbones symbol on the front panel of the label is monitored visually or by voice communication at least every two hours.

(3) Fumigant applications in greenhouses. The handler employer shall assure:

(a) That any handler who handles a fumigant in a greenhouse, including a handler who enters the greenhouse before the acceptable inhalation exposure level or ventilation criteria have been met to monitor air levels or to initiate ventilation, maintains continuous visual or voice contact with another handler.

(b) That the other handler has immediate access to the personal protective equipment required by the fumigant labeling for handlers in the event entry into the fumigated greenhouse becomes necessary for rescue.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-210, filed 10/3/96, effective 11/3/96.]

WAC 16-233-215 Providing specific information about applications—Standards for pesticide handlers—40 CFR, § 170.222. When handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last thirty days, a pesticide covered by this chapter has been applied on the establishment or a restricted-entry interval has been in effect, the handler employer shall display, in accordance with this section, specific information about the pesticide.

(1) Location, accessibility, and legibility. The information shall be displayed in the same location specified for the pesticide safety poster in WAC 16-233-240(4) and shall be accessible and legible, as specified in WAC 16-233-240 (5) and (6).

(2) Timing.

(a) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

(b) The information shall be posted before the application takes place, if handlers (except those employed by a commercial pesticide handling establishment) will be on the establishment during application. Otherwise, the information shall be posted at the beginning of any such handler's first work period.

(c) The information shall continue to be displayed for at least thirty days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least thirty days after the end of the application) or at least until the handlers are no longer on the establishment, whichever is earlier.

(3) Required information. The information shall include:

(a) The location and description of the treated area.

(b) The product name, EPA registration number, and active ingredient(s) of the pesticide.

(c) The time and date the pesticide is to be applied.

(d) The restricted-entry interval for the pesticide.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-215, filed 10/3/96, effective 11/3/96.]

WAC 16-233-220 Notice of applications to agricultural employers—Standards for pesticide handlers—40 CFR, § 170.224. Before the application of any pesticide on or in an agricultural establishment, the handler employer shall provide the following information to any agricultural employer for the establishment or shall assure that any agricultural employer is aware of:

- (1) Specific location and description of the treated area.
- (2) Time and date of application.
- (3) Product name, EPA registration number, and active ingredient(s).
- (4) Restricted-entry interval.
- (5) Whether posting and oral notification are required.
- (6) Any other product-specific requirements on the product labeling concerning protection of workers or other persons during or after application.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-220, filed 10/3/96, effective 11/3/96.]

WAC 16-233-225 Pesticide safety training—Standards for pesticide handlers—40 CFR, § 170.230. (1) Requirement. Before any handler performs any handling task, the handler employer shall assure that the handler has been trained in accordance with this section during the last five years, counting from the end of the month in which the training was completed.

(2) Exceptions. The following persons need not be trained under this section:

(a) A handler who is currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW.

(b) A handler who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230: *Provided*, That a requirement for such certification or licensing is pesticide safety training that includes all the information set out in WAC 16-233-225 (3)(d).

(3) Training programs.

(a) General pesticide safety information shall be presented to handlers either orally from written materials or audiovisually. The information must be presented in a manner that the handlers can understand (such as through a translator). The presenter also shall respond to handlers' questions.

(b) The person who conducts the training shall meet at least one of the following criteria:

(i) Be currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW; or

(ii) Be currently designated as a trainer of certified applicators or pesticide handlers by the Washington state department of agriculture under chapters 15.58 or 17.21 RCW; or

(iii) Have completed a pesticide safety train-the-trainer program approved by a state, federal, or tribal agency having jurisdiction.

(c) Any person who issues a Washington state department of agriculture-approved worker protection standard handler training card must assure that the handler who

receives the training card has been trained in accordance with (d) of this subsection.

(d) The pesticide safety training materials must convey, at a minimum, the following information:

(i) Format and meaning of information contained on pesticide labels and in labeling, including safety information such as precautionary statements about human health hazards.

(ii) Hazards of pesticides resulting from toxicity and exposure, including acute and chronic effects, delayed effects, and sensitization.

(iii) Routes by which pesticides can enter the body.

(iv) Signs and symptoms of common types of pesticide poisoning.

(v) Emergency first aid for pesticide injuries or poisonings.

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures.

(viii) Need for and appropriate use of personal protective equipment.

(ix) Prevention, recognition, and first-aid treatment of heat-related illness.

(x) Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup.

(xi) Environmental concerns such as drift, runoff, and wildlife hazards.

(xii) Warnings about taking pesticides or pesticide containers home.

(xiii) Requirements of this chapter that must be followed by handler employers for the protection of handlers and other persons, including the prohibition against applying pesticides in a manner that will cause contact with workers or other persons, the requirement to use personal protective equipment, the provisions for training and decontamination, and the protection against retaliatory acts.

(4) Verification of training.

(a) Except as provided in (b) of this subsection, if the handler employer assures that a handler possesses a Washington state department of agriculture-approved worker protection standard handler training card, then the requirements of subsection (1) of this section will have been met.

(b) If the handler employer is aware or has reason to know that a Washington state department of agriculture-approved worker protection standard handler training card has not been issued in accordance with this section, or has not been issued to the handler bearing the card, or the handler training was completed more than five years before the beginning of the current month, a handler's possession of that card does not meet the requirements of subsection (1) of this section.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-225, filed 10/3/96, effective 11/3/96.]

WAC 16-233-230 Knowledge of labeling and site-specific information—Standards for pesticide handlers—40 CFR, § 170.232. (1) Knowledge of labeling information.

(a) The handler employer shall assure that before the handler performs any handling activity, the handler either has read the product labeling or has been informed in a manner

the handler can understand of all labeling requirements related to safe use of the pesticide, such as signal words, human hazard precautions, personal protective equipment requirements, first-aid instructions, environmental precautions, and any additional precautions pertaining to the handling activity to be performed.

(b) The handler employer shall assure that the handler has access to the product labeling information during handling activities.

(2) Knowledge of site-specific information. Whenever a handler who is employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the handler employer shall assure that the handler is aware of the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within one-quarter mile of) and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

- (a) Specific location and description of any such areas; and
- (b) Restrictions on entering those areas.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-230, filed 10/3/96, effective 11/3/96.]

WAC 16-233-235 Safe operation of equipment—Standards for pesticide handlers—40 CFR, § 170.234. (1) The handler employer shall assure that before the handler uses any equipment for mixing, loading, transferring, or applying pesticides, the handler is instructed in the safe operation of such equipment, including, when relevant, chemigation safety requirements and drift avoidance.

(2) The handler employer shall assure that, before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is inspected for leaks, clogging, and worn or damaged parts, and any damaged equipment is repaired or is replaced.

(3) Before allowing any person to repair, clean, or adjust equipment that has been used to mix, load, transfer, or apply pesticides, the handler employer shall assure that pesticide residues have been removed from the equipment, unless the person doing the cleaning, repairing, or adjusting is a handler employed by the agricultural or commercial pesticide handling establishment. If pesticide residue removal is not feasible, the handler employer shall assure that the person who repairs, cleans, or adjusts such equipment is informed:

- (a) That such equipment may be contaminated with pesticides.
- (b) Of the potentially harmful effects of exposure to pesticides.
- (c) Of the correct way to handle such equipment.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-235, filed 10/3/96, effective 11/3/96.]

WAC 16-233-240 Posted pesticide safety information—Standards for pesticide handlers—40 CFR, § 170.235. (1) Requirement. When handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last thirty days, a pesticide covered by this chapter has been applied on

the establishment or a restricted-entry interval has been in effect, the handler employer shall display, in accordance with this section, pesticide safety information.

(2) Pesticide safety poster. A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

(a) Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:

(i) Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.

(ii) Wash before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wear work clothing that protects the body from pesticide residues (long-sleeved shirts, long pants, shoes and socks, and a hat or scarf).

(iv) Wash/shower with soap and water, shampoo hair, and put on clean clothes after work.

(v) Wash work clothes separately from other clothes before wearing them again.

(vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(vii) Follow directions about keeping out of treated or restricted areas.

(b) There are federal rules to protect workers and handlers including a requirement for safety training.

(3) Emergency medical care information.

(a) The name, address, and telephone number of the nearest emergency medical care facility shall be on the safety poster or displayed close to the safety poster.

(b) The handler employer shall inform handlers promptly of any change to the information on emergency medical care facilities.

(4) Location.

(a) The information shall be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by handlers.

(b) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by handlers and where handlers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

(5) Accessibility. Handlers shall be informed of the location of the information and shall be allowed access to it.

(6) Legibility. The information shall remain legible during the time it is posted.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-240, filed 10/3/96, effective 11/3/96.]

WAC 16-233-245 Personal protective equipment—Standards for pesticide handlers—40 CFR, § 170.240. (1) Requirement. Any person who performs tasks as a pesticide handler shall use the clothing and personal protective equipment specified on the labeling for use of the product.

(2) Definition.

(a) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory

protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(b) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered personal protective equipment for the purposes of this section and are not subject to the requirements of this section, although pesticide labeling may require that such work clothing be worn during some activities.

(3) Provision. When personal protective equipment is specified by the labeling of any pesticide for any handling activity, the handler employer shall provide the appropriate personal protective equipment in clean and operating condition to the handler.

(a) When "chemical-resistant" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(b) When "waterproof" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(c) When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose-fitting, one-piece or two-piece chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(d) When "coveralls" are specified by the product labeling, they shall be a loose-fitting, one-piece or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over another layer of clothing.

(e) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent material shall not be worn for handling activities unless such materials are listed on the product labeling as acceptable for such use.

(f) When "chemical-resistant footwear" is specified by the product labeling, one of the following types of footwear must be worn:

- (i) Chemical-resistant shoes.
- (ii) Chemical-resistant boots.
- (iii) Chemical-resistant shoe coverings worn over shoes or boots.

(g) When "protective eyewear" is specified by the product labeling, one of the following types of eyewear must be worn:

- (i) Goggles.
- (ii) Face shield.
- (iii) Safety glasses with front, brow, and temple protection.

(iv) Full-face respirator.

(h) When a "chemical-resistant apron" is specified by the product labeling, an apron that covers the front of the body from mid-chest to the knees shall be worn.

(i) When a respirator is specified by the product labeling, it shall be appropriate for the pesticide product used and for the activity to be performed. The handler employer shall assure that the respirator fits correctly by using the procedures consistent with WAC 296-62-071. If the label does not specify the type of respirator to be used, it shall meet the requirements of WAC 296-62-071. The respiratory

protection requirements of the general occupational health standards, WAC 296-62-071, shall apply.

(j) When "chemical-resistant headgear" is specified by the product labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(4) Exceptions to personal protective equipment specified on product labeling.

(a) Body protection.

(i) A chemical-resistant suit may be substituted for "coveralls," and any requirement for an additional layer of clothing beneath is waived.

(ii) A chemical-resistant suit may be substituted for "coveralls" and a chemical-resistant apron.

(b) Boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable, then leather boots may be worn in such terrain.

(c) Gloves. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable, then during handling activities with roses or other plants with sharp thorns, leather gloves may be worn over chemical-resistant glove liners. However, once leather gloves are worn for this use, thereafter they shall be worn only with chemical-resistant liners and they shall not be worn for any other use.

(d) Closed systems. If handling tasks are performed using properly functioning systems that enclose the pesticide to prevent it from contacting handlers or other persons, and if such systems are used and are maintained in accordance with that manufacturer's written operating instructions, exceptions to labeling-specified personal protective equipment for the handling activity are permitted as provided in (d)(i) and (ii) of this subsection.

(i) Persons using a closed system to mix or load pesticides with a signal word of DANGER or WARNING may substitute a long-sleeved shirt, long pants, shoes, socks, chemical-resistant apron, and any protective gloves specified on the labeling for handlers for the labeling-specified personal protective equipment.

(ii) Persons using a closed system to mix or load pesticides other than those in (d)(i) of this subsection or to perform other handling tasks may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment.

(iii) Persons using a closed system that operates under pressure shall wear protective eyewear.

(iv) Persons using a closed system shall have all labeling-specified personal protective equipment immediately available for use in an emergency.

(e) Enclosed cabs. If handling tasks are performed from inside a cab that has a nonporous barrier which totally surrounds the occupants of the cab and prevents contact with pesticides outside of the cab, exceptions to personal protective equipment specified on the product labeling for that handling activity are permitted as provided in (e)(i) through (iv) of this subsection.

(i) Persons occupying an enclosed cab may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device is specified on the pesticide product labeling for the handling activity, it must be worn.

(ii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and

maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by the Washington state department of labor and industries to provide respiratory protection equivalent to or greater than a dust/mist filtering respirator may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device other than a dust/mist-filtering respirator is specified on the pesticide product labeling, it must be worn.

(iii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and the Washington state department of labor and industries to provide respiratory protection equivalent to or greater than the vapor-removing or gas-removing respirator specified on pesticide product labeling may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If an air-supplying respirator or a self-contained breathing apparatus (SCBA) is specified on the pesticide product labeling, it must be worn.

(iv) Persons occupying an enclosed cab shall have all labeling-specified personal protective equipment immediately available and stored in a chemical-resistant container, such as a plastic bag. They shall wear such personal protective equipment if it is necessary to exit the cab and contact pesticide-treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it must be removed before reentering the cab.

(f) Aerial applications.

(i) Use of gloves. Chemical-resistant gloves shall be worn when entering or leaving an aircraft contaminated by pesticide residues. In the cockpit, the gloves shall be kept in an enclosed container to prevent contamination of the inside of the cockpit.

(ii) Open cockpit. Persons occupying an open cockpit shall use the personal protective equipment specified in the product labeling for use during application, except that chemical-resistant footwear need not be worn. A helmet may be substituted for chemical-resistant headgear. A visor may be substituted for protective eyewear.

(iii) Enclosed cockpit. Persons occupying an enclosed cockpit may substitute a long-sleeved shirt, long pants, shoes, and socks for labeling-specified personal protective equipment.

(g) Crop advisors. Crop advisors entering treated areas while a restricted-entry interval is in effect may wear the personal protective equipment specified on the pesticide labeling for early entry activities instead of the personal protective equipment specified on the pesticide labeling for handling activities, provided:

(i) Application has been completed for at least four hours.

(ii) Any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling have been met.

(5) Use of personal protective equipment.

(a) The handler employer shall assure that personal protective equipment is used correctly for its intended

purpose and is used according to the manufacturer's instructions.

(b) The handler employer shall assure that, before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(6) Cleaning and maintenance.

(a) The handler employer shall assure that all personal protective equipment is cleaned according to the manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(b) If any personal protective equipment cannot be cleaned properly, the handler employer shall dispose of the personal protective equipment in accordance with any applicable federal, state, and local regulations. Coveralls or other absorbent materials that have been drenched or heavily contaminated with an undiluted pesticide that has the signal word DANGER or WARNING on the label shall be not be reused.

(c) The handler employer shall assure that contaminated personal protective equipment is kept separately and washed separately from any other clothing or laundry.

(d) The handler employer shall assure that all clean personal protective equipment shall be either dried thoroughly before being stored or shall be put in a well ventilated place to dry.

(e) The handler employer shall assure that all personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(f) The handler employer shall assure that when dust/mist filtering respirators are used, the filters shall be replaced:

(i) When breathing resistance becomes excessive.

(ii) When the filter element has physical damage or tears.

(iii) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(iv) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(g) The handler employer shall assure that when gas-removing or vapor-removing respirators are used, the gas-removing or vapor-removing canisters or cartridges shall be replaced:

(i) At the first indication of odor, taste, or irritation.

(ii) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(iii) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(h) The handler employer shall inform any person who cleans or launders personal protective equipment:

(i) That such equipment may be contaminated with pesticides.

(ii) Of the potentially harmful effects of exposure to pesticides.

(iii) Of the correct way(s) to clean personal protective equipment and to protect themselves when handling such equipment.

(i) The handler employer shall assure that handlers have a clean place(s) away from pesticide storage and pesticide use areas where they may:

- (i) Store personal clothing not in use.
- (ii) Put on personal protective equipment at the start of any exposure period.
- (iii) Remove personal protective equipment at the end of any exposure period.

(j) The handler employer shall not allow or direct any handler to wear home or to take home personal protective equipment contaminated with pesticides.

(7) Heat-related illness. When the use of personal protective equipment is specified by the labeling of any pesticide for the handling activity, the handler employer shall assure that no handler is allowed or directed to perform the handling activity unless appropriate measures are taken, if necessary, to prevent heat-related illness.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-245, filed 10/3/96, effective 11/3/96.]

WAC 16-233-250 Decontamination—Standards for pesticide handlers—40 CFR, § 170.250. (1) Requirement. During any handling activity, the handler employer shall provide for handlers, in accordance with this section, decontamination supplies for washing off pesticides and pesticide residues.

(2) General conditions.

(a) The handler employer shall provide handlers with enough water for routine washing, for emergency eyeflushing, and for washing the entire body in case of an emergency. At all times when the water is available to handlers, the handler employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water.

(b) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(c) The handler employer shall provide soap and single-use towels in quantities sufficient to meet handlers' needs.

(d) The handler employer shall provide one clean change of clothing, such as coveralls, for use in an emergency.

(3) Location. The decontamination supplies shall be located together and be reasonably accessible to and not more than one-quarter mile from each handler during the handling activity.

(a) Exception for mixing sites. For mixing activities, decontamination supplies shall be at the mixing site.

(b) Exception for pilots. Decontamination supplies for a pilot who is applying pesticides aerially shall be in the airplane or at the aircraft loading site.

(c) Exception for handling pesticides in remote areas. When handling activities are performed more than one-quarter mile from the nearest place of vehicular access:

(i) The soap, single-use towels, clean change of clothing, and water may be at the nearest place of vehicular access.

(ii) The handler employer may permit handlers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water located at the nearest place of vehicular access.

(d) Decontamination supplies in treated areas. The decontamination supplies shall not be in an area being treated with pesticides or in an area under a restricted-entry interval, unless:

(i) The decontamination supplies are in the area where the handler is performing handling activities;

(ii) The soap, single-use towels, and clean change of clothing are in enclosed containers; and

(iii) The water is running tap water or is enclosed in a container.

(4) Emergency eyeflushing. To provide for emergency eyeflushing, the handler employer shall assure that at least one pint of water is immediately available to each handler who is performing tasks for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the handler, or shall be on the vehicle or aircraft the handler is using, or shall be otherwise immediately accessible.

(5) A plumbed or portable emergency eyewash capable of delivering at least 1.5 liters (0.4 gals.) of water per minute for fifteen minutes shall be provided at all pesticide mixing and loading stations or handler decontamination sites when the label requires protective eyewear for mixing, loading or applying. A plumbed or portable system meeting the above requirements shall be provided at all permanent mixing and loading sites.

(6) Decontamination after handling activities. At the end of any exposure period, the handler employer shall provide at the site where handlers remove personal protective equipment, soap, clean towels, and a sufficient amount of water so that the handlers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-250, filed 10/3/96, effective 11/3/96.]

WAC 16-233-255 Emergency assistance—Standards for pesticide handlers—40 CFR, § 170.260. If there is reason to believe that a person who is or has been employed by an agricultural establishment or commercial pesticide handling establishment to perform pesticide handling tasks has been poisoned or injured by exposure to pesticides as a result of that employment, including, but not limited to, exposures from handling tasks or from application, splash, spill, drift, or pesticide residues, the handler employer shall:

(1) Make available to that person prompt transportation from the place of employment or the handling site to an appropriate emergency medical facility.

(2) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(a) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

(b) Antidote, first aid, and other medical information from the product labeling.

- (c) The circumstances of handling of the pesticide.
- (d) The circumstances of exposure of that person to the pesticide.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 96-21-008 (Order 6002), § 16-233-255, filed 10/3/96, effective 11/3/96.]

**Chapter 16-234 WAC
NEGOTIABLE WAREHOUSE RECEIPTS—
PRINTING**

WAC

- 16-234-001 Promulgation.
- 16-234-010 Printing by private printer—When.
- 16-234-020 Bond requirements.
- 16-234-030 Completion of printing.

WAC 16-234-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 22.09 RCW, Laws of 1963, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on June 17, 1965, do hereby promulgate the following regulations governing the printing of negotiable warehouse receipts by private printers.

[Order 983, Promulgation, filed 6/18/65.]

WAC 16-234-010 Printing by private printer—When. The department of agriculture will allow warehousemen to have their negotiable warehouse receipts printed by a private printer only when the state printer cannot supply said receipts within a reasonable time in the form requested and at a competitive price as determined by the director.

[Order 983, Regulation 1, filed 6/18/65.]

WAC 16-234-020 Bond requirements. Warehousemen who require receipts as set forth in WAC 16-234-010 shall apply to the director and furnish the following:

- (1) A bond for one thousand dollars as provided for in RCW 22.09.300.
- (2) Complete the department's "requisition for negotiable warehouse receipts" form, and forward to the department for both approval and forwarding to said private printer.

[Order 983, Regulation 2, filed 6/18/65.]

WAC 16-234-030 Completion of printing. Upon receipt of a completed "requisition for negotiable warehouse receipts" form, the private printer shall print the authorized negotiable warehouse receipts and upon completion of printing notify the department by use of the "affidavit of printer" form the number of negotiable warehouse receipts printed and the inclusive numbers as specified.

[Order 983, Regulation 3, filed 6/18/65.]

**Chapter 16-236 WAC
SEPA PROCEDURES**

WAC

- 16-236-010 Authority.
- 16-236-020 Adoption by reference.
- 16-236-030 Purpose.
- 16-236-040 Additional definition.
- 16-236-050 Designation of responsible official.
- 16-236-060 EIS preparation.
- 16-236-070 Environmentally sensitive areas.
- 16-236-080 Threshold levels adopted by local governments.
- 16-236-090 Coordination of combined state-federal action.
- 16-236-100 Public notice requirements.
- 16-236-110 Notice/statute of limitations.
- 16-236-120 Policies and procedures for conditioning or denying permits or other approvals.
- 16-236-130 Severability.

WAC 16-236-010 Authority. These rules are promulgated under RCW 43.21C.120 (the State Environmental Policy Act) and chapter 197-11 WAC (SEPA rules).

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-010, filed 11/30/84.]

WAC 16-236-020 Adoption by reference. The department of agriculture adopts the following sections of chapter 197-11 WAC by reference:

WAC

- 197-11-020 Purpose.
- 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.
- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.
- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping. (Optional)
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.

- 197-11-450 Cost-benefit analysis.
 197-11-455 Issuance of DEIS.
 197-11-460 Issuance of FEIS.
 197-11-500 Purpose of this part.
 197-11-502 Inviting comment.
 197-11-504 Availability and cost of environmental documents.
 197-11-508 SEPA register.
 197-11-535 Public hearings and meetings.
 197-11-545 Effect of no comment.
 197-11-550 Specificity of comments.
 197-11-560 FEIS response to comments.
 197-11-570 Consulted agency costs to assist lead agency.
 197-11-600 When to use existing environmental documents.
 197-11-610 Use of NEPA documents.
 197-11-620 Supplemental environmental impact statement—Procedures.
 197-11-625 Addenda—Procedures.
 197-11-630 Adoption—Procedures.
 197-11-635 Incorporation by reference—Procedures.
 197-11-640 Combining documents.
 197-11-650 Purpose of this part.
 197-11-655 Implementation.
 197-11-660 Substantive authority and mitigation.
 197-11-680 Appeals.
 197-11-700 Definitions.
 197-11-702 Act.
 197-11-704 Action.
 197-11-706 Addendum.
 197-11-708 Adoption.
 197-11-710 Affected tribe.
 197-11-712 Affecting.
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 197-11-718 Built environment.
 197-11-720 Categorical exemption.
 197-11-722 Consolidated appeal.
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 197-11-736 Determination of significance (DS).
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 197-11-850 Department of agriculture.
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 197-11-890 Petitioning DOE to change exemptions.
 197-11-900 Purpose of this part.
 197-11-908 Environmentally sensitive areas.
 197-11-912 Procedures on consulted agencies.
 197-11-916 Application to ongoing actions.
 197-11-917 Relationship to chapter 197-10 WAC.
 197-11-920 Agencies with environmental expertise.
 197-11-922 Lead agency rules.
 197-11-924 Determining the lead agency.
 197-11-926 Lead agency for governmental proposals.
 197-11-928 Lead agency for public and private proposals.
 197-11-930 Lead agency for private projects with one agency with jurisdiction.
 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
 197-11-938 Lead agencies for specific proposals.
 197-11-940 Transfer of lead agency status to a state agency.
 197-11-942 Agreements on lead agency status.
 197-11-944 Agreements on division of lead agency duties.
 197-11-946 DOE resolution of lead agency disputes.
 197-11-948 Assumption of lead agency status.
 197-11-960 Environmental checklist.
 197-11-965 Adoption notice.
 197-11-970 Determination of nonsignificance (DNS).
 197-11-980 Determination of significance and scoping notice (DS).
 197-11-985 Notice of assumption of lead agency status.
 197-11-990 Notice of action.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-020, filed 11/30/84.]

WAC 16-236-030 Purpose. (1) This chapter implements the state-wide rules in chapter 197-11 WAC as they apply to the department of agriculture.

(2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the department to use all practical means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(b) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(d) Preserve important historic, cultural, and natural aspects of our national heritage;

(e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(3) The department recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-030, filed 11/30/84.]

WAC 16-236-040 Additional definition. "Department" means department of agriculture unless otherwise indicated.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-040, filed 11/30/84.]

WAC 16-236-050 Designation of responsible official. Within the department of agriculture the ultimate responsible official is the director. The responsible official for a specific proposal shall be the assistant to the director in charge of environmental affairs or his/her designee.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-050, filed 11/30/84.]

WAC 16-236-060 EIS preparation. (1) Preparation of draft and final EISs and SEISs is the responsibility of the assistant to the director in charge of environmental affairs or his/her designee. The responsible official shall be satisfied that all EISs and SEISs issued by the department are in compliance with these rules and chapter 197-11 WAC.

(2) Any draft or final EIS or SEIS shall be prepared by the department, the applicant, or by a consultant mutually agreed upon by the department and applicant.

(3) Whenever someone other than the department prepares a draft or final EIS or SEIS, the responsible official shall:

(a) Coordinate scoping to ensure that the individual preparing the document receives all substantive information submitted by any agency or person.

(b) Direct the areas of research and study to be undertaken and the content and organization of the document.

(c) Assist in obtaining information on file with another agency that is needed by the person preparing the document.

(d) Allow the person preparing the document access to department records relating to the document, as prescribed in chapter 16-06 WAC, Public records.

(4) Nothing herein shall be construed to prohibit the department from charging any fee of an applicant that the department is otherwise authorized to charge (see WAC 197-11-914). A performance bond in amount specified by the department may be required of the applicant to ensure payment of department expenses in preparing, in whole or in part, a draft or final EIS or SEIS.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-060, filed 11/30/84.]

WAC 16-236-070 Environmentally sensitive areas. During threshold determination and in determining whether a proposal is exempt from SEPA, the department shall give all due consideration to "environmentally sensitive area" designations made by local governments under WAC 197-11-908.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-070, filed 11/30/84.]

WAC 16-236-080 Threshold levels adopted by local governments. During threshold determination and in determining whether a proposal is exempt from SEPA, the department shall respect threshold levels adopted by local governments under WAC 197-11-800.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-080, filed 11/30/84.]

WAC 16-236-090 Coordination of combined state-federal action. When the department considers actions which also involve federal actions, it shall coordinate the two governmental processes so that only one EIS, or other environmental document, need be prepared for that proposal.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-090, filed 11/30/84.]

WAC 16-236-100 Public notice requirements. (1) When these rules require notice of environmental document preparation or availability, as a lead agency and taking into consideration the geographic area affected by the proposal, the size and complexity of the proposal, the public notice requirements for the permit or approval required from the department, public interest expressed in the proposal, and whether the proposal is a project or regulation, the department shall give public notice by using at least one of the following methods:

(a) Posting the property, for site-specific proposals;

(b) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;

(c) Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;

(d) Notifying the news media; and/or

(e) Publishing notice in a department newsletter.

(2) Whenever possible, the department shall integrate these public notice requirements with existing notice procedures for any department permits or approvals required for the proposal.

(3) The department may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-100, filed 11/30/84.]

WAC 16-236-110 Notice/statute of limitations. (1)

The department, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the department, applicant, or proponent pursuant to RCW 43.21C.080.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-110, filed 11/30/84.]

WAC 16-236-120 Policies and procedures for conditioning or denying permits or other approvals. (1)

The policies and goals in this section are supplementary to existing authorities of the department.

(2) It is the policy of the department to avoid or mitigate adverse environmental impacts which may result from the department's decisions.

(3) The department shall ensure that presently unquantified environmental amenities and values will be given appropriate consideration in decision-making along with economic and technical considerations.

(4) When the environmental document for a proposal shows it will cause significant adverse impacts, the responsible official shall consider whether:

(a) The environmental document identified mitigation measures that are reasonable and capable of being accomplished;

(b) Other local, state, or federal requirements and enforcement would mitigate the significant adverse environmental impacts; and

(c) Reasonable mitigation measures are sufficient to mitigate the significant adverse impacts.

(5) When the environmental document for a proposal shows it will cause significant adverse impacts, the responsible official may:

(a) Condition the approval for a proposal if mitigation measures are reasonable and capable of being accomplished and the proposal is consistent with the policies in this section; or

(b) Deny the permit or approval for a proposal if reasonable mitigation measures are insufficient to mitigate significant adverse environmental impacts and the proposal is inconsistent with the policies in this section.

(6) The procedures in WAC 197-11-660 shall also be followed when conditioning or denying permits or other approvals.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-120, filed 11/30/84.]

WAC 16-236-130 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

[Statutory Authority: Chapter 43.21C RCW. 84-24-033 (Order 1843), § 16-236-130, filed 11/30/84.]

**Chapter 16-300 WAC
NOXIOUS WEED SEEDS**

WAC

| | |
|------------|--------------------------------------|
| 16-300-010 | Prohibited noxious weed seeds. |
| 16-300-020 | Restricted noxious weed seeds. |
| 16-300-025 | Tolerances for seed law enforcement. |

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

| | |
|------------|---|
| 16-300-001 | Promulgation. [Order 946, filed 4/20/64; Order 849, effective 6/30/61.] Superseded by Order 1149, § 16-300-002, filed 4/16/70. |
| 16-300-002 | Promulgation. [Order 1149, § 16-300-002, filed 4/16/70.] Superseded by Order 1413, § 16-300-003, filed 8/15/75. |
| 16-300-003 | Promulgation. [Order 1413, § 16-300-003, filed 8/15/75.] Repealed by 79-05-066 (Order 1604), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW. |

WAC 16-300-010 Prohibited noxious weed seeds.

(1) Prohibited (primary) noxious weed seeds are the seeds of weeds which when established are highly destructive, competitive and/or difficult to control by cultural or chemical practices.

(2) It shall be unlawful for any person to distribute mislabeled seed. Seed shall be deemed to be mislabeled if it consists of or contains any of the prohibited noxious weed seeds listed below. For the purpose of seed certification, see WAC 16-316-160 for the list of prohibited noxious weeds.

**ENGLISH OR
COMMON NAME**

**BOTANICAL OR
SCIENTIFIC NAME**

| | |
|--|--|
| Austrian fieldcress | Rorippa austriaca (Crantz) Bess. |
| Field bindweed | Convolvulus arvensis L. |
| Hedge bindweed | Convolvulus sepium L. |
| Bladder campion | Silene cucubalus |
| (only in timothy- Phleum pratense) | |
| Camelthorn | Alhagi camelorum Fisch. |
| Canada thistle | Cirsium arvense (L.) Scop. |
| Hairy whitetop | Cardaria pubescens (C.A. Mey.) |
| Hoary cress | Cardaria draba (L.) Desv. |
| Jointed goatgrass | Aegilops cylindrica |
| (only in small grain) | |
| Knapweed complex | |
| (including bighead, Vochin, black, brown, diffuse, meadow, Russian, and spotted knapweeds, and purple starthistle) | Centaurea macrocephala, Centaurea nigrescens, Centaurea nigra, Centaurea jacea, Centaurea diffusa, Centaurea jacea x nigra, Centaurea repens, Centaurea maculosa, Centaurea calcitrapa |
| Leafy spurge | Euphorbia esula L. |
| Lepyroclis | Lepyroclis holsteoides |
| Perennial pepperweed | Lepidium latifolium L. |

| | |
|--|-------------------------------------|
| Perennial sowthistle | <i>Sonchus arvensis</i> L. |
| Quackgrass | <i>Agropyron repens</i> (L.) Beauv. |
| Serrated tussock | <i>Nassella trichotoma</i> |
| Silverleaf nightshade | <i>Solanum elaeagnifolium</i> Cav. |
| Sorghum perennial such as, but not limited to, johnsongrass, sorghum almum, and perennial sweet sudangrass | <i>Sorghum</i> spp. |
| Tansy ragwort | <i>Senecio jacobaea</i> L. |
| Velvetleaf | <i>Abutilon theophrasti</i> |
| White cockle (only in timothy-Phleum pratense) | <i>Lychnis alba</i> |
| Yellow-flowering skeleton weed | <i>Chondrilla juncea</i> L. |

[Statutory Authority: RCW 15.49.011 and 15.49.051. 96-04-058 (Order 5092), § 16-300-010, filed 2/6/96, effective 3/8/96. Statutory Authority: Chapter 15.49 RCW. 93-01-069 (Order 4017), § 16-300-010, filed 12/14/92, effective 1/14/93; 89-11-078 (Order 2005), § 16-300-010, filed 5/22/89. Statutory Authority: RCW 15.49.310 and 15.49.370. 83-11-029 (Order 1796), § 16-300-010, filed 5/16/83; Order 1413, § 16-300-010, filed 8/15/75; Order 1149, § 16-300-010, filed 4/16/70; Order 946, Regulation 1, filed 4/20/64; Order 849, Regulation 1, effective 6/30/61.]

WAC 16-300-020 Restricted noxious weed seeds.

(1) Restricted (secondary) noxious weed seeds are the seeds of weeds which are objectionable in fields, lawns, and gardens of this state, but which can be controlled by cultural or chemical practices.

(2) It shall be unlawful for any person to distribute mislabeled seed. Seed shall be deemed to be mislabeled if it consists of or contains any of the restricted noxious weed seeds listed below in excess of the number declared on the label.

| ENGLISH OR COMMON NAME | BOTANICAL OR SCIENTIFIC NAME |
|--------------------------------|---|
| Blackgrass | <i>Alopecurus myosuroides</i> |
| Blue lettuce | <i>Lactuca pulchella</i> (Pursh.) DC. |
| Docks and Sorrel | <i>Rumex</i> spp. |
| Dodder | <i>Cuscuta</i> spp. |
| Dyers woad | <i>Isatis tinctoria</i> |
| Field pennycress (fanweed) | <i>Thlaspi arvense</i> |
| Field sandbur | <i>Cenchrus pauciflorus</i> Benth. |
| Gromwell (only in small grain) | <i>Lithospermum arvense</i> |
| Halogeton | <i>Halogeton glomeratus</i> C.A. Mey. |
| Medusahead | <i>Elymus caput-medusae</i> L. or <i>Taeniatherum asperum</i> (Sim.) Nevski |
| Plantains | <i>Plantago</i> spp. |
| Poverty weed | <i>Iva axillaris</i> Pursh. |
| Puncturevine | <i>Tribulus terrestris</i> L. |
| St. Johnswort | <i>Hypericum perforatum</i> L. |
| Dalmation toadflax | <i>Linaria dalmatica</i> (L.) Mill. |
| Yellow loamflax | <i>Linaria vulgaris</i> Hill. |
| Western ragweed | <i>Ambrosia psilostachya</i> DC. |
| Wild mustard | <i>Brassica kaber</i> (DC.) L.C. Wheeler Var. |
| Wild oat | <i>Avena fatua</i> L. |
| Yellow starthistle | <i>Centaurea solstitialis</i> L. |

For the purpose of seed certification, see WAC 16-316-165 for the list of objectionable weeds.

[Statutory Authority: Chapter 15.49 RCW. 93-01-069 (Order 4017), § 16-300-020, filed 12/14/92, effective 1/14/93; 90-12-098 (Order 2041), § 16-300-020, filed 6/5/90, effective 7/6/90. Statutory Authority: RCW 15.49.310 and 15.49.370. 83-11-029 (Order 1796), § 16-300-020, filed 5/16/83. Statutory Authority: RCW 15.49.370. 82-08-031 (Order 1755), § 16-300-020, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 79-05-066 (Order 1604), § 16-300-020, filed 4/30/79; 78-03-103 (Order 1554), § 16-300-020, filed 3/1/78, effective 4/1/78; Order 1413, § 16-300-020, filed 8/15/75; Order 1149, § 16-300-020, filed 4/16/70; Order 946, Regulation 2, filed 4/20/64; Order 849, Regulation 2, effective 6/30/61.]

WAC 16-300-025 Tolerances for seed law enforcement. Tolerances used for seed law enforcement shall be in accord with those of the federal seed act and/or those of the Association of Official Seed Analysts as amended, except for the tolerances for secondary noxious and primary noxious weed seed which shall be as the Washington state seed law specifies for labeling.

[Statutory Authority: RCW 15.49.310 and 15.49.370. 83-11-029 (Order 1796), § 16-300-025, filed 5/16/83.]

Chapter 16-304 WAC SAMPLING AND TESTING OF SEEDS

| WAC | |
|------------|--|
| 16-304-010 | Germination standards for vegetable seeds. |
| 16-304-020 | Sampling in the administration of the Washington State Seed Act. |
| 16-304-039 | Schedule of charges—Billing policies and procedures. |
| 16-304-040 | Schedule of charges. |
| 16-304-050 | Miscellaneous charges. |
| 16-304-100 | Definitions. |
| 16-304-110 | Annual seed inspection charge. |
| 16-304-120 | Registrant records. |
| 16-304-130 | Seed inspection assessment—Effective dates. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|---|
| 16-304-001 | Promulgation. [Order 1244, § 16-304-001, filed 4/13/72, effective 5/14/72; Order 1018, Promulgation, filed 5/31/66; Order 848, Promulgation, effective 6/30/61; as amended by Order 917, filed 4/25/63.] Repealed by 83-11-030 (Order 1797), filed 5/16/83. Statutory Authority: RCW 15.49.310, 15.49.370, and 15.49.400. |
| 16-304-002 | Promulgation. [Order 1245, § 16-304-002, filed 4/13/72, effective 5/14/72; Order 1195, § 16-304-002, filed 4/16/71; Order 115, § 16-304-002, filed 4/17/69, effective 5/18/69.] Repealed by 79-05-072 (Order 1616), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW. |
| 16-304-003 | Promulgation. [Order 1361, § 16-304-003, filed 6/12/74.] Repealed by 79-05-072 (Order 1616), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW. |
| 16-304-006 | Promulgation. [Order 1477, § 16-304-006, filed 6/18/76.] Repealed by 79-05-072 (Order 1616), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW. |
| 16-304-030 | Tolerances for seed law enforcement. [Order 1018, Regulation 3, filed 5/30/61; Order 848, Regulation 3, effective 6/30/61.] Repealed by 83-11-030 (Order 1797), filed 5/16/83. Statutory Authority: RCW 15.49.310, 15.49.370, and 15.49.400. |
| 16-304-060 | Additional miscellaneous charges. [Order 1018, Regulation 6, filed 5/31/66; Order 848, Regulation 6, effective 6/30/61.] Repealed by Order 1115, filed 4/17/69, effective 5/18/69. |

WAC 16-304-010 Germination standards for vegetable seeds.

| | Percent* | | Percent* |
|---------------------|----------|------------------------------|----------|
| Artichoke | 60 | Leek | 60 |
| Asparagus | 70 | Lettuce | 80 |
| Beans (except Lima) | 75 | Muskmelon | 75 |
| Beans (Lima) | 70 | Mustard | 75 |
| Beets | 65 | Okra | 50 |
| Broccoli | 75 | Onion | 70 |
| Brussels Sprouts | 70 | Parsley | 60 |
| Cabbage | 75 | Parsnip | 60 |
| Carrot | 55 | Pea | 80 |
| Cauliflower | 75 | Pepper | 55 |
| Celery and Celeriac | 55 | Pumpkin | 75 |
| Chicory | 65 | Radish | 75 |
| Citron | 65 | Rhubarb | 60 |
| Collards | 80 | Rutabaga | 75 |
| Corn | 75 | Salsify | 75 |
| Cornsalad | 70 | Sorrel | 60 |
| Cress, garden | 40 | Spinach (except New Zealand) | 60 |
| Cress, water | 25 | Spinach (New Zealand) | 40 |
| Cucumber | 80 | Squash | 75 |
| Dandelion | 45 | Swiss Chard | 65 |
| Eggplant | 60 | Tomato | 75 |
| Endive | 70 | Tomato, husk | 50 |
| Kale | 75 | Turnip | 80 |
| Kohlrabi | 75 | Watermelon | 70 |

*Including hard seeds when present.

[Order 1244, § 16-304-010, filed 4/13/72, effective 5/14/72; Order 1018, Regulation 1, filed 5/31/66; Order 848, Regulation 1, effective 6/30/61.]

WAC 16-304-020 Sampling in the administration of the Washington State Seed Act. (1) General procedure for sampling seed shall be as follows:

(a) In order to secure a representative sample, equal portions shall be taken from evenly distributed parts of the quantity of seed to be sampled. Access shall be had to all parts of that quantity.

(b) For free-flowing seed in bags or bulk, a probe or trier shall be used. For small free-flowing seed in bags, a probe or trier long enough to sample all portions of the bag or container shall be used.

(c) Nonfree-flowing seed, such as certain grass seed, uncleaned seed, or screenings, difficult to sample with a probe or trier, shall be sampled by thrusting the hand into the bulk and withdrawing representative portions.

(d) Composite samples shall be obtained to determine the quality of a lot of seed, such as the percentages of pure seed, other crop seed, weed seed, inert matter, noxious weed seed, germination, varietal purity, freedom from disease, and effectiveness of seed treatment. Individual bag samples may be obtained to determine whether the seed is of uniform quality.

(2) **Sampling equipment.** The trier shall be designed so that it will remove an equal volume of seed from each part of the bag through which the trier travels. Unless the trier has partitions in the seed chamber, it must be inserted into the bags horizontally.

(3) Obtaining representative samples.

(a) For lots of one to six bags, sample each bag and take a total of at least five cores or handfull.

(b) For lots of more than six bags, sample five bags plus at least ten percent of the number of bags in the lot. (Round numbers with decimals to the nearest whole number.) Regardless of the lot size, it is not necessary to sample more than thirty bags.

Examples:

| | | | | | | | | |
|--------------------|---|----|----|----|-----|-----|-----|-----|
| No. bags in lots | 7 | 10 | 23 | 50 | 100 | 200 | 300 | 400 |
| No. bags to sample | 6 | 6 | 7 | 10 | 15 | 25 | 30 | 30 |

(c) For sampling bulk seed to obtain a composite sample, take at least as many cores or handfull as if the same quantity of seed were in bags of an ordinary size. Take the cores or handfull from well-distributed points throughout the bulk.

(d) Seed in small containers shall be sampled by taking entire unopened container in sufficient numbers to supply a minimum size sample as required in paragraph 4. The contents of a single container or the combined contents of multiple containers of the same lot shall be considered representative of the entire lot of seed sampled.

(4) **Minimum weights of seed samples to be submitted for testing:** See WAC 16-304-040, Schedule of charges.

[Statutory Authority: RCW 15.49.310, 15.49.370, and 15.49.400. 83-11-030 (Order 1797), § 16-304-020, filed 5/16/83; Order 1244, § 16-304-020, filed 4/13/72, effective 5/14/72; Order 1018, Regulation 2, filed 5/31/66; Order 848, Regulation 2, effective 6/30/61.]

WAC 16-304-039 Schedule of charges—Billing policies and procedures.

(1) All billable services provided under chapter 15.49 RCW are due and payable upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing service. Accounts not paid in full within thirty days of billing shall be considered delinquent.

(2) On all debts due and payable after July 28, 1991, all delinquent accounts shall be assessed a late charge equal to one percent per month, or portion of a month, on the unpaid balance.

(3) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system shall be twenty dollars. All billable services of less than twenty dollars shall be due and payable on the date that service is rendered.

(4) No person with an account ninety days or more in arrears shall receive service except on the basis of payment in full at the time service is rendered. Such accounts shall not be restored to monthly billing status until all past due amounts are paid-in-full. Such accounts may be subject to legal action for collection.

(5) Accounts that become ninety or more days in arrears twice within a five-year period may be subject to a permanent requirement for payment in full at the time service is provided.

[Statutory Authority: Chapter 15.49 RCW. 91-21-043, § 16-304-039, filed 10/11/91, effective 11/11/91.]

WAC 16-304-040 Schedule of charges. (1) Testing fees shall be as follows:

| FIELD CROPS: | MINIMUM SAMPLE SIZE | PURITY | GERMINATION | TZ |
|-------------------------------|---------------------|----------|-------------|-------|
| alfalfa | 4 oz | 14.00 | 12.00 | 22.00 |
| alkaligrass | 4 oz | 18.00 | 11.00 | 22.00 |
| barley | 1.25 lb | 14.00 | 12.00 | 22.00 |
| beets, sugar | 1.25 lb | 19.00 | 21.00 | 22.00 |
| bentgrass | 2 oz | 32.00 | 17.00 | 22.00 |
| bermudagrass | 4 oz | 18.00 | 11.00 | 22.00 |
| black medic | 4 oz | 14.00 | 12.00 | 22.00 |
| bluegrass | 4 oz | 22.00 | 15.00 | 22.00 |
| brassica sp. | 6 oz | 34.00 | 17.00 | 22.00 |
| brome-mountain | 6 oz | 23.00 | 12.00 | 22.00 |
| brome-smooth, meadow | 6 oz | 23.00 | 12.00 | 22.00 |
| buckwheat | 1.25 lb | 14.00 | 12.00 | 22.00 |
| canarygrass | 8 oz | 18.00 | 11.00 | 22.00 |
| clover | 4 oz | 14.00 | 12.00 | 22.00 |
| fescue | 4 oz | 22.00 | 12.00 | 22.00 |
| flax-lewis | 4 oz | 14.00 | 12.00 | 22.00 |
| foxtail | 4 oz | 14.00 | 11.00 | 22.00 |
| garbanzo bean | 1.25 lb | 13.00 | 12.00 | N/A |
| indian ricegrass | 6 oz | 18.00 | 11.00 | 22.00 |
| junegrass | 6 oz | 18.00 | 11.00 | 22.00 |
| lentil | 1.25 lb | 14.00 | 12.00 | N/A |
| little bluestem | 4 oz | 21.00/hr | 11.00 | 22.00 |
| lupine | 1.25 lb | 14.00 | 12.00 | N/A |
| milkvetch | 1.25 lb | 14.00 | 12.00 | 22.00 |
| millet | 1.25 lb | 14.00 | 12.00 | N/A |
| needle & thread | 6 oz | 18.00 | 11.00 | 22.00 |
| needlegrass, green | 6 oz | 18.00 | 11.00 | 22.00 |
| oatgrass | 6 oz | 18.00 | 11.00 | N/A |
| oats | 1.25 lb | 14.00 | 12.00 | 22.00 |
| orchardgrass | 4 oz | 25.00 | 13.00 | 22.00 |
| peas | 1.25 lb | 13.00 | 12.00 | N/A |
| prairie sandreed | 6 oz | 18.00 | 11.00 | 22.00 |
| primrose | 4 oz | 14.00 | 12.00 | N/A |
| redtop | 2 oz | 32.00 | 17.00 | 22.00 |
| rice | 1.25 lb | 14.00 | 12.00 | N/A |
| rye | 1.25 lb | 14.00 | 12.00 | 22.00 |
| ryegrass, perennial | 4 oz | 22.00 | 11.00 | 22.00 |
| ryegrass, annual | 4 oz | 22.00 | 11.00 | 22.00 |
| safflower | 1.25 lb | 14.00 | 12.00 | N/A |
| sainfoin | 1.25 lb | 14.00 | 12.00 | N/A |
| sand dropseed | 4 oz | 18.00 | 11.00 | 22.00 |
| sand lovegrass | 4 oz | 18.00 | 11.00 | 22.00 |
| sideoats grama | 4 oz | 21.00/hr | 11.00 | 22.00 |
| small burnett | 8 oz | 14.00 | 12.00 | N/A |
| sorghum | 1.25 lb | 14.00 | 12.00 | N/A |
| sudangrass | 8 oz | 14.00 | 12.00 | 22.00 |
| sunflower | 1.25 lb | 14.00 | 12.00 | N/A |
| swiss chard | 1.25 lb | 34.00 | 18.00 | N/A |
| switchgrass | 4 oz | 18.00 | 11.00 | 22.00 |
| timothy | 4 oz | 18.00 | 11.00 | 22.00 |
| trefoil | 4 oz | 14.00 | 12.00 | N/A |
| triticale | 1.25 lb | 14.00 | 12.00 | 22.00 |
| vetch | 1.25 lb | 18.00 | 12.00 | 22.00 |
| wheat | 1.25 lb | 14.00 | 12.00 | 22.00 |
| wheatgrass, beardless slender | | | | |
| thickspike | 6 oz | 38.00 | 15.00 | 22.00 |
| wheatgrass, bluebunch | 6 oz | 38.00 | 15.00 | 22.00 |
| wheatgrass, crested | 4 oz | 26.00 | 15.00 | 22.00 |
| wheatgrass, tall intermediate | | | | |
| pubescent | 6 oz | 38.00 | 15.00 | 22.00 |
| wheatgrass, western | 6 oz | 38.00 | 15.00 | 22.00 |

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| wildrye | 6 oz | 18.00 | 11.00 | 22.00 |
| zoysia | 4 oz | 18.00 | 11.00 | 22.00 |

VEGETABLES:

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|----------------------|---------|-------|-------|-------|
| asparagus | 1.25 lb | 14.00 | 12.00 | N/A |
| beans | 1.25 lb | 13.00 | 12.00 | N/A |
| beets | 1.25 lb | 19.00 | 18.00 | N/A |
| cantaloupe | 1.25 lb | 14.00 | 12.00 | N/A |
| carrot | 4 oz | 14.00 | 12.00 | 38.00 |
| celery | 4 oz | 14.00 | 12.00 | N/A |
| chard | 4 oz | 14.00 | 21.00 | 21.00 |
| corn | 1.25 lb | 14.00 | 12.00 | N/A |
| cucumber | 1.25 lb | 14.00 | 12.00 | N/A |
| dill | 4 oz | 14.00 | 12.00 | N/A |
| eggplant | 4 oz | 14.00 | 12.00 | N/A |
| endive | 4 oz | 14.00 | 12.00 | N/A |
| leek | 8 oz | 14.00 | 12.00 | N/A |
| lettuce | 4 oz | 14.00 | 12.00 | N/A |
| okra | 4 oz | 14.00 | 12.00 | N/A |
| onion | 8 oz | 14.00 | 12.00 | N/A |
| parsley | 4 oz | 14.00 | 12.00 | N/A |
| parsnip | 4 oz | 14.00 | 12.00 | N/A |
| pepper | 8 oz | 14.00 | 12.00 | N/A |
| pumpkin | 1.25 lb | 14.00 | 12.00 | N/A |
| radish | 1.00 lb | 14.00 | 12.00 | N/A |
| spinach, New Zealand | 8 oz | 14.00 | 21.00 | N/A |
| spinach | 8 oz | 14.00 | 21.00 | N/A |
| squash | 1.25 lb | 14.00 | 12.00 | N/A |
| tomato | 4 oz | 14.00 | 12.00 | N/A |
| turnip | 6 oz | 14.00 | 12.00 | 22.00 |
| watermelon | 1.25 lb | 14.00 | 12.00 | N/A |

(2) Special tests: (Standard noxious exam size unless otherwise specified).

(a) Crop and weed exam . . . Purity fee minus \$5.00 (or hourly rate when applicable, hourly rate applies when a larger amount is requested)

(Crop and weed exam is required for all foundation and registered class grass seeds.)

All crop seeds and/or all weed seeds are listed as number per pound.

(b) Poa annua check for bentgrass and bluegrass - each five grams \$17.00
 Poa annua check for other grasses - each 10 grams \$17.00

(c) Sod seed analysis -
 Bluegrass \$60.00
 Fescue \$42.00
 Ryegrass \$34.00
 (A special test of turf grasses - for those who need a detailed examination of seed before purchase and/or use.)

Bluegrass test includes purity, twenty-five gram crop and weed exam, and ten gram Poa annua check. Ryegrass and Fescue test includes purity and fifty gram crop and weed exam. (Fluorescence required on ryegrass; germ and fluorescence test additional fee.)

(d) Fluorescence test - (four hundred seed test) \$13.00
 (e) Pest and disease \$17.00
 (f) Soil exam or similar \$17.00

(Reported on seed analysis certificate.) A visual examination of a representative sample.

(g) Sod analysis check - twenty-five gram exam to evaluate if a lot appears to be sod quality (phone report only) \$19.00

(h) Variety separation of Kentucky
 bluegrass \$19.00
 If separated at time of purity analysis \$ 9.00

- (i) Sodium hydroxide test for presence of red and/or white wheat \$10.00
- (j) Brassica seed chemical identification test \$10.00
- (k) Analysis of partially cleaned, uncleaned or field run seed with excessive inert, other crop or weed seeds (per hour) \$21.00
- (l) Fescue seed fluorescence test - a test required to determine presence of other fine fescue species in hard fescue and sheep fescue - required on certified samples \$15.00
- m Inventory testing for germination: A service to provide opportunity to have carry-over seed stocks except mixtures tested at lowest possible charge. Not an official germination test.
- * Reports may not be mailed until all tests are completed.
- * Samples shall be plainly labeled "inventory samples."
- * Samples shall be reported according to the sender's designation. The laboratory shall assume no responsibility for correct identification. These samples and tests shall not become a part of our permanent record.
- * The fee for this service shall be one-half the regular germination fee.
- * Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.
- (n) Cold (vigor) test for wheat \$50.00
- (o) I.S.T.A. rules test

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| | PURITY | GERMINATION |
| Alfalfa, clover | \$21.00 | \$15.00 |
| Kentucky bluegrass | \$32.00 | \$15.00 |
| Peas, lentils | \$21.00 | \$15.00 |
- (p) Canadian rules test

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|--------------------|---------|-------------|
| | PURITY | GERMINATION |
| Alfalfa, clover | \$21.00 | \$12.00 |
| Kentucky bluegrass | \$32.00 | \$15.00 |
| Peas, lentils | \$21.00 | \$12.00 |
| Bentgrass | \$47.00 | \$17.00 |
- (q) Seed count \$17.00
- (r) Extra charge for samples requiring special preparation for germination, i.e., pelleted seeds, etc. \$21.00
- (s) Hourly fee for miscellaneous services \$21.00
- (t) All states noxious weed examination \$10.00
- (u) Undesirable grass species examination (UGS test) \$12.00

[Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), 16-304-040, filed 5/27/94, effective 6/27/94; 91-21-043, § 16-304-040, filed 10/11/91, effective 11/11/91; 90-12-098 (Order 2041), § 16-304-040, filed 6/5/90, effective 7/6/90; 89-11-078 (Order 2005), § 16-304-040, filed 5/22/89; 88-11-042 (Order 1976), § 16-304-040, filed 5/13/88; 87-12-006 (Order 1930), § 16-304-040, filed 5/22/87; 85-11-003 (Order 1853), § 16-304-040, filed 5/2/85; 84-13-042 (Order 1832), § 16-304-040, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-030 (Order 1797), § 16-304-040, filed 5/16/83. Statutory Authority: RCW 15.49.370. 82-08-032 (Order 1756), § 16-304-040, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-103 (Order 1688), § 16-304-040, filed 5/30/80; 79-05-072 (Order 1616), § 16-304-040, filed 4/30/79; Order 1501, § 16-304-040, filed 3/31/77; Order 1477, § 16-304-040, filed 6/18/76; Order 1245, § 16-304-040, filed 4/13/72; Order 1195, § 16-304-040, filed 4/16/71; Order 1115, § 16-304-040, filed 4/17/69, effective 5/18/69; Order 1018, Regulation 4, filed 5/31/66; Order 917, Regulation 8, filed 4/25/63; Order 848, Regulation 4, effective 6/30/61.]

WAC 16-304-050 Miscellaneous charges.

- (1) Phytosanitary certificate, each \$21.00
- Service charge for submitted federal phytosanitary certificates, per certificate \$ 5.00
- (2) Rush samples (including phone or FAX report if requested at time sample is submitted) . . \$12.00
- (3) Phone reports on test result, per call \$ 3.50
- (4) Preliminary report on germination (phone report only) \$ 8.00
- (5) Additional mailing of report (each destination) \$ 1.50
- (6) Recopies of reports (minimum fee) \$ 2.50
- (7) Revised reports (minimum fee) \$ 5.00
(or hourly fee when applicable)
- (8) Fee for special handling service (i.e., Federal Express, Air Parcel Post, or air freight) for documents or seed samples \$ 3.50
- (9) Fee for facsimile transmission of documents, per document \$ 3.50
- (10) Official sampling or similar service: The fee for each service requested shall be:
 - (a) Peas, beans, small grains or seeds of similar size per cwt \$ 0.05
 - (b) For all other kinds - per cwt \$ 0.15
 - (c) Minimum charge \$21.00
 - (d) If requested to make a special trip to provide a service, the person requesting said service may be charged at the rate of \$17.00 per hour travel time plus mileage fee set by statute plus the specific fee for said service. All standby time shall be charged at the rate of \$21.00 per man hour.
- (11) Test plot examinations or consultant work in plots, fields, conditioning plants, etc. shall be at the rate of \$21.00 per hour plus mileage and travel time.
- (12) Requests for services not listed - most appropriate fee.

[Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-304-050, filed 5/27/94, effective 6/27/94; 91-21-043, § 16-304-050, filed 10/11/91, effective 11/11/91; 88-11-042 (Order 1976), § 16-304-050, filed 5/13/88. Statutory Authority: RCW 15.49.370. 82-08-032 (Order 1756), § 16-304-050, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 81-11-020 (Order 1736), § 16-304-050, filed 5/15/81; 80-06-103 (Order 1688), § 16-304-050, filed 5/30/80; Order 1477, § 16-304-050, filed 6/18/76; Order 1361, § 16-304-050, filed 6/12/74; Order 1195, § 16-304-050, filed 4/16/71; Order 1115, § 16-304-050, filed 4/17/69, effective 5/18/69; Order 1018, Regulation 5, filed 5/31/66; Order 848, Regulation 5, effective 6/30/61.]

WAC 16-304-100 Definitions. (1) "Fiscal year" shall mean the twelve month period July 1 through June 30.

(2) "Seed labeling permit" means a permit issued by the Department pursuant to RCW 15.49.400 to a person labeling seed for distribution in this state.

(3) "Seed branch advisory committee" means a committee elected by the Washington seed council and shall be composed of representatives of the small grains, pea and lentil, bean and vegetable, small seeded legumes and grass seed industries, together with the president of the Washington seed council who acts as chairman.

(4) "Stock seed" means breeders, prebasic, or like initial generation of seed.

[Statutory Authority: Chapter 15.49 RCW. 78-04-070 (Order 1571), § 16-304-100, filed 3/31/78, effective 7/1/78.]

WAC 16-304-110 Annual seed inspection charge.

Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington State Seed Act, shall also, pursuant to RCW 15.49.310 and 15.49.370, pay a general seed inspection charge annually to the department in the amount of ten cents per one hundred dollars gross annual dollar sales in excess of ten thousand dollars of agricultural and/or vegetable seed distributed in this state during the preceding fiscal year: *Provided*, That no assessment shall be collected on (1) seed for which the assessment has been previously collected, except when such seed has been relabeled; (2) agricultural or vegetable seed distributed out of state; (3) seed distributed in containers of four ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the United States Department of Agriculture national foundation seed project: *Provided further*, That erroneous and overpayments shall be refunded on request. Requests for refund shall be filed by June 30 of the year following the due date. Agricultural and/or vegetable seeds distributed under bailment contract shall be valued at the producer-conditioner agreement rate in lieu of sale.

The assessment fees for the fiscal period beginning July 1, 1996, through June 30, 1997, shall be payable by February 1, 1998. Assessment fees for subsequent like fiscal periods shall become payable on February 1 of the following calendar year.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of ten dollars, whichever is greater, shall be added to all assessments not paid by February 1. These funds shall only be used for seed control activities. The annual seed labeling permit may not be issued until all assessments and penalties have been satisfied.

[Statutory Authority: RCW 15.49.370. 96-12-066, § 16-304-110, filed 6/3/96, effective 7/4/96. Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-304-110, filed 5/27/94, effective 6/27/94; 92-13-027 (Order 2093), § 16-304-110, filed 6/9/92, effective 7/10/92; 90-12-098 (Order 2041), § 16-304-110, filed 6/5/90, effective 7/6/90; 88-11-042 (Order 1976), § 16-304-110, filed 5/13/88; 86-13-014 (Order 1889), § 16-304-110, filed 6/9/86; 84-13-042 (Order 1832), § 16-304-110, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 82-10-067 (Order 1764), § 16-304-110, filed 5/5/82, effective 7/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-101 (Order 1683), § 16-304-110, filed 5/30/80; 79-05-062 (Order 1605), § 16-304-110, filed 4/30/79; 78-04-070 (Order 1571), § 16-304-110, filed 3/31/78, effective 7/1/78.]

WAC 16-304-120 Registrant records. Each seed labeling registrant shall maintain reasonable and necessary records accurately reflecting the gross annual dollar value of agricultural and/or vegetable seed distributed in this state.

[Statutory Authority: Chapter 15.49 RCW. 78-04-070 (Order 1571), § 16-304-120, filed 3/31/78, effective 7/1/78.]

WAC 16-304-130 Seed inspection assessment—Effective dates. This rule is effective through June 30, 1998. Between October 1, 1997, and January 1, 1998, the assessment program shall be reviewed by the seed branch advisory committee, who will recommend whether to continue the seed assessment program. Such recommenda-

tions shall be considered at a public hearing under the authority of chapter 42.30 RCW, the Open Public Meetings Act, and chapter 34.05 RCW, the Administrative Procedure Act. The advisory committee shall also recommend the objectives of the seed quality control activities and shall review expenditures of assessment funds to verify such funds are being used only for seed quality control activities.

[Statutory Authority: RCW 15.49.370. 96-12-066, § 16-304-130, filed 6/3/96, effective 7/4/96. Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-304-130, filed 5/27/94, effective 6/27/94; 92-13-027 (Order 2093), § 16-304-130, filed 6/9/92, effective 7/10/92; 90-12-098 (Order 2041), § 16-304-130, filed 6/5/90, effective 7/6/90; 88-11-042 (Order 1976), § 16-304-130, filed 5/13/88; 86-13-014 (Order 1889), § 16-304-130, filed 6/9/86; 84-13-042 (Order 1832), § 16-304-130, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 82-10-067 (Order 1764), § 16-304-130, filed 5/5/82, effective 7/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-101 (Order 1683), § 16-304-130, filed 5/30/80; 78-04-070 (Order 1571), § 16-304-130, filed 3/31/78, effective 7/1/78.]

**Chapter 16-313 WAC
BLENDING OF CERTIFIED SEED**

WAC

| | |
|------------|--|
| 16-313-010 | Definition. |
| 16-313-015 | Field run and remill blends. |
| 16-313-020 | Blend data sheet. |
| 16-313-030 | Equipment and procedure. |
| 16-313-035 | Size of blend. |
| 16-313-040 | Supervision. |
| 16-313-050 | Registered class. |
| 16-313-060 | Quality standards for certified class. |
| 16-313-070 | Objectionable weeds. |
| 16-313-080 | Prohibited noxious weeds. |
| 16-313-090 | Calculated analysis. |
| 16-313-100 | Tetrazolium test. |
| 16-313-110 | Fees. |

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

16-313-001 Promulgation. [Order 1246, § 16-313-001, filed 4/13/72, effective 5/14/72; Order 979, Promulgation, filed 4/15/65; Order 709, effective 1/1/55.] Repealed by 79-05-059 (Order 1615), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

WAC 16-313-010 Definition. The term "blend or blending" as related to this order shall be the process of commingling two or more lots of seed to form one lot of uniform quality.

[Order 979, Regulation 1, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-015 Field run and remill blends. (1) Upon approval, field run lots may be commingled to facilitate conditioning. The blend fee shall not apply.

(2) Remill lots may be blended prior to testing to facilitate processing. A blend data sheet shall be filed prior to blending and laboratory analysis completed before tags can be issued.

[Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-313-015, filed 5/27/94, effective 6/27/94; 79-05-059 (Order 1615), § 16-313-015, filed 4/30/79; Order 1496, § 16-313-015, filed 3/31/77.]

WAC 16-313-020 Blend data sheet. A blend data sheet listing lots to be used, analysis of each, and pounds to

be used from each shall be submitted to the certifying agency for approval prior to blending. (Forms available at the Seed Branch, Yakima, Washington.)

[Order 979, Regulation 2, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-030 Equipment and procedure. The equipment to be used and the procedure followed in blending shall be approved by the certifying agency.

[Order 979, Regulation 3, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-035 Size of blend. Size of blend permitted shall be dependent on such factors as quality of lots being used and the facilities of the conditioning plant.

[Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-313-035, filed 5/27/94, effective 6/27/94; Order 1246, § 16-313-035, filed 4/13/72, effective 5/14/72.]

WAC 16-313-040 Supervision. A representative of the certifying agency may supervise the blending operation.

[Order 1496, § 16-313-040, filed 3/31/77; Order 979, Regulation 4, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-050 Registered class. All lots used in a registered class blend shall have passed registered class purity and germination standards.

[Order 979, Regulation 5, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-060 Quality standards for certified class. Individual lots to be eligible for blending shall not exceed the following:

(1) Inert (maximum) - two times the amount allowed in certification standards.

(2) Crop (maximum) - four times the amount allowed in certification standards.

(3) Weeds (maximum) - two times the amount allowed in certification standards.

(4) Germination or tetrazolium test shall not be less than the minimum certification standard for germination minus one-half of the difference between that standard and one hundred percent.

(5) Sweet clover - individual lots of alfalfa or clover shall not contain more than one hundred eighty sweet clover seeds per pound.

[Order 979, Regulation 6, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-070 Objectionable weeds. Individual lots of grass seed shall not contain more than one hundred eighty per pound and alfalfa and clover shall not contain more than ninety per pound of objectionable weed seeds.

[Order 979, Regulation 7, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-080 Prohibited noxious weeds. Individual lots must be free of prohibited noxious weed seeds.

[Order 979, Regulation 8, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-090 Calculated analysis. Blends will be eligible for tagging prior to analysis of the official sample of the blend upon meeting the following conditions:

(1) The calculated percent of impurities (weeds, crop, inert, etc.) shall be twenty percent less than the maximum allowed in rules for seed certification.

(2) The calculated percent of germination shall be not less than the minimum germination standard in the rules for seed certification.

(3) All the lots blended have met certification standards.

[Statutory Authority: Chapter 15.49 RCW. 79-05-059 (Order 1615), § 16-313-090, filed 4/30/79; Order 979, Regulation 9, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-100 Tetrazolium test. A tetrazolium test may be used in lieu of a germination test.

[Order 979, Regulation 10, filed 4/15/65; Order 709, effective 1/1/55.]

WAC 16-313-110 Fees. Fees for blending shall be five cents per one hundred pounds based on the pounds of seed bagged plus cost of a purity and germination which is required on the official sample of each blend. All fees payable by persons or firm requesting permission for said blend.

[Order 979, Regulation 11, filed 4/15/65; Order 709, effective 1/1/55.]

Chapter 16-316 WAC SEED CERTIFICATION

WAC

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| 16-316-035 | Bentgrass and redtop certification standards. |
| 16-316-0901 | Standards for verification of turf seed ingredients. |
| 16-316-100 | General seed certification standards. |
| 16-316-105 | By whom certified. |
| 16-316-110 | Varieties eligible. |
| 16-316-115 | Limitation of generations. |
| 16-316-120 | Seed classes. |
| 16-316-125 | Labels and sealing requirements. |
| 16-316-130 | Agency deviation from certification standards. |
| 16-316-135 | Agency power to reject. |
| 16-316-140 | Rejection for color or appearance. |
| 16-316-145 | Agency power to refuse certification. |
| 16-316-150 | Specific crop regulations. |
| 16-316-151 | Land history. |
| 16-316-155 | Penalty. |
| 16-316-160 | Prohibited noxious weeds. |
| 16-316-165 | Seed certification—Objectionable weeds. |
| 16-316-170 | Procedure to follow for certification. |
| 16-316-175 | All growers in certification program. |
| 16-316-180 | Field inspections. |
| 16-316-183 | Tolerance for diseased or contaminating material. |
| 16-316-185 | The seed conditioner. |
| 16-316-190 | Containers and lot numbers. |
| 16-316-195 | Sampling. |
| 16-316-196 | Off-type. |
| 16-316-197 | Fee responsibility. |
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| 16-316-210 | Completion of certification. |
| 16-316-212 | Refunds. |
| 16-316-214 | Limitation of liability. |
| 16-316-215 | Rules and procedures for organization for economic cooperation and development scheme for varietal certification (O.E.C.D.). |
| 16-316-220 | Alfalfa seed certification standards. |
| 16-316-230 | Alfalfa seed certification fees. |
| 16-316-235 | Land requirements. |
| 16-316-240 | Isolation requirements. |

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| 16-316-245 | Field tolerances. | 16-316-735 | Rules. |
| 16-316-250 | Seed standards. | 16-316-738 | Procedure for field pea, lentil, soybean, small grain and sorghum seed. |
| 16-316-260 | Bean seed certification standards. | | Procedure for all other kinds. |
| 16-316-266 | Definitions. | 16-316-740 | Seed produced out of state—Certification. |
| 16-316-270 | Bean seed certification fees. | 16-316-745 | Seed produced out of state—Special handling for previously tagged and sealed seeds. |
| 16-316-275 | Land requirements. | 16-316-750 | Eligibility for interagency certification. |
| 16-316-280 | Field tolerances. | | Interagency blends. |
| 16-316-285 | Inspection requirements. | 16-316-755 | Varieties eligible for seed certification. |
| 16-316-290 | Seed standards. | 16-316-760 | Grass varieties eligible. |
| 16-316-295 | Regulation and procedure for issuance of phyto-sanitary certificate. | 16-316-790 | Red clover varieties eligible. |
| | | 16-316-800 | Other clover varieties. |
| 16-316-310 | Application for inspection and due dates. | 16-316-810 | Alfalfa varieties eligible. |
| 16-316-315 | Phyto-sanitary certification—Fee and charges. | 16-316-815 | Bean varieties eligible. |
| 16-316-320 | Land and production requirements. | 16-316-820 | Rapeseed varieties eligible for certification. |
| 16-316-326 | Phyto-sanitary certificate for peas. | 16-316-830 | Miscellaneous crop varieties eligible. |
| 16-316-327 | Phyto-sanitary certificate for beans. | 16-316-832 | White clover and trefoil varieties eligible. |
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| 16-316-340 | Grass seed certification standards. | 16-316-840 | Rapeseed field standards. |
| 16-316-350 | Grass seed certification fees—Seedling applications. | 16-316-850 | Rapeseed land requirements. |
| 16-316-355 | Grass seed—Land requirements. | 16-316-860 | Rapeseed—Seed standards. |
| 16-316-360 | Grass seed—Isolation requirements. | 16-316-870 | Corn seed certification standards. |
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| 16-316-370 | Grass seed standards. | 16-316-901 | Corn seed eligibility. |
| 16-316-430 | Red clover seed certification standards. | 16-316-906 | Field inspection. |
| 16-316-440 | Red clover seed certification fees. | 16-316-911 | Field standards. |
| 16-316-445 | Red clover seed—Land requirements. | 16-316-916 | Field standards—Hybrid corn seed. |
| 16-316-450 | Isolation requirements. | 16-316-921 | Seed inspection—Foundation corn single crosses and inbred lines. |
| 16-316-455 | Field tolerances. | 16-316-945 | Seed inspection and standards—Hybrid corn seed. |
| 16-316-460 | Seed standards. | 16-316-950 | Ear inspection and winter growouts—Foundation corn single crosses and inbred lines. |
| 16-316-470 | Buckwheat, chickpea, field pea, lentil, millet, soybean, sorghum and small grains seed certification standards. | 16-316-955 | Sudangrass certification standards—Promulgation. |
| | | 16-316-960 | Sudangrass certification standards—Definitions. |
| 16-316-472 | Eligible varieties and eligible stock seed. | | Sudangrass certification standards—Applications and fees. |
| 16-316-474 | Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Application and fees. | 16-316-970 | Sudangrass certification standards—Land requirements. |
| | | 16-316-975 | Sudangrass certification standards—Isolation requirements. |
| 16-316-480 | Field standards. | 16-316-980 | Sudangrass certification standards—Field tolerances. |
| 16-316-484 | Mechanical sampling. | 16-316-985 | Sudangrass certification standards—Seed standards. |
| 16-316-486 | Certified seed sale certificate. | 16-316-990 | |
| 16-316-525 | Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Eligible variety and stock seed. | 16-316-995 | |
| | | 16-316-997 | |
| 16-316-570 | Labeling and sealing of certified seed of small grains by grower. | | |
| 16-316-572 | Certifying agency issuance of certificate. | | |
| 16-316-575 | Foundation seed certification standards. | | |
| 16-316-590 | Proprietary variety certification standards—Definition. | | |
| 16-316-595 | Application procedure. | 16-316-001 | Promulgation. [Order 1045, Promulgation, filed 3/27/67, effective 5/1/67; Order 969, filed 3/30/65; Order 948, filed 4/21/64; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69. |
| 16-316-600 | Genetic purity certification. | 16-316-0011 | Promulgation. [Order 1249, § 16-316-0011, filed 4/13/72, effective 5/14/72; Order 1181, § 16-316-0011, filed 4/16/71.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370. |
| 16-316-610 | Sod quality certified seed standards. | | |
| 16-316-615 | Varieties eligible, certification fees, land and isolation requirements, and field tolerances. | 16-316-0012 | Promulgation. [Order 1305, § 16-316-0012, filed 4/24/73; Order 1260, § 16-316-0012, filed 4/13/72, effective 5/14/72; Order 1182, § 16-316-0012, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW. |
| 16-316-620 | Standards. | 16-316-0013 | Promulgation. [Order 1306, § 16-316-0013, filed 4/24/73; Order 1183, § 16-316-0013, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW. |
| 16-316-622 | Ryegrass standards. | 16-316-0014 | Promulgation. [Order 1306, § 16-316-0014, filed 4/24/73; Order 1252, § 16-316-0014, filed 4/13/72, effective 5/14/72; Order 1184, § 16-316-0014, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW. |
| 16-316-625 | Sod seed analysis certificate. | | |
| 16-316-630 | Sod quality seed tag. | 16-316-0015 | Promulgation. [Order 1050, Promulgation, filed 4/4/67, effective 5/5/67; Order 1009, filed 3/4/66; Order 970, filed 4/1/65; Order 948, filed 4/21/64; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order |
| 16-316-635 | Service fee. | | |
| 16-316-637 | Sod quality mixture. | | |
| 16-316-650 | White clover and trefoil seed certification standards. | | |
| 16-316-660 | White clover and trefoil seed certification fees. | | |
| 16-316-665 | Land requirements. | | |
| 16-316-670 | Isolation requirements. | | |
| 16-316-675 | Field tolerances. | | |
| 16-316-680 | Seed standards. | | |
| 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. | | |
| 16-316-730 | Interagency seed certification standards. | | |
| 16-316-731 | Buckwheat standards. | | |

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

- 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69.
- 16-316-0016 Promulgation. [Order 1313, § 16-316-0016, filed 4/24/73; Order 1255, § 16-316-0016, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-0016, filed 4/16/71.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0017 Promulgation. [Order 1302, § 16-316-0017, filed 4/24/73; Order 1186, § 16-316-0017, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0018 Promulgation. [Order 1303, § 16-316-0018, filed 4/24/73; Order 1187, § 16-316-0018, filed 4/16/71.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0019 Promulgation. [Order 1311, § 16-316-0019, filed 4/24/73; Order 1258, § 16-316-0019, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-0019, filed 4/16/71.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-002 Promulgation. [Order 1049, Promulgation, filed 4/4/67, effective 5/5/67; Order 1019, filed 5/27/66; Order 1008, filed 3/4/66; Order 975, filed 4/8/64; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1183, filed 4/16/71.
- 16-316-0020 Promulgation. [Order 1259, § 16-316-0020, filed 4/13/72, effective 5/14/72.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0021 Promulgation. [Order 1020, filed 5/27/66.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0022 Promulgation. [Order 1256, § 16-316-0022, filed 4/13/72, effective 5/14/72.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0023 Promulgation. [Order 1307, § 16-316-0023, filed 4/24/73; Order 1253, § 16-316-0023, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0024 Promulgation. [Order 1257, § 16-316-0024, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0025 Promulgation. [Order 1046, Promulgation, filed 3/27/67, effective 5/1/67; Order 971, filed 4/2/65; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0026 Promulgation. [Order 1251, § 16-316-0026, filed 4/13/72, effective 5/14/72.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0027 Promulgation. [Order 1312, § 16-316-0027, filed 4/24/73; Order 1254, § 16-316-0027, filed 4/13/72, effective 5/14/72.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0028 Promulgation. [Order 1250, § 16-316-0028, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0029 Promulgation. [Order 1368, § 16-316-0029, filed 6/12/74.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-003 Promulgation. [Order 972, Promulgation, filed 4/8/65; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0031 Promulgation. [Order 1408, § 16-316-0031, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0032 Promulgation. [Order 1409, § 16-316-0032, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0033 Promulgation. [Order 1410, § 16-316-0033, filed 8/17/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0034 Promulgation. [Order 1411, § 16-316-0034, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0035 Promulgation. [Order 974, Promulgation, filed 4/2/65; Order 948, filed 4/21/64; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69.
- 16-316-0036 Promulgation. [Order 1362, § 16-316-0035, (codified as WAC 16-316-0036), filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0037 Promulgation. [Order 1415, § 16-316-0037, filed 8/15/75.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0038 Promulgation. [Order 1417, § 16-316-0038, filed 8/15/75.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0039 Promulgation. [Order 1418, § 16-316-0039, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-004 Promulgation. [Order 1047, Promulgation, filed 3/28/67, effective 5/1/67; Order 973, filed 4/2/65; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0041 Promulgation. [Order 1419, § 16-316-0041, filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0042 Promulgation. [Order 1420, § 16-316-0042, filed 8/15/75.] Repealed by 79-05-065 (Order 1603), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0043 Promulgation. [Order 1416, § 16-316-0038 (codified § 16-316-0043), filed 8/15/75.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0044 Promulgation. [Order 1414, § 16-316-0037 (codified § 16-316-0044), filed 8/15/75.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0045 Promulgation. [Order 978, Promulgation, filed 4/15/65; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0046 Promulgation. [Order 1451, § 16-316-0046, filed 5/13/76; Order 1412, § 16-316-0035 (codified as WAC 16-316-0046), filed 8/15/75.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0047 Promulgation. [Order 1453, § 16-316-0047, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0048 Promulgation. [Order 1454, § 16-316-0048, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.

- 16-316-0049 Promulgation. [Order 1457, § 16-316-0049, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-005 Promulgation. [Order 1051, Promulgation, filed 4/13/67, effective 5/15/67; Order 1012, filed 3/4/66; Order 977, filed 4/15/65; Order 948, filed 4/21/64; Order 917, filed 4/25/63; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69. For later enactment concerning WAC 16-316-060, see WAC 16-316-0085.
- 16-316-0051 Promulgation. [Order 1359, § 16-316-005 (codified as WAC 16-316-0051), filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0052 Promulgation. [Order 1458, § 16-316-0052, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0053 Promulgation. [Order 1459, § 16-316-0053, filed 5/13/76.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0054 Promulgation. [Order 1462, § 16-316-0054, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0055 Promulgation. [Order 976, filed 4/8/65; Order 884, filed 1/31/62; Order 850, filed 5/24/61; Order 842, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69.
- 16-316-0056 Promulgation. [Order 1464, § 16-316-0056, filed 5/13/76; Order 1366, § 16-316-0055 (codified as WAC 16-316-0056), filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0057 Promulgation. [Order 1456, § 16-316-0057, filed 5/13/76.] Repealed by 79-05-065 (Order 1603), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0058 Promulgation. [Order 1466, § 16-316-0058, filed 5/13/76.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0059 Promulgation. [Order 1460, § 16-316-0059, filed 5/13/76.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-006 Promulgation. [Order 1010, filed 3/4/66.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0061 Promulgation. [Order 1461, § 16-316-0061, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0062 Promulgation. [Order 1465, § 16-316-0062, filed 5/13/76.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0063 Promulgation. [Order 1455, § 16-316-0063, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0064 Promulgation. [Order 1542, § 16-316-0064, filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0065 Promulgation. [Order 1011, filed 3/4/66.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0066 Promulgation. [Order 1485, § 16-316-0066, filed 9/8/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-007 Promulgation. [Order 1360, § 16-316-007, filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0071 Promulgation. [Order 1463, § 16-316-0055, (codified as WAC 16-316-0071), filed 5/13/76.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0075 Promulgation. [Order 1363, § 16-316-0075, filed 6/12/74.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-008 Promulgation. [Order 1048, Promulgation, filed 4/4/67; effective 5/5/67.] Repealed by Order 1187, filed 4/16/71.
- 16-316-0081 Promulgation. [Order 1375, § 16-316-008 (codified as WAC 16-316-0081), filed 7/31/74.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-0085 Promulgation. [Orders 1111, 1183, 1184, 1185, 1187, § 16-316-0085, filed 4/17/69, effective 5/18/69.] Repealed by Orders 1181, 1182, filed 4/16/71.
- 16-316-0086 Promulgation. [Order 1148, § 16-316-0086, filed 4/16/70 and Order 1367, § 16-316-085 (codified as WAC 16-316-0086), filed 6/12/74.] Repealed by Orders 1181, 1182, 1183, 1184, 1185, 1186, 1187, filed 4/16/71 and 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-009 Promulgation. [Order 1113, § 16-316-009, filed 4/17/69, effective 5/18/69.] Repealed by Order 1148, filed 4/16/70.
- 16-316-0091 Promulgation. [Order 1301, § 16-316-009 (codified as WAC 16-316-0091), filed 4/24/73.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0092 Promulgation. [Order 1112, § 16-316-0090 (codified as WAC 16-316-0092), filed 4/17/69, effective 5/18/69.] Repealed by 79-05-079 (Order 1623), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0095 Promulgation. [Order 1114, § 16-316-0095, filed 4/17/69, effective 5/18/69.] Repealed by Order 1188, filed 4/16/71.
- 16-316-0096 Promulgation. [Order 1365, § 16-316-0095 (codified as WAC 16-316-0096), filed 6/12/74.] Repealed by 82-08-033 (Order 1757), filed 3/31/82, effective 5/1/82. Statutory Authority: RCW 15.49.310 and 15.49.370.
- 16-316-010 General seed certification standards. [Order 1148, § 16-316-010, filed 4/16/70; Order 1111, § 16-316-010, filed 4/16/69, effective 5/18/69; Order 1083, § 16-316-010, filed 3/29/68, effective 5/1/68; Order 1045, Regulations 1-3, filed 3/27/67, effective 5/1/67 (Regulation 2 of Order 1045 was codified as WAC 16-316-015); Order 969, Regulations 1-2, filed 3/30/65; Order 948 (part), filed 4/21/64; Order 884, Regulations 1-2 (part), filed 1/31/62; Order 850, filed 5/24/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1182, filed 4/16/71.
- 16-316-015 Procedure to follow for certification. [Order 1047, Regulation 2, filed 3/27/67, effective 5/1/67; Order 969, Regulation 2, filed 3/30/65; Order 948 (part), filed 4/21/64; Order 884, Regulations 1 and 2 (part), filed 1/31/62; Order 850 (part), filed 5/24/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69. For later enactment see WAC 16-316-010.
- 16-316-016 Organization for economic cooperation and development certification scheme. [Order 1045, Regulation 3, filed 3/27/67, effective 5/1/67.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69. For later enactment see WAC 16-316-010.
- 16-316-020 Alfalfa seed certification standards. [Order 1148, § 16-316-020, filed 4/16/70; Order 1111, § 16-316-020, filed 4/17/69, effective 5/18/69; Order 1082, filed 3/29/68, effective 5/1/68; Order 1050, Regulations 1-7, filed 4/4/67, effective 5/5/67; Order 1009, Regulations 1-7, filed 3/4/66; Order 970, filed 4/1/65; Order 948, Regulation 2, filed 4/21/64; Order 917, Regulation 1, filed 4/25/63; Order 884, Regulation 3, filed 1/31/62; Order 850, Regulation 3, effective 6/30/61; Order 842, Regulation 2, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1182, filed 4/16/71.
- 16-316-025 Bean seed certification standards. [Order 1148, § 16-316-025, filed 4/16/70; Order 1111, § 16-316-025, filed 4/17/69, effective 5/18/69; Order 1049, Regulations 1-7, filed 4/4/67, effective 5/5/67; Order 1019, Regulations 1-7, filed 5/27/66; Order 1008, Regulations 1-7, filed 3/4/66; Order 975, filed 4/8/65; Order 917, Regulation 2, filed

- 4/25/63; Order 884, Regulation 4, filed 1/31/62; Order 850, Regulation 4, filed 5/24/61; Order 842, Regulation 4, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1183, filed 4/16/71.
- 16-316-027 Regulations for bean seed phyto-sanitary certificates. [Order 1020, filed 5/27/66.] Repealed by Order 1251, filed 4/13/72, effective 5/14/72.
- 16-316-030 Grass seed certification standards. [Order 1148, § 16-316-030, filed 4/16/70; Order 1111, § 16-316-030, filed 4/17/69, effective 5/18/69; Order 1046, Regulation 1, filed 3/27/67, effective 5/1/67; Order 971, filed 4/2/65; Order 917, Regulations 3, 4, and 5, filed 4/25/63; Order 884, Regulation 5, filed 1/31/62; Order 850, Regulation 5, filed 5/24/61; Order 842, Regulation 5, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1184, filed 4/16/71.
- 16-316-040 White clover seed certification standards. [Order 974, filed 4/2/65; Order 948, Regulation 3, filed 4/21/64; Order 884, Regulation 7, filed 1/31/62; Order 850, Regulation 7, filed 5/24/61; Order 842, Regulation 7, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69.
- 16-316-0401 Certification fees. [Statutory Authority: Chapter 15.49 RCW. 84-13-041 (Order 1831), § 16-316-0401, filed 6/15/84; 79-05-064 (Order 1599), § 16-316-0401, filed 4/30/79; Order 1451, § 16-316-040 (codified as WAC 16-316-0401), filed 5/13/76; Order 1419, § 16-316-040 (codified as WAC 16-316-0401), filed 8/15/75. Formerly WAC 16-316-035 (part).] Repealed by 88-11-042 (Order 1976), filed 5/13/88. Statutory Authority: Chapter 15.49 RCW.
- 16-316-045 Red clover seed certification standards. [Order 1148, § 16-316-045, filed 4/16/70; Order 1111, § 16-316-045, filed 4/17/69, effective 5/18/69; Order 1047, Regulation 1, filed 3/28/67, effective 5/1/67; Order 973, filed 4/2/65; Order 917, Regulation 6, filed 4/25/63; Order 884, Regulation 8, filed 1/31/62; Order 850, Regulation 8, filed 5/24/61; Order 842, Regulation 8, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1253, filed 4/13/72, effective 5/14/72.
- 16-316-0451 Land requirements. [Statutory Authority: Chapter 15.49 RCW. 80-06-117 (Order 1689), § 16-316-0451, filed 5/30/80; Order 1451, § 16-316-045 (codified as WAC 16-316-0451), filed 5/13/76; Order 1419, § 16-316-045 (codified as WAC 16-316-0451), filed 8/15/75.] Repealed by 88-11-042 (Order 1976), filed 5/13/88. Statutory Authority: Chapter 15.49 RCW.
- 16-316-050 Sorghum seed certification standards. [Order 884, Regulation 9, filed 1/31/62; Order 850, Regulation 9, filed 5/24/61; Order 842, Regulation 9, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Decodified pursuant to Order 969, § 2, filed 3/30/65.
- 16-316-0501 Isolation requirements. [Order 1451, § 16-316-050 (codified as WAC 16-316-0501), filed 5/13/76; Order 1419, § 16-316-050 (codified as WAC 16-316-0501), filed 8/15/75.] Repealed by 88-11-042 (Order 1976), filed 5/13/88. Statutory Authority: Chapter 15.49 RCW.
- 16-316-055 Field pea seed certification standards. [Order 978, filed 4/15/65; Order 884, Regulation 10, filed 1/31/62; Order 850, Regulation 10, filed 5/24/61; Order 842, Regulation 10, filed 4/6/61; Order 811, filed 5/30/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by Order 1254, filed 4/13/72, effective 5/14/72.
- 16-316-0551 Field tolerances. [Statutory Authority: Chapter 15.49 RCW. 79-05-064 (Order 1599), § 16-316-0551, filed 4/30/79; Order 1451, § 16-316-055 (codified as WAC 16-316-0551), filed 5/13/76; Order 1419, § 16-316-055 (codified as WAC 16-316-0551), filed 8/15/75.] Repealed by 88-11-042 (Order 1976), filed 5/13/88. Statutory Authority: Chapter 15.49 RCW.
- 16-316-060 Small grain seed certification standards. [Order 1148, § 16-316-060, filed 4/16/70; Order 1111, § 16-316-060, filed 4/17/69, effective 5/18/69; Order 1081, filed 3/29/68, effective 5/1/68; Order 1051, Regulations 1-9, filed 4/13/67, effective 5/15/67; Order 1012, Regulations 1-8, filed 3/4/66; Order 977, filed 4/15/65; Order 948, Regulations 4 and 5, filed 4/21/64; Order 917, Regulation 7, filed 4/25/63; Order 884, Regulation 11, filed 1/31/62; Order 850, Regulation 11, filed 5/24/61; Order 842, Regulation 11, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, and 649, filed 3/22/60.] Repealed by Order 1185, filed 4/16/71.
- 16-316-0601 Bent grass and redtop seed standards. [Statutory Authority: Chapter 15.49 RCW. 85-11-004 (Order 1851), § 16-316-0601, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-0601, filed 6/15/84; 80-06-117 (Order 1689), § 16-316-0601, filed 5/30/80; Order 1451, § 16-316-060 (codified as WAC 16-316-0601), filed 5/13/76; Order 1419, § 16-316-060 (codified as WAC 16-316-0601), filed 8/15/75. Formerly WAC 16-316-035 (part).] Repealed by 88-11-042 (Order 1976), filed 5/13/88. Statutory Authority: Chapter 15.49 RCW.
- 16-316-065 Birdsfoot trefoil seed certification standards. [Order 976, filed 4/8/65; Order 884, Regulation 12, filed 1/31/62; Order 850, Regulation 12, filed 5/24/61; Order 842, Regulation 12, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.] Repealed by Order 1111, filed 4/17/69, effective 5/18/69.
- 16-316-070 Production of foundation seed. [Order 1010, filed 3/4/66.] Repealed by Order 1256, filed 4/13/72, effective 5/14/72.
- 16-316-075 Proprietary variety certification standards. [Order 1111, § 16-316-075, filed 4/17/69, effective 5/18/69; Order 1011, filed 3/4/66.] Repealed by Order 1257, filed 4/13/72, effective 5/14/72.
- 16-316-080 Sod quality certified seed standards. [Order 1148, § 16-316-080, filed 4/16/70; Order 1112, § 16-316-080, filed 4/17/69, effective 5/18/69.] Repealed by Order 1186, filed 4/16/71.
- 16-316-085 Crownvetch, white clover, and trefoil seed certification standards. [Order 1148, § 16-316-085, filed 4/16/70; Order 1111, § 16-316-085, filed 4/17/69, effective 5/18/69; Order 1048, Regulations 1-7, filed 4/4/67, effective 5/5/67.] Repealed by Order 1187, filed 4/16/71.
- 16-316-090 Standards for verification of turf seed ingredients. [Order 1113, § 16-316-090, filed 4/17/69, effective 5/18/69.] Repealed by Order 1148, filed 4/16/70. See WAC 16-316-0901.
- 16-316-095 Lentil seed certification standards. [Order 1114, § 16-316-095, filed 4/17/69, effective 5/18/69.] Repealed by Order 1188, filed 4/16/71.
- 16-316-200 Analysis and definitions. [Order 1181, § 16-316-200, filed 4/16/71.] Repealed by Order 1452, filed 5/13/76.
- 16-316-225 Varieties eligible. [Order 1305, § 16-316-225, filed 4/24/73; Order 1260, § 16-316-225, filed 4/13/72, effective 5/14/72; Order 1182, § 16-316-225, filed 4/16/71.] Repealed by Order 1359, filed 6/12/74.
- 16-316-265 Varieties eligible. [Order 1304, § 16-316-265, filed 4/24/73; Order 1183, § 16-316-265, filed 4/16/71.] Repealed by Order 1360, filed 6/12/74.
- 16-316-300 Diseases for which phyto-sanitary certificates will be issued. [Order 1251, § 16-316-300, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-071 (Order 1626), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-305 Phyto-sanitary eligibility. [Order 1251, § 16-316-305, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-071 (Order 1626), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-325 Inspection requirements. [Order 1251, § 16-316-325, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-071 (Order 1626), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-316-345 Varieties eligible. [Order 1306, § 16-316-345, filed 4/24/73; Order 1252, § 16-316-345, filed 4/13/72, effective 5/14/72; Order 1184, § 16-316-345, filed 4/16/71.] Repealed by Order 1362, filed 6/12/74.
- 16-316-356 Variety restrictions. [Order 1485, § 16-316-356, filed 9/8/76.] Repealed by 78-03-112 (Order 1560), filed

- 3/1/78, effective 4/1/78. Statutory Authority: Chapter 15.49 RCW.
- 16-316-435 Varieties eligible. [Order 1253, § 16-316-435, filed 4/13/72, effective 5/14/72.] Repealed by Order 1363, filed 6/12/74.
- 16-316-476 Land requirements. [Order 1458, § 16-316-476, filed 5/13/76; Order 1312, § 16-316-476, filed 4/24/73; Order 1254, § 16-316-476, filed 4/13/72, effective 5/14/72.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-478 Isolation requirements. [Statutory Authority: Chapter 15.49 RCW. 80-06-112 (Order 1693), § 16-316-478, filed 5/30/80; Order 1458, § 16-316-478, filed 5/13/76; Order 1312, § 16-316-478, filed 4/24/73; Order 1254, § 16-316-478, filed 4/13/72, effective 5/14/72.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-482 Seed standards. [Order 1492, § 16-316-482, filed 3/31/77; Order 1458, § 16-316-482, filed 5/13/76; Order 1366, § 16-316-482, filed 6/12/74; Order 1312, § 16-316-482, filed 4/24/73; Order 1254, § 16-316-482, filed 4/13/72, effective 5/14/72.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-520 Small grain seed certification standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-056 (Order 1622), § 16-316-520, filed 4/30/79; Order 1459, § 16-316-520, filed 5/13/76; Order 1185, § 16-316-520, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-530 Application and fees. [Statutory Authority: Chapter 15.49 RCW. 79-05-056 (Order 1622), § 16-316-530, filed 4/30/79; 78-03-113 (Order 1562), § 16-316-530, filed 3/1/78, effective 4/1/78; Order 1459, § 16-316-530, filed 5/13/76; Order 1367, § 16-316-530, filed 6/12/74; Order 1313, § 16-316-530, filed 4/24/73; Order 1255, § 16-316-530, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-530, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-535 Land requirements. [Order 1459, § 16-316-535, filed 5/13/76; Order 1367, § 16-316-535, filed 6/12/74; Order 1313, § 16-316-535, filed 4/24/73; Order 1255, § 16-316-535, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-535, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-540 Isolation requirements. [Statutory Authority: Chapter 15.49 RCW. 79-05-056 (Order 1622), § 16-316-540, filed 4/30/79; Order 1459, § 16-316-540, filed 5/13/76; Order 1313, § 16-316-540, filed 4/24/73; Order 1185, § 16-316-540, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-545 Field standards. [Statutory Authority: Chapter 15.49 RCW. 80-06-106 (Order 1694), § 16-316-545, filed 5/30/80; 79-05-056 (Order 1622), § 16-316-545, filed 4/30/79; Order 1459, § 16-316-545, filed 5/13/76; Order 1415, § 16-316-545, filed 8/15/75; Order 1367, § 16-316-545, filed 6/12/74; Order 1313, § 16-316-545, filed 4/24/73; Order 1255, § 16-316-545, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-545, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-550 Seed standards. [Statutory Authority: Chapter 15.49 RCW. 79-09-095 (Order 1646), § 16-316-550, filed 8/31/79; 79-05-056 (Order 1622), § 16-316-550, filed 4/30/79; Order 1493, § 16-316-550, filed 3/31/77; Order 1459, § 16-316-550, filed 5/13/76; Order 1415, § 16-316-550, filed 8/15/75; Order 1367, § 16-316-550, filed 6/12/74; Order 1313, § 16-316-550, filed 4/24/73; Order 1244, § 16-316-550, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-550, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-555 Mechanical sampling. [Order 1459, § 16-316-555, filed 5/13/76; Order 1313, § 16-316-555, filed 4/24/73; Order 1244, § 16-316-555, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-555, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-560 Seed-borne diseases. [Order 1459, § 16-316-560, filed 5/13/76; Order 1185, § 16-316-560, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-565 Certified seed sale certificate. [Order 1493, § 16-316-565, filed 3/31/77; Order 1459, § 16-316-565, filed 5/13/76; Order 1415, § 16-316-565, filed 8/15/75; Order 1185, § 16-316-565, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-655 Varieties eligible. [Order 1303, § 16-316-655, filed 4/24/73; Order 1187, § 16-316-655, filed 4/16/71.] Repealed by Order 1408, filed 8/15/75.
- 16-316-690 Lentil seed certification standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-058 (Order 1618), § 16-316-690, filed 4/30/79; Order 1464, § 16-316-690, filed 5/13/76; Order 1188, § 16-316-690, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-695 Eligible variety and stock seed. [Statutory Authority: Chapter 15.49 RCW. 80-06-113 (Order 1696), § 16-316-695, filed 5/30/80; Order 1464, § 16-316-695, filed 5/13/76; Order 1258, § 16-316-695, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-695, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-700 Application and fees. [Statutory Authority: Chapter 15.49 RCW. 78-03-109 (Order 1564), § 16-316-700, filed 3/1/78, effective 4/1/78; Order 1464, § 16-316-700, filed 5/13/76; Order 1368, § 16-316-700, filed 6/12/74; Order 1311, § 16-316-700, filed 4/24/73; Order 1258, § 16-316-700, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-700, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-705 Land requirements. [Order 1464, § 16-316-705, filed 5/13/76; Order 1311, § 16-316-705, filed 4/23/73; Order 1188, § 16-316-705, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-710 Isolation requirements. [Order 1464, § 16-316-710, filed 5/13/76; Order 1311, § 16-316-710, filed 4/24/73; Order 1258, § 16-316-710, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-710, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-720 Field tolerances. [Order 1188, § 16-316-720, filed 4/16/71.] Repealed by Order 1258, filed 4/13/72, effective 5/14/72. Later promulgation, see WAC 16-316-720 (codified as WAC 16-316-72001) Order 1464, filed 5/13/76.
- 16-316-72001 Field tolerances. [Order 1464, § 16-316-720, (codified as WAC 16-316-72001), filed 5/13/76.] Repealed by 78-03-109 (Order 1564), filed 3/1/78, effective 4/1/78. Statutory Authority: Chapter 15.49 RCW.
- 16-316-725 Seed standards. [Order 1494, § 16-316-725, filed 3/31/77; Order 1464, § 16-316-725, filed 5/13/76; Order 1368, § 16-316-725, filed 6/12/74; Order 1311, § 16-316-725, filed 4/24/73; Order 1258, § 16-316-725, filed 4/13/72, effective 5/14/72; Order 1188, § 16-316-725, filed 4/16/71.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-726 Mechanical sampling. [Order 1464, § 16-316-726, filed 5/13/76; Order 1311, § 16-316-726, filed 4/24/73; Order 1258, § 16-316-726, filed 4/13/72, effective 5/14/72.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-728 Certified seed sale certificate. [Order 1494, § 16-316-728, filed 3/31/77; Order 1464, § 16-316-728, filed 5/13/76; Order 1417, § 16-316-728, filed 8/15/75; Order 1258, § 16-316-728, filed 4/13/72, effective 5/14/72.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

- 16-316-900 Soybean seed certification standards. [Statutory Authority: Chapter 15.49 RCW. 79-05-061 (Order 1617), § 16-316-900, filed 4/30/79; Order 1466, § 16-316-900, filed 5/13/76; Order 1375, § 16-316-900, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-905 Eligible variety and stock seed. [Order 1466, § 16-316-905, filed 5/13/76; Order 1414, § 16-316-905, filed 8/15/75; Order 1375, § 16-316-905, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-910 Application and fees. [Statutory Authority: Chapter 15.49 RCW. 78-03-100 (Order 1569), § 16-316-910, filed 3/1/78, effective 4/1/78; Order 1466, § 16-316-910, filed 5/13/76; Order 1375, § 16-316-910, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-915 Land requirements. [Order 1466, § 16-316-915, filed 5/13/76; Order 1375, § 16-316-915, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-920 Isolation requirements. [Order 1466, § 16-316-920, filed 5/13/76; Order 1375, § 16-316-920, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-925 Field standards. [Statutory Authority: Chapter 15.49 RCW. 80-06-108 (Order 1698), § 16-316-925, filed 5/30/80; 79-05-061 (Order 1617), § 16-316-925, filed 4/30/79; Order 1466, § 16-316-925, filed 5/13/76; Order 1375, § 16-316-925, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-930 Seed standards. [Order 1491, § 16-316-930, filed 3/31/77; Order 1466, § 16-316-930, filed 5/13/76; Order 1375, § 16-316-930, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-935 Mechanical sampling. [Order 1466, § 16-316-935, filed 5/13/76; Order 1375, § 16-316-935, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.
- 16-316-940 Certified seed sale certificate. [Order 1491, § 16-316-940, filed 3/31/77; Order 1466, § 16-316-940, filed 5/13/76; Order 1414, § 16-316-940, filed 8/15/75; Order 1375, § 16-316-940, filed 7/31/74.] Repealed by 81-15-032 (Order 1744), filed 7/10/81. Statutory Authority: Chapter 15.49 RCW.

WAC 16-316-035 Bentgrass and redtop certification standards. (1) The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations constitute the standards for bentgrass [and] redtop seed certification.

[Statutory Authority: Chapter 15.49 RCW. 80-06-117 (Order 1689), § 16-316-035, filed 5/30/80; Order 1451, § 16-316-035, filed 5/13/76; Order 1419, § 16-316-035, filed 8/15/75; Order 1111, § 16-316-035, filed 4/17/69, effective 5/18/69; Order 972, filed 4/8/65; Order 884, Regulation 6, filed 1/31/62; Order 850, Regulation 6, filed 5/24/61; Order 842, Regulation 6, filed 4/6/61; Order 811, filed 5/3/60; Orders 785, 754, 715, 703, 678, 649, filed 3/22/60.]

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.

WAC 16-316-0901 Standards for verification of turf seed ingredients. (1) The general rules for seed certification are basic and together with the following specific regulations constitute the rules for certification identity of mixtures of different kinds of certified seed.

(2) A blend data sheet, including proof of certification, verifying the origin and the certifying agency along with the analysis and pounds of each lot must be submitted to the certifying agency for approval.

(3) Each lot of certified seed shall:

(a) Meet standards acceptable to the certifying agency.

(b) Be sampled under supervision of the certifying agency prior to mixing. The sample shall be obtained in accordance with official sampling procedures. The sample shall be identified with:

(i) The verification of certification, origin, and certifying agency;

(ii) The kind/variety;

(iii) The analysis and size of lot.

(4) The certifying agency reserves the right to:

(a) Refuse permission to use individual lots;

(b) Approve the equipment to be used and procedure to follow in mixing;

(c) Approve the containers and labeling to be used;

(d) Sample the final mixture.

(5) The certifying agency will identify each container with an official certification label verifying that the individual lots used were certified seed lots.

(6) For a mixture to be labeled sod quality each component shall meet sod quality standards.

(7) Fees for turf seed mixing shall be the same as the current blend fee.

[Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-0901, filed 5/27/94, effective 6/27/94; 79-09-098 (Order 1649), § 16-316-0901, filed 8/31/79; 79-05-064 (Order 1599), § 16-316-0901, filed 4/30/79; Order 1301, § 16-316-090 (codified as WAC 16-316-0901), filed 4/24/73.]

WAC 16-316-100 General seed certification standards. The purpose of seed certification is to maintain and make available sources of high quality seeds and propagating material of plant varieties so grown and distributed as to insure genetic identity and genetic purity. The word seed or seeds as used in these standards shall be understood to include all propagating materials.

[Order 1452, § 16-316-100, filed 5/13/76; Order 1181, § 16-316-100, filed 4/16/71.]

WAC 16-316-105 By whom certified. (1) Seed certification in the state of Washington is conducted by the Washington state department of agriculture in cooperation with the Washington State Crop Improvement Association, Inc.; Institute of Agricultural Sciences, Washington State University; and Association of Official Seed Certifying Agencies.

(2) Designation of the Washington State Crop Improvement Association, Inc. to assist in the certification of certain agricultural seeds was initiated in 1953. A revised memorandum of agreement between the Washington state department of agriculture and the Washington State Crop Improvement Association, Inc. designates the Washington State Crop Improvement Association, Inc., to act as the director's duly authorized agent for the purpose of certifying seed of buckwheat, chickpeas, field peas, lentils, millet, soybeans, small grain, sorghum and forest trees.

(3) Certification of seeds other than buckwheat, chickpeas, field peas, lentils, millet, soybeans, small grain,

sorghum and forest trees shall be conducted by the seed branch, state department of agriculture, Yakima.

[Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-105, filed 5/27/94, effective 6/27/94; Order 1452, § 16-316-105, filed 5/13/76; Order 1181, § 16-316-105, filed 4/16/71.]

WAC 16-316-110 Varieties eligible. (1) Only those varieties that are accepted by the certifying agency as meriting certification, in accordance with the criteria listed below, shall be eligible for certification. For those crops for which National Variety Review Boards exist, it is recommended that varieties be submitted to appropriate board to determine their merit for certification.

(2) Acceptance of a variety for certification shall be based on the following:

(a) A statement and supporting evidence by the originator, developer, or owner requesting certification that the variety has been adequately tested to determine its value and probable area of adaptation, and that it merits certification, and that it is distinguishable from other varieties as set forth in Article 5, International Code of Nomenclature for Cultivated Plants, which reads as follows: "The term cultivar (variety) denotes an assemblage of cultivated individuals which are distinguished by any characters (morphological, physiological, cytological, chemical or others) significant for the purposes of agriculture, forestry, or horticulture, and which, when reproduced (sexually or asexually) retain their distinguishing features."

(b) A statement on origin and breeding procedure.

(c) A description of the morphological characteristics, (such as color, height, uniformity, leaf, head or flower characteristics, etc.) physiological characteristics, disease and insect reactions, and any other identifying characteristics of value to field inspectors and such other pertinent factors as the breeder or sponsor considers relevant.

(d) Evidence of performance, including data on yield, insect or disease resistance and other factors supporting the value of the variety. These performance tests may be conducted by private seed firms or agricultural experiment stations, and shall include appropriate check varieties which are used extensively in the area of intended usage.

(e) A statement giving suggested region of probable adaptation and purposes for which the variety will be used. This shall include where the breeder of the variety has tested it and anticipates recommending and merchandising.

(f) Procedure for maintenance of stock seed classes shall be described. At the time a variety is accepted for certification, a sample lot of breeder seed shall be presented to the certifying agency. This is to be retained as a control varietal sample against which all future seed stock released for certified seed production may be tested to establish continued trueness of variety.

[Statutory Authority: Chapter 15.49 RCW. 78-03-114 (Order 1557), § 16-316-110, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-110, filed 5/13/76; Order 1249, § 16-316-110, filed 4/13/72, effective 5/14/72; Order 1181, § 16-316-110, filed 4/16/71.]

WAC 16-316-115 Limitation of generations. (1) Except as provided elsewhere in this section, the number of generations through which a variety may be multiplied shall be limited to that specified by the originating breeder or owner of a variety.

(1997 Ed.)

(2) The following exceptions to the above limitations of generations are permitted:

(a) Unlimited recertification of the certified class may be permitted for crop varieties where foundation seed is not being maintained.

(b) The production of an additional generation of the certified class may be permitted on a one-year basis when:

(i) An emergency is declared prior to the planting season by the certifying agency stating that foundation and registered seed supplies in the United States are not adequate to plant the needed acreage of the variety.

(ii) Permission of the originating breeder and/or owner of the variety is obtained (if applicable).

(iii) The additional generation of certified seed produced to meet the emergency need is declared to be ineligible for certification.

[Statutory Authority: Chapter 15.49 RCW. 78-03-114 (Order 1557), § 16-316-115, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-115, filed 5/13/76; Order 1181, § 16-316-115, filed 4/16/71.]

WAC 16-316-120 Seed classes. (1) Four classes of seed shall be recognized in seed certification, namely: Breeder, foundation, registered, and certified.

(2) Breeder seed is seed or vegetative propagating material directly controlled by the originating, or in certain cases, the sponsoring plant breeder, institution, or firm. Breeder seed supplies the source for the initial and recurring increase of foundation seed.

(3) Foundation seed (identified by white tags) shall be first-generation seed increased from breeder seed or its equivalent. Production must be carefully supervised and approved by the certifying agency and/or the agricultural experiment station. Increase may be vegetative or seed.

(4) Registered seed (identified by purple tags) shall be the progeny of foundation seed that is so handled as to maintain satisfactory genetic identity and purity and that has been approved and certified by the certifying agency.

(5) Certified seed (identified by blue tags) shall be the progeny of foundation, registered or certified seed that is so handled as to maintain satisfactory genetic identity and purity and that has been approved and certified by the certifying agency.

[Order 1452, § 16-316-120, filed 5/13/76; Order 1181, § 16-316-120, filed 4/16/71.]

WAC 16-316-125 Labels and sealing requirements.

(1) The certification tag or label attached to the container is evidence of the genetic identity and purity of the contents. Certification tags, labels, and seals must be obtained from the certifying agency and must be attached to seed containers under the supervision of the certifying agency.

(2) Certification is valid only if the tag or label is affixed to each container in a manner approved by the certifying agency.

(3) Tags or labels shall not be removed and reused without permission of the certifying agency.

(4) Certified seed sale certificates or proper invoices may be used in lieu of tags or labels with the approval of the certifying agency.

[Order 1452, § 16-316-125, filed 5/13/76; Order 1181, § 16-316-125, filed 4/16/71.]

WAC 16-316-130 Agency deviation from certification standards. Seed that fails to meet certification requirements because of genetic purity is not eligible for tagging. At the discretion of the certifying agency, seed that fails to meet certification requirements on factors other than genetic purity may be designated substandard. The certification tag or label attached to such seed shall clearly show the respects in which the seed is substandard.

[Order 1452, § 16-316-130, filed 5/13/76; Order 1181, § 16-316-130, filed 4/16/71.]

WAC 16-316-135 Agency power to reject. The certifying agency shall have authority to reject from certification any lot of seed not meeting these regulations.

[Order 1452, § 16-316-135, filed 5/13/76; Order 1181, § 16-316-135, filed 4/16/71.]

WAC 16-316-140 Rejection for color or appearance. The certifying agency reserves the right to refuse certification on any lot of seed if, in the opinion of the certifying agency, the color, appearance, or condition of the seed might be detrimental to the certification program.

[Order 1452, § 16-316-140, filed 5/13/76; Order 1181, § 16-316-140, filed 4/16/71.]

WAC 16-316-145 Agency power to refuse certification. The certifying agency shall have the authority to refuse certification if the labeling of containers is misleading or may tend to be confusing as to its contents.

[Order 1452, § 16-316-145, filed 5/13/76; Order 1181, § 16-316-145, filed 4/16/71.]

WAC 16-316-150 Specific crop regulations. Crops approved for certification for which rules are not in effect may be certified under the latest minimum rules for seed certification published by the Association of Official Seed Certifying Agencies. Fees for such certification shall be the most applicable fees in effect.

[Order 1452, § 16-316-150, filed 5/13/76; Order 1181, § 16-316-150, filed 4/16/71.]

WAC 16-316-151 Land history. (See specific crop rules) Requirements may be modified upon approval of the seed certification agency when a cultural practice has proven to be successful. Cultural practice may include mechanical means such as deep plowing and/or chemical means such as fumigants or other material for seed bed preparation. Materials and methods must be a matter of record. Whichever method used, it must be approved and adequate to insure varietal purity.

[Statutory Authority: Chapter 15.49 RCW. 78-03-114 (Order 1557), § 16-316-151, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-151, filed 5/13/76.]

WAC 16-316-155 Penalty. (1) Persons found guilty of violation or misuse or abuse of these regulations shall be subject to prosecution under the Washington State Seed Act.

(2) Proof of violation may result in removal of privileges of certifying, dealing in or handling certified seeds for at least one year.

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[Order 1452, § 16-316-155, filed 5/13/76; Order 1181, § 16-316-155, filed 4/16/71.]

WAC 16-316-160 Prohibited noxious weeds. The following weeds shall be considered prohibited noxious weeds for the purpose of seed certification:

| ENGLISH OR COMMON NAME | BOTANICAL OR SCIENTIFIC NAME |
|--|----------------------------------|
| Austrian fieldcress | Rorippa austriaca (Crantz) Bess. |
| Field bindweed | Convolvulus arvensis L. |
| Hedge bindweed | Convolvulus sepium L. |
| Camelthorn | Alhagi camelorum Fisch. |
| Canada thistle | Cirsium arvense (L.) Scop. |
| Dodder | Cuscuta spp. |
| Hairy whitetop | Cardaria pubescens (C.A. Mey.) |
| Hoary cress | Cardaria draba (L.) Desv. |
| Jointed goatgrass | Aegilops cylindrica |
| Leafy spurge | Euphorbia esula L. |
| Perennial pepperweed | Lepidium latifolium L. |
| Perennial sowthistle | Sonchus arvensis L. |
| Quackgrass | Agropyron repens (L.) Beauv. |
| Russian knapweed | Centaurea repens L. |
| Serrated tussock | Nassella trichotoma |
| Silverleaf nightshade | Solanum elaeagnifolium Cav. |
| Sorghum perennial such as, but not limited to, johnsongrass, sorghum almum, and perennial sweet sudangrass | Sorghum spp. |
| Tansy ragwort | Senecio jacobaea L. |
| Yellow-flowering skeleton weed | Chondrilla juncea L. |

[Statutory Authority: Chapter 15.49 RCW. 89-11-078 (Order 2005), § 16-316-160, filed 5/22/89. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-160, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 79-09-097 (Order 1648), § 16-316-160, filed 8/31/79; Order 1452, § 16-316-160, filed 5/13/76; Order 1181, § 16-316-160, filed 4/16/71.]

WAC 16-316-165 Seed certification—Objectionable weeds. The following weeds shall be considered objectionable weeds for the purpose of seed certification:

| ENGLISH OR COMMON NAME | BOTANICAL OR SCIENTIFIC NAME |
|----------------------------|--|
| Blue lettuce | Lactuca pulchella (Pursh.) DC. |
| Docks and Sorrel | Rumex spp. |
| Field pennycress (fanweed) | Thlaspi arvense |
| Field sandbur | Cenchrus pauciflorus Benth. |
| Halogeton | Halogeton glomeratus C.A. Mey. |
| Medusahead | Elymus caput-medusae L. or Taeniatherum asperum (Sim) Nevski |
| Plantains | Plantago spp. |
| Poverty weed | Iva axillaris Pursh. |
| Puncturevine | Tribulus terrestris L. |
| St. Johnswort | Hypericum perforatum L. |
| Dalmation toadflax | Linaria dalmatica (L.) Mill. |
| Yellow toadflax | Linaria vulgaris Hill. |
| Western ragweed | Ambrosia psilostachya DC. |
| Wild mustard | Brassica kaber (DC.) L.C. Wheeler Var. |
| Wild oat | Avena fatua L. |
| Yellow starthistle | Centaurea solstitialis L. |
| Gromwell (in small grain) | Lithospermum arvense |
| Bedstraw | Galium aparine (in alfalfa only - |

inclusion of this species on weed list means certified class is limited to a maximum 18 per pound with no tolerance for foundation or registered seed)

[Statutory Authority: Chapter 15.49 RCW. 90-12-098 (Order 2041), § 16-316-165, filed 6/5/90, effective 7/6/90; 87-17-025 (Order 1948), § 16-316-165, filed 8/13/87. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-165, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 79-05-068 (Order 1612), § 16-316-165, filed 4/30/79; 78-03-114 (Order 1557), § 16-316-165, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-165, filed 5/13/76; Order 1181, § 16-316-165, filed 4/16/71.]

WAC 16-316-170 Procedure to follow for certification. (1) Persons who wish to participate in this program must submit applications for seed certification with required fees in accordance with the requirements of these regulations and specific rules for each crop. The responsibility for payment of all fees rests with the applicant. (Applications are available from certified seed processors or the seed branch office in Yakima)

(2) Seedling applications (applications for new planting of alfalfa, clover and grasses) are to be submitted as follows:

(a) Separate applications must be submitted for each crop and variety.

(b) Applications are due with required application fee within sixty days after planting. Late applications (those received more than sixty days after planting) may be accepted at the discretion of the certifying agency and are assessed a late seedling application fee.

(c) Attach official tags/labels and/or other verification from seed stock planted.

(d) Additional fees are not required when it is necessary for a grower to reseed due to failure to get a stand. The grower shall advise the certifying agency the date of reseeding, and submit proof of seed stock used to reseed. Reseeding must be done within one year of original planting date.

(3) Annual crops (beans, peas, grain): *An application* must be submitted each year a grower plans to produce seed for certification.

(a) A separate application is required for each crop and variety.

(b) Attach official tags/labels and/or other verification from seed stock planted.

(4) Perennial crops (alfalfa, clover, grass): After a stand is established, *a renewal application* shall be submitted each year that a grower plans to produce seed for certification.

(5) Refer to certification regulations for the specific crop you plan to certify.

(6) Washington State University, its official agents and U.S.D.A. Plant Material Center may be exempt from paying fees on seed stock.

[Order 1452, § 16-316-170, filed 5/13/76; Order 1181, § 16-316-170, filed 4/16/71.]

WAC 16-316-175 All growers in certification program. All growers in the certification program shall:

(1) Show that reasonable precaution has been taken to control contaminating crops and varieties, noxious weeds, and seedborne diseases.

(2) Exercise precaution to prevent crop and lot mixture when harvesting.

(3) Identify his crop as it is delivered to the processor with the assigned field number or numbers.

(4) Have his seed cleaned at a seed processor that has been approved by the seed branch, department of agriculture.

[Statutory Authority: Chapter 15.49 RCW. 79-09-097 (Order 1648), § 16-316-175, filed 8/31/79; 79-05-068 (Order 1612), § 16-316-175, filed 4/30/79; Order 1452, § 16-316-175, filed 5/13/76; Order 1249, § 16-316-175, filed 4/13/72, effective 5/14/72; Order 1181, § 16-316-175, filed 4/16/71.]

WAC 16-316-180 Field inspections. Field inspections shall be made as follows:

(1) A seedling field shall be inspected at the most appropriate time after receipt of seedling application. A seedling producing inspection will be made prior to harvest if the field produces seed the same year of planting.

(2) Field inspections shall be made each year that a crop of certified seed is to be produced when factors affecting certification are most evident.

(3) A field will not be eligible for certification unless a field inspection has been made prior to defoliation or harvesting.

(4) The unit of certification will be the entire field standing at the time of inspection. A portion of a field may be certified if the area to be certified is clearly defined.

(5) A field producing foundation or registered seed that warrants a rejection because of noxious weeds may be reclassified to certified blue tag class if upon reinspection these fields meet certified blue tag standards.

(6) Excessive objectionable weeds may be cause for rejection of a field. Excessive weeds, poor stands, lack of vigor, or other conditions which make inspection inaccurate may also be cause for rejection.

(7) If a field is rejected, the [grower] [growers] may apply for reinspection after the cause for rejection has been corrected. No more than two reinspections will be granted each field. (See specific crop rules for reinspection fee.)

[Statutory Authority: Chapter 15.49 RCW. 79-09-097 (Order 1648), § 16-316-180, filed 8/31/79; 78-03-114 (Order 1557), § 16-316-180, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-180, filed 5/13/76; Order 1181, § 16-316-180, filed 4/16/71.]

Reviser's note: RCW 34.05.395 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.

WAC 16-316-183 Tolerance for diseased or contaminating material. A tolerance of "none" or "zero" for contaminating diseased material in either field or clean seed standards means that none or zero was found during the normal procedure of field inspection or seed sample testing. None or zero does not mean or constitute a guarantee that the field or seed is entirely free of the contaminant or disease.

[Statutory Authority: Chapter 15.49 RCW. 86-13-014 (Order 1889), § 16-316-183, filed 6/9/86.]

WAC 16-316-185 The seed conditioner. The seed conditioner shall:

(1) Notify the seed branch, state department of agriculture, of their intent to condition seed for certification.

(2) Request the seed branch to inspect its plant to determine if they can be approved to condition seed for certification. Upon approval its name shall be added to the list of approved conditioning plants.

(3) Handle all seed for certification in a manner so as to prevent mixture of lots, clearly identifying each lot with a lot number.

(4) Show evidence of clean maintenance. Installations shall be easily accessible for cleaning and inspection and all equipment shall be thoroughly cleaned between lots.

(5) Obtain approval from the certifying agency for handling seed for certification in bulk.

(6) Dispose of screenings in compliance with the Washington State Seed Act.

(7) Obtain approval from the certifying agency to ship seed for certification out-of-state for conditioning.

(8) Have his/her permit to condition seed for certification rescinded should a subsequent inspection reveal that the conditioning of seed for certification is not being handled in the manner prescribed when the approval was granted and the operator fails to take corrective measures. The name of the establishment shall then be removed from the list of approved conditioners, and the growers of seed for certification notified of the same.

[Statutory Authority: Chapter 15.49 RCW. 89-11-078 (Order 2005), § 16-316-185, filed 5/22/89; Order 1452, § 16-316-185, filed 5/13/76; Order 1181, § 16-316-185, filed 4/16/71.]

WAC 16-316-190 Containers and lot numbers. (1) When harvesting, use clean equipment and take all precautions to prevent mixture. The field number must be on all containers or bulk delivery documents to insure identity when delivered to processor.

(2) All seed for certification shall be packaged in clean, new containers of uniform weight and identified with a lot number when tagged and sealed.

(3) The required lot number shall identify the producer and year of production for each lot of seed. This requirement may be satisfied by use of a processor's code.

[Statutory Authority: Chapter 15.49 RCW. 79-05-068 (Order 1612), § 16-316-190, filed 4/30/79; Order 1452, § 16-316-190, filed 5/13/76; Order 1181, § 16-316-190, filed 4/16/71.]

WAC 16-316-195 Sampling. A representative sample of each lot of seed for certification shall be obtained by the department for laboratory analysis. The sample shall be obtained in accordance with official sampling procedures or with mechanical sampling device approved by the department. The entire lot shall be cleaned and in condition for sale at the time of sampling.

[Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-316-195, filed 5/13/88; Order 1452, § 16-316-195, filed 5/13/76; Order 1181, § 16-316-195, filed 4/16/71.]

WAC 16-316-196 Off-type. The term "off-type" means a plant or seed which deviates in one or more characteristics from that which has been described as being usual for the strain or variety.

[Order 1498, § 16-316-196, filed 3/31/77.]

WAC 16-316-197 Fee responsibility. The processor shall be responsible for sampling, testing, production and final certification fees, and may request the responsibility for additional fees.

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[Order 1498, § 16-316-197, filed 3/31/77.]

WAC 16-316-205 Withdrawal from certification.

The applicant may withdraw a field from field inspection by notifying the certifying agency before the field in [is] inspected.

[Order 1452, § 16-316-205, filed 5/13/76; Order 1181, § 16-316-205, filed 4/16/71.]

WAC 16-316-210 Completion of certification.

All seed carrying official tags (and seals, when required) must have met seed certification standards before distribution.

[Order 1452, § 16-316-210, filed 5/13/76; Order 1181, § 16-316-210, filed 4/16/71.]

WAC 16-316-212 Refunds.

Request for refund of refundable fees must be submitted by June 30 of the year following harvest.

[Order 1452, § 16-316-212, filed 5/13/76.]

WAC 16-316-214 Limitation of liability.

The Washington state department of agriculture warrants that the seed has been produced and conditioned according to the certification rules and regulations promulgated under the Washington State Seed Act, chapter 15.49 RCW. The department of agriculture makes no warranty, expressed or implied, or any representation as to the freedom from disease or quality of certified seed.

[Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-214, filed 3/31/82, effective 5/1/82.]

WAC 16-316-215 Rules and procedures for organization for economic cooperation and development scheme for varietal certification (O.E.C.D.).

(1) O.E.C.D. certification is an international certification scheme limited to federal government membership. The agricultural research service of the United States Department of Agriculture is responsible for implementing the O.E.C.D. seed certification schemes in the United States. The state department of agriculture, by virtue of a memorandum of agreement with the agricultural research service, United States Department of Agriculture, is authorized to implement O.E.C.D. certification in the state of Washington.

(2) The general and specific crop certification standards established by Washington state department of agriculture and the O.E.C.D. Scheme for varietal certification are basic and, together with the following specific rules, constitute the rules for O.E.C.D. seed certification.

(3) Varieties eligible.

(a) Crop varieties of U.S. origin shall be eligible for O.E.C.D. certification only if accepted into Washingtons state's certification program.

(b) Crop varieties, of origin other than U.S., shall be eligible for O.E.C.D. certification only if listed in O.E.C.D. publication, *List of Cultivars Eligible for Certification*.

(4) Classes of seed eligible.

| Washington and U.S. Seed Classes | Label Color | Equivalent O.E.C.D. Seed Classes | O.E.C.D. Label Color |
|-----------------------------------|-------------|----------------------------------|----------------------|
| Breeder | — | Prebasic | — |
| Foundation | White | Basic | White |
| Registered | Purple | Basic | White |
| Certified | Blue | 1st Generation Certified Seed | Blue |
| Certified produced from Certified | Blue | 2nd Generation Certified Seed | Red |

(a) Breeder or prebasic shall be planted to be eligible to produce basic white label.

(b) Foundation white label, registered purple label, or basic white label shall be planted to be eligible to produce 1st generation blue label.

(c) Certified or 1st generation blue label shall be planted to be eligible to produce 2nd generation red label.

(5) **Seed stock sample.** Each lot of O.E.C.D. seed stock shall be sampled under supervision of the certifying agency before seals are broken. Samples shall be used as control for growout test and a portion may be submitted to seed laboratory for analysis if deemed necessary. Seed stock lots without official tags may not be granted O.E.C.D. approval.

(6) The department of agriculture shall obtain approval from the originating country for each O.E.C.D. seed stock lot to be planted in the state of Washington for O.E.C.D. production. Request for O.E.C.D. approval shall be submitted by the seed branch to ARS-Beltsville, Maryland, who then contacts the originating country.

(7) **Application for certification and fees.**

(a) Applicant desiring plantings to be eligible for O.E.C.D. certification shall submit applications and fees as required for certification of that crop under Washingtons state's certification standards. Certification requirements and procedures for each kind shall be the genetic standards in Washingtons state certification program supplemented by O.E.C.D. standards and by the limitations specified by originating country; such as, length of stand and number of seed crops eligible.

These seed lots may not be required to meet Washington's minimum purity or germination certified seed standards; however, all seed shall be officially sampled and tested prior to tagging.

(b) Washington O.E.C.D. eligible lots may, with approval of both agencies involved, be blended with O.E.C.D. eligible seed of other state agencies. Applicant is responsible for all fees of both agencies involved.

(c) Seed produced out of state and processed in Washington shall be O.E.C.D. tagged by the state of origin.

(8) **Tagging and sealing.** O.E.C.D. tags shall be printed and issued according to O.E.C.D. rules. Seed branch shall issue an O.E.C.D. reference number; e.g. (USA-W-78-000), which shall be printed on each tag. It is recommended that O.E.C.D. reference numbers be stenciled on each bag. Extra statement on the O.E.C.D. tag such as, "date of sealing," etc. will be kept to a minimum.

(9) **Bagging sample.** A bagging sample of each lot of O.E.C.D. seed tagged shall be drawn under supervision of the certifying agency. One hundred to two hundred fifty grams of the sample shall be held for the originating country, the balance shall be used for required post control grow-out tests.

(10) **O.E.C.D. certificate.** The seed branch shall issue an O.E.C.D. certificate showing kind, variety, reference number, date of sealing, number of containers, weight of lot, class of seed and O.E.C.D. reference number of seed stock used for each lot tagged and sealed upon receipt of tagging report and bagging sample. One copy of the O.E.C.D. certificate is to be mailed to the shipper, one copy to ARS-USDA, one copy attached to bagging sample and one copy for seed branch files.

(11) **Grow-out tests.** As prescribed by O.E.C.D. rules, at least one of four domestic lots tagged and all lots of foreign varieties O.E.C.D. tagged shall be planted in grow-out tests.

(12) **Special O.E.C.D. fees.** In addition to fees required by applicable Washington certification rules, the following fees are in addition and shall apply to all seed tagged O.E.C.D.:

- (a) O.E.C.D. certificate \$10.00 each
- (b) O.E.C.D. grow-out test (each entry) (no charge for control entry) \$46.00 each entry
- (c) Fees for seed stock sampling or services not listed in this rule shall be the most applicable fee established by the director of agriculture.
- (d) All fees payable by person requesting O.E.C.D. certificate. Certifying agency may require fees payable in advance.

[Statutory Authority: Chapter 15.49 RCW. 85-11-004 (Order 1851), § 16-316-215, filed 5/2/85. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-215, filed 5/16/83. Statutory Authority: Chapter 15.49 RCW. 79-09-096 (Order 1647), § 16-316-215, filed 8/31/79; 79-05-069 (Order 1613), § 16-316-215, filed 4/30/79; 78-03-102 (Order 1558), § 16-316-215, filed 3/1/78, effective 4/1/78; Order 1250, § 16-316-215, filed 4/13/72, effective 5/14/72; Order 1181, § 16-316-215, filed 4/16/71.]

WAC 16-316-220 Alfalfa seed certification standards. The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations constitute the standards for alfalfa seed certification.

[Order 1453, § 16-316-220, filed 5/13/76; Order 1359, § 16-316-220, filed 6/12/74; Order 1181, § 16-316-220, filed 4/16/71.]

WAC 16-316-230 Alfalfa seed certification fees.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Seedling application fee: Per variety, per grower \$15.00
 - (b) Late seedling penalty fee: \$30.00
- This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling producing fee: (per acre) \$ 1.75 (Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be

harvested for certification and required fees are due July 31, however, may be accepted after due date with thirty dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:

Per variety, per grower \$15.00

(b) Renewal acreage fee: (per acre) \$ 1.75
(Refundable if acreage is withdrawn before inspection.)

(c) Late renewal penalty fee: \$30.00
This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation (each field) \$40.00
If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(4) Production fee includes sampling and tagging per cwt.: \$ 0.50
The sampling and production fees are billed at completion of tests. If none of the seed is tagged, ten cents of the fifty cents cwt. production fee charged is refundable.

(5) Seed shipped out-of-state for conditioning per cwt. (unclean weight): \$ 0.19

(6) Purity and germination test: Fees as established by the director of agriculture.

(7) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(8) Fees for reissue of tags shall be ten cents a tag with a minimum fee of ten dollars.

[Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-230, filed 5/27/94, effective 6/27/94; 89-11-078 (Order 2005), § 16-316-230, filed 5/22/89; 88-11-042 (Order 1976), § 16-316-230, filed 5/13/88; 85-11-004 (Order 1851), § 16-316-230, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-230, filed 6/15/84; 81-11-023 (Order 1735), § 16-316-230, filed 5/15/81; 79-05-077 (Order 1609), § 16-316-230, filed 4/30/79; Order 1499, § 16-316-230, filed 3/31/77; Order 1453, § 16-316-230, filed 5/13/76; Order 1305, § 16-316-230, filed 4/24/73; Order 1182, § 16-316-230, filed 4/16/71.]

WAC 16-316-235 Land requirements. (1) A crop of the same kind must not have been grown or planted on the land for four, four, and one year prior to stand establishment for producing the foundation, registered and certified classes, respectively; except two years are required for the production of certified class seed of varieties adapted to the northern and central regions following varieties adapted to the southern region.

(2) Reseeding of a field due to failure or partial failure of the first seeding may be done with permission of the certifying agency.

(3) Ditchbanks, roadways, etc. adjacent to a certified field must be free of volunteer alfalfa and prohibited noxious weeds.

(4) Volunteer alfalfa plants in the field may be cause for rejection or reclassification of a seed field.

(5) No manure or other contaminating materials shall be applied during the establishment and production period of the stand.

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-235, filed 6/9/92, effective 7/10/92; 80-06-110 (Order 1690), § 16-316-235, filed 5/30/80; Order 1453, § 16-316-235, filed 5/13/76; Order 1359, § 16-316-235, filed 6/12/74; Order 1182, § 16-316-235, filed 4/16/71.]

WAC 16-316-240 Isolation requirements. (1) Alfalfa for certification shall be isolated from all other alfalfa varieties or fields of the same alfalfa variety not meeting varietal purity requirements for certification as follows:

| Class Being Produced | Fields less than five acres | Fields five acres or more |
|----------------------|-----------------------------|---------------------------|
| Foundation | 900 feet | 600 feet |
| Registered | 450 feet | 300 feet |
| Certified | 165 feet | 165 feet |

(2) Isolation between different classes (generations) of the same variety shall be as follows:

| Class Being Produced | Distance Required from Fields Planted with: | Fields less than 5 acres | Fields 5 acres or more |
|----------------------|---|--------------------------|------------------------|
| Foundation | Foundation or Registered | 225 feet | 150 feet |
| Registered | Registered or Certified | 115 feet | 75 feet |
| Certified | Certified | 75 feet | 45 feet |

(3) In cases where an adjoining field is planted with a different variety of alfalfa, or alfalfa of a lower class, isolation may be obtained by measuring off the required strip in the certified field. This isolation strip may be mowed for hay or it may be harvested for uncertified seed under the following conditions:

(a) The grower must apply for certification of the entire field and clearly stake off the isolation strip. The entire field must pass all certification requirements, except for isolation at time of inspection. The field report will show rejection due to lack of isolation.

(b) The grower may harvest either the certified portion of the field, or the uncertified isolation strip first and deliver this portion to the processing plant. After this seed is weighed and lotted in, the grower will request a reinspection of the uncut portion. After reinspection, if everything is in order, the field will be passed and the remainder of the field can then be harvested.

(4) Isolation is not required in a field producing certified class seed when the isolation zone is less than ten percent of the entire field being certified: *Provided*, That there is a clear ten-foot line of demarcation between adjacent varieties. The isolation zone is the area calculated by the length of the common border with other varieties by average width of the certified field falling within the one hundred sixty-five-foot isolation distance requirement.

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-240, filed 6/9/92, effective 7/10/92; 79-09-104 (Order 1655), § 16-316-

240, filed 8/31/79; Order 1453, § 16-316-240, filed 5/13/76; Order 1409, § 16-316-240, filed 8/15/75; Order 1359, § 16-316-240, filed 6/12/74; Order 1182, § 16-316-240, filed 4/16/71.]

WAC 16-316-245 Field tolerances. Field tolerances shall be as follows:

| | Field Producing* | | |
|-----------------|------------------|---------------|----------------|
| | Founda-tion | Regis-tered | Certi-fied |
| Other varieties | 0.10% | 0.5% | 1.0% |
| Sweet clover | none found | 5 plants/acre | 20 plants/acre |
| Red clover | none found | 4 plants/acre | 20 plants/acre |

* Prohibited noxious weeds must be controlled to prevent seed formation.

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-245, filed 6/9/92, effective 7/10/92; Order 1499, § 16-316-245, filed 3/31/77; Order 1453, § 16-316-245, filed 5/13/76; Order 1182, § 16-316-245, filed 4/16/71.]

WAC 16-316-250 Seed standards. (1) Seed standards shall be as follows:

| Purity | Founda-tion | Regis-tered | Blue Tag Certi-fied |
|--|-------------------|-------------|---------------------|
| Pure seed | (Min.) 99.00% | 99.00% | 99.00% |
| Other crops | (Max.) .10% | .10% | .25% |
| Sweet clover | (Max.) none found | none found | 90 per lb. |
| Inert matter | (Max.) 1.00% | 1.00% | 1.00% |
| Weed seed | (Max.) .10% | .20% | .25% |
| Objectionable weed seeds: | | | |
| Maximum total | none found | none found | 18 per lb. |
| ----- | | | |
| Germination (Min. total germination and hard seed) | 80.00% | 85.00% | 85.00% |
| or Tetrazolium (Min. total of Tetrazolium and hard seed) | 82.00% | 87.00% | 87.00% |

(2) Alfalfa seed must be free of prohibited noxious weed seeds. Further, the foundation class must also be free of Brassica spp.

(3) Foundation or registered seed that has been rejected in the laboratory for prohibited noxious weed seeds may be reclassified to the certified blue tag class and may not be eligible for seed stock even though it is re-cleaned and meets certification standards.

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-250, filed 6/9/92, effective 7/10/92; 79-05-077 (Order 1609), § 16-316-250, filed 4/30/79; Order 1499, § 16-316-250, filed 3/31/77; Order 1453, § 16-316-250, filed 5/13/76; Order 1182, § 16-316-250, filed 4/16/71.]

WAC 16-316-260 Bean seed certification standards. The general seed certification standards are basic and together with the list of varieties eligible and the following

specific regulations, constitute the standards for certification of bean seed.

[Order 1454, § 16-316-260, filed 5/13/76; Order 1360, § 16-316-260, filed 6/12/74; Order 1183, § 16-316-260, filed 4/16/71.]

WAC 16-316-266 Definitions. The following definitions apply to the entire chapter.

(1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof.

(2) "Department" means the Washington state department of agriculture.

(3) "Director" means the director of the department of agriculture or the director's duly authorized representative.

(4) "Common bean" means *Phaseolus vulgaris* L.

(5) "Adzuki bean" means *Vigna angularis*.

(6) "Bean" means common beans and adzuki beans.

(7) "Origin" means the county within the state of Washington, or the state, territory, or country where a specific seed lot was grown.

(8) "Approved trial grounds" means a specific parcel of land approved by the director for experimental or limited production or increase of bean seed.

(9) "University" means the Washington State University, college of agriculture and home economics.

(10) "Dominant I-gene cultivar" means a cultivar which has resistance to all known strains of bean common mosaic virus (B.C.M.V.) due to the presence of the dominant I-gene. Dominant I-gene cultivars will not show mosaic mottle symptoms or transmit the virus through seed when inoculated with any strain of B.C.M.V.

(11) "Recessive I-gene cultivar" means a cultivar which may be susceptible to some strains of bean common mosaic virus and may show mosaic mottle symptoms.

(12) "Diseases" means those viral, fungal, and bacterial diseases of beans enumerated in WAC 16-494-013 and any new variations or strains of these identified in the future.

(13) "Serology" means precipitation, agglutination, immunodiffusion, or labeled antibody test methods (such as ELISA) that use the specificity of antigen-antibody reactions to detect and identify antigenic substances and the organisms such as viruses and bacteria that carry them.

(14) "Official certificate" means a document issued by an official testing agency including but not limited to seed certification tags, bulk seed certification certificates, phytosanitary certificates, laboratory sanitary certificates, and other letters, tags, stamps, or similar documents certifying seed quality or condition.

(15) "Seedborne viral diseases" includes bean common mosaic virus, adzuki common mosaic virus, and other similar viral diseases causing mosaic mottle and other symptoms similar to those of bean common mosaic virus.

[Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-316-266, filed 5/27/92, effective 5/27/92.]

WAC 16-316-270 Bean seed certification fees.

(1) Applications: Due July 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) Application fee:

Per variety, per grower \$15.00

(b) Acreage fee:

(i) One inspection: (per acre) \$ 1.75
 One inspection is required for certification of Great Northern, Red Mexican, pinto, pink, and small white beans.

(ii) Two inspections: (per acre) \$ 3.50
 Includes windrow inspection which is required for: Certification of snap beans, kidney beans, and eligibility for shipment into Idaho. For phytosanitary certification see WAC 16-316-327.

(iii) Acreage fee is refundable if acreage is withdrawn before inspection.

(c) Late application penalty fee: \$30.00
 This additional fee shall be charged per grower for applications received after July 1.

(2) Reinspection: (each field) \$40.00
 If a field is rejected for reasons other than seedborne diseases at the first inspection, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(3) Production fee includes sampling and tagging per cwt.: \$ 0.40
 The production fees shall be billed at the completion of tests.

(4) Purity and germination tests: Fees as established by the director of agriculture.

(5) Fees for retagging or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(6) Bean seed entered into the certification program shall comply with bean seed quarantine rules. See WAC 16-494-001 through 16-494-170.

[Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-316-270, filed 5/27/92, effective 5/27/92; 89-11-078 (Order 2005), § 16-316-270, filed 5/22/89; 85-11-004 (Order 1851), § 16-316-270, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-270, filed 6/15/84. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-270, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-111 (Order 1691), § 16-316-270, filed 5/30/80; 79-05-067 (Order 1611), § 16-316-270, filed 4/30/79; Order 1500, § 16-316-270, filed 4/11/77; Order 1454, § 16-316-270, filed 5/13/76; Order 1411, § 16-316-270, filed 8/15/75; Order 1304, § 16-316-270, filed 4/24/73; Order 1183, § 16-316-270, filed 4/16/71.]

WAC 16-316-275 Land requirements. (1) A field to be eligible for the production of certified seed must not have been planted to beans of the same variety and strain the preceding three years. This requirement is waived if the previous crop was of the same variety and of a certified class equal or superior to that of the crop seeded. The field to be planted must have been free of bacterial diseases the previous two years.

(2) A field will not be eligible for production of certified seed for more than two consecutive years.

[Statutory Authority: Chapter 15.49 RCW. 79-05-067 (Order 1611), § 16-316-275, filed 4/30/79; Order 1454, § 16-316-275, filed 5/13/76; Order 1183, § 16-316-275, filed 4/16/71.]

WAC 16-316-280 Field tolerances. Field tolerances shall be as follows:

(1)

| | Field Producing | | |
|------------------------------------|-----------------|-----------------|----------------|
| | Found- ation | Regis- tered | Certi- fied |
| Other varieties or off-type plants | none found | 0.1% | 0.2% |
| Other crops | none found | 0.1% | 0.1% |
| Total seed-borne diseases | none found | none found | none found |

Except as noted in subsection (6) of this section

(2) Snap and Kidney Beans shall be isolated by 1320 feet from known bacterial blight.

(3)(a) To be eligible for certification, Pintos, Red Mexicans, Pinks, Great Northerns, Small Whites, Navy Beans, and Black Turtle Beans may be grown for an unlimited number of generations under rill or sprinkler irrigation.

(b) To be eligible for certification, Kidney Beans may be grown for an unlimited number of generations under rill irrigation or for one generation under rill irrigation and, subsequently, for two generations under sprinkler irrigation. The fourth and unlimited subsequent generations of these may be grown and inspected with the same alternation of irrigation types.

(c) To be eligible for certification, Cranberry types, Taylor horticultural types, and Borlotto types of beans may be grown for unlimited generations under rill irrigation or for one generation under rill irrigation and, subsequently, for two generations under sprinkler irrigation. These types shall be subject to the following additional requirements:

(i) A maximum of nine total generations of these types of beans may be grown under the alternation of irrigation types; and

(ii) Any lot grown under sprinkler irrigation shall be officially sampled, serology tested and found free from bean bacterial quarantine diseases listed in WAC 16-494-013, prior to replanting under either sprinkler irrigation or rill irrigation.

(4) Fields must be rogued of weeds, off-type plants, volunteer plants, and plants showing symptoms of seed-borne diseases. Excessive night-shade shall be a cause for rejection.

(5) A field to be eligible for certification must have clean, cultivated boundaries at least ten feet wide.

(6) Excessive weeds, poor stands, lack of vigor, or any other condition which is apt to make inspection inaccurate may be cause for rejection of the field.

(7) Bean fields, including those planted with a dominant I-gene cultivar, showing virus-like mosaic symptoms will not be accepted as free of seedborne virus diseases until seed samples are tested serologically, or with serology and a grow out test and found to be free of seedborne virus diseases.

[Statutory Authority: Chapter 15.49 RCW. 96-14-088, § 16-316-280, filed 7/2/96, effective 8/2/96; 92-12-025 (Order 2092), § 16-316-280, filed 5/27/92, effective 5/27/92; 91-08-017 (Order 2078), § 16-316-280, filed 3/27/91, effective 4/27/91; 79-05-067 (Order 1611), § 16-316-280, filed 4/30/79; Order 1454, § 16-316-280, filed 5/13/76; Order 1411, § 16-316-280, filed 8/15/75; Order 1183, § 16-316-280, filed 4/16/71.]

WAC 16-316-285 Inspection requirements. Inspection requirements shall be as follows:

(1) When factors affecting certification are most evident. The 2nd inspection, when required, shall be a windrow inspection.

(2) A grow out test to verify presence of seedborne diseases may be required if the certifying agency deems it necessary.

(3) A serology (ELISA) test or serology plus a grow out test for seedborne diseases is required to certify seed.

(4) The combined results of field inspections, laboratory test, and grow out test, when required, will determine final certification.

[Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-316-285, filed 5/27/92, effective 5/27/92; 91-08-017 (Order 2078), § 16-316-285, filed 3/27/91, effective 4/27/91; 79-05-067 (Order 1611), § 16-316-285, filed 4/30/79; Order 1454, § 16-316-285, filed 5/13/76; Order 1360, § 16-316-285, filed 6/12/74; Order 1183, § 16-316-285, filed 4/16/71.]

WAC 16-316-290 Seed standards. Seed standards shall be as follows:

(1)

| Purity | | Found- ation | Regis- tered | Blue Tag Certi- fied |
|--|--------|-----------------|-----------------|-------------------------------|
| Pure seed | (Min.) | 98% | 98% | 98% |
| Other crops & varieties | (Max.) | none found | none found | 2/100 lbs. |
| Badly damaged seed | (Max.) | | 2% | 2% |
| Inert matter | (Max.) | | 2% | 2% |
| Splits & cracks | (Max.) | | 2% | 2% |
| Weed seed | (Max.) | | none found | none found |
| Seedborne virus diseases (based on an ELISA or ELISA and a grow out test) | (Max.) | none found | none found | none found |
| ----- | | | | |
| Germination (minimum) | | | 8.5% | 8.5% |

(2) Total inert matter, splits and cracks, and badly damaged seed shall not exceed 2% except for foundation class.

(3) Test reports will show percent of discolored beans for information only.

(4) Rough handling of bean seed in the combine or cleaning plant reduces germination materially. Precautions must be taken against such treatment and the seed safeguarded against high drops.

[Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-316-290, filed 5/27/92, effective 5/27/92; 91-08-017 (Order 2078), § 16-316-290, filed 3/27/91, effective 4/27/91; 79-05-067 (Order 1611), § 16-316-290, filed 4/30/79; Order 1454, § 16-316-290, filed 5/13/76; Order 1183, § 16-316-290, filed 4/16/71.]

WAC 16-316-295 Regulation and procedure for issuance of phyto-sanitary certificate. (1) Phyto-sanitary certificate is a certificate stating a specific seed crop was inspected a predetermined number of times and a specified

disease was not found; or a certificate based on area surveillance stating a specific disease, as far as known, does not occur in the area of production.

[Order 1455, § 16-316-295, filed 5/13/76; Order 1251, § 16-316-295, filed 4/13/72, effective 5/14/72.]

WAC 16-316-310 Application for inspection and due dates. (1) The applicant must submit an application for each field stating the disease or diseases for which inspection is requested.

(a) Due dates for applications for field inspections are as follows:

- (i) Western Washington: Fall plantings . . . April 15
- Spring plantings June 1
- (ii) Eastern Washington: Fall plantings . . . April 15
- Peas in Columbia Basin May 15
- Peas East Highway 395 (Palouse) June 15
- Beans July 1
- All other crops June 1

(b) Applications for crops requiring a fall inspection are due 30 days prior to inspection time and not later than September 15. Applications may be accepted after September 15 at the discretion of the seed branch.

(2) To be eligible for *pseudomonas pisi* phyto-sanitary certificate for peas or other diseases based on area surveillance, the applicant must file a report listing acreage and general location (such as block and unit if possible) before May 1.

(3) Applications received after due date will be assessed a late fee - acceptance is at the discretion of the certifying agency.

(4) Each applicant shall submit applications and/or required reports stating diseases for which inspection is to be made and the number of inspections required and/or requested.

(5) Applications must be submitted to the Seed Branch, 2015 South 1st Street, Yakima, Washington 98903, before due date with required fees.

(6) Only one kind of crop is permitted on each application.

[Statutory Authority: Chapter 15.49 RCW. 81-11-021 (Order 1737), § 16-316-310, filed 5/15/81; 79-09-101 (Order 1652), § 16-316-310, filed 8/31/79; Order 1502, § 16-316-310, filed 3/31/77; Order 1455, § 16-316-310, filed 5/13/76; Order 1251, § 16-316-310, filed 4/13/72, effective 5/14/72.]

WAC 16-316-315 Phyto-sanitary certification—Fee and charges. (1) Fee for area and field inspection:

- (a) Field inspection (payable with application):
 - (i) All seed except wheat seed. For each required inspection (per acre or fraction thereof) \$5.00
 - (with minimum fee of \$20.00 per field per inspection)
 - (ii) Wheat seed only. For each required inspection (per acre or fraction thereof) \$2.00
 - (b) Area inspection (per one hundred pounds) \$.05
- Billed at time certificate is issued with a minimum of twenty dollars and a maximum of one hundred fifty dollars per certificate.
- (2) Late application penalty fee \$30.00

This additional fee shall be charged for each application received after due date.

- (3) Sampling fee when sampling is required:
 - (a) Beans, peas, lentils, cereal grains
(per one hundred pounds) \$0.05
 - (b) Other crops
(per one hundred pounds) \$0.15
- (4) Serology test: Fee to be established by the state of Idaho.

An official five pound sample is required from each ten thousand pounds or portion thereof. Officially drawn samples will be submitted to: State Plant Pathologist, Idaho Department of Agriculture, 2230 Penitentiary Road, Boise, Idaho 83712.

(5) Fees for services not listed in this rule shall be set on the basis of the actual cost to the department of agriculture or the most appropriate fee established shall be used.

(6) Laboratory analysis of plant material: An additional fee of actual cost shall be charged when necessary to examine plant material and/or seed in the laboratory to verify disease.

[Statutory Authority: Chapter 15.49 RCW. 96-14-087, § 16-316-315, filed 7/2/96, effective 8/2/96; 92-13-027 (Order 2093), § 16-316-315, filed 6/9/92, effective 7/10/92; 89-11-078 (Order 2005), § 16-316-315, filed 5/22/89; 88-11-042 (Order 1976), § 16-316-315, filed 5/13/88; 81-11-021 (Order 1737), § 16-316-315, filed 5/15/81; 79-05-071 (Order 1626), § 16-316-315, filed 4/30/79; 78-03-101 (Order 1559), § 16-316-315, filed 3/1/78, effective 4/1/78; Order 1455, § 16-316-315, filed 5/13/76; Order 1251, § 16-316-315, filed 4/13/72, effective 5/14/72.]

WAC 16-316-320 Land and production requirements.

(1) A field to be eligible for production of a crop for phyto-sanitary certificates must not have been planted to said crop within the past three years if said crop was known to be contaminated with specific disease in question.

(2) A field must have clean, cultivated boundaries.

(3) Excessive weeds, poor stands, lack of vigor, or any other condition which is likely to make inspection inaccurate may be cause for rejection.

(4) Additional land and/or production requirements may be adopted after consultation with industry representative and area specialist for specific disease and/or crops.

(5) The department of agriculture may, in addition to the following inspection procedures, require a laboratory (serology) test and/or a greenhouse test or other testing methods.

(6) The combined results of field inspection and laboratory (serology), greenhouse tests and/or other testing methods, when required or available, may be used to determine final eligibility for phyto-sanitary certificate.

[Order 1455, § 16-316-320, filed 5/13/76; Order 1410, § 16-316-320, filed 8/15/75; Order 1251, § 16-316-320, filed 4/13/72, effective 5/14/72.]

WAC 16-316-326 Phyto-sanitary certificate for peas.

(1) Specific diseases of peas for which phyto-sanitary certificate will be issued:

- (a) *Pseudomonas pisi* (Sackett)
- (b) *Pea Seed-borne Mosaic Virus* - based on two field inspections.

(2) Pea seed to be eligible for a phyto-sanitary certificate stating freedom from *Pseudomonas pisi* (Sackett):

(a) Based on area inspection must be free of the disease in question as determined by area inspection of at least [ten percent] of the acreage. The department of agriculture will also conduct a survey of county extension agents, extension pathologists, and plant pathologists at experiment stations and Washington State University. Each company desiring his production eligible must make inspections of the fields throughout the growing season. If symptoms of said disease are found, it must be reported to the Seed Branch, Department of Agriculture, 2015 South 1st Street, Yakima, Washington 98903, immediately. At the end of the growing season, and not later than September 1, each applicant must file a report with the seed branch, department of agriculture, based on company pathologist inspections and what other information he may have if the disease in question was or was not observed.

(b) Based on field inspection must be free of said disease as determined by one field inspection made during growing stage most optimum for detecting of said disease.

(3) Pea seed to be eligible for certificate stating freedom from *Pea Seed-borne Mosaic Virus* must be free of said disease as determined by one inspection at two to four weeks after seedling emergence, and second inspection one to two weeks before dry pod stage.

It is recommended that breeding nurseries, isolation nurseries, and/or small seed-increase plots be entered for inspection.

[Statutory Authority: Chapter 15.49 RCW. 81-11-021 (Order 1737), § 16-316-326, filed 5/15/81; 79-05-071 (Order 1626), § 16-316-326, filed 4/30/79; 78-03-101 (Order 1559), § 16-316-326, filed 3/1/78, effective 4/1/78; Order 1455, § 16-316-326, filed 5/13/76.]

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.

WAC 16-316-327 Phyto-sanitary certificate for beans.

(1) Specific bacterial diseases of beans for which phyto-sanitary certificates may be issued are:

- (a) *Halo Blight - Pseudomonas phaseolicola* (Burk.) Dows.
- (b) *Common Bean Blight - Xanthomonas phaseoli* (E.F. Sm.) Dows.
- (c) *Fuscous Blight - Xanthomonas phaseoli var. fuscans* (Burk.)
- (d) *Bean Bacterial Wilt - Corynebacterium flaccumfaciens* (Hedges) Dows.
- (e) Or any varieties or new strains of these diseases.
- (f) *Brown Spot Disease - Pseudomonas syringae*.
- (g) *Bean Anthracnose - Colletotrichum lindemuthianum*.
- (h) *Seedborne viral diseases*.

(2) Common bean seed to be eligible for a phyto-sanitary certificate covering the bacterial diseases listed above, shall be free of the diseases in question as determined by field inspection during the growing season and by a windrow inspection. (Serology test and greenhouse test may be accepted in lieu of windrow inspection at the discretion of the department of agriculture.)

(3) (a) To be eligible for a phyto-sanitary certificate covering bacterial diseases, Pintos, Red Mexicans, Pinks, Great Northerns, Small Whites, Navy Beans, and Black

Turtle Beans may be grown for an unlimited number of generations under rill or sprinkler irrigation.

(b) To be eligible for a phyto-sanitary certificate covering bacterial diseases, Kidney Beans may be grown for an unlimited number of generations under rill irrigation or for one generation under rill irrigation and, subsequently, for two generations under sprinkler irrigation. The fourth and unlimited subsequent generations of these may be grown and inspected with the same alternation of irrigation types.

(c) To be eligible for a phyto-sanitary certificate covering bacterial diseases, Cranberry types, Taylor horticultural types, and Borlotto types of beans may be grown for unlimited generations under rill irrigation or for one generation under rill irrigation and, subsequently, for two generations under sprinkler irrigation. These types shall be subject to the following additional requirements:

(i) A maximum of nine total generations of these types of beans may be grown under the alternation of irrigation types; and

(ii) Any lot grown under sprinkler irrigation shall be officially sampled, serology tested and found free from bean bacterial quarantine diseases listed in WAC 16-494-013, prior to replanting under either sprinkler irrigation or rill irrigation.

(4) To be eligible for phyto-sanitary certificate, field planted shall be free of halo blight the previous two years.

(5) To be eligible for phyto-sanitary certificate, fields shall be 1320 feet from an incident of diseases listed in subsection (1) of this section. It is recommended that equipment be disinfected between fields.

(6) Field inspection requirements:

At least two field inspections are required for beans being inspected for the bacterial diseases listed above:

(a) The first inspection is required when factors effecting diseases are most evident.

(b) The second inspection is required when the plants are in the windrow.

(7) All bean seed entered into the phyto-sanitary inspection program shall comply with the bean seed quarantine rules. See WAC 16-494-001 through 16-494-062.

[Statutory Authority: Chapter 15.49 RCW. 96-14-088, § 16-316-327, filed 7/2/96, effective 8/2/96; 92-13-027 (Order 2093), § 16-316-327, filed 6/9/92, effective 7/10/92; 85-11-004 (Order 1851), § 16-316-327, filed 5/2/85; 79-05-071 (Order 1626), § 16-316-327, filed 4/30/79; Order 1455, § 16-316-327, filed 5/13/76.]

WAC 16-316-328 Phyto-sanitary certificate for other crops and diseases. (1) Phyto-sanitary certificates may be issued covering other crops and other diseases depending upon occurrence, symptoms, and hosts. Inspection procedures and requirements for issuing phyto-sanitary certificates will be determined after consultation with area specialists.

(a) To be eligible for phyto-sanitary certificates, applicant must submit his request as early as possible to allow adequate time to develop procedures and requirements.

(b) Only one field inspection will be provided unless it is determined that it is necessary to make inspections at different times during the growing season to detect symptoms of the disease in question.

[Order 1455, § 16-316-328, filed 5/13/76.]

WAC 16-316-340 Grass seed certification standards. The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations, constitute the standards for grass seed certification. In addition to these standards, each lot of seed stock subject to annual bluegrass quarantine must be in compliance with said quarantine to be eligible for certification.

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-340, filed 6/9/92, effective 7/10/92; 78-03-112 (Order 1560), § 16-316-340, filed 3/1/78, effective 4/1/78; Order 1485, § 16-316-340, filed 9/8/76; Order 1418, § 16-316-340, filed 8/15/75; Order 1362, § 16-316-340, filed 6/12/74; Order 1184, § 16-316-340, filed 4/16/71.]

WAC 16-316-350 Grass seed certification fees—Seedling applications. (1) All applications and fees for seedlings shall be due within sixty days of planting: *Provided*, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late seedling penalty fee.

(a) Seedling application fee:

Per variety, per field \$15.00

(b) Late seedling penalty fee: (per kind) \$30.00

This additional fee shall be charged for seedling applications received after due date.

(c) Seedling producing application fee:

Per field, per grower \$15.00

Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees shall be due July 31: *Provided*, That such application may be accepted after due date with thirty dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due May 1: *Provided*, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late renewal penalty fee.

(a) Renewal application fee:

Per variety, per grower \$15.00

(b) Late renewal penalty fee: (per variety) . . \$30.00

This additional fee shall be charged for renewal applications received after May 1.

(c) Inspection fee per field \$30.00

(3) Annual grasses inspection fee: (per acre) . . \$ 1.75

Applications are due within sixty days after planting.

(4) Reinspection: Other than isolation (each

field) \$40.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection is corrected. Only two reinspections are permitted for each field each year.

(5) Inspection and final certification fees: Inspection and final certification fees shall be based on pounds sampled and billed upon completion of required tests (Option A). Those dealers requesting sampling and tagging privileges and/or participation in Option B shall sign a memorandum of agreement that shall expire on June 30 of each year. The memorandum may be terminated by the director if the conditioner violates certification standards or requirements of memorandum.

(a) Option A: When based on pounds sampled, and billed at completion of required laboratory tests, the fees shall be:

- (i) Final certification fee \$ 0.80 per one hundred pounds. (If no seed is tagged, twenty cents of the final certification fee is refundable upon request.)
- (ii) Seed shipped out-of-state for conditioning per one hundred pounds (unclean weight) \$ 0.30
- (iii) Service fee for out-of-state origin \$ 0.30 per one hundred pounds.
- (iv) Blend fee shall be as established by blend rule, and in addition to above fees. However, blend fee not applicable to salvage blends.
- (v) Payment of fees shall be the responsibility of the person signing the application. However, conditioner may assume this responsibility.

(b) Option B: When based on pounds tagged after required laboratory tests are completed, the fees shall be:

- (i) Final certification fee \$ 1.10 per one hundred pounds. (Minimum fee per tagging) \$10.00
- (ii) Service fee for out-of-state origin \$ 0.65 per one hundred pounds.
- (iii) Blend fee (in addition to fee established by blend rule) shall be payable upon completion of blend on total weight of blend, and shall be as follows:

(A) Washington origin certified seed used in blend \$ 1.00 per one hundred pounds.

(B) Out-of-state origin certified seed used in blend \$ 0.60 per one hundred pounds: *Provided*, That those fees listed in (a) and (b) above are not applicable to certified seed that is tagged and sealed, and on which final fees have been paid.

(C) A refund or credit shall be issued for the percent of the blend lot not tagged. (For example, if forty percent of the blend is not tagged, forty percent of the fees charged under Option B above is refundable.) Requests for refunds shall be made by June 30 following final disposition of the blend.

(6) Payment of fees shall be the responsibility of the conditioner. A conditioner choosing this program shall handle all certified grasses in his warehouse under this program for the entire crop year. Upon termination or nonrenewal of Option B memorandum of agreement, conditioner shall be responsible for Option A fees on all certified seed not tagged at termination date.

(7) Fees for services such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(8) Purity and germination test fees shall be as established by the director of agriculture.

(9) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(10) Fees for reissue of tags shall be ten cents per tag with a minimum fee of ten dollars.

[Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-350, filed 5/27/94, effective 6/27/94; 92-13-027 (Order 2093), § 16-316-350, filed 6/9/92, effective 7/10/92; 89-11-078 (Order 2005), § 16-316-350, filed 5/22/89; 88-11-042 (Order 1976), § 16-316-350, filed 5/13/88; 86-13-014 (Order 1889), § 16-316-350, filed 6/9/86; 85-11-004 (Order 1851), § 16-316-350, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-350, filed

6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-350, filed 5/16/83. Statutory Authority: Chapter 15.49 RCW. 79-09-100 (Order 1650), § 16-316-350, filed 8/31/79; 79-05-060 (Order 1610), § 16-316-350, filed 4/30/79; 78-03-112 (Order 1560), § 16-316-350, filed 3/1/78, effective 4/1/78; Order 1485, § 16-316-350, filed 9/8/76; Order 1362, § 16-316-350, filed 6/12/74; Order 1306, § 16-316-350, filed 4/24/73; Order 1252, § 16-316-350, filed 4/13/72, effective 5/14/72; Order 1184, § 16-316-350, filed 4/16/71.]

WAC 16-316-355 Grass seed—Land requirements.

(1) A field to be planted with breeder seed for the production of foundation seed shall not have grown or have been seeded to the same species, sub-species, variety, or strain of grass during the preceding five years. The field shall be planted in spaced rows. The five year eligibility may be waived to three years with the use of fumigants and other short-term soil sterilization chemicals subject to approval of the certifying agency.

(2) A field to be planted with foundation seed for the production of registered seed shall not have grown or have been seeded to the same species, sub-species, variety, or strain of grass during the preceding three years.

(3) A field to be planted with foundation, registered, or certified seed for the production of certified seed shall not have grown or have been seeded to the same species, sub-species, variety or strain of grass during the preceding year unless the previous planting was of the same variety and eligible to produce foundation, registered or certified seed.

(4) Reseeding of a field because of failure or partial failure of the first seeding may be done with permission of the department.

(5) Grasses of the same kind growing in fence rows and other areas adjacent to the field shall be controlled to prevent blooming.

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-355, filed 6/9/92, effective 7/10/92; 86-13-014 (Order 1889), § 16-316-355, filed 6/9/86; Order 1485, § 16-316-355, filed 9/8/76; Order 1418, § 16-316-355, filed 8/15/75; Order 1362, § 16-316-355, filed 6/12/74; Order 1306, § 16-316-355, filed 4/24/73; Order 1184, § 16-316-355, filed 4/16/71.]

WAC 16-316-360 Grass seed—Isolation requirements.

(1) A seed field to be eligible for the production of foundation, registered or certified seed shall be isolated from any other variety or strain of the same species in accordance with the requirements in the following table:

| Symbol for Type of Reproduction | Minimum Isolation Distance Required for Fields Producing: | | |
|----------------------------------|---|------------|----------------------|
| | Foundation | Registered | Certified |
| Strains at least 80% Apomictic A | 60 feet | 30 feet | 15 feet clean fallow |
| Highly Self-Fertile Species —S | 60 feet | 30 feet | 15 feet clean fallow |
| All Cross-Pollinated Species —C | 900 feet | 300 feet | 165 feet |

(2) Isolation required between different classes of the same variety of cross-pollinated (C) species:

| Class Seed Planted | Class Seed Produced | Distance Required From Nearest Field Producing: |
|--------------------|---------------------|---|
| Breeder | Foundation | Registered 150 feet |
| " | " | Certified 225 feet |
| Foundation | Registered | Certified 75 feet |

(3) Isolation is not required in fields producing certified class seed when the isolation zone is less than ten percent of the entire field being certified: *Provided*, That there is a clear (ten feet) line of demarcation between adjacent varieties. The isolation zone is the area calculated by the length of the common border with other varieties by average width of the certified field falling within the one hundred sixty-five feet isolation distance requirement.

(4) Isolation requirements between classes of the same variety of apomictic (A) and self-fertile (S) species is as follows:

(a) Field producing foundation or registered shall be a minimum of fifteen feet from field planted with different class of same variety.

(b) Field producing certified seed shall be a minimum of five feet from field planted with different class of the same variety.

(5) Border removal for grass isolation: If it is not possible to provide minimum isolation distances for fields exceeding five acres in area, border removal is permitted. Border removal requires removal of the portion of the field being certified that is adjacent to the contamination source. Minimum distances required for border removal are as follows:

| Border to be removed from the field being certified | Minimum Isolation Distance Required for Fields Producing: | | |
|---|---|------------|-----------|
| | Foundation | Registered | Certified |
| 0 feet | 900 ft. | 300 ft. | 165 ft. |
| 15 feet | 450 ft. | 150 ft. | 75 ft. |

(a) The grower shall apply for certification of the entire field and before inspection clearly stake off the border removal portion.

(b) A reinspection shall be required after harvest of the certified portion of the field.

(c) The border removal portion of the field may be harvested for uncertified seed under the following conditions:

(i) The entire field shall pass all certification requirements except for isolation at time of inspection. The field report will show rejection due to lack of isolation.

(ii) The grower shall harvest the certified portion of the field first and deliver this seed to the conditioning plant. After seed is weighed and lotted in, the grower shall request a reinspection; if everything is in order, the field shall be

passed and the border strip can be harvested as uncertified seed.

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-360, filed 6/9/92, effective 7/10/92; 89-11-078 (Order 2005), § 16-316-360, filed 5/22/89; Order 1504, § 16-316-360, filed 3/31/77; Order 1485, § 16-316-360, filed 9/8/76; Order 1418, § 16-316-360, filed 8/15/75; Order 1362, § 16-316-360, filed 6/12/73; Order 1184, § 16-316-360, filed 4/16/71.]

WAC 16-316-365 Field tolerances. Field tolerances shall be as follows:

(1) Maximum other varieties permitted in fields producing:

| | |
|-------------|------|
| Foundation: | 0% |
| Registered: | 0.5% |
| Certified: | 2% |

Prohibited noxious weeds must be controlled to prevent seed formation.

[Order 1485, § 16-316-365, filed 9/8/76; Order 1184, § 16-316-365, filed 4/16/71.]

WAC 16-316-370 Grass seed standards. Seed standards for grass shall be as follows:

WAC 16-316-370 SEED STANDARDS

| CROP AND TYPE OF REPRODUCTION AS PER WAC 16-316-360 | MINIMUM % BERM (a) | | MINIMUM % PURE | | MAXIMUM % INERT | | MAXIMUM % WEEDS (b) | | MAXIMUM % OTHER CROPS | | MAXIMUM SEEDS OF OTHER GRASS SPECIES | | |
|---|--------------------|------------------------|----------------|--------|-----------------|-------|---------------------|------------|-----------------------|-----------|--------------------------------------|------------------|---------|
| | FNDT. REG. | CERT. | FNDT. REG. | CERT. | FNDT. REG. | CERT. | FNDT. REG. | CERT. | FNDT. REG. (j) | CERT. (e) | FNDT. Seeds / Lb. | REG. Seeds / Lb. | CERT. % |
| BLUEGRASS | | | | | | | | | | | | | |
| Sherman (A) | 70 | 70 | 90 | 90 | 10 | 10 | .05 | .3 | .1 | .5 | 45 /Lb. | 454 /Lb. | .25 |
| Canby (A) | 70 | 70 | 90 | 90 | 10 | 10 | .05 | .3 | .1 | .5 | 45 /Lb. | 454 /Lb. | .25 |
| Kentucky (A) | 80 | 80 | 97 | 97 (d) | 3 | 3 | .05 | .3 | .1 | .5 (d) | 45 /Lb. | 454 /Lb. | .25 |
| Merion Kentucky (A) | 80 | 80 | 92 | 92 (d) | 8 | 8 | .05 | .3 | .1 | .5 (d) | 45 /Lb. | 907 /Lb. | .25 |
| Canada, Upland (A) | 80 | 80 | 96 | 92 (d) | 4 | 8 | .05 | .3 | .1 | .5 (d) | 45 /Lb. | 454 /Lb. | .25 |
| BROMEGRASS | | | | | | | | | | | | | |
| Smooth Brome (C) | 80 | 85 | 95 | 95 | 5 | 5 | .05 | .3 (c) | .1 | .5 | 9 /Lb. | 91 /Lb. | .25 |
| Meadow Brome (C) | 80 | 85 | 95 | 95 | 5 | 5 | .05 | .3 (c) | .1 | .5 | 9 /Lb. | 91 /Lb. | .25 |
| Mountain Brome (S) | 85 | 85 | 95 | 95 | 5 | 5 | .3 | .3 (c) | .5 | 1.0 | 9 /Lb. | 91 /Lb. | .25 |
| DEERTONGUE (C) | 50 | 50 | 97 | 95 | 3 | 5 | .50 | .5 (c) | 1.0 | 1.0 | 1% | | |
| FESCUE | | | | | | | | | | | | | |
| Tall & Meadow (C) | 80 | 85 | 95 | 97 | 5 | 3 | .03 | .3 (c) | .1 | .5 | 18 /Lb. | 19 /Lb. | .25 |
| Hard & Sheep Fescue, (C) | 80 | 85 | 95 | 95 | 5 | 5 | .03 | .3 (c) | .1 | .5 | 9 /Lb. | 45 /Lb. | .25 |
| Other Fescue, (C) | 80 | 90 | 95 | 95 | 5 | 5 | .03 | .3 (c) | .1 | .5 | 9 /Lb. | 45 /Lb. | .25 |
| Chewings, Red, Idaho | | | | | | | | | | | | | |
| ORCHARDGRASS (C) | 80 | 85 | 85 | 90 | 15 | 10 | .03 | .3 (c) | .1 | .5 | 27 /Lb. | 91 /Lb. | .25 |
| | | 80 FOR PENLATE & LATAR | 90 | | | | | | | | | | |
| RYEGRASS | | | | | | | | | | | | | |
| Pennine (C) | 85 | 90 | 96 (l) | 97 (l) | 4 | 3 | .1 | .3 (c) | .1 | .5 | 9 /Lb. | 45 /Lb. | .25 |
| | 80 | 85 | 96 (l) | 97 (l) | 4 | 3 | .1 | .3 (c) | .1 | .5 | 9 /Lb. | 45 /Lb. | .25 |
| TIMOTHY (l) | 80 | 85 | 97 | 97 | 3 | 3 | .1 | .3 | .1 | .5 | 9 /Lb. | 45 /Lb. | .25 |
| WHEATGRASS | | | | | | | | | | | | | |
| Beardless (C) | 80 | 85 | 90 | 90 | 10 | 10 | .1 | .3 (c) | .1 (f) | .5 (f) | 9 /Lb. | 45 /Lb. | .25 |
| Bluebunch (C) | 80 | 85 | 90 | 90 | 10 | 10 | .1 | .3 (c) | .1 (f) | .5 (f) | 9 /Lb. | 45 /Lb. | .25 |
| Intermediate (C) | 80 | 85 | 95 | 95 | 5 | 5 | .1 | .3 (c) | .1 (f) | .5 (f) | 9 /Lb. | 45 /Lb. | .25 |
| Pubescent (C) | 80 | 85 | 95 | 95 | 5 | 5 | .1 | .3 (c) | .1 (f) | .5 (f) | 9 /Lb. | 45 /Lb. | .25 |
| Western, Streambank, (C) | 80 | 85 | 90 | 90 | 10 | 10 | .1 | .3 (c) | .1 (f) | .5 (f) | 9 /Lb. | 45 /Lb. | .25 |
| Thickspike | | | | | | | | | | | | | |
| Crested & Siberian (C) | 80 | 85 | 90 | 95 | 10 | 5 | .1 | .3 (c) | .1 (f) | .5 (f) | 9 /Lb. | 45 /Lb. | .25 |
| Slender (S) | 80 | 85 | 90 | 95 | 10 | 5 | .1 | .3 (c) | .1 (f) | .5 (f) | 9 /Lb. | 45 /Lb. | .25 |
| Tall (C) | 80 | 85 | 95 | 95 | 5 | 5 | .1 | .3 (c) | .1 (f) | .5 (f) | 9 /Lb. | 45 /Lb. | .25 |
| INDIAN RICEGRASS (C) | 80 (k) | 80 (k) | 95 | 90 | 5 | 10 | .3 | .5 | .5 | 1.0 | 9 /Lb. | 45 /Lb. | .25 |
| PUCCINELLIA distans (C) | 80 | 80 | 95 | 95 | 5 | 5 | .3 | .5 | .5 | 1.0 | 45 /Lb. | 454 /Lb. | .25 |
| BASIN, & RUSSIAN WILDRYE (C) | 80 | 80 | 90 | 90 | 10 | 10 | .1 | .3 (c) | .1 | .5 | 9 /Lb. | 45 /Lb. | .25 |
| BENTGRASS (C) | 85 | 85 | 98 | 98 | 2 | 2 | .3 | .4 (g) (h) | .2 | .6 (l) | | | |
| REDTOP (C) | 80 | 80 | 92 | 92 | 8 | 8 | .3 | .5 (g) | .5 | .2 | | | |
| Ann. CANARYGRASS (C) | 85 | 85 | 99 | 99 | 1 | 1 | .1 | .3 | 1/Lb. | 3/Lb. | | | |

TABLE NOTES -

- (a) Not to exceed 0.25% other grass species for blue tag seed.
- (b) Grass seed shall not contain more than 45 per pound for registered seed, 91 per pound for blue tag seed, singly or collectively, of objectionable weed seeds. (See current general rules.) (See (g) below for blue tag Bentgrass and Redtop exemption). Grass seed shall be free of the seed of prohibited noxious weeds.
- (c) A tolerance of 0.5% may be allowed for samples containing weedy bromus spp.: PROVIDED, That the total of all other weed seeds does not exceed 0.3%.
- (d) Common Kentucky Bluegrass limited to 3% in blue tag Merion and all varieties of Canada Bluegrass, and 2% in all other varieties of Kentucky Bluegrass.
- (e) A standard tetrazolium (two hundred seed) test may be used in lieu of germination test.
- (f) A tolerance of 0.8% may be allowed in registered and blue tag wheatgrass containing small grain seed: PROVIDED, That the total of all other crop seed does not exceed 0.1% for registered class and 0.5% for blue tag class.
- (g) Blue tag seed shall not contain over 907 seeds per pound, singly or collectively, of the following weeds: Plantago spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.
- (h) A maximum of 0.5% weed seed may be allowed in blue tag bentgrass containing silver hairgrass: PROVIDED, That the total of all other weed seed does not exceed 0.4%.
- (i) 1.5% other fine bentgrasses and 0.5% redtop may be allowed in blue tag bentgrass containing a minimum of 98% total bentgrass.
- (j) A crop exam is required for all registered and foundation class grass seeds.
- (k) Or 70% by TZ test.
- (l) Maximum other ryegrass allowed as determined by fluorescence test: foundation= 0.1%, registered= 1%, blue tag= 2% for annual and 3% for perennial. Acceptable fluorescence levels for specific varieties available upon request.

The following (a) - (l) are notes to the above table.

- (a) Not to exceed twenty-five hundredths of one percent other grass species for blue tag seed.
- (b) Grass seed shall not contain more than forty-five per pound for registered seed, ninety-one per pound for blue tag seed, singly or collectively, of objectionable weed seeds. (See current general rules.) (See (g) of this subsection for blue tag bentgrass and redtop exemption.) Grass seed shall be free of the seed of prohibited noxious weeds.
- (c) A tolerance of five-tenths of one percent may be allowed for samples containing weedy bromus spp.: PROVIDED, That the total of all other weed seeds does not exceed three-tenths of one percent.
- (d) Common Kentucky bluegrass limited to three percent in blue tag Merion and all varieties of Canada bluegrass, and two percent in all other varieties of Kentucky bluegrass.
- (e) A standard tetrazolium (two hundred seed) test may be used in lieu of germination test.
- (f) A tolerance of eight-tenths of one percent may be allowed in registered and blue tag wheatgrass containing small grain seed: PROVIDED, That the total of all other crop seed does not exceed one-tenth of one percent for registered class and five-tenths of one percent for blue tag class.
- (g) Blue tag seed shall not contain over nine hundred seven seeds per pound, singly or collectively, of the following weeds: Plantago spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.
- (h) A maximum of .50 percent weed seed may be allowed in blue tag bentgrass containing silver hairgrass:

Provided, That the total of all other weed seed does not exceed .40 percent.

- (i) 1.50 percent other fine bentgrasses and .50 percent redtop may be allowed in blue tag bentgrass containing a minimum of 98.00 percent total bentgrass.
- (j) A crop exam is required for all registered and foundation class grass seeds.
- (k) Or seventy percent by Tz test.
- (l) Maximum other ryegrass allowed as determined by fluorescence test: Foundation = one-tenth of one percent, registered = one percent, blue tag = two percent for annual and three percent for perennial. Acceptable fluorescence levels for specific varieties available upon request.

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-370, filed 6/9/92, effective 7/10/92; 90-12-098 (Order 2041), § 16-316-370, filed 6/5/90, effective 7/6/90; 88-11-042 (Order 1976), § 16-316-370, filed 5/13/88; 86-13-014 (Order 1889), § 16-316-370, filed 6/9/86. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-370, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 79-09-100 (Order 1650), § 16-316-370, filed 8/31/79; 79-05-060 (Order 1610), § 16-316-370, filed 4/30/79; 78-03-112 (Order 1560), § 16-316-370, filed 3/1/78, effective 4/1/78; Order 1504, § 16-316-370, filed 3/31/77; Order 1485, § 16-316-370, filed 9/8/76; Order 1418, § 16-316-370, filed 8/15/75; Order 1362, § 16-316-370, filed 6/12/74; Order 1306, § 16-316-370, filed 4/24/73; Order 1252, § 16-316-370, filed 4/13/72, effective 5/14/72; Order 1184, § 16-316-370, filed 4/16/71.]

WAC 16-316-430 Red clover seed certification standards. The general seed certification standards are basic and together with the list of varieties eligible and the

following specific regulations, constitute the standards for red clover seed certification.

[Order 1457, § 16-316-430, filed 5/13/76; Order 1363, § 16-316-430, filed 6/12/74; Order 1253, § 16-316-430, filed 4/13/72, effective 5/14/72.]

WAC 16-316-440 Red clover seed certification fees.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:

Per variety, per grower \$15.00

(b) Late seedling penalty fee: \$30.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling producing fee: (per acre) \$ 1.75

(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with thirty dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:

Per variety, per grower \$15.00

(b) Renewal acreage fee: (per acre) \$ 1.75

(Refundable if acreage is withdrawn before inspection.)

(c) Late renewal penalty fee: \$30.00

This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation (each field) \$40.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(4) Production fee: Includes sampling and tagging

per cwt.: \$ 0.50

The production fee is billed at completion of tests. If none of the seed is tagged, ten cents of the fifty cents cwt. production fee charged is refundable.

(5) Seed shipped out-of-state for conditioning per cwt. (unclean weight): \$0.19

(6) Purity and germination test: Fees as established by the director of agriculture.

(7) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(8) Fees for reissue of tags shall be ten cents a tag with a minimum fee of ten dollars.

[Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-440, filed 5/27/94, effective 6/27/94; 89-11-078 (Order 2005), § 16-316-440, filed 5/22/89; 85-11-004 (Order 1851), § 16-316-440, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-440, filed 6/15/84; 81-11-019 (Order 1734), § 16-316-440, filed 5/15/81; 79-05-078 (Order 1621), § 16-316-440, filed 4/30/79; Order 1495, § 16-316-440, filed 3/31/77; Order 1457, § 16-316-440, filed 5/13/76; Order 1307, § 16-316-440, filed 4/24/73; Order 1253, § 16-316-440, filed 4/13/72, effective 5/14/72.]

WAC 16-316-445 Red clover seed—Land requirements. (1) A field to be planted with breeder seed for the

production of foundation seed shall not have been grown or seeded to red clover during the preceding six years, three years of which the land shall have been cultivated.

(2) A field to be planted with foundation seed for the production of certified seed shall not have been grown or seeded to red clover during the preceding two years. The time interval may be shortened to one year if one cultivated crop or clean fallow has intervened and the new planting is of the same variety and class.

(3) A stand of red clover shall not be eligible to produce certified seed after two seed crops. These crops may be produced either in the same or in consecutive years.

(4) Reseeding of a field, because of failure or partial failure of the first seeding, may be done with permission of the certifying agency.

(5) Ditchbanks, roadways, etc., adjacent to a certified field shall be free of volunteer red clover and prohibited noxious weeds.

(6) Volunteer plants in the field may be cause for rejection or reclassification of the seed field.

(7) No manure or contaminating material shall be applied one year preceding, or during the establishment and productive period of the stand.

(8) A stand of red clover over three years old shall not be eligible for certification.

[Statutory Authority: Chapter 15.49 RCW. 86-13-014 (Order 1889), § 16-316-445, filed 6/9/86; 80-06-109 (Order 1692), § 16-316-445, filed 5/30/80; Order 1457, § 16-316-445, filed 5/13/76; Order 1253, § 16-316-445, filed 4/13/72, effective 5/14/72.]

WAC 16-316-450 Isolation requirements. (1) Red clover for certification shall be isolated from all other red clover varieties or fields of the same variety not meeting varietal purity requirements for certification as follows:

| Class Being Produced | Fields less than five acres | Fields five acres or more |
|----------------------|-----------------------------|---------------------------|
| Foundation Certified | 900 feet 165 feet | 600 feet 165 feet |

(2) Isolation between different classes (generations) of the same variety shall be as follows:

| Class Being Produced | Distance Required from Fields Planted with: | Fields less than 5 acres | Fields 5 acres or more |
|----------------------|---|--------------------------|------------------------|
| Foundation Certified | Foundation or Certified Certified | 225 feet 75 feet | 150 feet 45 feet |

(3) In cases where an adjoining field is planted with a different variety of red clover, or red clover of a lower class, isolation may be obtained by measuring off the required strip in the certified field. This isolation strip may be mowed for hay or it may be harvested for uncertified seed under the following conditions:

(a) The grower must apply for certification of the entire field and clearly stake off the isolation strip. The entire field must pass all certification requirements, except for isolation

at time of inspection. The field report will show rejection due to lack of isolation.

(b) The grower may harvest either the certified portion of the field or the uncertified isolation strip first and deliver that portion to the processing plant. After this seed is weighed and lotted in, the grower will then request a reinspection of the uncut portion. After reinspection, if everything is in order, the field will be passed and the remainder of the field can then be harvested.

[Statutory Authority: Chapter 15.49 RCW. 78-03-111 (Order 1561), § 16-316-450, filed 3/1/78, effective 4/1/78; Order 1495, § 16-316-450, filed 3/31/77; Order 1457, § 16-316-450, filed 5/13/76; Order 1363, § 16-316-450, filed 6/12/74; Order 1253, § 16-316-450, filed 4/13/72, effective 5/14/72.]

WAC 16-316-455 Field tolerances. Field tolerances shall be as follows:

| | | Field Producing* | |
|-----------------|--------|------------------|----------------|
| | | Foundation | Certified |
| Other varieties | (Max.) | 0.00% | 0.50% |
| Alfalfa | (Max.) | None | 0.50% |
| Sweet Clover | (Max.) | None | 20 plants/acre |

* Prohibited noxious weeds must be controlled to prevent seed formation.

[Statutory Authority: Chapter 15.49 RCW. 96-14-089, § 16-316-455, filed 7/2/96, effective 8/2/96; Order 1457, § 16-316-455, filed 5/13/76; Order 1253, § 16-316-455, filed 5/14/72, effective 4/13/72.]

WAC 16-316-460 Seed standards. Seed standards shall be as follows:

(1)

| Purity | | Foundation | Blue Tag Certified |
|--|--------|------------|--------------------|
| Pure seed | (Min.) | 99.00% | 99.00% |
| Other crops | (Max.) | 18 per lb. | 0.25% |
| Inert matter | (Max.) | 1.00% | 1.00% |
| Sweet clover | (Max.) | 9 per lb. | 90 per lb. |
| Weed seed | (Max.) | 0.15% | 0.25% |
| Objectionable weed seeds | (Max.) | none | 90 per lb. |
| ----- | | | |
| Germination (Minimum total germination and hard seeds) | | 85.00% | 85.00% |
| OR <i>Tetrazolium</i> (Minimum total tetrazolium and hard seeds) | | 87.00% | 87.00% |

(2) Red clover seed must be free of prohibited noxious weed seeds. FURTHER, the foundation class must also be free of Brassica spp.

(3) Foundation seed that has been rejected in the laboratory for prohibited noxious weed seeds may be reclassified to the certified blue tag class and may not be eligible for seed stock even though it is recleaned and meets certification standards.

[Statutory Authority: Chapter 15.49 RCW. 79-05-078 (Order 1621), § 16-316-460, filed 4/30/79; Order 1457, § 16-316-460, filed 5/13/76; Order 1363, § 16-316-460, filed 6/12/74; Order 1253, § 16-316-460, filed 4/13/72, effective 5/14/72.]

WAC 16-316-470 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 16-316-472 Eligible varieties and eligible stock seed. (1) The eligibility of varieties shall be approved by the certifying agency.

(2) Foundation seed is eligible to produce registered seed or certified seed.

(3) Registered seed is eligible to produce certified seed.

(4) Certified seed is not eligible for recertification, except as provided in general seed certification standards.

[Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-472, filed 7/10/81; 80-06-112 (Order 1693), § 16-316-472, filed 5/30/80; 79-09-105 (Order 1656), § 16-316-472, filed 8/31/79; Order 1492, § 16-316-472, filed 3/31/77; Order 1458, § 16-316-472, filed 5/13/76; Order 1312, § 16-316-472, filed 4/24/73; Order 1254, § 16-316-472, filed 4/13/72, effective 5/14/72.]

WAC 16-316-474 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 . . . \$17.56

(b) Field inspection fee per acre
 except millet and hybrid sorghum \$ 2.46

(c) Millet - first acre \$26.11
 - each additional acre \$ 5.22

(d) Hybrid sorghum - first acre \$26.11
 - each additional acre \$10.44

(e) Special field inspection fee per acre \$ 2.09

(f) Late application fee \$16.46

(g) Reinspection fee \$32.93

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 \$32.93.

(h) Final certification fee \$ 0.215 per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee \$0.105 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 \$0.105 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: RCW 15.49.310, 96-14-091, § 16-316-474, filed 7/12/96, effective 8/2/96. Statutory Authority: RCW 15.49.310 and 15.49.370(3), 95-22-037 (Order 5087), § 16-316-474, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-474, filed 5/27/94, effective 6/27/94; 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 16-316-480 Field standards.

| Factor | | Founda-tion | Regis-tered | Certi-fied |
|-------------------|--------|-------------|-----------------|-----------------|
| Off-types | (Max.) | None | 10 plants /acre | 20 plants /acre |
| Vetch | (Max.) | None | None | 5 plants /acre |
| Austrian pea, rye | | None | None | None |

(a) The field inspection will be made when the seedcrop is in full bloom.

(b) 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.

[Statutory Authority: Chapter 15.49 RCW. 80-06-112 (Order 1693), § 16-316-480, filed 5/30/80; Order 1458, § 16-316-480, filed 5/13/76; Order

1366, § 16-316-480, filed 6/12/74; Order 1312, § 16-316-480, filed 4/24/73; Order 1254, § 16-316-480, filed 4/13/72, effective 5/14/72.]

WAC 16-316-484 Mechanical sampling. Seed for certification must be sampled by automatic mechanical sampler installed by a conditioning plant and acceptable to the certifying agency, or alternatively must be sampled by a representative of the certifying agency and in which latter case the sampling fee shall be charged to the conditioning plant. It is recommended that conditioners limit the amount of seed a sample represents to as small an amount as possible in line with the scope of their individual operations.

[Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400, 83-11-031 (Order 1798), § 16-316-484, filed 5/16/83. Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-484, filed 7/10/81; Order 1458, § 16-316-484, filed 5/13/76; Order 1312, § 16-316-484, filed 4/24/73; Order 1254, § 16-316-484, filed 4/13/72, effective 5/14/72.]

WAC 16-316-486 Certified seed sale certificate. (1) A certified seed sale certificate must be executed for seed pending final certification whenever it is transshipped.

(2) A certified seed sale certificate or a copy of invoice available to certifying agency showing identification of certifying agency, variety, type and kind, certification class, pounds, field number and/or lot number, purchaser, vendor, and date must be executed for certified seed when in bulk.

[Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-486, filed 7/10/81; Order 1492, § 16-316-486, filed 3/31/77; Order 1458, § 16-316-486, filed 5/13/76; Order 1416, § 16-316-486, filed 8/15/75; Order 1312, § 16-316-486, filed 4/24/73; Order 1254, § 16-316-486, 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), Colter, Cougar, Crest, Crystal, Exel, Gallatin, Harrington, Klages, Horsford, Maranna, Medallion (P), Menuet (P), Melody (P), Meltan (P), Morex, Nancy (P), Russell, Steptoe, Baronesse (P), WestBred Gustoe (P), WestBred Sprinter (P), Whitford (P) |
| Chickpea | Dwellely, Myles, Sanford, Sara |
| Barley, winter | Boyer, Eight-Twelve, Hesk, Hundred, Kamiak, Showin |
| Buckwheat, spring | Manor, Mancan |
| Field pea | Alaska 81, Garfield, Latah, Umatilla |
| Lentil | Brewer, Crimson, Red Chief |
| Oat, spring | Monida, Otana, Park, |
| Rye, winter | Puma, Rymin |

| | |
|-------------------|---|
| Wheat, spring | Alpowa, Butte 86, Calorwa, Centenial, Dirkwin, Edwall, Klasic (P), Nomad (P), Penawawa, Spillman, Treasure, Wadual, Wadual 94, Wakanz, Wampum, Wawawai, WestBred 906R (P), WestBred 926 (P), WestBred 936 (P), WestBred Express (P), WestBred Sprite, WestBred Vanna (P), Yecora Rojo |
| Wheat, winter | Andrews, Banner (P), Basin (P), Batum, Blizzard, Buchanan, Cashup (P), Daws, Durham's Pride (P), Eltan, Gene, Hatton, Hill-81, Hoff, Hyak, John, Kmor, Lewjain, MacVicar, Madsen, Malcolm, Meridian, Moro, Nugaines, Quantum 542 (P), Rely, Rod, Rohde, Sprague, Stephens, Tres, Weston |
| Triticale, spring | Juan, Victoria, Grace, Trical 2700 (P) |
| Triticale, winter | Celia, Flora, Stan I (P), Trical 6600 (P), Trical Jenkins (P), Trical 102 (P), Trical Stan II (P), Trical XTO-65 (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: RCW 15.49.005, 15.49.310 and 15.49.370 (3) and (4), 95-22-036 (Order 5086), § 16-316-525, filed 10/25/95, effective 11/25/95. 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 16-316-570 Labeling and sealing of certified seed of small grains by grower. The certifying agency may authorize a grower who has his own equipment and conditions his own seed to label and seal certified seed of small grains.

[Statutory Authority: Chapter 15.49 RCW. 81-15-032 (Order 1744), § 16-316-570, filed 7/10/81; Order 1459, § 16-316-570, filed 5/13/76; Order 1367, § 16-316-570, filed 6/12/74; Order 1313, § 16-316-570, filed 4/24/73; Order 1185, § 16-316-570, 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 16-316-575 Foundation seed certification standards. The general seed certification standards are basic and together with specific crop standards and the following regulations, constitute the standards for production of foundation seed.

(1) Seed to be eligible for foundation certification tags, or O.E.C.D. basic tags, must be approved by the originating plant breeder or his designated agent, and in compliance with the following standards:

(a) **Preplanting report.** A preplanting inspection, an industry responsibility, should be made of fields to be planted with breeder seed. A written report of the preplant inspection, performed by either a representative of the person issuing the contract or, if not possible, by the grower himself, shall be submitted to the certifying agency. The report shall show the grower's name, number of acres, location, crop history for past six years, the crops to be planted, origin of breeder seed, isolation status, and weed and crop present.

(b) **Planting requirement.** To distinguish between any possible volunteer and the crop seeded, all fields must be planted in distinct rows. Plants outside defined rows may be construed as volunteers.

(c) **Combine inspection.** The combine must be inspected prior to harvesting foundation or O.E.C.D. basic seed. After the machine is cleaned, submit a request to the certifying agency for a combine inspection, giving date, time,

and location where combine inspection may be made. Fee: \$10.00 plus mileage if special trip.

(d) **Processing plant inspection.** The processing plant must be inspected before processing foundation or O.E.C.D. basic seed and periodic inspections will be made during processing. Submit request to the certifying agency. Fee: \$10.00 plus mileage if special trip.

(e) **Recleaning, rebagging, etc.** Recleaning, rebagging, preinoculation, treating, or other processes must be approved and under supervision by the certifying agency. Approval must be obtained before the seal is broken and the seed must be retagged and resealed on completion.

(f) If a proprietary variety, the above combine inspection (c), and processing plant inspection (d), responsibility may be assigned the proprietor or his designee upon their request. A report covering required inspections must be filed with the certifying agency.

[Order 1460, § 16-316-575, filed 5/13/76; Order 1412, § 16-316-575, filed 8/15/75; Order 1256, § 16-316-575, filed 4/13/72, effective 5/14/72.]

WAC 16-316-590 Proprietary variety certification standards—Definition. Proprietary variety means that crop variety for which a person or company, hereafter referred to as owner, has exclusive production and/or marketing rights. The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations, constitute the standards for proprietary variety certification.

[Order 1461, § 16-316-590, filed 5/13/76; Order 1257, § 16-316-590, filed 4/13/72, effective 5/14/72.]

WAC 16-316-595 Application procedure. (1) The owner or his designee must submit to the certifying agency, prior to due dates specified in crop standards, a list of growers who will submit applications for certification showing the variety, acreage authorized, processor authorized, and also advising whether the variety is under genetic purity certification or under complete certification.

(2) Each application received by the certifying agency shall be subject to approval from the list submitted by the owner.

(3) The certifying agency shall refuse certification of any seed that appears in a processing plant not authorized by the owner.

(4) The owner or applicant may withdraw the application for certification at any time prior to tagging.

(5) The owner or his representative shall be responsible for fees due and owing on that seed on which he has withdrawn the application for certification.

[Order 1461, § 16-316-595, filed 5/13/76; Order 1257, § 16-316-595, filed 4/13/72, effective 5/14/72.]

WAC 16-316-600 Genetic purity certification. (1) The general certification standards and specific crop certification standards are basic and, together with the following exceptions and specific regulations, constitute the rules for genetic purity seed certification.

(2) Only proprietary varieties and O.E.C.D. varieties not of U.S. origin to be tagged under the O.E.C.D. scheme are eligible for genetic purity certification.

(3) Only the specific crop certification standards that pertain to genetic purity such as land requirements and isolation shall apply, however, in addition fields must not contain other varieties or off-type plants in excess of established standards; and the grower is expected to control noxious weeds to prevent seed formation.

(4) Excessive prohibited and/or objectionable weeds, poor stands, lack of vigor, or other conditions which make inspection inaccurate may be cause for rejection of a field.

(5) **Field inspection.** A field inspection shall be made each year at the time the seed crop is in bloom, or at such other times as may be most advantageous to determine genetic purity. A complete record shall be maintained on the condition of the field (weeds, crop mixtures, etc.) and all such information reported to the authorized agent and/or grower. Upon completion of all requirements for field inspection, a final field inspection report shall be issued stating that seed produced from said field passed genetic purity requirements.

(6) **Seed standards.** Seed to be certified must not contain seeds of other varieties or off-types in excess of established standards. The quality of each lot of seed represented to be certified must be that which is normally acceptable in the marketing of high quality seed. The certifying agency shall test all lots to determine the purity and germination quality. Failure to maintain acceptable quality shall be considered cause for revoking permission to participate in seed certification by genetic purity.

(7) **Processing requirements.** Only those cleaning plants approved by the certifying agency are permitted to process seed for certification. Complete records must be kept of all processing. Blending of seed lots of the same variety from fields passing field inspections may be permitted with prior approval and if in accordance with regulations for blending. Sampling and all other operations involving certified seed shall be under supervision of the certifying agency. The sample shall be obtained in accordance with official sampling procedures. The entire lot must be cleaned and in condition for sale at the time of sampling. This sample will be submitted to the seed laboratory for testing to evaluate quality. Lots of questionable quality may be rejected and not eligible for certification.

(8) Certification tags will be clearly marked, "genetic purity certified."

(9) Fees for genetic purity certification are as established for each commodity under Washington certification and the authorized agent or grower is responsible for all authorized fees.

[Statutory Authority: Chapter 15.49 RCW. 79-05-073 (Order 1601), § 16-316-600, filed 4/30/79; Order 1461, § 16-316-600, filed 5/13/76; Order 1257, § 16-316-600, filed 4/13/72, effective 5/14/72.]

WAC 16-316-610 Sod quality certified seed standards. The general rules for seed certification and grass seed certification standards are basic and together with the following specific rules, constitute the rules for sod quality grass seed certification.

[Order 1462, § 16-316-610, filed 5/13/76; Order 1186, § 16-316-610, filed 4/16/71.]

WAC 16-316-615 Varieties eligible, certification fees, land and isolation requirements, and field tolerances. The varieties eligible and certification scheme of each; the certification fees; the land requirements; the isolation requirements; and field tolerances shall be as listed in grass seed certification standards.

[Order 1462, § 16-316-615, filed 5/13/76; Order 1186, § 16-316-615, filed 4/16/71.]

WAC 16-316-620 Standards. Seed standards for sod quality grass seed are as follows:

| Variety | Minimum Purity | Minimum Germination | Maximum* Other Crop | Maximum** Weed |
|---------------------------------------|----------------|---------------------|---------------------|----------------|
| Merion Kentucky Bluegrass | 95% | 80% | 0.1% | .02% |
| Other varieties of Kentucky Bluegrass | 97% | 80% | 0.1% | .02% |
| Red Fescue | 98% | 90% | 0.1% | .02% |
| Chewings Fescue | 98% | 90% | 0.1% | .02% |
| Tall Fescue | 98% | 85% | 0.1% | .02% |

*Must be free of ryegrass, orchardgrass, timothy, bentgrass, big bluegrass, black medic, Poa trivialis, brome, reed canarygrass, tall fescue, clover, meadow foxtail and Canby bluegrass. Maximum allowable Canada bluegrass .02%. When the base sample is one of these kinds, the species will not be considered a contaminant (i.e., tall fescue in tall fescue).

**Must be free of dock, chickweed, crabgrass, plantain, short-awn foxtail, annual bluegrass, velvetgrass, Rattail fescue and prohibited noxious weed seeds.

[Statutory Authority: Chapter 15.49 RCW. 91-14-001 (Order 2089), § 16-316-620, filed 6/20/91, effective 7/21/91; 90-12-098 (Order 2041), § 16-316-620, filed 6/5/90, effective 7/6/90. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-620, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 79-05-057 (Order 1619), § 16-316-620, filed 4/30/79; 78-03-107 (Order 1565), § 16-316-620, filed 3/1/78, effective 4/1/78; Order 1503, § 16-316-620, filed 3/31/77; Order 1462, § 16-316-620, filed 5/13/76; Order 1302, § 16-316-620, filed 4/24/73; Order 1186, § 16-316-620, filed 4/16/71.]

WAC 16-316-622 Ryegrass standards. Seed standards for sod quality ryegrass seed are as follows:

| Variety | Minimum Purity | Minimum Germination | Maximum* Other Crop | Maximum*** Weed |
|------------|----------------|---------------------|---------------------|-----------------|
| Ryegrass** | 98% | 90% | 0.10% | .02% |

*Must be free of orchardgrass, timothy, bentgrass, big bluegrass, Poa trivialis, brome, rattail fescue, reed canarygrass, tall fescue, clover and meadow foxtail. Maximum allowable Canada bluegrass 0.02%.

**Maximum fluorescence levels as determined by breeder or variety owner.

***Must be free of dock, chickweed, crabgrass, plantain, black medic, annual bluegrass, velvetgrass, short-awn foxtail, and prohibited noxious weed seeds. An additional 0.07% of weedy bromus spp. will be allowed.

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-622, filed 6/9/92, effective 7/10/92; 91-14-001 (Order 2089), § 16-316-622, filed 6/20/91, effective 7/21/91; 90-12-098 (Order 2041), § 16-316-622, filed 6/5/90, effective 7/6/90; 80-06-107 (Order 1695), § 16-316-622, filed 5/30/80; 79-05-057 (Order 1619), § 16-316-622, filed 4/30/79; 78-03-107 (Order 1565), § 16-316-622, filed 3/1/78, effective 4/1/78; Order 1503, § 16-316-622, filed 3/31/77.]

WAC 16-316-625 Sod seed analysis certificate. A sod seed analysis certificate will be the basis of determining if a lot meets sod quality standards. This certificate consists of a purity analysis, a 25 gram noxious all weed all crop exam, a 10 gram Poa annual check and a germination test on an official sample. (Except a 50 gram noxious all weed all crop exam will be required for fescues and ryegrass.)

[Statutory Authority: Chapter 15.49 RCW. 78-03-107 (Order 1565), § 16-316-625, filed 3/1/78, effective 4/1/78; Order 1462, § 16-316-625, filed 5/13/76; Order 1302, § 16-316-625, filed 4/24/73; Order 1186, § 16-316-625, filed 4/16/71.]

WAC 16-316-630 Sod quality seed tag. In addition to the certification tag, seed meeting sod quality certified seed standards will be tagged with a special "sod quality seed" tag.

[Order 1462, § 16-316-630, filed 5/13/76; Order 1186, § 16-316-630, filed 4/16/71.]

WAC 16-316-635 Service fee. Service fee for sod quality seed tags and tagging shall be \$0.10 per cwt. Official sampling fee shall be charged when resampling is required.

[Statutory Authority: Chapter 15.49 RCW. 85-14-093 (Order 1860), § 16-316-635, filed 7/2/85; Order 1462, § 16-316-635, filed 5/13/76; Order 1186, § 16-316-635, filed 4/16/71.]

WAC 16-316-637 Sod quality mixture. Two or more sod quality lots may be blended and tagged as a "sod quality mixture." Appropriate tags will be issued and blend fee shall be applicable. Sample of final mixture shall be submitted to the certifying agency.

[Order 1503, § 16-316-637, filed 3/31/77.]

WAC 16-316-650 White clover and trefoil seed certification standards. The general seed certification standards are basic and together with the list of varieties eligible and the following specific regulations, constitute the standards for white clover and trefoil seed certification.

[Order 1497, § 16-316-650, filed 3/31/77; Order 1463, § 16-316-650, filed 5/13/76; Order 1408, § 16-316-650, filed 8/15/75; Order 1187, § 16-316-650, filed 4/16/71.]

WAC 16-316-660 White clover and trefoil seed certification fees. (1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Seedling application fee:
 - Per field, per grower \$15.00
- (b) Late seedling penalty fee: \$30.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

- (c) Seedling producing fee: (per acre) \$ 1.75
(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with thirty dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Renewal application fee:
Per variety, per grower \$15.00
- (b) Renewal acreage fee: (per acre) \$ 1.75
(Refundable if acreage is withdrawn before inspection.)
- (c) Late renewal penalty fee: \$30.00
This additional fee shall be charged for each renewal application received after June 15.

- (3) Reinspection: Other than isolation (each field) \$40.00
If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

- (4) Production fee: Includes sampling and tagging per cwt. \$ 0.50

The production fee is billed at completion of tests. If none of the seed is tagged, ten cents of the fifty cents cwt. production fee charged is refundable.

- (5) Purity and germination test: Fees as established by the director of agriculture.

(6) Fees for retagging or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ten cents a tag with a minimum fee of ten dollars.

[Statutory Authority: Chapter 15.49 RCW. 89-11-078 (Order 2005), § 16-316-660, filed 5/22/89; 85-11-004 (Order 1851), § 16-316-660, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-660, filed 6/15/84; 81-11-022 (Order 1738), § 16-316-660, filed 5/15/81; 79-05-076 (Order 1602), § 16-316-660, filed 4/30/79; Order 1497, § 16-316-660, filed 3/31/77; Order 1463, § 16-316-660, filed 5/13/76; Order 1303, § 16-316-660, filed 4/24/73; Order 1187, § 16-316-660, filed 4/16/71.]

WAC 16-316-665 Land requirements. (1) Breeder seed for the production of foundation seed shall not be planted on land on which the same kind has been previously planted. During the year immediately prior to seeding, the land shall have been in a cultivated crop or fallow and the land shall be free from volunteer plants as determined by field inspection during the season in which the seedling is established.

(2) Foundation seed for the production of registered or certified seed shall be planted on land on which no other variety or strain of the same kind has been grown or planted during the season in which the seedling is established.

(3) Foundation or registered trefoil seed for the production of certified seed shall be planted on land on which no other variety or strain of trefoil has been grown or planted during the three years prior to the present planting.

(4) Reseeding of a field due to failure or partial failure of the first seeding may be done with permission of the certifying agency.

(5) Certification of trefoil shall be limited to stands not exceeding five years of age, except for a variety grown outside its region of adaptation, in which case certification shall be limited to stands not exceeding three years of age.

(6) Foundation or certified producing white clover fields shall be eligible for certification for only two harvest years following the year of seeding, provided that seed production the first year is prevented. Foundation fields may be reclassified to the next lower class after being harvested for seed for two years.

(7) Ditchbanks, roadways, etc., adjacent to a certified field must be free of volunteer plants of the same kind and prohibited noxious weeds.

(8) Volunteer plants in the field may be cause for rejection or reclassification of the seed field.

(9) No manure or other contaminating materials shall be applied during the establishment and production period of the stand.

[Order 1497, § 16-316-665, filed 3/31/77; Order 1463, § 16-316-665, filed 5/13/76; Order 1187, § 16-316-665, filed 4/16/71.]

WAC 16-316-670 Isolation requirements. (1) Fields for certification shall be isolated from all other fields of the same variety not meeting varietal purity requirements for certification as follows:

| Class Being Produced | Fields less than five acres | Fields five acres or more |
|----------------------|-----------------------------|---------------------------|
| Foundation | 900 feet | 600 feet |
| Registered | 450 feet | 300 feet |
| Certified | 165 feet* | 165 feet |

* 330 feet required for trefoil

(2) Isolation between different classes (generations) of the same variety shall be as follows:

| Class Being Produced | Distance Required from Fields Planted with: | Fields less than five acres | Fields five acres or more |
|----------------------|---|-----------------------------|---------------------------|
| Foundation | Foundation or Registered | 225 feet | 150 feet |
| Registered | Registered or Certified | 115 feet | 75 feet |
| Certified | Certified | 75 feet | 45 feet |

(3) In cases where an adjoining field is planted with a different variety, or of a lower class, isolation may be obtained by measuring off the required strip in the certified field. This isolation strip may be mowed for hay or it may be harvested for uncertified seed under the following conditions:

(a) The grower must apply for certification of the entire field and clearly stake off the isolation strip. The entire field

must pass all certification requirements, except for isolation, at time of inspection. The field report will show rejection due to lack of isolation.

(b) The grower may harvest either the certified portion of the field, or the uncertified isolation strip first and deliver this portion to the processing plant. After this seed is weighed and lotted in, the grower will request a reinspection of the uncut portion. After reinspection, if everything is in order, the field will be passed and the remainder of the field can then be harvested.

[Order 1497, § 16-316-670, filed 3/31/77; Order 1463, § 16-316-670, filed 5/13/76; Order 1408, § 16-316-670, filed 8/15/75; Order 1187, § 16-316-670, filed 4/16/71.]

WAC 16-316-675 Field tolerances. Field tolerances shall be as follows:

| Factor | Maximum permitted (Ratio of Plant) | | |
|-------------------------|---------------------------------------|-----------------|----------------|
| | Field Producing* Foun- dation | Regis- tered | Certi- fied |
| Other Variety | 1:1000 | 1:400 | 1:100 |
| Sweet Clover | 1:1000 | 1:400 | 1:100 |
| Other Inseparable Crops | 1:1000 | 1:400 | 1:100 |

* Prohibited noxious weeds must be controlled to prevent seed formation.

[Order 1463, § 16-316-675, filed 5/13/76; Order 1187, § 16-316-675, filed 4/16/71.]

WAC 16-316-680 Seed standards. (1) Seed standards shall be as follows:

[CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. In the following columns, "WHITE CLOVER" AND "TREFOIL," which read across the page in the originally filed order, will be covered in two separate tables listed vertically down the page.]

PART I OF TABLE

| WHITE CLOVER | | | | |
|---|-------|--------|--------|-------|
| | | Found. | Reg. | Cert. |
| Pure Seed | (Min) | 98.0% | 99.00% | 99.0% |
| Other Crop | (Max) | 0.1% | 0.25% | 0.3% |
| Inert | (Max) | 2.0% | 1.00% | 1.0% |
| Weed Seed | (Max) | 0.1% | 0.25% | 0.3% |
| Sweet Clover | (Max) | — | 90/lb | 90/lb |
| Objectionable | | | | |
| Weed Seeds | (Max) | 10/lb | 90/lb | 90/lb |
| Germination | (Min) | 85.0% | 85.0% | 85.0% |
| (Germination + Hard Seed) | | | | |
| or Tetrazolium (Minimum total tetrazolium and hard seeds) | | | | 87.0% |

PART II OF TABLE

| TREFOIL | | | | |
|---|-------|--------|--------|--------|
| | | Found. | Reg. | Cert. |
| Pure Seed | (Min) | 98.0% | 98.00% | 99.00% |
| Other Crop | (Max) | 0.1% | 0.2% | 0.5% |
| Inert | (Max) | 2.0% | 2.0% | 1.0% |
| Weed Seed | (Max) | 0.2% | 0.25% | 0.3% |
| Sweet Clover | (Max) | None | 9/lb | 90/lb |
| Objectionable | | | | |
| Weed Seeds | (Max) | None | 45/lb | 90/lb |
| Germination | (Min) | 85.0% | 85.0% | 85.0% |
| (Germination + Hard Seed) | | | | |
| or Tetrazolium (Minimum total tetrazolium and hard seeds) | | | | 87.0% |

(2) White clover and trefoil seed must be free of prohibited noxious weed seeds. Further, the foundation class must also be free of Brassica spp.

(3) Foundation seed that has been rejected in the laboratory for prohibited noxious weed seeds may be reclassified to the certified blue tag class and may not be eligible for seed stock even though it is recleaned and meets certification standards.

[Statutory Authority: Chapter 15.49 RCW. 79-05-076 (Order 1602), § 16-316-680, filed 4/30/79; 78-03-106 (Order 1566), § 16-316-680, filed 3/1/78, effective 4/1/78; Order 1497, § 16-316-680, filed 3/31/77; Order 1463, § 16-316-680, filed 5/13/76; Order 1303, § 16-316-680, filed 4/24/73; Order 1187, § 16-316-680, filed 4/16/71.]

WAC 16-316-701 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. Except: Fields of chickpea, lentil, and field pea will not be rejected for allowing seed formation of bindweed or Canada thistle. 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: RCW 15.49.005, 15.49.310 and 15.49.370 (3) and (4), 95-22-036 (Order 5086), § 16-316-715, filed 10/25/95, effective 11/25/95. 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 | OTHER CROP |
|------------|---------------|--------------|------------------------------|---------------------|
| | MINIMUM YEARS | MINIMUM FEET | OFF-TYPE MAXIMUM PLANTS/ACRE | 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 % | PURE SEED MINIMUM % | INERT MAXIMUM % | OTHER CROP MAXIMUM % | 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 | 0.03 | 99.00 | 1.00 | 0.10* | 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. 94-12-046 (Order 5045), § 16-316-717, filed 5/27/94, effective 6/27/94; 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 | OTHER CROP |
|------------|---------------|--------------|------------------------------|---------------------|
| | MINIMUM YEARS | MINIMUM FEET | OFF-TYPE MAXIMUM PLANTS/ACRE | 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 | PURE SEED | INERT | OTHER CROP | WEED | GERMINATION |
|------------|------------------|-----------|-----------|------------|------------|-------------|
| | MAXIMUM SEEDS/LB | MINIMUM % | MAXIMUM % | MAXIMUM % | MAXIMUM % | 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 | 1/lb |
| Certified | 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 | ISOLATION STANDARDS | FIELD STANDARDS | |
|------------|----------------|---------------------|--------------------|--------------------------------|
| | MINIMUM YEARS | MINIMUM FEET | 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 1:20,000 |
| Certified | 1 | 660 | 1:1,500 | 1:20,000 1:1,000 |

(2) Hybrid sorghum seed standards:

| Class | Off-Type | Pure Seed | Inert | Other Crop | Weed | Germination |
|------------|-------------------|-----------|-----------|-------------------|-----------|-------------|
| | Max. Seeds/Lb. | Min. % | Max. % | Max. Seeds/Lb. | Max. % | 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 MINIMUM YEARS | ISOLATION STANDARDS MINIMUM FEET | FIELD STANDARDS*** | |
|------------|---------------------------------|-------------------------------------|---------------------------|-----------------------------------|
| | | | 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 | 2* | 3** | 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. Foundation class fields shall be isolated ninety feet from fields of the same species. 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: | | |
|------------------------------------|------------|------------|------------------|
| | Foundation | Registered | Certified |
| Pure seed (min) | 98% | 98% | 98% |
| Inert (max) | 2% | 2% | 2% |
| Off-type(*) (max) | None found | 2/lb | 4/lb |
| Other small grain(*) (max) | None found | 1/lb | 2/lb |
| Other crop(**) (max) | None found | 0.03% | 0.05% |
| Weed seed (max) | 0.01% | 0.01% | 0.03% |
| Objectionable weed seed(***) (max) | None found | None found | 1/lb |
| Wild oat (max) | None found | None found | None found(****) |
| Germ or TZ (min) | 85% | 85% | 85% |

(*) The combination of other small grain and off-type shall not exceed 2/lb for Registered class, and 4/lb for Certified class. No rye, triticale, or vetch is permitted in barley, oat, or wheat. No rye or vetch is permitted in triticale. No triticale or vetch is permitted in rye.

(**) Excluding off-type and other small grain.

(***) Excluding wild oat.

(****) 1/lb for Certified class oat.

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.

[Statutory Authority: RCW 15.49.310, 96-14-091, § 16-316-724, filed 7/2/96, effective 8/2/96. 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:

| Land Requirements (1) (minimum years) | FIELD STANDARDS | | | | |
|--|-------------------------|---------------------------|---------------------------------|----------------------|--|
| | Isolation (min feet) | Off-type (plants/acre) | Other Crop (2) (plants/acre) | Noxious (3) Weeds | Ascochyta Blight (4) (plants/acre) |
| Class | | | | | |
| Foundation | 3 | 100 | none found | none found | none found |
| Registered | 3 | 50 | 5 | none found | none found |
| Certified | 3 | 25 | 10 | none found | 10 |

- (1) Shall not have been planted to chickpeas for three years, unless the previous crop is of the same variety and passed certification field standards of the same or higher generation.
- (2) Inseparable other crops.
- (3) Prohibited, restricted, and other weeds difficult to separate must be controlled.
- (4) None found in all classes of nontolerant varieties. Planting seedstock shall be treated with Thiabendazole (2-(4-triazoyl) benzimidazole).

FIELD INSPECTION

Foundation and registered class fields must have two field inspections. One at bloom stage and one at late pod stage. Certified class fields must have one inspection at bloom stage plus another at pod stage if ascochyta blight is observed during the bloom stage inspection.

SEED STANDARDS

| Class (7) | Pure seed | Inert | Other crop | Weed seed | Germination |
|------------|-----------|-------|----------------|----------------|-------------|
| Foundation | 99.00% | 1.0% | none found | none found | 85% |
| Registered | 99.00% | 1.0% | none found | none found | 85% |
| Certified | 99.00% | 1.0% | 2 seeds/lb (5) | 2 seeds/lb (6) | 85% |

- (5) None found for Austrian pea, rye, or vetch.
- (6) None found for nightshade berries or prohibited noxious weed seeds.
- (7) All classes shall be treated with Thiabendazole (2-(4-thiazoyl) benzimidazole at the labeled rate.)

[Statutory Authority: RCW 15.49.005, 15.49.310 and 15.49.370 (3) and (4). 95-22-036 (Order 5086), § 16-316-727, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-727, filed 5/27/94, effective 6/27/94; 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 | ISOLATION | FIELD | |
|------------|---------------|--------------|------------------|--------------------|
| | MINIMUM YEARS | MINIMUM FEET | 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 16-316-730 Interagency seed certification standards. Interagency certification is the participation of two or more official certifying agencies in performing the services required to certify the same lot or lots of seed.

[Order 1259, § 16-316-730, filed 4/13/72, effective 5/14/72.]

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.]

WAC 16-316-735 Rules. The general rules for seed certification and specific commodity certification standards are basic and together with the following regulations, constitute the rules for interagency certification for Washington.

[Order 1465, § 16-316-735, filed 5/13/76; Order 1259, § 16-316-735, filed 4/13/72, effective 5/14/72.]

WAC 16-316-738 Procedure for field pea, lentil, soybean, small grain and sorghum seed. (1) A certified seed sale certificate must be executed for unprocessed seed pending final certification when moved out-of-state.

(2) Unprocessed seed pending final certification shall be subject to all certification fees when moved out-of-state.

[Order 1465, § 16-316-738, filed 5/13/76.]

WAC 16-316-740 Procedure for all other kinds. (1) Seed produced in Washington, being shipped out-of-state for processing, must comply with the following procedures:

(a) Obtain approval of all certifying agencies involved prior to shipment.

(i) Complete section (A) of "interagency certified seed" report (forms available from Seed Branch, 2015 S. 1st Street, Yakima, Washington 98903) showing name, address of shipper, destination, shipping weight, lot number, grower, field number, date of shipment and other information concerning shipment that may be deemed necessary; and prior to shipment submit one copy to the seed branch, Yakima and one copy to the certifying agency where seed is being processed.

(ii) Each container must be clearly marked with lot number and Washington field number.

(2) Upon completion of processing, complete sections (B) and (C) of "interagency certified seed" report showing date shipment was received, receiving weight and lot number, clean weight, bag count, new lot number (if different than receiving lot number) and screenings weight and submit completed report to seed branch, Yakima.

(a) If Washington is to finalize certification, have official sample drawn by a representative of the certifying agency in that state and submit sample to Seed Branch, 2015 S. 1st Street, Yakima, Washington 98903.

(i) If Washington certification tags are to be used, the lot must be tagged and sealed under supervision of the certifying agency. The applicant must pay established mileage fee and hourly rate for all additional mileage and travel time required.

(ii) If Washington interagency tags are used, interagency tags will be mailed to the nearest representative of the certifying agency having jurisdiction for tagging.

(b) If receiving state is to finalize certification, Washington certifying agency must advise receiving state's certifying agency of certification eligibility. Sampling, testing, and tagging will be in accordance with that agency's instructions.

(c) Applicant is responsible for all fees authorized under Washington's certification program and any additional fees that may be assessed by both agencies involved.

[Statutory Authority: Chapter 15.49 RCW. 78-03-108 (Order 1567), § 16-316-740, filed 3/1/78, effective 4/1/78; Order 1465, § 16-316-740, filed 5/13/76; Order 1259, § 16-316-740, filed 4/13/72, effective 5/14/72.]

WAC 16-316-745 Seed produced out of state—Certification. Seed produced out of state and shipped into Washington for processing will be eligible for Washington interagency tags only after obtaining approval from the certifying agency of the originating state, and such seed must then comply with Washington certification standards.

[Order 1465, § 16-316-745, filed 5/13/76; Order 1259, § 16-316-745, filed 4/13/72, effective 5/14/72.]

WAC 16-316-750 Seed produced out of state—Special handling for previously tagged and sealed seeds. Seed of out-of-state origin that is officially tagged and sealed must be handled under interagency program if seals are to be broken for reinoculation or other processing. Applicant must obtain approval from certifying agency and all operations must be under the supervision of the certifying agency.

[Order 1465, § 16-316-750, filed 5/13/76; Order 1259, § 16-316-750, filed 4/13/72, effective 5/14/72.]

WAC 16-316-755 Eligibility for interagency certification. Seed tagged and sealed with official certification tags is eligible for interagency certification without obtaining approval from certifying agency of originating state. However, a report will be submitted to all certifying agencies involved showing lot number, amount of seed used, and other information as deemed necessary.

[Order 1465, § 16-316-755, filed 5/13/76; Order 1259, § 16-316-755, filed 4/13/72, effective 5/14/72.]

WAC 16-316-760 Interagency blends. Blends of different origin can be authorized only after obtaining approval from certifying agencies involved. Blends must comply with blend standards established by Washington state department of agriculture. Interagency tags used will show percentage of each origin involved.

[Order 1465, § 16-316-760, filed 5/13/76; Order 1259, § 16-316-760, filed 4/13/72, effective 5/14/72.]

WAC 16-316-790 Varieties eligible for seed certification. (1) Following are the lists of varieties eligible and certification scheme:

* These varieties are certified on a limited generation basis where:

Foundation seed is eligible to produce certified seed;

Certified seed is not eligible for recertification.

** These varieties are certified on the generation basis where:

Foundation seed is eligible to produce registered seed;

Registered seed is eligible to produce certified seed;

Certified seed is not eligible for recertification.

*** These varieties are not certified on a generation basis:

Certified seed is eligible to produce certified seed.

pvpV=plant variety protected to be sold or advertised by variety name only as a class of certified seed.

(2) As the list of varieties is subject to change, other varieties may be eligible upon approval of the certifying agency.

[Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-790, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 81-11-018 (Order 1733), § 16-316-790, filed 5/15/81; 79-05-065 (Order 1603), § 16-316-790, filed 4/30/79; 78-03-099 (Order 1568), § 16-316-790, filed 3/1/78, effective 4/1/78.]

WAC 16-316-800 Grass varieties eligible. (1) Following are the grass varieties eligible and the certifying scheme for each:

Bentgrass:
(subject to poa annua
quarantine)

Seaside Creeping***
Putter Creeping*
Emerald Creeping**
Carmen Creeping*
Cobra Creeping**
Tracenta Colonial*

Big Bluegrass:

Canada Bluegrass:
(subject to poa annua
quarantine)

Canby Bluegrass:

Kentucky Bluegrass:
(subject to poa annua
quarantine)

Sherman**

Reubens**

Canbar**

A-34 (Bensun)**

Abbey**

Able 1**

Adelphi**

Alene*

Alpine*

Amason* (Amazon*)

America*

Ampellia*

Apex*pvpV

Argyle**

Aspen*

Asset**

Banff**

Barblue*pvpV

Baron**

Birka*

Bono (Birdie)*

Bronco*

Chateau**

Cheri (Golf)*

Classic**

Cocktail**

Coventry**

Cynthia*

Destiny*

Dawn*

Eclipse*

Emundi*pvpV

Estate*

Freedom*

Fylking**

Georgetown**

Geronimo*

Glade**

Gnome*

Greenley*

Haga*

Harmony*

Holiday*

Huntsville*

Ikone**

Julia*

Kelly*

Kenblue*

Kyosti*

Leikra*

Liberty**

Limosine**

Majestic**

Marquis**

Merion**

Minstrel**

Monopoly**

Mystic*

Nassau**

Newport**

Nugget*

Nustar*

Nutop*

Parade*

Park**

Paso*

Pennstar*

Plush*

P-104*

Ram I*pvpV

Ronde*

Rugby*

Rough Bluegrass: Scenic*
Suffolk*
Summit*
Sving*
Sydsport*
S-21**
Tendos*
Touchdown**
Trenton*
Troy**
Wabash*
Washington*
Welcome*
1757*

Meadow Brome: Colt*
Polder**

Mountain Brome: Regar**

Smooth Brome: Bromar**

Fescue: Baylor*
(subject to poa annua Beacon*
quarantine - except tall Bravo*
and meadow fescue) Cottonwood*
Jubilee*
Manchar**
Rebound*
Saratoga*
York*

Atlanta Chewings*
Barfalla Chewings**
Baruba Chewings*
Countess Chewings**pvpV
Dover Chewings*
Mary Chewings*
Biljart Hard*
Durar Hard**
Scaldis Hard*pvpV
Silvana Hard*pvpV
Waldina Hard*
Joseph Idaho**
Nezpurs Idaho*pvpV
Beaumont Meadow*
First Meadow**
88001 Red**
Logro Red**pvpV
Hector Red*
Covar Sheep*
MX-86 Sheep*
5 DM Tall*
Adventure Tall**
Amigo Tall*
Arid Tall*
Avanti Tall**
Barcel Tall**pvpV
Chesapeake Tall*
Fawn Tall*
Finelawn 1 Tall**
Forager Tall*
Manade Tall*
Mesa Tall**
Montauk Tall**
Rebel Tall*
Rebel Jr Tall**
Safe Tall*
Southern Cross Tall*
Vegas Tall**

Orchardgrass: Hay King*
Latar**
Natsumidori
Paiute**
Pennlate*
Potomac*

Redtop: Streaker*

Indian Ricegrass:
Perennial Ryegrass:
(subject to poa annual
quarantine)

Puccinellia distans:
Timothy:

Wheatgrass:

Basin Wild Rye:
Russian Wild Rye:

Nezpar**
Advent*
All*Star**
Dandy*
Delray*
Friend**pvpV
Goalie*
NK 200**
Pennfine*
Ranger**
Target*
89001*

Fults*
Clair*
Climax*
Hokuo*
Hokusen*
Kempus*
Kunpu*
Nosappu*
Promesse*
Senpoku*

Whitmar Beardless**
Secar Bluebunch**
Fairway Crested*
Ruff Crested*
Nordan Crested**
Ephraim Crested**
Greinar
Intermediate**
Oahe Intermediate*
Tegmar Intermediate*
Greenleaf Pubescent*
Luna Pubescent**
Topar Pubescent**
P-27 Siberian**
Sodar Streambank**
Critana Thickspike**
Alkar Tall**

Magnar**
Bozoisky Select**

(2) Variety restrictions.

| | NO. OF SEED HARVESTS | | |
|-------------------------|----------------------|------------|-----------|
| | Foundation | Registered | Certified |
| (a) Kentucky Bluegrass: | | | |
| Asset | 5 | 5 | 5 |
| Baron | 5 | | 5 |
| Birka | 2 + 3 Cert. | | 5 |
| Cocktail | 5 | 5 | 5 |
| Enmundi | 4 | | 5 |
| Georgetown | 5 | | 5 |
| Geronimo | 6 | | 6 |
| Kenblue | 5 | | 7 |
| Majestic | 3 + 5 Cert. | | 5 |
| Minstrel | 5 | 5 | 5 |
| Parade | 5 | | 5 |
| Ram-I | 2 | | 6 |
| Rugby | 3 + 2 Cert. | | 5 |
| Sydsport | | | 5 |
| Touchdown | 2 + 5 Cert. | | 5 |
| (b) Orchardgrass: | | | |
| Pennlate | 3 | | 6 |

[Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-800, filed 5/27/94, effective 6/27/94; 92-13-027 (Order 2093), § 16-316-800, filed 6/9/92, effective 7/10/92; 91-14-001 (Order 2089), § 16-316-800, filed 6/20/91, effective 7/21/91; 90-12-098 (Order 2041), § 16-316-800, filed 6/5/90, effective 7/6/90; 89-11-078 (Order 2005), § 16-316-800, filed 5/22/89; 88-11-042 (Order 1976), § 16-316-800, filed 5/13/88; 87-12-006 (Order 1930), § 16-316-800, filed 5/22/87; 86-13-014 (Order 1889), § 16-

316-800, filed 6/9/86; 85-11-004 (Order 1851), § 16-316-800, filed 5/2/85; 84-13-043 (Order 1833), § 16-316-800, filed 6/15/84. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-800, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 81-11-018 (Order 1733), § 16-316-800, filed 5/15/81; 80-06-105 (Order 1697), § 16-316-800, filed 5/30/80; 79-05-065 (Order 1603), § 16-316-800, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-800, filed 5/10/78; 78-03-099 (Order 1568), § 16-316-800, filed 3/1/78, effective 4/1/78; Order 1505, § 16-316-800, filed 3/31/77; Order 1456, § 16-316-800, filed 5/13/76; Order 1420, § 16-316-800, filed 8/15/75; Order 1365, § 16-316-800, filed 6/12/74.]

WAC 16-316-810 Red clover varieties eligible. (1)

Following are the red clover varieties eligible and the certification scheme for each:

Arlington*
Atlas*
Chesapeake*
Flare*
Florex*
Florie*
Hamidori*
Hamidori 4N*
Hayakita*
Kenland*
Kenstar*pvvV
Lakeland*
Marathon*
Persist*
Prosper I*
Redland*pvvV
Redland II*
Redman*
Reddy*
Ruby**
Sapporo*
Tristan*

(2) **Variety restrictions.** Kenstar: No seed production permitted year of seeding.

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-810, filed 6/9/92, effective 7/10/92; 89-11-078 (Order 2005), § 16-316-810, filed 5/22/89; 87-12-006 (Order 1930), § 16-316-810, filed 5/22/87; 86-13-014 (Order 1889), § 16-316-810, filed 6/9/86. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-810, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-105 (Order 1697), § 16-316-810, filed 5/30/80; 79-05-065 (Order 1603), § 16-316-810, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-810, filed 5/10/78; 78-03-099 (Order 1568), § 16-316-810, filed 3/1/78, effective 4/1/78; Order 1505, § 16-316-810, filed 3/31/77; Order 1456, § 16-316-810, filed 5/13/76; Order 1420, § 16-316-810, filed 8/15/75; Order 1365, § 16-316-810, filed 6/12/74.]

WAC 16-316-815 Other clover varieties. Following are the other clover varieties eligible and the certification scheme for each:

White Clover:

Star*
Aran**pvvV
Barbian*

Crimson Clover:

Chief**

Ladino Clover:

Merit**

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-815, filed 6/9/92, effective 7/10/92; 90-12-098 (Order 2041), § 16-316-815, filed 6/5/90, effective 7/6/90; 87-12-006 (Order 1930), § 16-316-815, filed 5/22/87; 84-13-043 (Order 1833), § 16-316-815, filed 6/15/84.

Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-815, filed 3/31/82, effective 5/1/82.]

WAC 16-316-820 Alfalfa varieties eligible. (1)

Following are the alfalfa varieties eligible and the certification scheme for each:

Agate*
Anchor*
Anstar*
Answer*
Aquarius*
Apollo II*
Armor*
Armona*
Arrow*
Atlas*
Atra-55*
Baker*pvvV
Big Ten*
Blazer*
Break-Thru**
Centurion*
Chief**
Cimarron*
Cimarron VR*
Class*
Classic*
Commandor*
Crown*
Crown II*
Crusader**
DK-125*
DK-133*
DK-135*
Elevation*
Empress**
Endure*
Excalibur*
Fortress*
G-2815*
G-7730*
GH-737**
Hi-Phy*
Honeoye*pvvV
Incentive*
Iroquois*
Julus*
Legend*
Madera*
Magnum III*
Maricopa*
Mecca*
Mesilla**
Mohawk*
Multiking 1*
Oneida*pvvV
Oneida VR*
Peak*
Perry*
Promise**
Quest**

Ranger**
 Resistar*
 Riley*
 Royalty**
 Saranac*
 Saranac AR*pvpV
 Shenandoah*
 Shield*
 Sparta*
 Spredor 2*
 Summit*
 Sure*
 Sutter*
 Sverre*
 SX-217*
 SX-418*
 Thrive**
 Turbo*
 Ultra*
 Vernal*
 Vancor*
 Vernema*
 Viking 1*
 Vista*
 VS-888*
 WAMPR*
 Weevlchek*
 WL-317**
 WL-320**pvpV
 WL-322 HQ**
 WL Southern Special*
 Wrangler*
 Yolo*
 88*
 120*
 123*
 130*
 521*
 520*
 526*
 530*
 531*
 532*
 581*
 5262*
 5432*
 5373*
 5444*
 624*
 629*
 5311*
 5331*
 5333*
 5364*
 5472*
 98*
 G-2841*
 Verta*
 G-2852*
 GH 747*
 G-2833*
 DK-122*

Bronco*
 2890*
 Precedent*
 Zenith*
 VS-775*
 Express*
 Kitawakaba*
 Tachiwakaba*
 Vertus*

(2) Variety restrictions.

| | Breeder | NO. OF SEED HARVESTS | | |
|---------------------|---------|----------------------|------------|-----------|
| | | Foundation | Registered | Certified |
| Answer | | 2 | | 5 |
| Apollo II | | | | 3 |
| Baker | 2 | 3 | | 6 |
| Blazer | | 3 | | |
| Break-Thru | | 3 | 3 | 5 |
| Challenger | 2 | 3 | | 5 |
| Chief | | 3 | 3 | 5 |
| Crusader | | 3 | 3 | 5 |
| Drummor | 2 | 3 | | 5 |
| Empress | | 3 | 3 | 5 |
| G-7730 | | 3 | | 5 |
| GH 737 | | 3 | 3 | 5 |
| Honeoye | | 3 | | 6 |
| Iroquois | | 3 | | 6 |
| Oneida | | 3 | | 6 |
| Peak | | 3 | | |
| Perry | 2 | 3 | | 6 |
| Preserve | 2 | 3 | | 5 |
| Promise | | 3 | 3 | 5 |
| Polar II | 2 | 3 | | 5 |
| Quest | | 3 | 3 | 5 |
| Resistar | 2 | 3 | | 6 |
| Royalty | | 3 | 3 | 5 |
| Saranac | | 3 | | 6 |
| Saranac AR | | 3 | | 6 |
| Spredor 2 | 2 | 3 | | 5 |
| Thrive | | 3 | 3 | 5 |
| Trumpetor | 2 | 3 | | 5 |
| Vancor | 2 | 3 | | 5 |
| Vernema | | 4 | | 6 |
| WAMPR | 2 | 3 | | 6 |
| WL-317 | | 3 | 3 | 5 |
| WL-322HQ | | 3 | 3 | 5 |
| WL Southern Special | | | | 1 |
| WL-320 | | 3 | 3 | 5 |
| Wrangler | | | | 6 |
| 120 | | 3 | | |
| 123 | | 2 | | 4 |
| 130 | | 3 | | 5 |
| 526 | | 3 | | 5 |

[Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-820, filed 5/27/94, effective 6/27/94; 92-13-027 (Order 2093), § 16-316-820, filed 6/9/92, effective 7/10/92; 91-14-001 (Order 2089), § 16-316-820, filed 6/20/91, effective 7/21/91; 90-12-098 (Order 2041), § 16-316-820, filed 6/5/90, effective 7/6/90; 89-11-078 (Order 2005), § 16-316-820, filed 5/22/89; 88-11-042 (Order 1976), § 16-316-820, filed 5/13/88; 87-12-006 (Order 1930), § 16-316-820, filed 5/22/87; 86-13-014 (Order 1889), § 16-316-820, filed 6/9/86; 85-11-004 (Order 1851), § 16-316-820, filed 5/2/85; 84-13-043 (Order 1833), § 16-316-820, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-820, filed 5/16/83. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-820, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 81-11-018 (Order 1733), § 16-316-820, filed 5/15/81; 80-06-105 (Order 1697), § 16-316-820, filed 5/30/80; 79-05-065 (Order 1603), § 16-316-820, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-820, filed 5/10/78; 78-03-099 (Order 1568), § 16-316-820, filed 3/1/78, effective 4/1/78; Order 1505, § 16-316-820, filed 3/31/77; Order 1456, § 16-316-820, filed 5/13/76; Order 1420, § 16-316-820, filed 8/15/75; Order 1365, § 16-316-820, filed 6/12/74.]

WAC 16-316-830 Bean varieties eligible. Following are the bean varieties eligible and the certification scheme for each:

- Red Mexican: NW-59** NW-63** Rufus**
U of I 42**
- Pinto: Holberg** Fiesta**pvpV NW-410** NW-590**
Nodak** Olathe**pvpV Pindak** U of
I 114*** Othello**
- Pink: Gloria** Harold** Roza**UI-537**
Victor** Viva**
- Small White: Chief** Bonus** Aurora**
- Kidney: Royal Red**
Montcalm-Dark Red**
Isabella-Light Red*, Kardinal**,
Kamiken**
- Snap Bean: Epoch**pvpV
- Navy: Bunsii**, C-20**, Hyden**, Laker**, Norstar**, NW
395**, Seafarer**
Duty (Pulsar)**
- Great Northern: Emerson**, Harris**
- Black Turtle: Black Turtle Soup** #39**
Black Beauty** Ebony**pvpV, U of I 906**

[Statutory Authority: Chapter 15.49 RCW. 94-12-046 (Order 5045), § 16-316-830, filed 5/27/94, effective 6/27/94; 92-13-027 (Order 2093), § 16-316-830, filed 6/9/92, effective 7/10/92; 88-11-042 (Order 1976), § 16-316-830, filed 5/13/88; 87-12-006 (Order 1930), § 16-316-830, filed 5/22/87; 86-13-014 (Order 1889), § 16-316-830, filed 6/9/86; 85-11-004 (Order 1851), § 16-316-830, filed 5/2/85; 84-13-043 (Order 1833), § 16-316-830, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-830, filed 5/16/83. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-830, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-105 (Order 1697), § 16-316-830, filed 5/30/80; 79-05-065 (Order 1603), § 16-316-830, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-830, filed 5/10/78; Order 1505, § 16-316-830, filed 3/31/77; Order 1456, § 16-316-830, filed 5/13/76; Order 1420, § 16-316-830, filed 8/15/75; Order 1365, § 16-316-830, filed 6/12/74.]

WAC 16-316-832 Rapeseed varieties eligible for certification. Following are the rapeseed varieties eligible and certification scheme for each:

- Bridger* Lindora-oo*
- Cascade* Rubin*
- Ceres* WW-988*
- Aspen* Bolko*
- Eclipse* Excalibur*
- Norseman* Rebel*
- Stonewall* Moneta*
- Tapidor*

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-832, filed 6/9/92, effective 7/10/92; 88-11-042 (Order 1976), § 16-316-832, filed 5/13/88; 87-17-025 (Order 1948), § 16-316-832, filed 8/13/87; 86-13-014 (Order 1889), § 16-316-832, filed 6/9/86.]

WAC 16-316-833 Miscellaneous crop varieties eligible. Following are the miscellaneous crop varieties eligible and the certification scheme for each:

- Burnett Delar Small Burnett**
- Flax Appar Lewis Flax**
- Sudangrass Piper**
- Vetch Cahaba White**

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-833, filed 6/9/92, effective 7/10/92; 84-13-043 (Order 1833), § 16-316-833, filed 6/15/84.]

WAC 16-316-840 White clover and trefoil varieties eligible. Following are the varieties eligible and the certification scheme for each:

- Merit Ladino Clover*
- Pilgrim Ladino Clover*
- Tillman White Clover**
- Cascade Birdsfoot Trefoil**
- Viking Birdsfoot Trefoil**

[Statutory Authority: Chapter 15.49 RCW. 79-05-065 (Order 1603), § 16-316-840, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-840, filed 5/10/78; Order 1505, § 16-316-840, filed 3/31/77; Order 1456, § 16-316-840, filed 5/13/76; Order 1420, § 16-316-840, filed 8/15/75. Formerly WAC 16-316-085.]

WAC 16-316-850 Rapeseed certification standards and fees. (1) The general seed certification standards are basic and together with the following specific standards constitute the standards for certification of rapeseed.

(2) Rapeseed seed certification fees: Applications shall be due sixty days after planting; however may be accepted after due date at the discretion of the certifying agency.

- (a) Application fee:
Per variety, per grower \$15.00
- (b) Acreage fee:
One inspection: (per acre) 1.75
Late application penalty fee: 15.00
This additional fee shall be charged per grower for applications received after due date.
Reinspection: (each field) 20.00
Only two reinspections are permitted for each field each year.
Production fee includes sampling and tagging per cwt.: 0.50
Purity, germination, and oil analysis tests: . Fees as established by the director of agriculture.

Fees for retagging or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

[Statutory Authority: Chapter 15.49 RCW. 86-13-014 (Order 1889), § 16-316-850, filed 6/9/86.]

WAC 16-316-860 Rapeseed field standards. (1) General standards for rapeseed are:

(a) Unit of certification. A portion of a field may be certified if the area to be certified is clearly defined.

(b) Isolation. A field producing foundation, registered or certified seed shall have the minimum isolation distance from fields of any other variety or fields of the same variety that do not meet the varietal purity requirements for certification, as given in the following table:

| Class | Fields of Cross Pollinated Varieties | Fields of Self Pollinated Varieties |
|--------------------------------------|--------------------------------------|-------------------------------------|
| Foundation | 1,320 feet | 660 feet |
| Registered | 1,320 feet | 660 feet |
| Certified | 660 feet | 330 feet |
| Different generation of same variety | 165 feet | 165 feet |

These isolation distances are minimum and shall be met in all cases, although it is recommended that distances of three miles for foundation and registered, and two miles for certified be used when isolating fields of different usage kinds, i.e., industrial type from edible type.

(c) Volunteer plants. Volunteer plants may be cause for rejection of reclassification of a seed field.

(2) Specific standards for rapeseed are:

| Factor | Maximum permitted in each class: | | |
|------------------|----------------------------------|-------------------|-----------|
| | Foundation | Registered | Certified |
| Other varieties* | None ¹ | None ¹ | 1.00% |

* Other varieties shall be considered to include off-type plants and plants that can be differentiated from the variety being inspected.

¹ None means none found during the normal inspection procedures. None is not a guarantee to mean the field inspected is free of the factor.

(3) Inspections shall be made when the crop is in the early flowering stage.

[Statutory Authority: Chapter 15.49 RCW. 86-13-014 (Order 1889), § 16-316-860, filed 6/9/86.]

WAC 16-316-870 Rapeseed land requirements. (1) Land requirements prior to planting shall be as follows:

| Class Planted | Class Produced | Years Field Shall Be |
|------------------------------------|----------------|----------------------|
| | | Free of Rapeseed |
| Breeder Foundation | Foundation | 5 |
| | Registered | 4 |
| Breeder, Foundation, Registered | Certified | 3 |

(2) For all classes, no manure or other contaminating materials shall be applied during the establishment and productive period of the stand.

(3) Reseeding of a field due to failure or partial failure of the first seeding may be done with permission of the certifying agency.

(4) Ditchbanks, roadways, etc. adjacent to a certified field shall be free of volunteer rapeseed and prohibited noxious weeds.

[Statutory Authority: Chapter 15.49 RCW. 86-13-014 (Order 1889), § 16-316-870, filed 6/9/86.]

WAC 16-316-880 Rapeseed—Seed standards. Rapeseed standards shall be as follows:

| Purity | Foundation | Registered | Certified |
|------------------------------------|--------------|--------------|--------------|
| Pure seed (Min.) | 99.00% | 99.00% | 99.00% |
| Other crop and/or varieties (Max.) | 2/100 grams | 2/100 grams | 4/100 grams |
| Inert matter (Max.) | 1.00% | 1.00% | 1.00% |
| Weed seed (Max.) | 20/100 grams | 20/100 grams | 40/100 grams |
| Prohibited noxious weeds (1) | None | None | None |
| Objectionable weeds (2) (Max.) | 2/100 grams | 2/100 grams | 4/100 grams |

Chemical Analysis (3)

| Germination (Min.) | 85.00% | 85.00% | 85.00% |
|--------------------|--------|--------|--------|
|--------------------|--------|--------|--------|

Note:

- (1) None means none found during normal inspection procedures. None is not a guarantee that the lot is free of noxious weed seeds.
- (2) Objectionable weed seeds are defined as: Restricted noxious plus: Brassica nigra, Sinapis arvensis, Brassica juncea, and Raphanus, raphanistrum.
- (3) Erucic acid and glucosinolate content shall be within tolerances as described by the plant breeder for each variety.

[Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-316-880, filed 5/13/88; 87-12-006 (Order 1930), § 16-316-880, filed 5/22/87; 86-13-014 (Order 1889), § 16-316-880, filed 6/9/86.]

WAC 16-316-901 Corn seed certification standards. The general seed certification standards are basic and together with the list of varieties eligible and the following specific rules constitute the standards for corn seed certification.

[Statutory Authority: Chapter 15.49 RCW. 84-13-041 (Order 1831), § 16-316-901, filed 6/15/84.]

WAC 16-316-906 Corn seed certification fees.

- (1) Fees for applications for each separate combination and/or isolation \$15.00
- (2) Acreage fee:
 - (a) First acre \$25.00
 - (b) Each additional acre \$10.00
except for hybrid corn seed each
additional acre \$ 3.50
- (3) Due date for applications is June 1.

[Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-906, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-906, filed 6/15/84.]

WAC 16-316-911 Corn seed eligibility. (1) Foundation corn inbred lines:

- (a) For the purposes of certification, the propagation of male sterile inbred lines shall be subject to the same requirements and rules as apply to foundation single crosses.
- (b) An inbred line shall be a relatively true breeding strain of corn resulting from at least five successive generations of controlled self-fertilization; or at least five generations of backcrossing to a recurrent parent with selection; or its equivalent.
- (c) Inbred lines increased by hand pollination will be eligible for certification.
- (d) An inbred used as a pollinator in a foundation single cross production field may be certified provided all the seed parents in the isolated field are inspected for certification and meet all field requirements for certification.
- (e) Addition of specific genetic factors to a line.
- (i) When a specific genetic factor(s) is added to an inbred line, the line shall have been backcrossed to its recurrent parent at least five generations. The line shall be homozygous for the specific genetic factor(s) except for the pollen restoration factor(s), and the genic male sterile maintainer line.
- (ii) For a recovered pollen restorer inbred line, selection shall be relative to a specific cytoplasmic male sterile source.

(iii) Proof of the genetic nature of a recovered line shall be supplied by the originator.

(iv) A genic male sterile maintainer line, consisting of duplicate-deficient and male-steriles in an approximate one to one ratio, shall be no more than two generations removed from breeder's seed. The maintainer shall be designated according to generation as:

(A) Breeder seed: The hand pollinated selfed seed from a known duplicate-deficient plant heterozygous at a particular male sterile locus.

(B) Foundation I seed: The product of random-mating among fertile plants arising from breeder seed.

(C) Foundation II seed: The product of random-mating among fertile plants arising from foundation I seed.

(v) A genic male sterile line shall be a strain homozygous for a particular male sterile recessive allele.

(vi) The genic male sterile lines shall be identified as to the recessive genes they carry, e.g., B37 ms-1, N26 ms-10. The maintainer lines shall be identified not only for the male sterile gene for which it is heterozygous, but for the specific translocation from which it was derived, e.g., B37 Mt-1 ms-1, N28 Mt-1 ms-10.

(2) Foundation corn single crosses:

(a) Foundation single cross. A foundation single cross shall consist of the first generation of a cross between: Two inbred lines; an inbred line and a foundation back cross; or two foundation back crosses.

(b) Foundation back crosses:

(i) A first generation foundation back cross shall be the first generation cross between a foundation single cross of related inbred lines and an inbred line which shall be the same as one of the inbreds in the foundation single cross.

(ii) A second generation foundation back cross shall be made by using a first generation back cross as the seed parent and the pollinating parent shall be an inbred line. The inbred line shall be the same as the inbred parent used in making the first generation back cross seed parent.

(c) A male sterile line may be substituted for its fertile counterpart as one parent of a foundation single cross: *Provided*, That the male sterile line has been backcrossed for not less than five generations to its fertile counterpart, or the male sterile line is the same in other characteristics as its fertile counterpart.

(d) Male sterile lines propagated by hand pollination will be eligible for certification.

(e) A pollen restoring line may be substituted for its nonrestoring counterpart in a foundation single cross: *Provided*, That the pollen restoring line is the same in other characteristics as its nonrestoring counterpart.

(3) Hybrid corn seed:

(a) Hybrid corn seed is seed to be planted for the production of feed or for use other than seed. It may be any one of the following:

(i) Double cross - the first generation cross between two foundation single crosses.

(ii) Three-way cross - the first generation cross between a foundation single cross as one parent and an inbred line or a foundation back cross as the other parent.

(iii) Single cross - shall consist of the first generation of a cross between: Two inbred lines; an inbred line and a foundation back cross; or of two foundation back crosses.

(b) Foundation single cross seed and foundation back cross seed planted for the production of double cross, single cross, or three-way cross hybrid corn seed shall have been completely certified by a recognized seed certifying agency.

(c) Inbred line seed planted for the production of single cross or three-way cross hybrid corn seed to be used for grain or forage production shall meet the requirements for the definition of an inbred line (as provided for in subsection (1)(b) of this section) and be certified.

(d) Only the class "certified" is recognized.

(4) Inbred seed and the seed of each parent for single crosses shall meet one of the following requirements:

(a) Be in the hands of the originator;

(b) Be a line obtained directly from the originator;

(c) Be a line obtained from a state agricultural experiment station;

(d) Be a line obtained from the United States department of agriculture; or

(e) Be certified. Evidence of eligibility shall be a certification tag taken from the seed planted.

[Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-911, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-911, filed 6/15/84.]

WAC 16-316-916 Field inspection. At least three field inspections shall be made by a representative of the certifying agency during the pollinating period. When the previous crop was corn, at least one additional inspection shall be made to verify that the field is sufficiently free of volunteer plants from the previous crop. Field inspections may be made without giving previous notice to the grower.

[Statutory Authority: Chapter 15.49 RCW. 84-13-041 (Order 1831), § 16-316-916, filed 6/15/84.]

WAC 16-316-921 Field standards. (1) Isolation requirements:

(a) An inbred shall be so located that it is not less than six hundred and sixty feet from other corn except when the inbred is grown as a pollinator in a single cross production field. In this case any ear parent(s) in the same isolated field shall be entered for certification, inspected, and meet all field requirements for certification.

(b) A specific foundation single cross shall be located so the seed parent is not less than six hundred and sixty feet from other corn for pollinator rows and other seed parent(s) in the same isolated field. In this case, all seed parent(s) in the same isolated field shall be applied for certification, inspected, and meet all field requirements for certification.

(c) Differential maturity dates are permitted for modifying isolation distances for inbred lines or male sterile inbred line increases provided there are no receptive silks in the ear or seed parent at the same time pollen is being shed in the contaminating field.

(d) Foundation inbred or single cross production fields of dent sterile popcorn need not be isolated from yellow dent field corn.

(e) Corrections for improper isolation shall be made by one of the following methods:

(i) By completely destroying or by detasseling the necessary contaminating corn before silks appear in the ear or seed parent in the field to be certified; or

(ii) By completely destroying, before the final field inspection, the plants which are improperly isolated from the contaminating corn.

(2) For single crosses, the maximum distance a seed parent row shall be from a pollen parent row is nine feet.

(3) For single crosses, the minimum population of pollen shedding plants per acre shall be two thousand. Ineffective pollen parent plants shall not be counted.

(4) Single cross fields being inspected for certification shall contain not less than four hundred pollen plants per acre that are actively shedding pollen when more than twenty-five percent of the seed parent silks are apparently receptive.

(5) Single cross detasseling or pollen control. More than five percent of the seed parent shall have apparently receptive silks for the following provisions to apply. Apparently receptive silks are emerged silks which are not wilted or brown.

(a) An isolation of a specific foundation single cross shall not be accepted for certification if at one inspection more than one-half percent of the stalks of the seed parent have shed pollen, or if the total number having shed pollen on any three days of inspection exceeds one percent.

(b) Cytoplasmic male sterile seed parent plants - detasseling (cutting or pulling) to control plant pollen shall be permitted.

(6) Roguing:

(a) Definitely off-type plants shall be destroyed completely so that suckers will not develop. Plants showing definite hybrid vigor or a definitely different type from the inbred or parent being inspected shall be classified as definitely off-type.

(b) For inbred lines, an isolation in which more than one-tenth of one percent (one per one thousand) of definitely off-type plants have shed pollen, when at the same time more than five percent of the plants have apparently receptive silks, shall not be certified.

(c) For single crosses, an isolation in which more than one-tenth of one percent of definitely off-type plants are present in the seed parent, when the silks have turned brown, shall not be eligible for certification.

(d) Sucker tassels and portions of tassels of off-type plants shall be counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two has the anthers extended from the glumes.

[Statutory Authority: Chapter 15.49 RCW. 96-14-090, § 16-316-921, filed 7/2/96, effective 8/2/96; 85-11-002 (Order 1852), § 16-316-921, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-921, filed 6/15/84.]

WAC 16-316-945 Field standards—Hybrid corn seed. (1) Isolation:

(a) A specific hybrid shall be located so that the seed parent is not less than six hundred and sixty feet from corn of a different color or texture with the following exceptions:

(i) Hybrid seed production fields of dent sterile popcorn need not be isolated from yellow dent field corn; or

(ii) When the contaminating corn is of a different color or texture aggregating less than one-fourth acre on one exposure, the isolation distance may be modified in accordance with the table listed in this section.

(2) A specific hybrid shall be located so that the seed parent is not less than four hundred and fifteen feet from other corn of the same color or texture. This distance may be modified by the planting of pollen parent border rows and the size of the crossing field according to the following table.

| Field Size* = 1-20 Acres | | Field Size* = 21 Acres or more | |
|----------------------------------|------------------------------|----------------------------------|------------------------------|
| Distance from other corn in feet | Minimum border rows required | Distance from other corn in feet | Minimum border rows required |
| 415 | 0 | 415 | 0 |
| 395 | 1 | 375 | 1 |
| 375 | 2 | 330 | 2 |
| 355 | 3 | 290 | 3 |
| 330 | 4 | 250 | 4 |
| 310 | 5 | 210 | 5 |
| 290 | 6 | 165 | 6 |
| 270 | 7 | 125 | 7 |
| 250 | 8 | 85 | 8 |
| 230 | 9 | 45 | 9 |
| 210 | 10 | less than 45 | 10 |
| 185 | 11 | | |
| 165 | 12 | | |
| 145 | 13 | | |
| 125 | 14 | | |
| 105 | 15 | | |
| 85 | 16 | | |

* Different dates of planting will not divide a field for isolation purposes but may divide the field for detasseling inspection.

(a) The border rows and pollen parent rows shall be planted with certified first generation seedstock, shall be shedding pollen simultaneously with silk emergence of the seed parent and shall not be separated from the seed parent by more than thirty-three feet.

(b) A field planted with the same eligible pollen parent may be used as an isolation buffer: *Provided*, That it is applied for certification, inspected and meets field requirements for certification.

(c) Full credit shall not be given where poor stands of border corn exist, where the border rows have been detasseled, or where, for any reason, the border rows are not shedding pollen as plentifully as the pollen parent rows. Because of the difficulty of obtaining and maintaining a good stand of corn, the planting of more than the minimum number of border rows is recommended.

(d) The maximum distance a seed parent row shall be from a pollen parent row is fifteen feet.

(3) Corrections for improper isolation shall be made by one of the following methods:

(a) By completely destroying or by detasseling the necessary contaminating corn before silks appear in the seed parent in the field to be certified; or

(b) By completely destroying, before the final field inspection, the seed producing plants which are improperly isolated from contaminating corn.

(4) Detasseling or pollen control. More than five percent of the stalks of the seed parent shall have apparently receptive silks for the following provisions to apply. Apparently receptive silks are emerged silks which are not wilted or brown.

(a) An isolation will not be accepted for certification if at one inspection more than one percent of the stalks of the

seed parent have shed pollen, or if the total number having shed pollen on any three days of inspection exceeds two percent.

(b) When more than one combination is being grown in the same isolation and the seed parent of one or more of them is shedding pollen in excess of one percent, all seed parents having five percent or more apparently receptive silks at the time shall be disqualified unless adequately isolated from the shedding seed parent.

(c) Sucker tassels and portion of tassels will be counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two have the anthers extended from the glumes.

(5) A male sterile seed parent can be used to produce certified hybrid corn seed by either of two methods:

(a) Seed of the normal fertile seed parent shall be mixed with the seed of the male sterile seed parent of the same pedigree either by blending in the field at harvest or by size at conditioning time. The ratio of male sterile seed parent seed to normal seed parent seed should not exceed two to one.

(b) The male parent shall involve a certified pollen restoring line or lines so that not less than one-third of the plants grown from the hybrid corn seed produce pollen which appears to be normal in quantity and viability.

(6) Roguing:

(a) Definitely off-type plants in a parent line planted for the production of single cross or three-way cross hybrid corn seed to be used for grain or forage production shall be completely destroyed so that suckers will not develop.

(b) Plants showing definite hybrid vigor or a definitely different type from the parent being inspected shall be classified as definitely off-type.

(c) An isolation in which more than two-tenths of one percent of definitely off-type plants in the parent or parents have shed pollen, at a time when more than five percent of the seed parent plants have apparently receptive silks, shall be disqualified for certification.

[Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-945, filed 5/2/85.]

WAC 16-316-950 Seed inspection—Foundation corn single crosses and inbred lines. When excessive off-type or different textured kernels are observed at the time of ear inspection and the off-type kernels are detectable in the shelled seed, the applicant may have the option of shelling the ears to attempt to remove the kernels by mechanical or other means. The sampled seed after conditioning shall not contain in excess of three-tenths of one percent of the off-type kernels.

[Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-950, filed 5/2/85.]

WAC 16-316-955 Seed inspection and standards—Hybrid corn seed.

| (1) Genetic Factor | Standard Certified Class |
|--|--------------------------|
| Other varieties and off-types (maximum) | 0.5% |
| Off-textured kernels in opaque 2, flowery 2 and waxy (maximum) | 1.0% |
| (2) Quality Factors | Standards |
| Pure seed (minimum) | 98.0% |
| Total other crops - including other varieties (maximum) | 0.5% |
| Total weed seed (maximum) | None |
| Total inert matter (maximum) | 2.0% |
| Germination (minimum) | 90.0% |
| Moisture (maximum) | 14.0% |

[Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-955, filed 5/2/85.]

WAC 16-316-960 Ear inspection and winter growouts—Foundation corn single crosses and inbred lines.

(1) Foundation single crosses and inbred lines shall be either inspected in the ear or included in a winter growout.

(2) Foundation single crosses and inbred lines to be ear inspected shall be inspected after the applicant indicates they are sorted and ready for inspection.

(3) A seed lot shall not contain in excess of one-tenth of one percent of definitely off-type ears or more than five-tenths of one percent of ears with off-colored or different textured kernels which would not exceed a total of twenty-five off-colored seeds or different textured kernels per one thousand ears.

(4) Winter growouts:

(a) When differential maturity dates or detasseling within the required isolation distance are permitted for modifying isolation distances for foundation male sterile inbred line increases or foundation inbred lines, winter growouts are required in addition to other standards.

(b) The applicant may choose to have a winter growout in lieu of ear inspection.

(c) Seed shelled before ear inspection shall be included in a winter growout.

(d) Standards for winter growouts are:

(i) Percentage of off-types allowed shall not exceed one percent.

(ii) Growouts shall be made on one round and/or flat separation, or on individual grade sizes.

(iii) The inspection fee for winter growouts shall be charged to the applicant at actual cost.

[Statutory Authority: Chapter 15.49 RCW. 85-11-002 (Order 1852), § 16-316-960, filed 5/2/85.]

WAC 16-316-970 Sudangrass certification standards—Promulgation. In addition to the specific rules for the certification of sudangrass provided in this chapter, the general seed certification standards in WAC 16-316-100

through 16-316-214 are basic, and together constitute the standards for sudangrass certification.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-316-970, filed 6/19/91, effective 7/20/91.]

WAC 16-316-975 Sudangrass certification standards—Definitions. (1) "Department" means the Washington state department of agriculture.

(2) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(3) "Sudangrass" means sorghum bicolor x drummondii.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-316-975, filed 6/19/91, effective 7/20/91.]

WAC 16-316-980 Sudangrass certification standards—Applications and fees. (1) All applications and fees shall be due within sixty days of planting: *Provided*, That such applications may be accepted after the due date at the discretion of the director upon payment of the late penalty fee.

- (2) Fees for certification services shall be as follows:
 - (a) Application fee, per field \$ 15.00
 - (b) Late penalty fee, per field \$ 30.00
 - (c) Inspection fee, per acre \$ 1.75
 - (d) Certification fee, per 100 pounds \$ 0.40

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-980, filed 6/9/92, effective 7/10/92; 91-13-087 (Order 2088), § 16-316-980, filed 6/19/91, effective 7/20/91.]

WAC 16-316-985 Sudangrass certification standards—Land requirements. (1) A field to be planted for all foundation, registered, and certified classes of sudangrass seed shall not have grown or been seeded to sudangrass or sorghum during the preceding two years.

(2) Reseeding of a field, because of failure or partial failure of the first seeding, may be done with permission of the director.

(3) Prohibited noxious weeds in the field and on ditch-banks, roadways, etc., adjacent to a certified field shall be controlled to prevent seed formation.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-316-985, filed 6/19/91, effective 7/20/91.]

WAC 16-316-990 Sudangrass certification standards—Isolation requirements. Sudangrass for certification of the foundation, registered, and certified classes shall be isolated from all other sudangrass not meeting the same varietal purity requirements for certification or from sorghum by a minimum of nine hundred ninety feet.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-316-990, filed 6/19/91, effective 7/20/91.]

WAC 16-316-995 Sudangrass certification standards—Field tolerances. Maximum other varieties permitted in field inspection for certification shall be as follows:

- (a) Foundation seed field 1 plant/ 50,000 plants
- (b) Registered seed field 1 plant/ 35,000 plants
- (c) Certified seed field 1 plant/ 20,000 plants

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-995, filed 6/9/92, effective 7/10/92; 91-13-087 (Order 2088), § 16-316-995, filed 6/19/91, effective 7/20/91.]

WAC 16-316-997 Sudangrass certification standards—Seed standards. Seed inspection standards shall be as follows:

| Purity | Foundation | Class Registered | Certified |
|--------------------------|------------|------------------|------------|
| Pure seed (min) | 98.0% | 98.0% | 98.0% |
| Inert material (max) | 2.0% | 2.0% | 2.0% |
| Other crop (max) | 0.01% | 0.03% | 0.08% |
| Other varieties* (max) | 0.005% | 0.01% | 0.05% |
| Weed seed (max) | 0.10% | 0.10% | 0.10% |
| Prohibited or restricted | | | |
| noxious weed seeds | none found | none found | none found |
| Germination (min) | 85.0% | 85.0% | 85.0% |

* Other varieties shall not exceed two seeds per pound in the certified class.

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-316-997, filed 6/9/92, effective 7/10/92; 91-13-087 (Order 2088), § 16-316-997, filed 6/19/91, effective 7/20/91.]

**Chapter 16-317 WAC
REGULATIONS FOR LABELING SMALL GRAIN SEEDS**

WAC

- 16-317-040 Labeling requirements for small grain, field pea, lentil, and/or soybean seeds.
- 16-317-050 Alternate labeling requirements and exemptions.
- 16-317-060 Seed held in storage.
- 16-317-080 Noxious weeds.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-317-002 Promulgation. [Order 1123, § 16-317-002, filed 8/19/69, effective 9/22/69.] Repealed by 79-05-080 (Order 1606), filed 4/30/79. Statutory Authority: Chapter 15.49 RCW.
- 16-317-070 Noxious weeds. [Order 1123, § 16-317-070, filed 8/19/69, effective 9/22/69.] Repealed by Order 1413, filed 8/15/75.
- 16-317-090 Labeling lawn and pasture mixtures. [Statutory Authority: Chapter 15.49 RCW. 80-06-115 (Order 1699), § 16-317-090, filed 5/30/80.] Repealed by 90-04-003 (Order 2027), filed 1/25/90, effective 2/25/90. Statutory Authority: Chapter 15.49 RCW.

WAC 16-317-040 Labeling requirements for small grain, field pea, lentil, and/or soybean seeds. Labeling requirements shall be as specified in WAC 16-318-200 through 16-318-235 and 16-318-040 through 16-318-065. In addition, labels for small grain seed shall contain the following information:

(1) Each variety (e.g., Nugaines), whether the variety is typically a winter or spring sown variety, and kind (e.g., wheat); or may not be shown: *Provided*, That the label shall conspicuously show the words "typical sowing season not stated."

(2) A tetrazolium test may be used in lieu of germination: *Provided*, That the label shall state "Tetrazolium . . . %," and that a germination test of the lot is in process and shall be made available to the purchaser when complet-

ed. The label shall also show the calendar month and year the tetrazolium test was completed.

[Statutory Authority: Chapter 15.49 RCW. 90-04-003 (Order 2027), § 16-317-040, filed 1/25/90, effective 2/25/90; 80-06-115 (Order 1699), § 16-317-040, filed 5/30/80; 79-05-080 (Order 1606), § 16-317-040, filed 4/30/79; Order 1123, § 16-317-040, filed 8/19/69, effective 9/22/69.]

WAC 16-317-050 Alternate labeling requirements and exemptions. (1) Small grain, field pea, lentil, and/or soybean seed distributed in packaged form to a wholesaler or a commercial grower for his own use and accompanied by an invoice or other document containing the labeling information required in WAC 16-318-200 through 16-318-235 and 16-318-040 through 16-318-065 need attached labels containing only information required in WAC 16-318-205 (1) and (2); WAC 16-318-040 through 16-318-065; and the net weight of the seed and small grain seed labels shall also contain additional information in WAC 16-317-040(1): *Provided*, That the purchaser has knowledge of and consents to said invoice labeling.

(2) When seed is needed for immediate planting, a purchaser may waive the seed analysis information requirement for his purchase by completion of the following waiver:

CUSTOMER WAIVER AFFIDAVIT

Date

.....
.....
.....
.....
(Seed Dealer's Name and Address)

I,, because of an emergency need for seed, am waiving my rights as provided in RCW 15.49.021 to receive the germination and purity information required in chapter 16-318 WAC on lot/s purchased on: *Provided*, That within thirty days, the supplier provides the above information to me in writing.

.....
(Customer's Signature)

(3) When small grain, field pea, lentil, and/or soybean seed is distributed in bulk, the information required in WAC 16-318-200 through 16-318-235 and 16-318-040 through 16-318-065 and for small grain, the information in WAC 16-317-040 shall be provided on the invoice or other document accompanying the distribution of said seed.

(4) The seed labeling registrant may provide the information required in WAC 16-317-040 and 16-318-205 through 16-318-230, and 16-318-040 through 16-318-065 as a guaranteed analysis at the time of distribution: *Provided*, That the label, invoice, or other document accompanying the seed states "guaranteed analysis," and that the results of a purity and germination test of a representative sample are made available to the purchaser no later than thirty days following the initial distribution of the lot.

[Statutory Authority: Chapter 15.49 RCW. 90-04-003 (Order 2027), § 16-317-050, filed 1/25/90, effective 2/25/90; 80-06-115 (Order 1699), § 16-317-050, filed 5/30/80; 79-05-080 (Order 1606), § 16-317-050, filed 4/30/79; Order 1123, § 16-317-050, filed 8/19/69, effective 9/22/69.]

WAC 16-317-060 Seed held in storage. Small grain, field pea, lentil, and/or soybean seed held for bulk distribution or invoice labeling, shall be plainly identified with information required in WAC 16-318-205 through 16-318-230, and 16-318-040 through 16-318-065, and for small grain, the information in WAC 16-317-040(1).

[Statutory Authority: Chapter 15.49 RCW. 90-04-003 (Order 2027), § 16-317-060, filed 1/25/90, effective 2/25/90; 80-06-115 (Order 1699), § 16-317-060, filed 5/30/80; 79-05-080 (Order 1606), § 16-317-060, filed 4/30/79; Order 1123, § 16-317-060, filed 8/19/69, effective 9/22/69.]

WAC 16-317-080 Noxious weeds. It shall be unlawful to distribute small grain, field pea, lentil, and/or soybean seed containing restricted noxious weed seeds singly or collectively in excess of 100 per pound.

[Statutory Authority: Chapter 15.49 RCW. 80-06-115 (Order 1699), § 16-317-080, filed 5/30/80; 79-09-102 (Order 1653), § 16-317-080, filed 8/31/79.]

Chapter 16-318 WAC

TREATED SEED LABELING REQUIREMENTS

WAC

- 16-318-002 Promulgation.
- 16-318-003 Promulgation.
- 16-318-040 Treated seed labeling requirements.
- 16-318-050 Mercurials and similarly toxic pesticides.
- 16-318-060 Other pesticides.
- 16-318-065 Inoculants.
- 16-318-070 Treated seed color requirement.
- 16-318-080 Bulk seed.
- 16-318-090 Examples of minimum label formats.
- 16-318-200 Labeling—Requirements for agricultural, vegetable, and flower seeds.
- 16-318-205 Labeling—General requirements for agricultural seeds except for grass seed mixtures and for hybrids which contain less than ninety-five percent hybrid seed.
- 16-318-210 Labeling—For seed mixtures for lawn and/or turf purposes.
- 16-318-215 Labeling—Special requirements for seeds that are coated.
- 16-318-220 Labeling—Special requirements for vegetable seeds in packets as prepared for use in home.
- 16-318-225 Labeling—Special requirements for vegetable seeds in containers other than packets.
- 16-318-230 Labeling—Special requirements for flower seeds.
- 16-318-235 Labeling for agricultural and vegetable hybrid seed which contains less than ninety-five percent hybrid seed.
- 16-318-240 Labeling—Prohibitions.
- 16-318-300 Definitions.
- 16-318-305 Matters subject to mandatory arbitration.
- 16-318-310 Arbitration requirement—Labeling.
- 16-318-315 Filing of a complaint for arbitration.
- 16-318-320 Requirement to respond to complaint.
- 16-318-325 Acceptance of filing by telefax.
- 16-318-330 Arbitration committee.
- 16-318-335 Referral to arbitration committee.
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- 16-318-350 Waiver of oral hearing.
- 16-318-355 Record of the hearing.
- 16-318-360 Attendance at hearings.
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| 16-318-395 | Expert evidence and performance tests. |
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WAC 16-318-002 Promulgation. (This promulgation relates only to WAC 16-318-040, 16-318-050, 16-318-060, 16-318-070, 16-318-080, and 16-318-090.)

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.48 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW, and public hearing held in Yakima, Washington on August 14, 1969, do hereby promulgate the following regulations relating to treated seed labeling requirements.

[Order 1124, § 16-318-002, filed 8/19/69, effective 9/22/69.]

WAC 16-318-003 Promulgation. (This promulgation relates only to Order 1124 and WAC 16-318-070 and 16-318-002.)

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.49 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW, and a public hearing held in Yakima, Washington on April 1, 1970, do hereby amend Order 1124 and WAC 16-318-070 and 16-318-002.

[Order 1150, § 16-318-003, filed 4/16/70.]

WAC 16-318-040 Treated seed labeling requirements. For all seed that meets the definition of treated seed contained in RCW 15.49.011, the Washington State Seed Act, there shall be conspicuously shown on the analysis tag or label, or on a separate tag or label, attached to each container, or printed in a conspicuous manner on the side or top of each container the following:

- (1) A word or statement indicating that the seed has been treated.
- (2) The commonly accepted coined, chemical, or abbreviated chemical (generic) name of the applied substance or description of the process used.
- (3) That information required in WAC 16-318-050 through 16-318-090.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-040, filed 1/11/90, effective 2/11/90; 80-06-118 (Order 1700), § 16-318-040, filed 5/30/80; Order 1124, § 16-318-040, filed 8/19/69, effective 9/22/69.]

WAC 16-318-050 Mercurials and similarly toxic pesticides. Seeds treated with a mercurial or similarly toxic pesticide, if any amount remains on or in the seed, shall be labeled with the skull and crossbones and a statement such as: "This seed has been treated with POISON," "treated with POISON," "POISON treated," or "POISON" with the word "POISON" in red on a contrasting background. The word "POISON" shall appear in not less than 8 point type, and the skull and crossbones shall not be less than twice the size of the type used for information required to be on the label. In making this determination, the department shall be guided by the labeling registered by the environmental protection agency and/or Washington state department of agriculture on

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the pesticide being used and by the requirements of the Federal Seed Act.

[Statutory Authority: Chapter 15.49 RCW. 80-06-118 (Order 1700), § 16-318-050, filed 5/30/80; Order 1124, § 16-318-050, filed 8/19/69, effective 9/22/69.]

WAC 16-318-060 Other pesticides. Seed treated with pesticides, other than those referred to in WAC 16-318-050, shall be labeled with an appropriate caution statement in not less than eight point type, such as: "Treated seed - do not use for food, feed, or oil purposes" and shall contain other appropriate caution statement as required on the environmental protection agency and/or Washington state department of agriculture registered pesticide label of the seed treatment being used.

[Statutory Authority: Chapter 15.49 RCW. 80-06-118 (Order 1700), § 16-318-060, filed 5/30/80; Order 1124, § 16-318-060, filed 8/19/69, effective 9/22/69.]

WAC 16-318-065 Inoculants. If seed is treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration) shall be shown on the label.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-065, filed 1/11/90, effective 2/11/90.]

WAC 16-318-070 Treated seed color requirement. Seeds of small grains and other products such as peas and beans normally used for feed or for human consumption shall, when treated with a pesticide, be colored so as to be readily discernible as having been so treated.

[Order 1150, § 16-318-070, filed 4/16/70; Order 1124, § 16-318-070, filed 8/19/69, effective 9/22/69.]

WAC 16-318-080 Bulk seed. The information required on the labels of packaged treated seed shall appear on the invoice or other document accompanying and pertaining to each bulk seed shipment.

[Statutory Authority: Chapter 15.49 RCW. 80-06-118 (Order 1700), § 16-318-080, filed 5/30/80; Order 1124, § 16-318-080, filed 8/19/69, effective 9/22/69.]

WAC 16-318-090 Examples of minimum label formats. (a) Mercurial or similarly toxic pesticides:

Treated with
Endrin
POISON (in red)



(b) Other pesticides:

Treated with
Captan
Caution: Treated seed - do not use for food,
feed, or oil.

(c) Additional information may be shown, such as rate of application, antidote, specific [purpose] [purposes] of treatment, etc., provided such information is not false or misleading.

[Statutory Authority: Chapter 15.49 RCW. 80-06-118 (Order 1700), § 16-318-090, filed 5/30/80; Order 1124, § 16-318-090, filed 8/19/69, effective 9/22/69.]

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.

WAC 16-318-200 Labeling—Requirements for agricultural, vegetable, and flower seeds. Each container of agricultural, vegetable or flower seeds which is sold, offered for sale or exposed for sale, or transported within this state for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the information as described in WAC 16-318-040 through 16-318-090 for treated seeds and WAC 16-318-205 through 16-318-235, which statement shall not be modified or denied in the labeling or on another label attached to the container.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-200, filed 1/11/90, effective 2/11/90.]

WAC 16-318-205 Labeling—General requirements for agricultural seeds except for grass seed mixtures and for hybrids which contain less than ninety-five percent hybrid seed. The label for agricultural seeds, except for grass seed mixtures and for hybrids that contain less than ninety-five percent hybrid seed shall contain the following information:

(1) The name of the kind and variety of each agricultural seed present in excess of five percent of the whole and the percentage by weight of each: *Provided*, That if the variety as designated in the regulations is not stated, the label shall show the name of the kind and the words, "variety not stated." Hybrids shall be labeled as hybrids.

(2) The lot number or other lot identification.

(3) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated.

(4) The percentage, by weight, of all weed seeds present: *Provided*, That the maximum weed seed content may not exceed two percent by weight except as provided in WAC 16-317-080 for small grain, field pea, lentil, and soybean seed.

(5) The name and rate of occurrence in seeds per pound of each kind of restricted noxious weed seed present.

(6) The percentage by weight of agricultural seeds, which may be designated as "crop seeds," other than those required to be named on the label.

(7) The percentage by weight of inert matter.

(8) For each named agricultural seed, except vegetable seeds as described in WAC 16-318-220 and flower seeds described in WAC 16-318-230:

(a) The percentage of germination, exclusive of hard seed, and the percentage of hard seed, if present, or "total germination and hard seed" as a single percentage.

(b) The calendar month and year the test was completed to determine such percentages.

(9) The name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within this state.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-205, filed 1/11/90, effective 2/11/90.]

WAC 16-318-210 Labeling—For seed mixtures for lawn and/or turf purposes. The labeling for seed mixtures for lawn or turf purposes shall be as follows:

(1) The lot number or other lot identification.

(2) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated.

(3) The word "mixed" or "mixture" stated with the name of the mixture.

(4) The heading "pure seed" and "germination" or "germ" used in the proper places.

(5) The commonly accepted name of kind or kind and variety of each agricultural seed component in excess of five percent of the whole, and the percentage by weight, in columnar form, of pure seed in order of its predominance.

(6) The percentage by weight of agricultural seed other than those required to be named on the label (which shall be designated as "crop seed"): *Provided*, That if the mixture contains no crop seed, the statement, "contains no other crop seed," may be used and may be flagged.

(7) The percentage by weight of inert matter.

(8) The percentage by weight of all weed seeds: *Provided*, That the maximum weed seed content may not exceed two percent by weight.

(9) For each agricultural seed named under subsection (3) of this section:

(a) The percentage of germination, exclusive of hard seed.

(b) The percentage of hard seed, if present.

(c) The calendar month and year of the most recent test completed to determine such percentages.

(10) The name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within this state.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-210, filed 1/11/90, effective 2/11/90.]

WAC 16-318-215 Labeling—Special requirements for seeds that are coated. The labeling for seeds that are coated shall include the following information in addition to the requirements of WAC 16-318-205:

(1) The percentage of pure seed with coating material removed.

(2) The percentage of coating material shown as a separate item in close association with the percentage of inert material.

(3) The percentage of germination as determined on four hundred coated seed pellets, with or without seeds.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-215, filed 1/11/90, effective 2/11/90.]

WAC 16-318-220 Labeling—Special requirements for vegetable seeds in packets as prepared for use in home. Labeling for vegetable seeds in packets as prepared for use in home gardens or household plantings or vegetable seeds in preplanted containers, mats, tapes, or other planting devices shall include the following information in addition to that required by WAC 16-318-205:

(1) The year in which the seed was packed for sale as "packed for planting in" or the percentage germination and the calendar month and the year the test was completed to determine that percentage.

(2) For seeds which germinate less than the standard established by the department in WAC 16-304-010:

- (a) Percentage of germination, exclusive of hard seed.
- (b) Percentage of hard seed, if present.
- (c) The words "below standard" in not less than eight-point type.

(3) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quality of seed without removing the seed from the medium, mat, tape or device, a statement to indicate the minimum number of seeds in the container.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-220, filed 1/11/90, effective 2/11/90.]

WAC 16-318-225 Labeling—Special requirements for vegetable seeds in containers other than packets. The labeling for vegetable seeds in containers, other than packets prepared for use in home gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices shall be deemed to have been met if the seed is weighed from a properly labeled container of more than one pound in the presence of the purchaser.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-225, filed 1/11/90, effective 2/11/90.]

WAC 16-318-230 Labeling—Special requirements for flower seeds. The labeling for flower seeds in packets prepared for use in home gardens or household plantings or flower seeds in preplanted containers, mats, tapes, or other planting devices shall include the following information in addition to that required by WAC 16-318-205:

(1) For all kinds of flower seeds:

(a) The name of the kind and variety or a statement of the kind and performance characteristics as prescribed in chapter 15.49 RCW and rules adopted thereunder.

(b) The calendar month and year the seed was tested or the year for which the seed was packaged.

(2) For seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard established under the provisions of chapter 15.49 RCW:

(a) The percentage of germination exclusive of hard seeds.

(b) The words "below standard" in not less than eight-point type.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-230, filed 1/11/90, effective 2/11/90.]

WAC 16-318-235 Labeling for agricultural and vegetable hybrid seed which contains less than ninety-five percent hybrid seed. The labeling for agricultural and vegetable hybrid seed which contains less than ninety-five percent hybrid seed shall include the following:

(1) The lot number or other lot identification.

(2) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated.

(3) The kind or variety labeled as "hybrid": *Provided*, That varieties in which pure seed contain less than seventy-five percent hybrid seed shall not be labeled as hybrids.

(4) The percent which is hybrid labeled parenthetically in direct association following named variety; i.e., Comet (eighty-five percent hybrid).

(5) The calendar month and year of a germination test of pure live seed or the year in which the seed was packaged.

(6) The percentage by weight of inert matter.

(7) The percentage, by weight, of all weed seeds present: *Provided*, That the maximum weed seed content may not exceed two percent by weight.

(8) The name and address of the person who labeled the seed, or who sells, offers; or exposes the seed for sale within this state.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-235, filed 1/11/90, effective 2/11/90.]

WAC 16-318-240 Labeling—Prohibitions. It shall be deemed unlawful if any labeling, advertising, or other representation subject to chapter 15.49 RCW:

(1) Represents seed to be certified seed or any class thereof unless it has been determined by a seed certifying agency that such seed conforms to standards of purity and identity as to kind, species (and subspecies, if appropriate), or variety, in compliance with the rules and laws of that agency pertaining to such seed.

(2) Represents seed to be foundation, registered, or certified seed unless it has been inspected and tagged accordingly by a certifying agency meeting certification standards of the department.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-240, filed 1/11/90, effective 2/11/90.]

WAC 16-318-300 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture.

(3) "Dealer" means any person who distributes seeds.

(4) "Buyer" means a person who purchases seeds.

(5) "Seeds" mean agricultural or vegetable seeds or other seeds as determined by rules adopted by the department.

(6) "Agricultural seed" includes grass, forage, cereal, oil, fiber, and other kinds of crop seeds commonly recognized within this state as agricultural seeds, lawn seeds, and combination of such seeds, and may include common and restricted noxious weed seeds but not prohibited noxious weed seeds.

(7) "Flower seeds" include seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold as flower seeds in this state.

(8) "Germination" means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions.

(9) "Label" includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the information required on the seed label by chapter 15.49 RCW, and it may include other information including the requirement for arbitration.

(10) "Official sample" means any sample taken and designated as official by the department.

(11) "Vegetable seeds" include the seeds of all crops that are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this state.

(12) "Arbitration committee" means the committee established by the director under RCW 15.49.101 to hear and make determinations in mandatory, nonbinding, arbitration cases.

(13) "Chairperson" means the person selected by the arbitration committee from among their numbers to preside.

(14) "Person" means an individual, partnership, corporation, company, association, receiver, trustee, or agent.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-300, filed 1/11/90, effective 2/11/90.]

WAC 16-318-305 Matters subject to mandatory arbitration. A civil dispute is subject to arbitration under these rules if it involves a claim of damage caused by the failure of any seed covered by the provisions of chapter 15.49 RCW, the Washington State Seed Act, to perform as represented on the required label, by warranty, or as a result of negligence. This arbitration is a prerequisite to maintaining a legal action against the dealer of the seed. All the following conditions must be met:

(1) The parties have not agreed to submit the dispute to arbitration and to be bound by the arbitration award.

(2) The claim or counterclaim where relief is sought is, or includes, a monetary amount in excess of two thousand dollars.

(3) Any statutory period of limitations with respect to such claim had not expired.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-305, filed 1/11/90, effective 2/11/90.]

WAC 16-318-310 Arbitration requirement—Labeling. For each container of agricultural, vegetable or flower seeds which is sold, offered for sale, or exposed for sale, or transported within this state for sowing purposes, there shall be conspicuously shown on the analysis tag, or a separate tag or label attached to each container, or printed in a conspicuous manner on the side or top of each container the following:

Requirement for arbitration - The Washington State Seed Act, chapter 15.49 RCW, requires mandatory arbitration of disputes involving allegedly defective seed. See WAC 16-318-300 through 16-318-420 or contact the Washington state department of agriculture, seed branch, (509) 575-2750, or such alternate wording as may be approved, in writing, by the director to meet the needs of the industry.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-310, filed 1/11/90, effective 2/11/90.]

WAC 16-318-315 Filing of a complaint for arbitration. To submit a demand for mandatory arbitration, a buyer shall make and file with the director of the department of agriculture a sworn complaint against the dealer.

(1) Such complaint shall contain:

(a) A statement setting forth the nature of the claim and damages.

(b) The dollar amount involved in the claim.

(c) The remedy sought.

(2) The complaint must be accompanied by a filing fee of one hundred dollars to cover the costs of processing the complaint.

(3) The buyer shall send the dealer that is the subject of the complaint a copy of the complaint by registered mail.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-315, filed 1/11/90, effective 2/11/90.]

WAC 16-318-320 Requirement to respond to complaint. Within twenty days within receipt of the sworn complaint, the dealer shall file an answer to the complaint with the director by United States registered mail.

(1) If no answer is filed within the stated time:

(a) It will be deemed that the claim is denied.

(b) The failure to file a timely response will be recorded and made a part of the official record.

(2) Failure to file a timely response shall not operate to delay the arbitration process.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-320, filed 1/11/90, effective 2/11/90.]

WAC 16-318-325 Acceptance of filing by telefax. Complaints, responses to complaints, counterclaims and other communications from parties to the dispute to the committee may be transmitted electronically by telefax except where this chapter specifically requires transmission by registered mail. Such transmissions shall be regarded with the same validity as if sent by United States mail.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-325, filed 1/11/90, effective 2/11/90.]

WAC 16-318-330 Arbitration committee. The director shall create an arbitration committee composed of five members, including the director, or a department of agriculture employee as his or her designee, and four members. Four alternates shall also be appointed by the director according to the requirements of RCW 15.49.111.

(1) Each alternate member shall serve only in the absence of the member for whom the person is an alternate.

(2) The arbitration committee shall elect a chairperson and a secretary from among its members.

(a) The chairperson shall conduct meetings and deliberations of the committee and direct its other activities.

(b) The secretary shall keep accurate records of all meetings and deliberations and perform other duties as assigned by the chairperson.

(3) The committee shall be called into session at the direction of the director or the chairperson.

(4) The members of the committee shall receive no compensation for their duties but shall be reimbursed for travel expenses according to established state travel and per diem rates.

Expense reimbursement shall be borne equally by the parties to the arbitration.

(5) A committee member, delegated with investigative responsibilities outside of the hearing under WAC 16-318-395, may not participate in making the final decision and award.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-330, filed 1/11/90, effective 2/11/90.]

WAC 16-318-335 Referral to arbitration committee.

Within fifteen days of the receipt of the answer or forty-five days of the receipt of a complaint, the director shall refer the claim to the arbitration committee established by RCW 15.49.101 for investigation, finding and recommendation. The buyer and seller shall be notified by certified mail:

(1) That the claim has been submitted to the arbitration committee.

(2) The names of the members of the arbitration committee and the alternates.

Within ten days after receipt of notification from the director, either buyer or seller may petition the director that a member of the arbitration committee be disqualified for cause and replaced by an available alternate member: *Provided*, That either buyer or seller may petition the director at any time during the process upon discovering facts that establish grounds for disqualification. Such decision shall be solely at the discretion of the director.

(3) No person may serve on the committee in any arbitration where he or she has a financial or personal interest in the result of the arbitration unless the parties, in writing, waive such disqualification.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-335, filed 1/11/90, effective 2/11/90.]

WAC 16-318-340 Scheduling of hearing. The chairperson of the arbitration committee shall fix the time and place for each hearing and shall notify each party in writing of the scheduled hearing at least seven days in advance of the hearing date.

(1) Such notice shall include:

(a) The names and addresses of the parties to whom notice has been given.

(b) The address and telephone number of the chairperson of the arbitration committee.

(c) The names and addresses of the members of the arbitration committee.

(d) The time, place, and subject of the hearing.

(e) A statement of the legal authority under which the hearing is being held including the sections of statute and rules involved.

(2) To the extent possible, the chairperson of the arbitration committee shall attempt to schedule the hearing at a time and place mutually agreeable to the parties: *Provided*, That if a mutually agreeable time and place cannot be found, the chairperson may set the time and place.

(3) The chairperson of the committee may allow all or a part of the hearing to be conducted by telephone, television, or other electronic means when the rights of the parties will not be prejudiced thereby and each party has an opportunity to participate.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-340, filed 1/11/90, effective 2/11/90.]

WAC 16-318-345 Representation by counsel. Any party in the arbitration may be represented by counsel. A party intending to be so represented shall notify the other party and the committee chairperson of the name and address of the counsel at least three days in advance of the hearing at which the counsel is first scheduled to appear. When an arbitration is initiated on behalf of a buyer by counsel or when a dealer replies through a counsel, such notice shall be deemed to have been given. The director shall make provision for legal support through the office of the attorney general, as requested by the arbitration committee.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-345, filed 1/11/90, effective 2/11/90.]

WAC 16-318-350 Waiver of oral hearing. The parties may provide, by written agreement submitted to the chairperson, that the hearing shall be conducted on the pleadings submitted without oral argument or testimony.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-350, filed 1/11/90, effective 2/11/90.]

WAC 16-318-355 Record of the hearing. The secretary of the arbitration committee shall maintain summary minutes of the hearing and shall provide for a tape recording of all oral proceedings. Any party may request copies of all tapes or transcription of testimony. The costs of the duplication or transcription shall be entirely borne by the requesting party.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-355, filed 1/11/90, effective 2/11/90.]

WAC 16-318-360 Attendance at hearings. The hearing shall be open to the parties to the dispute and other persons having a financial interest. The committee chairperson shall have the authority to require that any witness or witnesses retire from the hearing during the testimony of other witnesses. The admission of other persons to the arbitration hearing shall be at the discretion of the chairperson of the arbitration committee.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-360, filed 1/11/90, effective 2/11/90.]

WAC 16-318-365 Committee investigation. Upon referral of a complaint for investigation to the committee, the arbitration committee shall make a prompt and full investigation by the proceedings specified in this chapter of the matters in the complaint and report its award to the director within sixty days of such referral unless the parties in the dispute agree in writing to the chairperson to a later date: *Provided*, That if the committee decides to grow a representative sample of the seed that sixty-day period shall be extended an additional thirty days.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-365, filed 1/11/90, effective 2/11/90.]

WAC 16-318-370 Evidence. The parties may produce such evidence as they desire and such additional

evidence as the arbitration committee may deem necessary to understand the dispute and determine an award. The committee shall be the judge of the admissibility and relevance of all evidence offered. Conformity to strict legal rules of evidence shall not be required. All evidence shall be taken in the presence of the parties concerned, except where a party has waived that right or is absent after receiving proper notice.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-370, filed 1/11/90, effective 2/11/90.]

WAC 16-318-375 Evidence by affidavit. Evidence may be submitted for consideration of the arbitration committee in the form of witness by affidavit. The committee shall consider such evidence and give to it only such weight as the committee deems appropriate after consideration of any objections made to its admission. All parties shall be entitled to examine such documents and shall be entitled to a copy upon request and payment of duplication costs.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-375, filed 1/11/90, effective 2/11/90.]

WAC 16-318-380 Discovery. Use of discovery is limited in mandatory arbitration cases.

(1) The following types of discovery may be requested of the arbitration committee:

- (a) Deposition.
- (b) Written interrogatories.
- (c) Request for production of documents.

(2) The arbitration committee may allow and condition use of discovery on a showing of necessity and an unavailability by other means.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-380, filed 1/11/90, effective 2/11/90.]

WAC 16-318-385 Arbitration in the absence of a party. The arbitration may proceed in the absence of any party who, after due notice, fails to be present or fails to request an adjournment or postponement. An award may not be made solely on the failure to appear. The arbitration committee, in these cases, shall require the party who is present to present such evidence or information as the committee deems necessary to determine an award.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-385, filed 1/11/90, effective 2/11/90.]

WAC 16-318-390 Order of proceedings. When an oral hearing is held, the order of procedure for conducting arbitration hearings shall be as follows:

(1) The chairperson shall open the hearing on behalf of the committee stating the place, time and date of the hearing; the members of the arbitration committee and the parties to the arbitration and their counsel, if any; and recital of the buyer's claim, any counterclaim, and the dealer's response, if any.

(2) The parties shall have the opportunity to present an opening statement.

(3) The complaining party shall have the opportunity to present the claim for damages, the proof and witnesses and

shall submit to questions and other examination by the arbitration committee.

(4) The defending party shall present the defense and his or her proof including witnesses and shall submit to questions or other examination by the arbitration committee.

(5) Each party shall have the right of cross-examination.

(6) The arbitration committee may vary this procedure: *Provided*, That both parties are provided a full and equal opportunity to present their evidence and proofs.

(7) The names and addresses of all witnesses shall be recorded and made a part of the record.

(8) Both parties shall have an opportunity to present a summary statement.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-390, filed 1/11/90, effective 2/11/90.]

WAC 16-318-395 Expert evidence and performance tests. The committee may delegate one of its members to seek advice from experts in the seed industry and/or the seed inspection service of the department of agriculture or the Washington State Crop Improvement Association; may cause to be obtained and grow out a representative sample of the seed; may delegate a portion of the investigation to one of its members who reports back to the committee as a whole at the hearing; or may cause to be performed such other tests of seed quality as may be deemed necessary to render a decision. The results of any such investigation or tests shall be entered into the record at the arbitration hearing. The costs of any such tests necessary to determine an award shall be considered in the award.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-395, filed 1/11/90, effective 2/11/90.]

WAC 16-318-400 Conservation of property. The chairperson, on behalf of the arbitration committee, may issue such orders as may be deemed necessary to safeguard the seed and/or the crop in the field that is the subject of the dispute without prejudice to the rights of the parties or to the final determination of the dispute.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-400, filed 1/11/90, effective 2/11/90.]

WAC 16-318-405 Reopening of a hearing. An arbitration hearing may be reopened by the following:

(1) The chairperson of the arbitration committee with the assent of a majority of the committee members may reopen a hearing.

(2) A hearing may be reopened by the chairperson with assent of a majority of the committee upon petition of either party prior to the final committee report.

(3) A hearing may not be reopened if such action would cause the sixty-day time limit (ninety days with a grow out test) to be exceeded without the written consent of both parties.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-405, filed 1/11/90, effective 2/11/90.]

WAC 16-318-410 Expenses. The expenses for witnesses for either side shall be borne entirely by the party producing such witnesses. The expenses of expert witnesses

deemed necessary by the committee shall be borne by the department according to established state travel and per diem rates. The costs of grow out tests or other tests that may be required that exceed the amount of the filing fee may be allocated by the committee in making the award.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-410, filed 1/11/90, effective 2/11/90.]

WAC 16-318-415 Arbitration committee report.

The arbitration committee shall prepare a written report of its findings within the established time frames. The report shall include findings of fact and conclusions, the award and allocations as to costs, if any.

(1) If a quorum is present, a simple majority of the arbitration committee shall be sufficient to make a decision.

(2) Any member disagreeing with an award may prepare a dissenting opinion and that opinion shall be included in the committee report.

(3) The report shall be sent to the director.

The director shall promptly send copies of the report to the parties by registered mail.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-415, filed 1/11/90, effective 2/11/90.]

WAC 16-318-420 Award upon settlement. If the parties to a dispute settle that dispute during the course of an arbitration, the committee, at the request of the parties, may set forth the terms of the agreed settlement in the award.

[Statutory Authority: Chapter 15.49 RCW. 90-03-026 (Order 2027), § 16-318-420, filed 1/11/90, effective 2/11/90.]

Chapter 16-319 WAC

FOREST TREE SEED CERTIFICATION

WAC

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|------------|--|
| 16-319-001 | Promulgation. |
| 16-319-002 | Promulgation. |
| 16-319-003 | Promulgation. |
| 16-319-004 | Promulgation. |
| 16-319-006 | Promulgation. |
| 16-319-007 | Promulgation. |
| 16-319-010 | Forest tree seed certification—Certifying agency. |
| 16-319-020 | Forest reproductive material certification standards. |
| 16-319-030 | Classes of reproductive material. |
| 16-319-041 | Application for certification of forest reproductive material. |
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| 16-319-081 | Forest reproductive material—Affirmation by certifying agency. |
| 16-319-091 | Forest reproductive material—Mixing of lots. |
| 16-319-101 | Forest reproductive material—Rejection of certification. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-319-040 | Basis for rejection. [Order 1089, § 16-319-040, filed 6/4/68; Order 1044, Regulation 6, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 6, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70. |
| 16-319-050 | Basis for refusal to inspect. [Order 1089, § 16-319-050, filed 6/4/68; Order 1044, Regulation 7, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 7, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70. |

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| 16-319-060 | Right of appeal. [Order 1089, § 16-319-060, filed 6/4/68; Order 1044, Regulation 8, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 8, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70. |
| 16-319-070 | Seed standards. [Order 1089, § 16-319-070, filed 6/4/68; Order 1044, Regulation 9, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 9, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70. |
| 16-319-071 | Audit standards. [Order 1369, § 16-319-071, filed 6/12/74; Order 1151, § 16-319-071, filed 4/16/70.] Repealed by Order 1506, filed 4/11/77. |
| 16-319-080 | Fees. [Order 1089, § 16-319-080, filed 6/4/68; Order 1044, Regulation 10, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 10, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70. |
| 16-319-090 | Lot identity. [Order 1089, § 16-319-090, filed 6/4/68; Order 1044, Regulation 11-14, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 11-14, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70. |
| 16-319-100 | Buying station records. [Order 1089, § 16-319-100, filed 6/4/68; Order 1044, Regulation 15, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 15, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70. |
| 16-319-110 | Maintenance of cone identification labels. [Order 1089, § 16-319-110, filed 6/4/68; Order 1044, Regulation 16, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 16, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70. |
| 16-319-120 | Cone and seed inventory records. [Order 1089, § 16-319-120, filed 6/4/68; Order 1044, Regulation 17, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 17, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70. |
| 16-319-130 | Tagging and sealing. [Order 1089, § 16-319-130, filed 6/4/68; Order 1044, Regulation 18, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 18, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70. |
| 16-319-140 | Blending of lots. [Order 1089, § 16-319-140, filed 6/4/68; Order 1044, Regulation 19, filed 4/14/67, effective 5/15/67; Order 1030, Regulation 19, filed 8/19/66, effective 9/19/66.] Repealed by Order 1151, filed 4/16/70. |

WAC 16-319-001 Promulgation. I, Donald W. Moos, director of agriculture, by virtue of the authority vested to me under chapter 15.48 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington on July 25, 1966, do promulgate the following regulation relating to the designation of a forest tree seed certifying agency.

[Order 1028, Promulgation, filed 8/4/66, effective 9/4/66.]

Reviser's note: WAC 16-319-001 applies to WAC 16-319-010 only.

WAC 16-319-002 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.48 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington, on May 16, 1968, do hereby promulgate the following regulations constituting the standards and procedures for forest tree seed certification.

[Order 1089, § 16-319-002, filed 6/4/68; Order 1044, Promulgation, filed 4/14/67, effective 5/15/67; Order 1030, filed 8/19/66, effective 9/19/66.]

WAC 16-319-003 Promulgation. (This promulgation relates to Order 1089 and WAC 16-319-020, 16-319-040, 16-319-050, 16-319-060, 16-319-070, 16-319-080, 16-319-090, 16-319-100, 16-319-110, 16-319-120, 16-319-130, and 16-319-140 and 16-319-002.)

I, Donald W. Moos, director of agriculture, by virtue of the authority vested in me under chapter 15.49 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Yakima, Washington on April 1, 1970 do amend the following regulation relating to the designation of a forest tree seed certifying agency.

[Order 1151, § 16-319-003, filed 4/16/70.]

WAC 16-319-004 Promulgation. (This promulgation relates to Order 1151 and WAC 16-319-041 only.)

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.49 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW, and a public hearing held in Othello, Washington on March 24, 1971, do hereby amend the following regulation relating to the application for seed certification.

[Order 1189, § 16-319-004, filed 4/16/71.]

WAC 16-319-006 Promulgation. (This promulgation relates to Order 1151 and WAC 16-319-061 only.)

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.49 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW, and a public hearing held in Yakima, Washington on March 23, 1972, do hereby amend the following regulation relating to cone and seed processing standards.

[Order 1247, § 16-319-006, filed 4/13/72.]

WAC 16-319-007 Promulgation. (This promulgation relates to Orders 1151, 1189 and 1247, WAC 16-319-020 through 16-319-081.)

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.49 RCW, after due notice as provided under chapters 42.32 and 34.04 RCW, and a public hearing held in Yakima, Washington on June 4, 1974 do hereby promulgate the following regulations relating to forest tree seed certification.

[Order 1369, § 16-319-007, filed 6/12/74.]

WAC 16-319-010 Forest tree seed certification—Certifying agency. The Washington State Crop Improvement Association, Inc. is hereby designated to act as the duly authorized agent of the director of agriculture for the purpose of assisting in certifying forest tree seeds and shall perform such duties as the director may assign as provided in chapter 15.48 RCW, specifically RCW 15.48.150(1).

[Order 1028, Regulation 1, filed 8/4/66, effective 9/4/66.]

WAC 16-319-020 Forest reproductive material certification standards. (1) Purpose. The purpose of certification of forest reproductive material is to make available reproductive material properly identified by species or species and cultivar, and by source or source and origin.

(2) Definitions:

(a) Applicant means person or organization who submits application for certification of forest reproductive material to

certifying agency and who assumes responsibility for compliance with these standards.

(b) Audit means periodic examination and check by certifying agency of any part or all of the records and procedures specified in field standards and conditioning standards, and of additional records pertinent to inventory and distribution of reproductive material including verification of corresponding physical inventory to assure that no significant errors or omissions exist.

(c) Batch means all or part of a lot of reproductive material of a single species collected during one crop season from within stated breeding zone(s) or from within stated five hundred foot elevation increment(s) in stated seed zone(s) that is collected or processed at one time.

(d) Breeding zone means a specific designated unit of land, the description of which is on file at the certifying agency, for which an improved population of trees of a specific species or species cross is being produced.

(e) Buyer means person who first receives reproductive material from the collector.

(f) Certificate of genetic identity means a document furnished by the producer on demand and verified by the certifying agency describing the ancestry and breeding behavior of a lot of reproductive material.

(g) Certification of reproductive material means execution by certifying agency of field inspection, plant/warehouse inspection and/or audit to accomplish the purpose described in subsection (1) of this section.

(h) Certifying agency means the duly designated agent of the state agency: In Oregon state, the Oregon Seed Certification Service, 31 Crop Science Building, Oregon State University, Corvallis, Oregon 97331; in Washington state, Washington State Crop Improvement Association, Inc., 513 North Front Street, Yakima, Washington 98901.

(i) Certificate of provenance means a document issued by certifying agency which verifies source and origin of reproductive material by field inspection and audit. (Only certificates of provenance are issued to satisfy O.E.C.D.)

(j) Character means a distinctive trait, but not necessarily an invariable feature, exhibited by all individuals of a group and capable of being described or measured: e.g., growth; form; color; resistance to disease, insects, weather, animals, etc.

(k) Code means a unique identification of a group of the producer's pertinent records about a lot of forest reproductive material.

(l) Collector means a person who collects forest reproductive material at its source.

(m) Elevation means altitude above sea level and is divided in five hundred foot increments as shown below, or may mean appropriate elevational bands as provided for under code and/or breeding zone.

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|------------------|-----------|------------------|-----------|
| 0 - 500 feet | — Code 05 | 2501 - 3000 feet | — Code 30 |
| 501 - 1000 feet | — Code 10 | 3001 - 3500 feet | — Code 35 |
| 1001 - 1500 feet | — Code 15 | 3501 - 4000 feet | — Code 40 |
| 1501 - 2000 feet | — Code 20 | 4001 - 4500 feet | — Code 45 |
| 2001 - 2500 feet | — Code 25 | 4501 - 5000 feet | — Code 50 |
| | | and so forth. | |

(n) Field inspection means observation by certifying agency of all activities and records involved in propagation, collection, buying, production, and transportation of forest

reproductive material to assure compliance with field standards.

(o) Forest reproductive material means plant material of genera and species of trees which will be used for forestry.

(p) Genetic identity means the ancestry and breeding background of selected and tested classes only of the forest reproductive material.

(q) Genetic superiority means that forest reproductive material originated from tree(s) whose superiority in one or more characters important to forestry has been proven by tests conducted in specified environments.

(r) Location means description by seed zone or portion thereof and elevation and/or breeding zone or code.

(s) Legal description means legal cadastral survey subdivision.

(t) Lot means a homogeneous quantity of forest reproductive material.

(i) For tested and selected classes, it is of a single species, cultivar, or cross collected during one crop season from a distinctively described and recorded population of trees.

(ii) For source identified class, it is a single species collected during one crop season from within stated seed zone(s) and from within five hundred foot elevation increment(s) and/or breeding zones or appropriate codes.

(iii) For audit class, it is a single species collected during one crop season from within stated seed zone(s) and from within five hundred foot elevation increment(s).

(iv) Lots shall be identified by number and/or code or breeding zone.

(u) Origin means the location of the indigenous parents; for nonindigenous parents, it is the location from which the seed or plants were originally introduced.

(v) Plant/warehouse inspection means observation by certifying agency of all activities and records involved in receiving, processing, storage and labeling of forest reproductive material to assure compliance with conditioning standards.

(w) Producer means person, company, bureau or agency with overall responsibility for producing forest reproductive material.

(x) Provenance means the original geographic source of seed, pollen or propagules.

(y) Reproductive material means seed, pollen, trees, cuttings, scions, etc., originating from forest trees.

(z) Seed zone means a geographic area delineated on western forest tree seed council's tree seed zone map published July 1973, or similarly authoritative maps of seed zones as approved by certifying agency.

(aa) Source means the location of the immediate parents, the origin of which may be indigenous, nonindigenous, or unknown.

(bb) Test means evaluation of parents by comparing the performance of their offspring under more controlled conditions that exist for the parent(s) or other applicable tests which evaluate specific character(s) of the parents or the offspring.

(cc) Unit of measure means a consistent volume of measure, i.e., bushels, pounds, grams, number, cubic centimeters, etc.

(Order 1625), § 16-319-020, filed 4/30/79; Order 1506 § 16-319-020, filed 4/11/77; Order 1369, § 16-319-020, filed 6/12/74; Order 1151, § 16-319-020, filed 4/16/70; Order 1089, § 16-319-020, filed 6/4/68; Order 1044, Regulation 1-5, filed 4/14/67, effective 5/5/67; Order 1030, filed 8/19/66, effective 9/19/66.]

WAC 16-319-030 Classes of reproductive material.

(1) Tested class means that forest reproductive material came from tree(s) which have been tested for specific character(s) as determined by progeny or other applicable tests and under specified conditions. Further, such forest reproductive material is produced and processed in a manner assuring genetic identity common with the tested material, and, for nursery stock, that it was produced from tested reproductive material. Said forest reproductive material shall be labeled with a blue label stating "tested." Certifying agency shall examine trees and reproductive material; exercise field, plant, and warehouse inspection, and audit all pertinent records involved.

(2) Selected class means that reproductive material came from trees that were selected for specific character(s). Two subclasses are recognized:

Subclass A: Reproductive material is obtained from selected trees and, in addition for tree seed, the male parent(s) is also selected.

Subclass B: Applies to tree seed when only one parent is selected.

Both subclasses shall be labeled with a green label stating "selected" and the subclass. Certifying agency shall examine trees and reproductive material; exercise field, plant, and warehouse inspection, and audit all pertinent records involved.

(a) Selected subclass A means that the donor or parents of the reproductive material are selected, known, and of record, but have no test results of record, and, for nursery stock, that it was produced from selected subclass A or better reproductive material.

(b) Selected subclass B means that only one parent of the tree seed is selected, known, and of record and reproductive material has not been tested, and, for nursery stock, that it was produced from selected subclass B or better reproductive material.

(3) Source identified class means that the reproductive material came from within a seed zone(s) or portion thereof (as defined by legal description) and from within a 500-foot elevation increment(s) or breeding zone(s) or code(s).

Subclass A: Personally supervised production.

Subclass B: Procedurally supervised production.

Both classes of said reproductive material shall be labeled with a yellow label stating "source identified" and the subclass. Certifying agency shall exercise field inspection, plant/warehouse inspection, and audit.

(a) Subclass A source identified means that applicant and certifying agency personally know beyond a reasonable doubt the seed zone(s) or portion thereof and 500-foot elevation increment(s) within which cones and/or reproductive material were collected; and, for nursery stock, that it was produced from subclass A source identified or better reproductive material. Certifying agency knows location from applicant's prior written plan of his reproductive material collecting and/or producing activities. For source identified subzone collections, a representative of the

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-020, filed 5/22/87; 84-13-079 (Order 1834), § 16-319-020, filed 6/21/84; 80-10-001 (Order 1704), § 16-319-020, filed 7/24/80; 79-05-070

producer, whose major responsibility is observation of picker location, shall make daily observations within the collection area.

(b) Subclass B source identified means that applicant and certifying agency know reproductive material is identified as collected from within a seed zone(s) and from within a 500-foot elevation increment(s), and for nursery stock, that it was produced from subclass B source identified or better reproductive material.

(4) Audit class means that the applicant's records of procurement, processing, storage, and distribution state that the reproductive material was collected from within stated seed zone(s) or described portions thereof and from within 500-foot elevation increment(s), and, for nursery stock, certifying agency knows that it was produced from audit class or better reproductive material. Containers of said reproductive material shall carry a serially numbered brown and white label stating "audit certificate." All records of the applicant for this class of reproductive material are subject to audit.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-030, filed 5/22/87; 80-10-001 (Order 1704), § 16-319-030, filed 7/24/80; Order 1506, § 16-319-030, filed 4/11/77; Order 1369, § 16-319-030, filed 6/12/74; Order 1151, § 16-319-030, filed 4/16/70.]

WAC 16-319-041 Application for certification of forest reproductive material. (1) The conditions of applicant's submittal and of certifying agency's acceptance of application are:

(a) The application should show all classes for which certification services are requested.

(b) All reproductive material acquired or distributed by applicant of a type for which certification is requested is subject to audit.

(c) Applicant shall be responsible for payment of fees for certification services.

(d) Applicant is responsible for developing a record keeping system and labels available and satisfactory to the certifying agency.

(e) Certifying agency reserves the right to refuse certification service to applicant.

(f) Application for audit certification reproductive material shall be filed with certifying agency of the state in which warehouse, nursery, etc., is located with a copy to the certifying agency in the state where the reproductive material is collected.

(2) Timing of application requests for certification services:

(a) Application requests for source identified subclass B and lower classes for the current year's production of reproductive material shall be received by certifying agency from applicant not later than three days prior to initiation of collection, production, or propagation of forest reproductive material.

(b) For source identified subclass A and higher certification class, the applicant shall make application for service, and present a written plan to the certifying agency two weeks prior to the beginning of the collection season. The written plan will include the following:

(i) For subzone collection, areas shall be defined by legal description.

(ii) Details of the collection organization including names of buyers and field supervisors, estimated harvest volume, receiving station location(s), and other pertinent information.

(c) Application requests for all other services shall be received by certifying agency from applicant not later than seven days before need.

(3) The certifying agency establishes the fee schedule for certification services. These may be adjusted at the beginning of a crop year if certifying agency determines that costs are significantly more or less than anticipated: *Provided*, That increases shall not exceed twenty-five percent.

(a) Cones and seed:

(i) Tested and selected - the service includes review of test plans, audit of pertinent records and field inspection at the hourly job time rate shown in current fee schedule.

(ii) Source identified classes - the fee includes field inspection at the per bushel rate shown in the current fee schedule and audit of conditioning at the hourly rate also shown in the current fee schedule.

The fee for each lot containing less than sixty bushels shall be a maximum of thirty-six dollars: *Provided*, That the certifying agency, due to specific circumstances, may waive this maximum fee or a part thereof.

(iii) Audit class - the fee includes audit of applicant's field and conditioning records at the hourly rate shown in the current fee schedule.

(b) Trees: The fee includes the verification of the source of the trees from the seed source, stratification, sowing, bed identification, lifting, sorting, package identification, storing and/or transplanting.

(c) Not entered for certification: The fee for audit of reproductive material not entered for certification service is performed as required by and satisfactory to certifying agency to exercise said audit simultaneously with audit of reproductive material which applicant has requested certification service.

(d) The fee for certification classes applied for shall be charged whether or not offered material qualifies.

(e) The certifying agency may provide other services, such as training to comply with these standards, advising on the development of recordkeeping systems directly connected with certification needs if requested by the applicant.

(4) Fee schedule:

(a) Tree cones and seed -

| Certification Classes | Field Inspection | Audit | Fee Due |
|----------------------------|------------------|-------------|-------------|
| Tested and Selected | \$21.55/hr. | \$21.55/hr. | When billed |
| Source Identified Classes: | | | |
| Lots 11 bu. and more | \$0.73/bu. | \$21.55/hr. | |
| Lots 6-10 bu. | \$17.34/lot | \$21.55/hr. | |
| Lots 0-5 bu. | \$10.51/lot | \$21.55/hr. | |
| Audit | None | \$21.55/hr. | When billed |

(b) Tree certification - \$21.55/hr.

Seedling certification - experience has shown that seedling certification normally requires a minimum of five nursery visits totalling approximately thirty-two hours. Plantation certification procedures shall be billed at the hourly rate.

(c) Other services including education to comply with the standards, development of record system, verification of source of pollen, cuttings, audit of forest reproductive

material not offered for certification by applicant or other services requested, etc. at \$21.55/hour payable when billed.

(d) OECD certification (certificates of provenance) - \$0.52 per certificate plus the hourly audit rate. (Auditors shall issue certificates.)

[Statutory Authority: RCW 15.49.370(3), 96-11-044 (Order 5097), § 16-319-041, filed 5/8/96, effective 6/8/96. Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-041, filed 5/22/87; 84-13-079 (Order 1834), § 16-319-041, filed 6/21/84; 80-10-001 (Order 1704), § 16-319-041, filed 7/24/80; 79-05-070 (Order 1625), § 16-319-041, filed 4/30/79; Order 1506, § 16-319-041, filed 4/11/77; Order 1369, § 16-319-041, filed 6/12/74; Order 1189, § 16-319-041, filed 4/16/71; Order 1151, § 16-319-041, filed 4/16/70.]

WAC 16-319-051 Forest reproductive material—Field standards. (1) Tested and selected classes. Applicant shall maintain continuous record(s) satisfactory to certifying agency which maintains the identity of the reproductive material through all stages of production, collection, processing, storage, and disbursement from stores, and, in addition, such records as needed to trace the pedigree and document the performance of the reproductive material. The records shall include but are not limited to those involving:

(a) Selection, location, and origin of the parent trees.

(b) Pollen, seed, scions, etc., collection, processing, inventory, storage, and use in tree improvement and breeding programs.

(c) Design, establishment and management of test(s) and the collection, analysis and interpretation of test data.

(d) Nursery stock production.

Certifying agency shall inspect all phases of the field operation including periodic checks of parent trees, pollen and scion collections; pollinations; cone harvest, storage, processing and inventory; and tests, together with appropriate records.

(2) Source identified reproductive material. Applicant shall develop and make correct use of collector and buyer labels, collector registration, and transportation records, and for nursery stock, labels and records identifying the stock as originating from source identified or better reproductive material.

(a) Subclass A.

(i) Control of collectors shall be such that applicant and certifying agency personally know beyond a reasonable doubt the seed zone or breeding zone or code or portions thereof (as delineated by legal description), and 500-foot elevation increment or specified elevation increment for breeding zone(s) or code(s) within which reproductive material was collected. Control of producers of nursery stock shall be such that applicant and certifying agency personally know beyond a reasonable doubt that the nursery stock was produced from source identified subclass A or better reproductive material.

(ii) Applicant shall provide certifying agency with a written reproductive material collection and/or nursery stock production plan (not later than three days) prior to collection of reproduction material or production of nursery stock.

(iii) Further, all following requirements of subclass B shall be met.

(b) Subclass B.

(i) All collectors shall be supervised sufficiently so that either buyers know where reproductive material was collect-

ed, or buyers shall purchase all reproductive material that collectors present for sale without differential of acceptance stated or implied, as to source, location, seed zone, or elevation.

(ii) Buyer shall require collector to sign collector's registration record prior to collection of reproductive material. He shall also issue collector's labels, and direct collector to complete them and place them in or attach them to each container of reproductive material before it is transported from point of collection. Coincident with purchase of reproductive material, he shall complete description on labels including species, source by seed zone, breeding zone or code, elevation increment, special collection area if any, certification class, date of purchase and his signature or initials.

(iii) Buyer shall maintain a buyer record on a form for all reproductive material received, listing species, seed zone, elevation increment, units of reproductive material, date of purchase, collector's name and buyer's name.

(iv) Buyer shall maintain transportation record showing species, seed zone, elevation increment, units of reproductive material, and date shipped.

(v) Producers of nursery stock shall be supervised sufficiently so that applicant knows that the stock was produced from source identified subclass B or better reproductive material.

(vi) The certifying agency shall advise the applicant of problems or conditions that affect competent verification or execution of these standards by certifying agency and applicant.

(vii) Unless other arrangements are made, the certification class shown by the producer on all containers of reproductive material shall be verified by the certifying agency before being transported from the receiving station. The producer is responsible for evidence of verification of the certification class applied for.

(3) Audit class reproductive material.

(a) Buyer shall require collector to sign collector's registration record and to complete collector's labels prior to purchase of reproductive material.

(b) Buyer shall maintain a buyer record on a form for all reproductive material received, listing species, seed zone, elevation increment, units of reproductive material, date of purchase, collector's name and buyer.

(c) Buyer or other shipper of reproductive material shall maintain a transportation record showing species, seed zone, elevation increment, units of reproductive material and date shipped.

(d) Producers of nursery stock shall maintain auditable records identifying the stock as being produced from audit class or better reproductive material.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-051, filed 5/22/87; 80-10-001 (Order 1704), § 16-319-051, filed 7/24/80; Order 1506, § 16-319-051, filed 4/11/77; Order 1369, § 16-319-051, filed 6/12/74; Order 1151, § 16-319-051, filed 4/16/70.]

WAC 16-319-061 Forest reproductive material—Conditioning standards. (1) Applicant shall maintain a continuous record for each lot and batch of reproductive material at each plant or warehouse, showing lot and batch number or code, species, seed zone, breeding zone or code, elevation increment, date received and units of reproductive

material. Reproductive material stored at plant or warehouse prior to conditioning shall be assembled by lot or batch and so arranged as to be reasonably accessible for audit. The auditor will advise producer before making changes in the certification class of cones or seed offered by the producer.

(2) Labels shall be maintained on containers until reproductive material is conditioned. During conditioning, labels shall be removed and immediately deposited in a container marked with the lot or batch designation or code. Upon completely emptying the containers for each lot or batch of audit or source identified classes, the package of labels from it shall be closed and set aside for examination by the certifying agency auditor. All labels for tested and selected classes shall be attached to or placed inside of the seed containers by the producer for examination by the certifying agency auditor. These labels shall remain with the seed until the lot is depleted.

(3) All reproductive material shall be handled in a manner to prevent lot mixture and maintain lot identity. All machinery, containers, and equipment shall be thoroughly cleaned before conditioning another lot or batch.

(4) Specific requirement: Certifying agency may refuse to certify reproductive material failing to meet the following maximum standards: Other distinguishable species or cultivars: Seed one-half of one percent by weight; trees, cuttings, scions, etc. one percent by number; pollen one percent by number.

(5) Labeling and sealing of tested, selected, or source identified reproductive material shall be done by the certifying agency.

(a) Labeling of audit class reproductive material shall be done by the applicant with the label being affixed to the container: *Provided*, That for small sales (any quantity of reproductive material less than a full container of a size normally used by the applicant) the label may be affixed to the invoice or sales slip.

(6) For each lot of tested or selected reproductive material, a certificate of genetic identity shall be prepared and affirmed by the producer upon demand and, if verified by the certifying agency, shall be signed and placed in or attached to each container before other labels or seals are affixed. The certificate of genetic identity shall include the following information:

(a) For both tested and selected reproductive material, the lot number, breeding zone or code and information on:

(i) The donor or parents which produced the reproductive material, including their selection generation, type of selection made, selected character(s), seed zone(s) and elevation increment(s) in which selection was made, and selection procedure.

(ii) For each prior selection generation, the same information.

(iii) For sexual reproductive material, whether pollination was controlled or not: If controlled, the pollen situation; if controlled, the pollen or pollen mix used, including identification of pollen parent(s), also the number of maternal parents, and, if applicable, the crossing design used.

(b) For tested reproductive material only.

(i) A progeny, clonal, or other applicable test plan shall normally be submitted to the certifying agency for review and acceptance before installation. Acceptance of the test plan may be made after installation providing requirements

in WAC 16-319-051(1) and 16-319-061 (6)(b)(ii) are met. Applicant may request assistance from the certifying agency in the development of a plan.

(ii) The plan shall include in the test both randomization and replication for the material to be tested and the identity and background of the check material to be used.

(iii) Complete randomization and balanced randomized blocks are recommended. The actual design of the established test shall be recorded in detail.

(iv) Trees to be planted for tests shall be grown together in soil as uniform as possible, or, if they are grown in different soils, shall be so distributed that like proportions of all clones or progenies are produced in each distinct class of soil.

(v) Test measurements are to be presented in numerical form. Each character to be evaluated is to be measured separately. The genetic superiority as compared with the check shall be clearly demonstrated for at least one of the characters being tested. Characters of economic importance in forestry identified in the test shall be clearly reported if they are significantly inferior at the ninety-five percent level to those of the check material.

(vi) The results of the test measurements and data shall be readily available to the certifying agency and prospective user or purchaser.

(7) A document, acceptable to the certifying agency for informing the purchaser of species and certification information of each item, and, for auditing purposes, shall be issued by the producer for each sale of tested, selected, source identified, and audit class reproductive material. Such document may be a certificate of provenance for tested, selected, or source identified reproductive material, or an invoice, shipping order, or sales slip for audit class reproductive material. The certifying agency may authorize use of said certificate of provenance for portions of reproductive material from labeled and sealed containers in lieu of labels and seals when relabeling and resealing by the certifying agency is impractical.

(8) If a lot is composed of reproductive material from more than one seed zone, elevation increment or code in excess of seven percent if of contiguous seed zones, elevation increments, or codes or if in excess of two percent of other than contiguous seed zones, elevation increments, or codes, the certification label shall show all seed zones, elevation increments, or codes either with or without the percentage of each.

(9) The allowance for accidental mixing of noncertifiable reproductive material with audit class, or noncertifiable or audit class reproductive material with source identified classes is two percent. When in excess of two percent, the lot shall drop to the lowest class represented. No mixing of lower classes with selected or tested classes is permissible.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-061, filed 5/22/87; 84-13-079 (Order 1834), § 16-319-061, filed 6/21/84; 80-10-001 (Order 1704), § 16-319-061, filed 7/24/80; Order 1506, § 16-319-061, filed 4/11/77; Order 1369, § 16-319-061, filed 6/12/74; Order 1247, § 16-319-061, filed 4/13/72, effective 5/14/72; Order 1151, § 16-319-061, filed 4/16/70.]

WAC 16-319-081 Forest reproductive material—Affirmation by certifying agency. Affixing of label or label and seal to a container of forest reproductive material

or to a certificate of provenance or certificate of genetic identity by the certifying agency affirms that to the best of its knowledge the reproductive material meets these forest reproductive material certification standards.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-081, filed 5/22/87; Order 1506, § 16-319-081, filed 4/11/77; Order 1369, § 16-319-081, filed 6/12/74; Order 1151, § 16-319-081, filed 4/16/70.]

WAC 16-319-091 Forest reproductive material—Mixing of lots. (1) When lots collected in the same or different crop seasons are deliberately mixed, the new lot shall be given a new identification number and certification label. The certification class shall drop to the lowest certification class represented in the new lot.

(2) For the tested and selected classes, the certification label shall show the components of the new lot and the percentage of each in the new lot, or this information shall be contained on a properly executed certificate of genetic identity placed in, or attached to each container of the lot before other labels or seals are affixed.

(3) For the source identified classes and the audit class, the certification label shall show the components of the new lot and the percentage of each in the new lot.

(4) Lots being mixed shall be uniformly blended into the new lot so that they are near equally represented throughout the new lot.

(5) The producer of the new lot shall make the last viability information for the component parts of the new lot available to the certifying agency and prospective user or buyer upon demand.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-091, filed 5/22/87.]

WAC 16-319-101 Forest reproductive material—Rejection of certification. Any lot may be rejected if certifying agency determines that said lot fails to meet these standards. The privilege of certification may be withdrawn by certifying agency for a definite period of time in case of flagrant violations of field or processing standards. If applicant believes an erroneous decision has been rendered, he may make written appeal to certifying agency for review by its governing body.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-101, filed 5/22/87.]

**Chapter 16-321 WAC
GRASS SOD—CERTIFICATION STANDARDS**

WAC

16-321-001 Purpose.
16-321-010 Grass sod certification standards.
16-321-020 By whom certified.
16-321-030 Varieties eligible.
16-321-040 Application for sod certification.
16-321-050 Certification fees.
16-321-060 Land requirements.
16-321-070 Eligibility of seed stock.
16-321-080 Field standards.
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16-321-120 Responsibility and obligations.

(1997 Ed.)

WAC 16-321-001 Purpose. The purpose of sod certification is to maintain and make available to the public high quality sod of turfgrasses so grown and distributed as to insure genetic identity and purity and high degree of freedom from weeds, diseases, injurious insects, and other pests.

[Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-001, filed 5/30/80.]

WAC 16-321-010 Grass sod certification standards. The general seed certification standards and grass seed certification standards are basic and together with the sod quality certified seed standards and the following specific regulations shall constitute the standards for grass sod certification in Washington state.

[Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-010, filed 5/30/80.]

WAC 16-321-020 By whom certified. Grass sod certification in the state of Washington shall be conducted by Washington state department of agriculture in cooperation with the Institute of Agri Sciences, Washington State University and Association of Official Seed Certification agencies.

[Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-020, filed 5/30/80.]

WAC 16-321-030 Varieties eligible. Only those species and varieties tagged sod quality certified seed by an official certification agency shall be eligible for sod certification.

[Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-030, filed 5/30/80.]

WAC 16-321-040 Application for sod certification. Application for sod certification together with payment of fees and verification of seed stock must be submitted to the Washington state department of agriculture, seed branch, Yakima, Washington, thirty days prior to field preparation to allow time for preplant inspection.

[Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-040, filed 5/30/80.]

WAC 16-321-050 Certification fees.

Application fee \$ 10.00
Preplant inspection \$ 2.00/acre
Sod field inspection \$ 10.00/acre
(including sod certification labels)

Application due dates: January 1 for spring planting; June 1 for fall planting.

[Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-050, filed 5/30/80.]

WAC 16-321-060 Land requirements. (1) The land on which certified sod is to be established must have been in the production of cultivated crops or clean fallow for at least two growing seasons preceding the seeding of the turfgrass for sod certification, unless the previous crop was of the same variety or varieties grown for certified sod or

seed or unless the soil was satisfactorily treated with a recommended soil fumigant or herbicide program.

(2) No manure or other potentially contamination material shall be applied on sod fields entered for certification.

(3) Field must meet standards set forth by WAC 16-321-090 (1) and (2).

[Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-060, filed 5/30/80.]

WAC 16-321-070 Eligibility of seed stock. (1) All seed stock being planted for certified sod must meet Washington state sod quality seed standards, have an official sod quality certificate analysis from state of origin and be tagged "sod quality" by an official agency.

(2) Sod quality seed mixtures must be approved by the certifying agency.

(3) Documentary evidence, such as sod quality certificate analysis, tag and purchase record, must be submitted to certifying agency with application to establish planting stock eligibility.

(4) Sample of seed stock as prepared for planting shall be submitted to the certifying agency for reference file.

[Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-070, filed 5/30/80.]

WAC 16-321-080 Field standards. (1) Isolation: A field to be eligible for certification of sod must be isolated by a five foot border or a barrier that will prevent encroachment of mechanical mixing during harvesting.

(2) Units of certification: A field or marked block within a field shall be considered the unit for certification. If for any reason sections of a field do not meet certification requirements, the portion of field meeting certification requirements may be certified provided it is adequately defined or outlined, (such as bordering with chemical treatment).

(3) Management: A sod field for lifting shall show evidence of good management.

(4) Quality of product: The sod shall be of uniform density, color and texture.

[Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-080, filed 5/30/80.]

WAC 16-321-090 Specific requirements. (1) Tolerances for plants of other crops (per 1000 square feet):

| Factors: | Maximum: |
|--|-------------------------------|
| Other turfgrass species not included in planting stock | 3 plants per 1000 square feet |
| Other crop plants | 0 plants per 1000 square feet |
| Noxious weeds | 0 plants per 1000 square feet |
| Objectionable weeds | 3 plants per 1000 square feet |

(2) Tolerance for plants other than crop:

(a) Unacceptable plants - none allowed. "Unacceptable plants" shall include prohibited and restricted noxious weeds in accordance with the provisions of the Washington State Seed Act, and other weeds difficult to control selectively through cultural or chemical methods, such as nutgrass (*Cyperus esculentus*), goosegrass (*Eleusine indica*), annual

bluegrass (*Poa annua*), and any variety or species of weedy perennial grass.

(b) Objectionable plants - maximum three plants per 1000 square feet. "Objectionable plants" shall include the following: Crabgrass (*Digitaria* spp.), dandelion (*Taraxacum officinale*), wood sorrel (*Oxalis suropaca*), ground ivy (*Glechoma hederacea*), yarrow (*Achillea millefolium*), annual chickweed (*Stellaria media*), mouse-ear chickweed (*Cerastium vulgatum*), field chickweed (*Cerastium arvense*), speedwell (*Veronica* spp.), knotweed (*Polgonum aviculare*), purslane (*Portulaca oleracea*), heal-all (*Prunella vulgaris*), knawel (*Scleranthus annuus*), black medic (*Medicago lupulina*), white clover (*Trifolium repens* L.), and any other broadleaf or grassy weed which may detract from sod quality.

(3) Pests and diseases: Every field within the certification program shall be maintained reasonably free of pests and diseases.

(4) Mixtures shall contain a minimum of ten percent by weight of any variety.

[Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-090, filed 5/30/80.]

WAC 16-321-100 Inspection. (1) A preplanting inspection shall be made prior to field preparation of fields to be planted for sod to determine if land requirements have been met. A written report shall show the grower's name, number of acres, location, crop history for past six years, weed and crop present, and variety or varieties to be planted.

(2) At least two field inspections shall be made, the first after establishment, the second prior to lifting. If field is harvested prior to lift inspection, that crop will not be eligible for certification. Rejection of sod from certification may be made any time sod quality is below standard.

(3) After fields have met the requirements for certification, inspection may be made at intervals required to maintain certification eligibility.

(4) Field conditions which make it difficult to perform satisfactory field inspections may be cause for rejection of sod from certification.

[Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-100, filed 5/30/80.]

WAC 16-321-110 Labeling. All sod when sold as certified shall have an official sod certification label properly affixed to invoice.

[Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-110, filed 5/30/80.]

WAC 16-321-120 Responsibility and obligations. Responsibility for any obligations arising from the sale or shipment of sod which has been certified rests with the grower or subsequent handler making the sale or shipment.

[Statutory Authority: Chapter 15.49 RCW. 80-06-104 (Order 1701), § 16-321-120, filed 5/30/80.]

Chapter 16-322 WAC
MINT ROOTSTOCKS—CERTIFICATION

WAC

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| 16-322-001 | Promulgation. |
| 16-322-010 | Mint rootstock certification—Applications and fees. |
| 16-322-012 | Definitions. |
| 16-322-015 | Requirements for the production of registered and certified mint rootstock. |
| 16-322-025 | Mint rootstock field inspections. |
| 16-322-035 | Washington standards for mint rootstocks (peppermint and spearmint). |
| 16-322-040 | Certifying agency issuance of certificate. |
| 16-322-045 | Identification and movement of mint rootstock. |

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

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| 16-322-020 | Requirements for the production of certified mint rootstock. [Order 1017, Regulation 3, filed 5/20/66; Order 952, Regulation 3, filed 7/17/64; Order 888, Regulation 3, filed 6/4/62.] Repealed by 85-15-017 (Order 1865), filed 7/8/85. Statutory Authority: Chapter 15.14 RCW. |
| 16-322-030 | Field standards. [Order 888, Regulation 5, filed 6/4/62.] Now codified within WAC 16-322-035. |

WAC 16-322-001 Promulgation. I, Donald W. Moos, director of agriculture for the state of Washington, by virtue of the authority vested in me under chapter 15.14 RCW, after due notice and public hearing held in Yakima, Washington, April 17, 1968 (pursuant to chapters 42.32 and 34.04 RCW), do hereby promulgate the following rules and standards for the certification of mint rootstocks:

[Order 1087, § 16-322-001, filed 4/24/68, effective 5/24/68; Order 1017, filed 5/20/66; Order 952, Promulgation, filed 7/17/64; Order 888, Promulgation, filed 6/4/62.]

WAC 16-322-010 Mint rootstock certification—Applications and fees. (1) The applicant grower shall furnish to the department all information pertinent to the operation of this program and shall give his consent to the department to take material for examination and testing. Application for inspection and testing of registered and certified stock shall be filed with the department by May 1 of each year, accompanied by a seventy-five dollar application fee. Inspection fees shall be sixteen dollars per acre per growing season (with a minimum fee of eighty dollars). Half of this fee is due with the application.

(2) Final fees shall be due and payable upon completion of the last field inspection.

(3) Certification may be withheld for nonpayment of fees due.

[Statutory Authority: Chapter 15.14 RCW. 85-15-017 (Order 1865), § 16-322-010, filed 7/8/85; Order 1017, Regulation 5, filed 5/20/66; Order 952, Regulation 5, filed 7/17/64; Order 888, Regulation 1, filed 6/4/62.]

WAC 16-322-012 Definitions. (1) "Mint rootstock" means stolons or rhizomes of mint plants.

(2) "Off-type" means not true-to-name.

(3) "Foundation rootstock" means rootstock originating from healthy clones. Small plantings of this stock will be maintained by the Washington State University.

(4) "Registered rootstock" means rootstock produced from foundation and registered rootstock and meeting the requirements as herein provided.

(5) "Certified rootstock" means rootstock produced from registered rootstock and meeting the requirements as herein provided.

(6) "Verticillium wilt" means the disease caused by *Verticillium albo-atrum* Reinke & Berth. variety *Menthae* Nelson.

(7) "Rootknot" means the disease caused by the rootknot nematode *Meloidogyne*, spp.

[Statutory Authority: Chapter 15.14 RCW. 85-15-017 (Order 1865), § 16-322-012, filed 7/8/85; Order 1017, Regulation 1, filed 5/20/66; Order 952, Regulation 1, filed 6/4/62.]

WAC 16-322-015 Requirements for the production of registered and certified mint rootstock. (1) Land requirements:

(a) For registered mint rootstock, land to be eligible shall not have grown mint and shall be free of noxious weeds. Due to the danger of root knot nematode, land that has been used for other vegetatively propagated crops such as potatoes, hops, etc., shall be avoided.

(b) For certified mint rootstock, land to be eligible shall not have grown uncertified mint.

(2) Isolation requirements:

(a) A field to be eligible shall be at least five thousand feet from fields infested with verticillium wilt of mint, one thousand feet from any mint field unless of equal standards, and it shall not be included in a farm operational unit which has a wilt infested field or grown on a farm which has previously grown uncertified mint.

(b) In all cases where an adjoining field is planted with a different species or variety of mint, isolation between fields shall be a minimum of twenty feet separation to prevent mechanical mixing of rootstocks during harvesting and transport of the rootstocks.

(3) Plant requirements: Fields shall be planted with pure, living rootstock of foundation or registered planting rootstock.

(4) Miscellaneous requirements:

(a) Soil borne insects and nematodes shall be controlled.

(b) Fields shall show evidence of control of noxious weeds and free from mint species of types other than those being grown for certification.

(c) Evidence of roguing without permission of the department may give cause for rejection of fields. When directed by the department, growers shall dig and immediately destroy all unhealthy and off-type plants.

(d) Hay from registered planting stock fields may be harvested for oil: *Provided*, That all harvesting equipment is sterilized by steam cleaning, or by other approved methods under the supervision of the department.

(e) The cooked hay shall be destroyed by burning.

(f) Sanitation methods and procedures shall be approved by the department.

(g) Irrigation water proposed for use on the planting stock fields and the water drainage on to such fields shall be approved by the department.

(h) Harvesting equipment shall be sterilized by steam cleaning, or other approved methods before used on another lot or farm.

(i) Pasturing of livestock on mint rootstock fields shall not be permitted with the exception of weeding animals and fowl.

[Statutory Authority: Chapter 15.14 RCW. 85-15-017 (Order 1865), § 16-322-015, filed 7/8/85; Order 1087, § 16-322-015, filed 4/24/68, effective 5/24/68; Order 1017, Regulation 2, filed 5/20/66; Order 952, Regulation 2, filed 7/17/64; Order 888, Regulation 2, filed 6/4/62.]

WAC 16-322-025 Mint rootstock field inspections.

(1) At least two field inspections and as many more as are deemed necessary by the department shall be made each year. It is the duty of the grower, before cutting mint hay, to notify the department so the proper inspections can be made. Certification may be denied if mint is harvested from a field before proper inspection has been completed.

(2) The mint rootstocks shall be inspected after they are dug.

[Statutory Authority: Chapter 15.14 RCW. 85-15-017 (Order 1865), § 16-322-025, filed 7/8/85; Order 1017, Regulation 4, filed 5/20/66; Order 952, Regulation 4, filed 7/17/64; Order 888, Regulation 4, filed 6/4/62.]

WAC 16-322-035 Washington standards for mint rootstocks (peppermint and spearmint).

(1) **Washington No. 1** shall consist of mint rhizomes of plants with similar varietal characteristics which are (a) fresh, (b) firm, (c) moist, (d) free of mold, (e) free of detectable, dangerous insects, nematodes, diseases and other pests, and (f) reasonably free of excess soil.

(2) **Tolerances.** In order to allow for variations incident to proper grading and packing, not more than a combined total of five percent, by count, of the rhizomes in any lot shall fail to meet the requirements of the above grade. The tolerances for the standards are on a "load" basis but shall be determined by sampling on a weight basis.

(3) **Specific requirements.**

| Pests and Diseases | Tolerance for: | | |
|---|----------------------|----------------------|---------------------|
| | Foundation Rootstock | Registered Rootstock | Certified Rootstock |
| Mint flea beetle (<i>Longitarsus waterhousei</i> Kutschera) | 0 | 0 | 1% |
| Rootknot nematode (<i>Meloidogyne</i> spp.) | 0 | 0 | Moderate |
| Verticillium wilt (<i>Verticillium albo-atrum</i> Reinke & Berth.) Var. <i>Menthae</i> Nelson | 0 | 0 | 0 |
| Mint rust (<i>Puccinia Menthae</i> Pers.) | Trace | Trace | Moderate |
| Other pests and diseases | 1% | 1% | 1% |

Any portion of a certified field not meeting requirements may be delimited if, in the judgment of the department, it will not jeopardize the remainder.

[Statutory Authority: Chapter 15.14 RCW. 85-15-017 (Order 1865), § 16-322-035, filed 7/8/85; Order 1087, § 16-322-035, filed 4/24/68, effective 5/24/68; Order 1017, Regulation 6, filed 5/20/66; Order 952, Regulation 6, filed 7/17/64; Emergency Order 949, filed 5/18/64; Order 888, Regulations 5 and 6, filed 6/4/62.]

WAC 16-322-040 Certifying agency issuance of certificate. (1) The issuance of a certified state of Washington plant tag or stamp under this chapter affirms solely that the tagged or stamped mint root stock has been subjected to certification standards and procedures by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(2) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(3) Participation in the mint rootstock certification program shall be voluntary.

[Statutory Authority: Chapter 15.14 RCW. 85-15-017 (Order 1865), § 16-322-040, filed 7/8/85; Order 1017 (part), filed 5/20/66; Order 952 (part), filed 7/17/64; Order 888, Regulation 7 (part), filed 6/4/62.]

WAC 16-322-045 Identification and movement of mint rootstock.

(1) The department shall issue a certificate covering mint rootstock that meets the requirements of the certification program and authorize the use of official certificates and seals for the identification of such rootstocks. The certificate shall indicate presence of noxious weeds at the final field inspection.

(2) Any person selling certified mint rootstock shall be responsible for the identity of the stock bearing each certificate and for such stock meeting the requirements of the certification program. Persons issued certificates authorized by the program shall account for stock produced and sold and keep such records as may be necessary.

(3) All registered and certified mint rootstocks moving from the place of origin shall be conveyed in clean trucks and covered by new plastic or clean canvas tarps and properly sealed.

[Statutory Authority: Chapter 15.14 RCW. 85-15-017 (Order 1865), § 16-322-045, filed 7/8/85; Order 1087, § 16-322-045, filed 4/24/68, effective 5/24/68; Order 1017, Regulation 7, filed 5/20/66; Order 952, Regulation 7, filed 7/17/64; Emergency Order 949, filed 5/18/64; Subsection (1) from Order 888, Regulation 7, filed 6/4/62.]

Chapter 16-324 WAC

RULES FOR THE CERTIFICATION OF SEED POTATOES

WAC

- 16-324-360 Definitions.
- 16-324-370 General guidance.
- 16-324-375 Certified seed potato—Application and withdrawal.
- 16-324-380 Certified seed potato stock—Fees.
- 16-324-390 Requirements for production of foundation and/or certified seed potato stock.
- 16-324-400 Certified seed potato—Field inspection standards.
- 16-324-410 Winter test.
- 16-324-420 Winter test tolerances.
- 16-324-430 Certified seed potato—Digging, storage and premarketing.
- 16-324-435 Storage restrictions.
- 16-324-445 Certified seed potato—Grading inspection—Diseases and grades.

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| 16-324-450 | Certified seed potato—Specific requirements. | 16-324-201 | Promulgation. [Order 950, Promulgation, filed 5/20/64; Order 812, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71. |
| 16-324-460 | Washington No. 1 certified seed potatoes (blue tag stock). | 16-324-210 | Fees. [Order 950, Regulation 1, filed 5/20/64; Order 812, Regulation 4, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71. |
| 16-324-470 | Washington No. 2 certified seed potatoes (red tag stock). | 16-324-220 | Requirements for production of foundation and/or certified stock—Land requirements. [Order 950, Regulation 2(a), filed 5/20/64; Order 812, Regulation 5, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71. |
| 16-324-480 | Washington single drop certified seed potatoes (white tag stock). | 16-324-230 | Isolation requirements. [Order 950, Regulation 2(b), filed 5/20/64; Order 812, Regulation 2(b), effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71. |
| 16-324-490 | Washington buff certified seed potatoes (buff tag stock). | 16-324-240 | Miscellaneous requirements. [Order 950, Regulation 2(c), filed 5/20/64.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71. |
| 16-324-500 | Marking requirements. | 16-324-250 | Planting stock. [Order 950, Regulation 2(d), filed 5/20/64; Order 812, Regulation 1, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71. |
| 16-324-510 | Certified seed potato—Tolerances. | 16-324-260 | Test plat records. [Order 950, Regulation 2(e), filed 5/20/64; Order 812, Regulation 3, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71. |
| 16-324-520 | Certified seed potato—Definition of terms. | 16-324-270 | Field inspection. [Order 950, Regulation 2(f), filed 5/20/64; Order 812, Regulation 8, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71. |
| 16-324-530 | Certified seed potato—Definition—Damage. | 16-324-280 | Field standards. [Order 950, Regulation 3, filed 5/20/64; Order 812, Regulation 9, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71. |
| 16-324-540 | Certified seed potato—Definition—Serious damage. | 16-324-290 | Test plats. [Order 950, Regulation 4, filed 5/20/64; Order 812, Regulation 10, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71. |
| 16-324-600 | Limited generation (L.G.) certified seed potato production. | 16-324-300 | Test plat tolerances. [Order 950, Regulation 5, filed 5/20/64; Order 812, Regulation 11, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71. |
| 16-324-605 | Limited generation certified seed potato—Requirements for production and eligibility of pre-nuclear stock. | 16-324-310 | Tuber inspection—Diseases and grades. [Order 950, Regulation 6(a), filed 5/20/64; Order 812, Regulation 12, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71. |
| 16-324-610 | Limited generation certified seed potato—Land requirements. | 16-324-320 | Definitions. [Order 950, Regulation 6(b), filed 5/20/64; Order 812, Regulation 13, effective 6/11/60.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71. |
| 16-324-620 | Limited generation certified seed potato—Isolation requirements. | 16-324-330 | Digging, storage, and premarketing. [Order 950, Regulation 7, filed 5/20/64.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71. |
| 16-324-630 | Limited generation certified seed potato—Field inspection tolerances. | 16-324-340 | Tags restricted to qualified lots—Warranty clause, disclaimer. [Order 950, Regulation 8, filed 5/20/64.] Repealed by Order 1199, filed 5/5/71, effective 6/7/71. |
| 16-324-650 | Limited generation certified seed potato—Production phases. | 16-324-350 | Promulgation. [Order 1199, § 16-324-350, filed 5/5/71, effective 6/7/71.] Repealed by 84-11-051 (Order 1825), filed 5/17/84. Statutory Authority: Chapter 15.14 RCW. Effective date. [Order 1199, § 16-324-440, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. |
| 16-324-660 | Limited generation certified seed potato—Sanitation. | 16-324-440 | Effective date. [Order 1199, § 16-324-440, filed 5/5/71, effective 6/7/71.] Repealed by 78-12-034 (Order 1587), filed 11/21/78. Statutory Authority: Chapter 15.14 RCW. |
| 16-324-670 | Limited generation certified seed potato—Tags. | 16-324-640 | Limited generation certified seed potato—Winter test tolerance. [Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-640, filed 9/11/87.] Repealed by 94-11-070 (Order 5041), filed 5/13/94, effective 6/13/94. Statutory Authority: Chapter 15.14 RCW. |
| 16-324-680 | Limited generation certified seed potato—Storage. | | |
| 16-324-700 | Establishing the fee schedule. | | |
| 16-324-710 | Schedule of fees—Billing policies and procedures. | | |
| 16-324-720 | ELISA testing for potato viruses—Fees. | | |
| 16-324-730 | ELISA testing for the presence of bacteria—Fees. | | |
| 16-324-740 | Entry level primary test—Fees. | | |
| 16-324-750 | Tests for bacterial ringrot—Fees. | | |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-324-001 | Promulgation. [Order 812, Promulgation, effective 6/11/60.] Later promulgation, see WAC 16-324-201. |
| 16-324-010 | Planting stock. [Order 812, Regulation 1, effective 6/11/60.] Later promulgation, see WAC 16-324-250. |
| 16-324-020 | Application for certification. [Order 812, Regulation 2, effective 6/11/60.] Omitted from Order 950, which superseded Order 812. |
| 16-324-030 | Test plot records. [Order 812, Regulation 3, effective 6/11/60.] Later promulgation, see WAC 16-324-260. |
| 16-324-040 | Fees. [Order 812, Regulation 4, effective 6/11/60.] Later promulgation, see WAC 16-324-210. |
| 16-324-050 | Land requirements. [Order 812, Regulation 5, effective 6/11/60.] Later promulgation, see WAC 16-324-220. |
| 16-324-060 | Isolation requirements. [Order 812, Regulation 6, effective 6/11/60.] Later promulgation, see WAC 16-324-230. |
| 16-324-070 | Handling of crop to pass inspection. [Order 812, Regulation 7, effective 6/11/60.] Omitted from Order 950, which superseded Order 812. |
| 16-324-080 | Field inspections. [Order 812, Regulation 8, effective 6/11/60.] Later promulgation, see WAC 16-324-270. |
| 16-324-090 | Field standards. [Order 812, Regulation 9, effective 6/11/60.] Later promulgation, see WAC 16-324-280. |
| 16-324-100 | Sampling for testing—Test plots. [Order 812, Regulation 10, effective 6/11/60.] Later promulgation, see WAC 16-324-290. |
| 16-324-110 | Test plot tolerances. [Order 812, Regulation 11, effective 6/11/60.] Later promulgation, see WAC 16-324-300. |
| 16-324-120 | Tuber inspection—Diseases and grades. [Order 812, Regulation 12, effective 6/11/60.] Later promulgation, see WAC 16-324-310. |
| 16-324-130 | Definitions. [Order 812, Regulation 13, effective 6/11/60.] Later promulgation, see WAC 16-324-320. |
| 16-324-140 | Factors of sanitation. [Order 812, Regulation 14, effective 6/11/60.] Omitted from Order 950 which superseded Order 812. |

WAC 16-324-360 Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department of agriculture or his duly appointed representative. (Inspector)
- (3) "Potatoes" mean Irish potatoes that have been produced outside of or within the state of Washington and are being handled for seed purposes, propagation, or reproduction within the state of Washington.

(4) "Disease tested" means tested for potato viruses, PVA, PVM, PVS, PVX, PVY, leafroll, spindle tuber viroid, *Erwina carotovora carotovora*, *Erwina carotovora atroseptica* and *Corynebacterium sepedonicum*.

(5) "Nematode" means a disease (infestation) of plant parasitic nematodes of potatoes including but not limited to the genera *Meloidogyne*.

(6) "Micropropagated" means potato stock propagated using aseptic laboratory techniques and culture media to promote plant tissue growth.

(7) "In vitro" means in an artificial environment outside the living organism.

(8) "Prenuclear" means micropropagated plants in vitro or tubers in vitro. Also included are plants or minitubers produced in a greenhouse.

(9) "Nuclear stock" means plantlets, microtubers, minitubers, or seed potatoes produced from pre-nuclear stock, and grown in the field for the first time.

(10) "Microtubers" means tubers produced in vitro by a micropropagated plant or plantlet.

(11) "Minitubers" means tubers produced under controlled greenhouse conditions.

(12) "Tuber unit" means a method of planting whereby cut seed pieces from one tuber are dropped consecutively in a row.

(13) "Hill unit" means a method of planting whereby all tubers from one plant are dropped consecutively in a row.

(14) "Family unit" means a method of planting whereby pre-nuclear stock made up of various family lines are mass planted in recognizably separate plots limited to the size and number of plants per plot.

(15) "Cull" means any lot of potatoes rejected for certification for any reason. Seed lots failing to meet the minimum requirements of Washington state's rules and standards for certification shall be considered as culls.

(16) "Trace" means a barely perceivable indication of plant disease that amounts to less than 0.001 percent.

(17) "Rogue" means a method of removing undesired plant specimens from a lot whereby all plant parts including vines, tubers, and seed piece are completely removed from a field. Proper roguing for plant disease shall also include removing all plants and their parts immediately adjacent to the diseased suspect plant.

[Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-360, filed 10/22/92, effective 11/22/92. Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-360, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-360, filed 9/11/87; Order 1199, § 16-324-360, filed 5/5/71, effective 6/7/71.]

WAC 16-324-370 General guidance. (1) Participation in this program shall be voluntary and may be withdrawn at the option of the applicant. Farming and sanitation practices are the responsibility of the grower. Certification, approvals, determinations, and supervision mentioned herein shall be conducted by the department.

(2) All applications and department records will be maintained as public records for a period of seven years.

(3) Failure to comply with the requirements of these rules shall be cause for refusal or cancellation of approval of any planting or the certification of any seed as certified seed potatoes.

(4) Certification means that the lot of seed potatoes was inspected and meets the requirements of this order.

(5) The state of Washington department of agriculture makes no warranty, expressed or implied, or representation as to the freedom from disease or quality of certified seed. Certification is based solely on visual inspections of sample plants and tubers of each lot which were found to meet tolerances prescribed in this order.

[Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-370, filed 11/21/78; Order 1199, § 16-324-370, filed 5/5/71, effective 6/7/71.]

WAC 16-324-375 Certified seed potato—Application and withdrawal. (1) Application shall be made on a form provided by the department. Applications for certification shall reach the state department of agriculture, seed branch, Yakima, Washington, on or before June 15 of each year. Late applications, without prior approval, will be assessed a late application fee of twenty dollars per application. Applications shall be accompanied by the appropriate fee, as well as tags, certificates or other evidence of eligibility. An application shall be made for each variety.

(2) Withdrawal of a seed lot from the certification program shall be made on a form provided by the department which shall become part of the permanent public record.

[Statutory Authority: Chapter 15.14 RCW. 91-10-029 (Order 2083), § 16-324-375, filed 4/24/91, effective 5/25/91; 86-15-045 (Order 1897), § 16-324-375, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-375, filed 11/21/78.]

WAC 16-324-380 Certified seed potato stock—Fees. (1) Potato certification fees shall be twenty-nine dollars per acre.

Applications shall be accompanied by fifty percent of the total charge due and payable on or before June 15 of each year. Applications may be adjusted ten percent on or before July 15.

(2) Final payment of above fee is due and payable November 1 of each year: *Provided, That*

Fees for five acres or less must be paid in full at the time of application.

(3) Refunds of the application fee may be made only if the withdrawal form is received by the department prior to the first field inspection.

(4) Lots rejected before the second inspection shall not be subject to the final one-half payment fee.

Certification fees shall not be refunded after two field inspections have been completed.

(5) Failure to pay fees when due shall result in removing the applicant from this program.

(6) No application for any grower owing the Washington state department of agriculture for previous fees may be considered.

(7) Minimum plot fee - twenty dollars per application. The Washington state department of agriculture may assess an additional fee charged on a time and mileage basis.

[Statutory Authority: Chapter 15.14 RCW. 91-10-029 (Order 2083), § 16-324-380, filed 4/24/91, effective 5/25/91; 89-23-073 (Order 2020), § 16-324-380, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-380, filed 9/11/87; 84-11-051 (Order 1825), § 16-324-380, filed

5/17/84; 78-12-034 (Order 1587), § 16-324-380, filed 11/21/78; Order 1199, § 16-324-380, filed 5/5/71, effective 6/7/71.]

WAC 16-324-390 Requirements for production of foundation and/or certified seed potato stock. (1) Land requirements.

(a) Potatoes shall not be eligible for certified class if planted on land on which potatoes were grown in either of the previous two years unless the prior crops were entered for and passed certification. Potatoes shall not be eligible for foundation class if planted on land on which potatoes were grown in any of the previous three years unless the prior crops are of the same variety that were entered for and passed certification.

(b) Any land known to be infested with parasitic potato nematode shall not be accepted.

(c) Any land planted with potatoes found to have ring rot shall not be eligible for planting for certified seed potato production for at least three years. Volunteers in a field with ring rot history shall disqualify the field for certification, modification of land history may be approved by the department when a cultural practice has been proven to be successful. Cultural practices may include, but is not limited to, mechanical means (such as deep plowing) and/or chemical means (such as fumigants or other material) for seed bed preparation. Materials and methods shall be a matter of record with the department. Whichever method is used, it shall be approved by the department and shall be adequate to maintain variety and disease purity. Plants outside of the defined row shall be construed as volunteers.

(2) Isolation requirements.

(a) Potatoes intended for certification shall be isolated by at least one hundred feet from other potatoes except potatoes entered for certification.

(b) A distinct separation of at least six feet shall be left unplanted or planted to some other crop between different lots of foundation class seed potatoes or varieties of potatoes that have so similar tuber type, color, skin, or shape characteristics that varietal mixture is not readily identifiable during the storage, sorting, and grading process. No separation shall be required between lots of a red variety and another variety with obviously different skin color. When more than one lot of seed potatoes are planted in the same field, each lot shall be so marked that any inspector not previously having been at the location can identify each lot.

(c) When ring rot is found in a field planted with more than one lot of seed, the entire field shall be rejected unless at least six feet has been left unplanted or planted to some other crop between lots.

(d) In the suspected presence of bacterial ring rot disease in plants and tubers, or nematode infestation of tubers, samples shall be submitted to a Washington state department of agriculture approved laboratory for testing. Samples may be sent to more than one laboratory to determine the presence or absence of bacterial ring rot disease and nematode infestation.

(3) Planting stock. Eligible planting stock shall consist of foundation seed potatoes or seed stock approved by the department.

(a) Foundation seed is tubers that have met field standards and winter test standards for foundation seed.

(b) Desirable planting stock of known history and varietal purity may be accepted. This stock shall have been produced the preceding year under the special observation of the department. Stock under observation by the department shall pay the usual certification fees.

(c) Planting stock from other states or countries is eligible for certification if the planting stock has met the requirements for foundation standards of their program.

(d) A seed stock or lot shall not be eligible for foundation classification if blending two different sources of seed.

(e) A seed stock or lot shall not be eligible for certification if planted with culls.

(f) Seed grown in the foundation program is limited to a maximum of six field seasons.

| | Class | Class |
|-------------------------|--|---|
| Foundation Seed Program | (Foundation) Greenhouse or winter test required sixth field season | Certified Greenhouse (winter) test not required |

(Foundation) seed would be the last generation eligible for recertification. PVX testing would be optional at grower's expense. However all Foundation Material would require a greenhouse test. Lots are not eligible for recertification after the sixth field season.

(4) Field inspections. Each lot shall be visually inspected on a sample basis. Lots shall be subjected to at least two inspections. The first inspection shall be made before the rows have filled in or the vines touch in the row. The lots shall be traversed sufficiently to accurately evaluate the factors to be considered with a minimum sample of one hundred plants per acre. Lots shall be considered ready for inspection at all times. Notification shall be given to grower or grower representative when inspection is to be performed. A second inspection shall be performed and the time of the inspection shall be determined by the variety and growing season. Additional inspections shall be made when deemed necessary. The grower shall be responsible for notifying the department of unusual field conditions which reflect premature dying, from any cause, prior to the final reading of the field.

(5) Russet Burbank/Netted Gem potatoes to be eligible for certification shall be within the field tolerances and the winter test tolerances set for certified seed potatoes. Shipments for export prior to January 15 may be certified based on field readings only.

(6) Miscellaneous requirements. Prospective growers entering the certification program for the first time shall be interviewed by the department before applications are processed. This is in order that the applicant knows what is expected and what may be expected from the certifying agency.

(7) Sanitation requirements. All equipment used in the cutting, planting, digging, storage, and grading process shall be sanitized between each lot and variety. Appropriate procedures for sanitizing shall include steam cleaning or use of a pressure washer to eliminate all dirt and dry matter followed by an application of an approved chemical to kill bacteria.

[Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-390, filed 10/22/92, effective 11/22/92. Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-390, filed 9/11/87; 86-15-045 (Order 1897), § 16-324-390, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-390, filed 11/21/78; Order 1526, § 16-324-390, filed 4/27/77; Order 1199, § 16-324-390, filed 5/5/71, effective 6/7/71.]

WAC 16-324-400 Certified seed potato—Field inspection standards. (1) The field certification of each lot shall be based on the sample inspected.

(2) Specific requirements.

(a) The diseases tolerated shall be within the percentages listed in the table below based on visual symptoms showing in the sample inspected.

| Field tolerances for: Inspection | Foundation | | Certified | |
|--|------------|------|-----------|-------|
| | 1 | 2-3 | 1 | 2-3 |
| Leaf roll | 0.2% | 0.1% | 0.4% | 0.2% |
| Well defined Mosaic, and other virus and virus-like diseases | 1.0% | 0.5% | 2.0% | 1.0% |
| Black leg and wilts | 2.0% | 1.0% | 4.0% | 2.0% |
| Ring rot | 0.0% | 0.0% | 0.0% | 0.0% |
| Powdery scab (<i>Spongospora subterranea</i>) | 0.0% | 0.0% | 0.0% | 0.0%* |
| Variety mixture | 0.2% | 0.0% | 0.2% | 0.1% |

*Not allowed if found in field or during grading

(b) Diseases which cannot be observed visually at time of inspection may be present.

(c) The 0.0% tolerance for ring rot is chosen for reasons of convenience and practicality and is not to be construed to mean that the lot inspected is free from the disease. It does mean no ring rot was found during the inspection process.

(d) When ring rot is found in a lot of seed that lot shall be rejected. All seed potatoes grown that year by that farming operation from that same seed source, even if grown in different fields shall not be eligible for foundation classification. The tubers from these lots shall be inspected at time of digging.

(e) Lots not meeting field inspection standards at the time of inspection shall be rejected.

(f) Any field condition, i.e., weeds, frost, insect, disease, premature dying from any cause, or any condition making inspection evaluation impossible will be cause for the following actions:

(i) Inability to read at time of first field reading for virus, etc.—lots may be held for winter virus test.

(ii) At the discretion of the department, the inability to make the final reading for any reason may be cause for rejection from certification. Lots entered for foundation classification may not be eligible for recertification. The tubers from these lots shall be inspected at time of digging. Samples for winter test shall be submitted.

[Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-400, filed 10/22/92, effective 11/22/92. Statutory Authority: Chapter 15.14 RCW. 86-15-045 (Order 1897), § 16-324-400, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-400, filed 11/21/78; Order 1199, § 16-324-400, filed 5/5/71, effective 6/7/71.]

WAC 16-324-410 Winter test. (1) Purpose. The purpose of the winter test is to visually detect virus and viruslike plant symptoms in samples of the lot submitted by the grower.

(2) Details for submitting samples for winter testing will be available from the department. Lots which fail field inspection standards shall not be eligible for winter test.

(3) "Foundation" may be stamped on the department's official certified tags when a lot has passed the required field standards and winter test tolerances for foundation seed.

(4) Lots represented in winter tests which do not meet the certification requirements of the winter test will not be eligible for current year certification.

(5) In the event of serious malfunction of the winter test facility, foundation and certified eligibility may be based on field readings.

[Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-410, filed 10/22/92, effective 11/22/92. Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-410, filed 11/16/89, effective 12/17/89; 78-12-034 (Order 1587), § 16-324-410, filed 11/21/78; Order 1526, § 16-324-410, filed 4/27/77; Order 1199, § 16-324-410, filed 5/5/71, effective 6/7/71.]

WAC 16-324-420 Winter test tolerances. (1) The unit of certification will be each lot.

(2) Specific requirements. The diseases tolerated will be within the percentages listed in the table below, based on visual symptoms showing in the sample inspected. ELISA testing of samples shall be made upon request by the applicant at his or her expense.

| Disease or defect | Foundation | Certified |
|---------------------|------------|-----------|
| Well defined mosaic | 1.5% | 2.0% |
| Leaf roll | 0.5% | 2.0% |

(3) Diseases which cannot be observed visually at time of inspection may be present.

[Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-420, filed 10/22/92, effective 11/22/92. Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-420, filed 11/21/78; Order 1199, § 16-324-420, filed 5/5/71, effective 6/7/71.]

WAC 16-324-430 Certified seed potato—Digging, storage and premarketing. Specific requirements.

(1) Stored so as to maintain each lot's identity. Storage bin or room (an area with a controlled access and enclosed by solid barriers) to be so marked that any inspector not previously having been in the room or storage bin could identify the lot:

(a) Each storage or room containing more than one lot shall have a solid barrier between each lot that is not of the same seed source, variety or classification. The presence of ring rot or nematode in a lot that is stored with other lots shall be cause for rejection of all lots that are not isolated or separated by a solid barrier.

(b) Lots previously known or found to be infected with bacterial ring rot disease at time of storage or noncertified potatoes shall not be stored within the same storage with certified seed potatoes. Known infected seed lots stored with

certified seed lots shall be cause for rejection of all lots in the same storage.

(2) The applicant shall notify in writing receivers of a seed stock or receivers of a lot associated with a seed stock that has been found to be infected with bacterial ring rot. The applicant shall provide the department with a copy of this notification sent to the receiver.

(3) Graded according to state of Washington standards for seed potatoes.

(4) Placed in new sacks when tagging is requested, identified with the official Washington seed potato tags which shall show the grower's name, address, lot number and variety unless such information is printed on the sacks together with the usual net weight.

(5) Tags may be issued to the grower who shall:

(a) Tag the bags as the potatoes are sorted.

(b) Allow inspection of graded potatoes at any time.

(c) If the potatoes are out-of-grade, remove the tags under the supervision of the inspector.

(d) Return all unused tags to the inspector.

Failure to observe any of the above provisions is sufficient cause for the inspector to withhold the privilege of permitting the grower to tag at his convenience. The deliberate disregard for subsection (5)(b) and (c) of this section shall be just cause to eject a grower from the certification program.

(6) Bulk lots, properly identified, may be moved under certification.

[Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-430, filed 9/11/87; 86-15-045 (Order 1897), § 16-324-430, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-430, filed 11/21/78; Order 1199, § 16-324-430, filed 5/5/71, effective 6/7/71.]

WAC 16-324-435 Storage restrictions. (1) Each storage bin or room containing more than one lot will have a solid barrier between each lot.

(2) Lots known to be infected with ring rot at time of storage or noncertified potatoes cannot be stored within the same storage with certified seed potatoes.

(3) This section, WAC 16-324-435, will become effective May 1, 1979.

[Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-435, filed 11/21/78, effective 5/1/79.]

WAC 16-324-445 Certified seed potato—Grading inspection—Diseases and grades. Grading inspections shall be made by the department on a surveillance basis. Shipping point inspection shall be made available upon request by the grower. The quality of the grading of potatoes is the full responsibility of the grower. United States standards for potatoes shall be the official guide for applying and interpreting all definitions and terms used in this chapter in the Washington certified seed grades.

[Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-445, filed 11/16/89, effective 12/17/89; 86-15-045 (Order 1897), § 16-324-445, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-445, filed 11/21/78. Formerly WAC 16-446-100.]

WAC 16-324-450 Certified seed potato—Specific requirements. The diseases tolerated shall be within the

percentages listed in the table below based on visual symptoms showing in the sample inspected.

| Disease or Defects | Foundation | Certified |
|---|------------|-----------|
| Bacterial ring rot, powdery scab, black wart, tuber moth, nematodes | 0.00 % | 0.00 % |
| Net necrosis associated with leaf roll | 0.25 % | 1.00 % |
| Scab (deep pitted) | 1.00 % | 3.00 % |
| Variety mixture | 0.00 % | 0.25 % |

[Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-450, filed 9/11/87; 78-12-034 (Order 1587), § 16-324-450, filed 11/21/78. Formerly WAC 16-446-110.]

WAC 16-324-460 Washington No. 1 certified seed potatoes (blue tag stock). Shall consist of potatoes of one variety which are fairly well shaped, free from recognizable spindle tuber, deep scab, late blight, freezing injury and from soft rot or wet breakdown; and from damage caused by disease, insect, mechanical or other means; dirt or other foreign matter; second growth; growth cracks; sprouting; shriveling; surface scab; rhizoctonia; dry rot.

The size of Washington No. 1 certified seed potatoes shall be not less than one and one-half ounces or one and one-half inches minimum diameter, or more than fourteen ounces in weight. Definitions and tolerances for the above grade will be found under WAC 16-324-500, 16-324-510, 16-324-520, and 16-324-530.

[Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-460, filed 11/21/78. Formerly WAC 16-446-120.]

WAC 16-324-470 Washington No. 2 certified seed potatoes (red tag stock). Shall consist of potatoes of one variety which are free from recognizable spindle tuber, freezing injury, late blight and from soft rot or wet breakdown; and from serious damage caused by disease, insect, mechanical or other means; dirt or other foreign matter; second growth; growth cracks; shriveling; surface scab; dry rot.

The size of Washington No. 2 certified seed potatoes shall be not less than one ounce or more than eighteen ounces in weight. Definitions and tolerances for the above grade will be found under WAC 16-324-500, 16-324-510 and 16-324-540.

[Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-470, filed 11/21/78. Formerly WAC 16-446-130.]

WAC 16-324-480 Washington single drop certified seed potatoes (white tag stock). Shall consist of potatoes which meet all requirements of Washington No. 2 certified seed potato grade: *Provided*, The size shall be not less than one or more than three ounces in weight. Definitions and tolerances for the above grade will be found under WAC 16-324-500, 16-324-510 and 16-324-540.

[Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-480, filed 11/21/78. Formerly WAC 16-446-140.]

WAC 16-324-490 Washington buff certified seed potatoes (buff tag stock). Shall consist of potatoes of one variety which are free from recognizable spindle tuber, late blight, freezing injury and from soft rot or wet breakdown; and from serious damage caused by disease, insect, mechanical, or other means; dirt or other foreign matter or dry rot.

No size requirement. The size of Washington buff certified seed potatoes is not regulated except as to agreement between buyer and seller. Definitions and tolerances for the above grade will be found under WAC 16-324-500, 16-324-510 and 16-324-540.

[Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-490, filed 11/21/78. Formerly WAC 16-446-150.]

WAC 16-324-500 Marking requirements. Applies to all grades. Lot number, variety, grower's name and address, net weight, and tagged with appropriate tag for grade.

[Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-500, filed 11/21/78. Formerly WAC 16-446-160.]

WAC 16-324-510 Certified seed potato—Tolerances. Applies to all grades and is based on a sample inspection.

(1) In order to allow for variations other than size, and internal discoloration, incident to proper grading and handling, not more than a total of six percent of the potatoes in any lot shall fail to meet the requirements of the grade but not more than one-sixth of this amount, or one percent, shall be allowed for potatoes affected by late blight, potatoes which are frozen, or affected by soft rot or wet breakdown. In addition, in blue, red and white tag stock, not more than ten percent of the potatoes shall be seriously damaged by hollow heart. No more than five percent shall be damaged by other internal defects excluding necrosis caused by chemical vine kill. No more than three percent shall be below minimum size or more than six percent above maximum size specified in the grades.

(2) The tolerances specified shall be placed on a container basis. However, any lot of seed potatoes shall be considered as meeting the requirements of the grade, if upon inspection, no sample from a single container, in any lot, is found to exceed the tolerances specified by more than double the amount allowed: *Provided*, That the entire lot shall average within the tolerances specified.

(3) All percentages shall be calculated on the basis of weight.

[Statutory Authority: Chapter 15.14 RCW. 86-15-045 (Order 1897), § 16-324-510, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-510, filed 11/21/78. Formerly WAC 16-446-170.]

WAC 16-324-520 Certified seed potato—Definition of terms. Applies to Washington No. 1 (WAC 16-324-460).

(1) "Fairly well shaped" means potatoes are not materially pointed, dumb-bell shaped, or otherwise ill formed.

(2) "Internal defects" means defects which cannot be detected without cutting the potato.

[Statutory Authority: Chapter 15.14 RCW. 86-15-045 (Order 1897), § 16-324-520, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-520, filed 11/21/78. Formerly WAC 16-446-180.]

WAC 16-324-530 Certified seed potato—Definition—Damage. Applies to Washington No. 1 (WAC 16-324-460). "Damage" means any injury, disease, insect, or defect which materially affects the appearance or which materially injures the potato for seed purposes. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(1) Dirt or foreign matter which materially affects the general appearance of the lot, a potato having an appreciable amount of caked dirt shall also be considered as damaged.

(2) Second growth which has developed to such an extent as to materially affect the appearance of the potato.

(3) Growth cracks which are not shallow or not well healed.

(4) Sprouting, when the sprouts are over three-fourths inch long on ten percent of the tubers.

(5) Shriveling, when the tuber is more than slightly shriveled.

(6) Surface scab which covers more than ten percent of the surface of the potato in the aggregate, on ten percent of the tubers.

(7) Rhizoctonia which covers more than five percent of the surface of the potato in the aggregate, on twenty-five percent of the tubers.

(8) Dry rot which cannot be removed without a loss of more than five percent of the total weight of the potato, including the peel.

(9) Internal discoloration occurring entirely within the vascular ring; when more than the equivalent of three scattered light brown spots one-eighth inch in diameter in a potato two and one-half inches in diameter or six ounces in weight, or correspondingly lesser or greater number of spots in smaller or larger potatoes.

(10) Internal discoloration outside of or not entirely confined within the vascular ring; when removal causes a loss of more than five percent of the total weight of the potato.

[Statutory Authority: Chapter 15.14 RCW. 86-15-045 (Order 1897), § 16-324-530, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-530, filed 11/21/78. Formerly WAC 16-446-190.]

WAC 16-324-540 Certified seed potato—Definition—Serious damage. Applies to all grades. "Serious damage" means any injury, disease, insect, or defect which seriously injures the appearance of the individual potato or the general appearance of the potatoes in the container, or which causes a loss of more than ten percent of the total weight of the potato for seed purposes. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage.

(1) Dirt or foreign matter when the general appearance of the potatoes is seriously affected by tubers badly caked with dirt or other foreign matter.

(2) Second growth when more than one well attached knob is over ten percent of the total weight of the tuber, or when the knob is broken.

(3) Growth cracks, cuts, and deep bruises which seriously affect the potato for seed purposes.

(4) Shriveling when the potato is excessively shriveled, spongy or flabby.

(5) Surface scab which covers an area of more than twenty percent of the surface of the potato in the aggregate, on more than twenty-five percent of the tubers.

(6) Dry rot which cannot be removed without a loss of more than ten percent of the total weight of potato, including the peel.

[Statutory Authority: Chapter 15.14 RCW. 86-15-045 (Order 1897), § 16-324-540, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-540, filed 11/21/78. Formerly WAC 16-446-200.]

WAC 16-324-600 Limited generation (L.G.) certified seed potato production. (1) The limited generation (L.G.) program is offered as an alternative to the current program for certification of seed potatoes. This L.G. program is not intended to supersede or replace existing rules and standards for certified seed potato production. Limited generation certified seed potato production shall comply with current standards, where applicable, in addition to the following rules. The purpose of the program is to provide certification for additional kinds of propagative stock now being produced by tissue culture and/or stem cutting techniques.

(2) Eligibility - to be accepted for certification, seed stocks shall be derived from seed stocks that have been disease tested, certified by an official seed certifying agency and continued identity maintained in an approved manner.

(a) To be eligible for recertification, a seed stock shall meet or exceed minimum requirements for field inspection, latent virus testing and winter testing as prescribed in WAC 16-324-630 and 16-324-640.

(b) Applications for all lots planted for certification shall be accompanied by an eligible tag or inspection certificate in addition to winter test results and a signed grower affidavit.

(c) A limited generation seed lot which fails to meet the minimum requirements as prescribed in WAC 16-324-630 and 16-324-640 shall be classified as "certified class," and must meet minimum requirements as stated in WAC 16-324-400 and 16-324-420 to be eligible for current season certification.

[Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-600, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-600, filed 9/11/87.]

WAC 16-324-605 Limited generation certified seed potato—Requirements for production and eligibility of prenuclear stock. Requirements for production and eligibility of prenuclear seed potato stock are as follows:

(1) Basic requirements for plant material increase:

(a) All micropropagation facilities shall be approved by the department.

(b) All material shall be documented as to source of variety and shall be a variety approved by the department.

(c) All tests required shall be conducted by a third party laboratory approved by the department.

(d) Entry level material shall be isolated from all other material and limited to fifty in vitro propagules per line selection. All plant material to be mass micropropagated shall be disease tested.

(2) Testing requirements for mother plants. Yearly testing of one hundred percent of the mother plants for the following pathogens shall be required as follows:

(a) *Corynebacterium sepedonicum* by gram stain, or immunofluorescent antibody stain, or Richardsons Media, or other methods approved by the Washington state department of agriculture. The eggplant bioassay may be substituted for Richardsons Media.

(b) *Erwinia species* by crystal violet pectate, or other methods approved by the Washington state department of agriculture.

(c) Potato viruses - X, Y, S, M, A, and leafroll by ELISA.

(d) Potato spindle tuber viroid by cDNA, dot hybridization or gel electrophoresis.

(e) All plant material to be mass propagated shall test negative for the pathogens listed above.

(3) Sampling requirements for mass propagated plants or tubers.

(a) Samples shall be taken prior to kill down or shipping plantlets. A minimum of one percent (no less than twenty samples) of the plants or tuber population shall be tested for Potato Virus X, Potato Virus Y, Potato Virus S, Potato Leaf Roll Virus, *Erwinia* spp. and *Corynebacterium sepedonicum* in the manner described for testing requirements for mother plants. No more than five plants or tubers shall be bulked per sample.

(b) Prenuclear class stock shall have a zero tolerance for all pathogens listed above.

(4) Private micropropagation labs shall make samples of propagation material available to the department for further testing when requested.

(5) Propagators shall select tubers or mother plants that are true-to-type. Such material shall be derived from more than a single tuber; ten to twenty tubers shall be selected to maximize the genetic base of each line and to avoid selecting a tuber or mother plant that may carry a genetic mutation uncharacteristic of the variety. Micropropagated plants shall not be derived from callus culture due to the possibility of somatic mutations or variants.

(6) Detailed records of the progress of all increases shall be maintained by the agency or private labs engaged in the production of "prenuclear" material. These records shall include:

(a) A numbering code or system used to identify the explants or clones and their origins;

(b) The amount of time this material has been in tissue culture, and the dates and numbers of transfers that have occurred since initiation or selection;

(c) The testing/inspection history of all such material.

(7) Material planted for recertification at a nuclear level shall have been produced either under standard aseptic microbiological techniques (i.e., in vitro micropropagation) or in an insect proofed greenhouse using sterilized potting media, and water known to be free of bacterial potato pathogens. Material shall be produced under phyto-sanitary standards established in this chapter.

(8) The laboratory and/or greenhouses used to produce material to be accepted as prenuclear shall be open to inspection by department personnel on a periodic basis, and contain only material that has satisfied initial testing requirements.

(9) All greenhouse-produced material shall be inspected by the certification agency in the state of origin for disease and off-types during the growing cycle. One inspection shall be performed for transplant material and at least two inspections shall be performed for tuber-producing plants.

(10) The tubers and tuber storage facilities shall be inspected by the certification agency in the state of origin and satisfy the requirements for sanitation and proper storage as approved by the department.

(11) All lines used in the production of pre-nuclear material shall be field-plot tested on at least an annual basis with particular emphasis on the evaluation of the phenotype (trueness-to-type), yield ability, and freedom from disease symptoms. Such testing shall be the responsibility of the participant and the certification agency in the state of origin.

[Statutory Authority: Chapter 15.14 RCW. 91-10-029 (Order 2083), § 16-324-605, filed 4/24/91, effective 5/25/91; 89-23-073 (Order 2020), § 16-324-605, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-605, filed 9/11/87.]

WAC 16-324-610 Limited generation certified seed potato—Land requirements. Land requirements in the L.G. certified seed potato program are as follows:

(1) Well water shall be the source of irrigation for pre-nuclear stock.

- (2) Class Produced Years out of potatoes (Unless prior crop was a higher class-same variety)
- Pre-nuclear Approved laboratory (greenhouse)
- Nuclear Six years (new ground preferred)
- Generation I Four years
- Generation II Two years out of potatoes unless prior crop was a higher class of same variety
- Generation III Two years
- Generation IV Two years.

[Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-610, filed 10/22/92, effective 11/22/92. Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-610, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-610, filed 9/11/87.]

WAC 16-324-620 Limited generation certified seed potato—Isolation requirements. Isolation required for limited generation seed potato are as follows:

- (1) Pre-nuclear - approved laboratory (greenhouse).
- (2) Nuclear - Generation I: Location of field approved by the department.
- (3) Generations II, III, and IV - three hundred feet from potatoes not virus tested, and a minimum space of six feet between lots of a different class and variety.
- (5) Each lot shall remain distinctly separated in the field and in storage.
- (6) Fields shall be staked or marked so that varieties, lots, unit plantings, single drop plantings, and different seed sources can be identified.

(7) Access to fields shall be severely restricted. Entrance shall only be allowed in the presence of the grower.

(8) Nuclear and Generation I stocks are to be planted by a unit method. Cut seed and single drop seed shall be sorted and planted separately within the unit plot, with single drop seed identified.

(9) If a ground rig is used for spraying, a wide enough spray row shall be allowed so tires will not touch plants during the growing season.

[Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-620, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-620, filed 9/11/87.]

WAC 16-324-630 Limited generation certified seed potato—Field inspection tolerances.

FIELD INSPECTION TOLERANCES: PERCENT DISEASES

| Factor | NUCLEAR | | GEN. I | | GEN. II | | GEN. III | | GEN. IV | |
|----------------------|---------|------|--------|------|---------|------|----------|------|---------|------|
| | 1st | 2nd | 1st | 2nd | 1st | 2nd | 1st | 2nd | 1st | 2nd |
| Varietal mixture | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.05 | 0.01 | 0.08 | 0.05 |
| Pvy mosaic | 0.00 | 0.00 | 0.00 | 0.00 | 0.01 | TR | 0.50 | 0.25 | 0.50 | 0.25 |
| Leafroll | 0.00 | 0.00 | 0.00 | 0.00 | 0.01 | TR | 0.03 | .010 | .080 | 0.05 |
| Blackleg | 0.00 | 0.00 | 0.10 | 0.10 | 0.50 | 0.50 | 1.00 | 1.00 | 2.00 | 2.00 |
| Ring rot | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Nematode | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Spindle tuber viroid | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Total visible virus | 0.00 | 0.00 | 0.10 | 0.00 | 0.20 | 0.10 | 2.00 | 1.00 | 2.00 | 1.00 |
| PVX | 0.00 | | 0.50 | | 1.00 | | 3.00 | | 4.00 | |

(1) Two or more visual inspections shall be made of each lot by the department. Fields shall be considered ready for inspection at all times.

(2) Leaf samples shall be submitted in late August for virus determination to an independent testing laboratory approved by the department. All classes entered for certification shall be PVX tested. The cost of foliage sample testing shall be borne by the applicant.

(a) The minimum number of plants per lot to be sampled for latent virus determination shall be one hundred; nuclear stock ten percent of the total number of plants per lot; Generation I two percent of the total number of plants per lot; Generation II fifty leaves per acre; Generation III and IV twenty leaves per acre. No more than ten plants shall be bulked per sample. The department may require additional testing when deemed necessary.

(b) Samples shall be labeled as to row and location within the row.

(c) If a positive test results on a virus sample, a retest at grower's expense of every plant after rouging infected area is acceptable.

(d) Any plant rogued and suspected of being contaminated with virus, Erwinia carotavora or Corynebacterium sepedonicum shall be submitted for testing.

(e) Bacterial ring rot found in a seed lot of a seed operation shall be cause for removing the lot from certification. A third or additional inspections shall be required on remaining seed lots. All other seed lots associated with or planted after the rejected lot shall not be eligible for recertification.

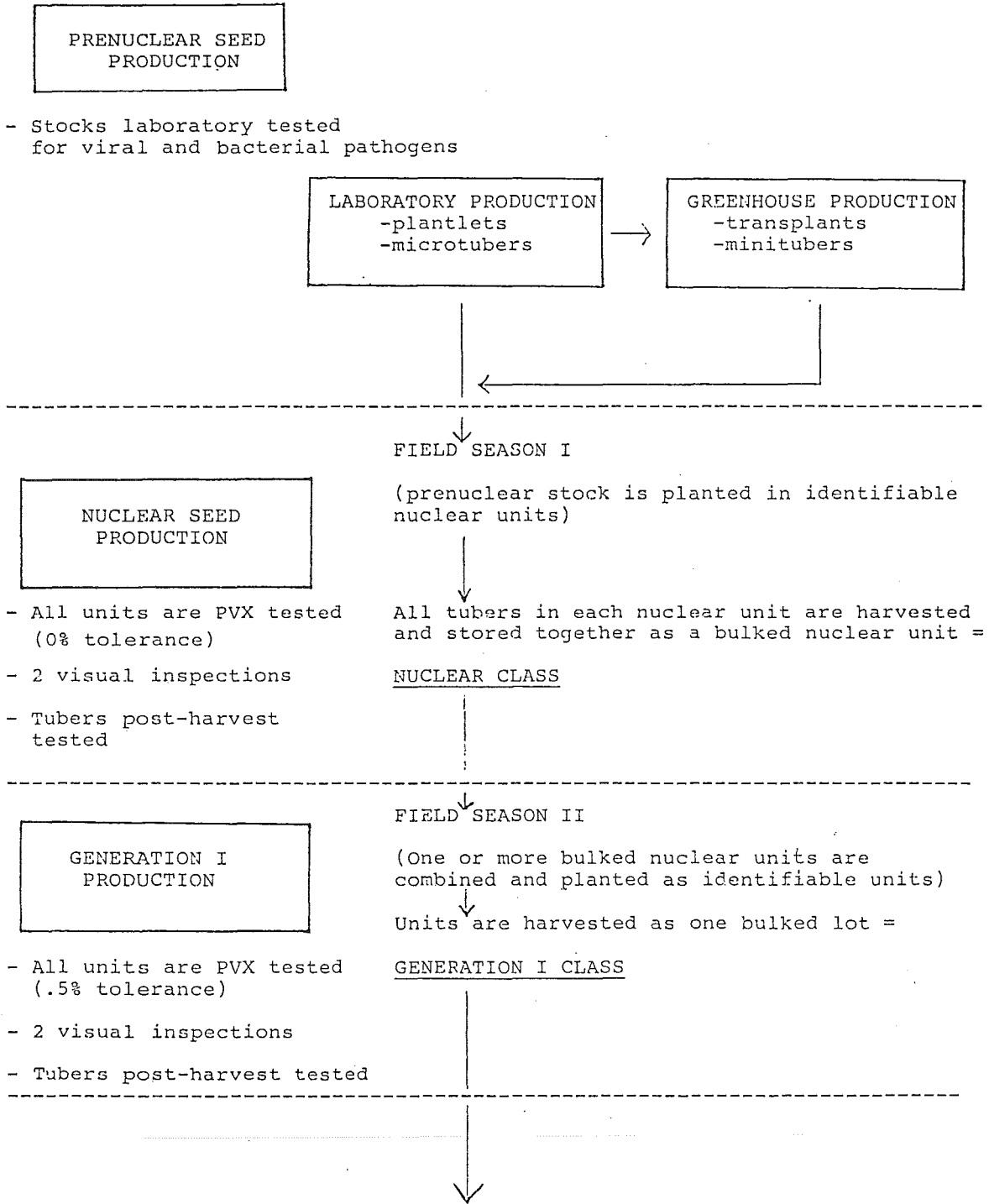
(3) A limited generation growers list shall be published annually after final field inspection showing the results, including bacterial ring rot.

(4) At the option of the grower, seed sources shall be represented in a seed lot source trial. The presence of bacterial ring rot in the sample shall be cause for rejection of seed lots planted from the same seed source by the grower submitting the sample.

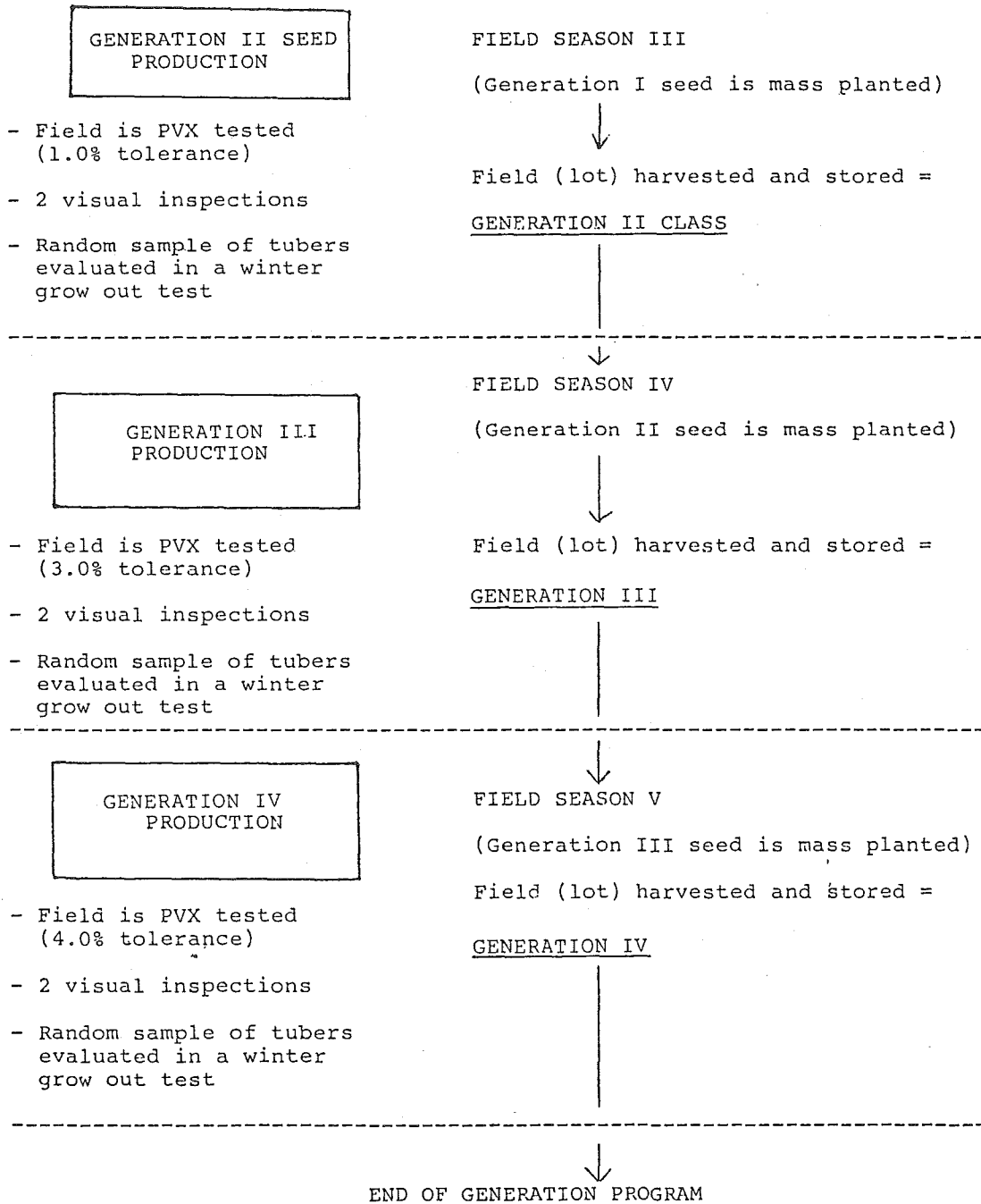
[Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-630, filed 10/22/92, effective 11/22/92. Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-630, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-630, filed 9/11/87.]

WAC 16-324-650 Limited generation certified seed potato—Production phases.

(1) Prenuclear seed production phases:



(2) Generation II seed production phases:



[Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-650, filed 9/11/87.]

WAC 16-324-660 Limited generation certified seed potato—Sanitation. Requirements for sanitation in the limited generation certified seed program are as follows:

(1) Chemicals used in the sanitation of equipment shall be those recommended by the *Pacific Northwest Plant*

Disease Control Handbook. Vector control shall be maintained throughout the growing season as prescribed by the *Pacific Northwest Plant Disease Control Handbook.*

(2) Seed stocks in a limited generation program shall be planted and harvested prior to handling any other seed stock. The highest generation shall be handled prior to lower classes within the program. All equipment used in the cutting, planting, digging, storage, and sorting process shall be sanitized between lots and varieties. When cutting nuclear stock, gloves and knives shall be sanitized between each tuber cut.

(3) Precautions shall be taken when roguing, irrigating, or cultivating to prevent the spread of potato pathogens. Only sanitized footwear shall be allowed in the field.

(4) To produce nuclear, Generation I and Generation II stock, a grower shall have successfully produced certified seed potatoes the previous two years with no bacterial ring rot disease during this period. Exceptions to this subsection are possible on approval by the department.

(5) Only department approved containers shall be used during the digging, storage, and packing process. Approved containers shall be new sacks or bags. Wood containers shall be painted with no bare wood exposed.

(6) Appropriate procedures for sanitizing shall include steam cleaning or use of a pressure washer to eliminate all dirt and dry matter, followed by application of an approved chemical to kill bacteria.

[Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-660, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-660, filed 9/11/87.]

WAC 16-324-670 Limited generation certified seed potato—Tags. All lots shipped outside of the immediate area of production shall be tagged and accompanied by shipping permit.

(1) In addition to meeting the requirements of WAC 16-324-430(3), tags shall identify seed class and percent of PVX.

(2) Two colors of tags shall be available for use in limited generation seed potatoes. The color of tag designates grade only.

(a) Blue tags shall meet or exceed minimum requirements of United States Standards for U.S. No. 1 Seed Potatoes.

(b) Yellow tags shall indicate a contract grade between buyer and seller and shall meet or exceed minimum requirements of WAC 16-324-490.

(c) Tags shall not be issued for culls.

[Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-670, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-670, filed 9/11/87.]

WAC 16-324-680 Limited generation certified seed potato—Storage. In addition to meeting the requirements in WAC 16-324-430 (1)(a) and (b), all tubers harvested from unit plantings shall be numbered and stored as an identifiable unit for the next year's planting.

[Statutory Authority: Chapter 15.14 RCW. 89-23-073 (Order 2020), § 16-324-680, filed 11/16/89, effective 12/17/89; 87-19-033 (Order 1951), § 16-324-680, filed 9/11/87.]

WAC 16-324-700 Establishing the fee schedule. Pursuant to the authority provided in RCW 15.14.100, the

following fees in WAC 16-324-110 through 16-324-750 are established for disease testing of certified seed potatoes.

[Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-700, filed 10/22/92, effective 11/22/92.]

WAC 16-324-710 Schedule of fees—Billing policies and procedures. (1) All billable services provided under this chapter are due and payable upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing. Accounts not paid in full within thirty days of billing shall be considered delinquent.

(2) All delinquent accounts shall be assessed a late charge equal to one percent per month, or portion of a month, on the unpaid balance.

(3) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system shall be twenty dollars. All billable services of less than twenty dollars shall be due and payable on the date that service is rendered.

(4) No person with an account ninety days or more in arrears shall receive service except on the basis of payment in full at the time service is rendered. Such accounts shall not be restored to monthly billing status until all past due amounts are paid-in-full. Such accounts may be subject to legal action for collection.

(5) Accounts that become ninety days or more in arrears twice within a five-year period may be subject to a permanent requirement for payment in full at the time service is provided.

[Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-710, filed 10/22/92, effective 11/22/92.]

WAC 16-324-720 ELISA testing for potato viruses—Fees. (1) The following fees shall apply to ELISA testing to determine the presence of Potato Virus A (PVA), Potato Virus M (PVM), Potato Virus S (PVS), Potato Virus X (PVX), Potato Virus Y (PVY), and Potato Leaf Roll Virus (PLRV):

| # Viruses | # Samples | Price/leaf sample | Price/tuber sample |
|-----------|-----------|-------------------|--------------------|
| 1 | 1 to 10 | \$1.00 | \$1.10 |
| | 11 to 25 | \$0.90 | \$1.00 |
| | over 25 | \$0.80 | \$0.90 |
| 2 | 1 to 10 | \$1.50 | \$1.60 |
| | 11 to 25 | \$1.30 | \$1.40 |
| | over 25 | \$1.10 | \$1.20 |
| 3 | 1 to 10 | \$2.00 | \$2.10 |
| | 11 to 25 | \$1.70 | \$1.80 |
| | over 25 | \$1.40 | \$1.50 |
| 4 | 1 to 10 | \$2.50 | \$2.60 |
| | 11 to 25 | \$2.10 | \$2.20 |
| | over 25 | \$1.70 | \$1.80 |
| 5 | 1 to 10 | \$3.00 | \$3.10 |
| | 11 to 25 | \$2.50 | \$2.60 |
| | over 25 | \$2.00 | \$2.10 |

| | | | |
|---|----------|--------|--------|
| 6 | 1 to 10 | \$3.50 | \$3.60 |
| | 11 to 25 | \$2.90 | \$3.00 |
| | over 25 | \$2.30 | \$2.40 |

(2) Spindle Tuber Viroid testing shall be provided at the actual cost of time at twenty-five dollars per hour plus materials.

(3) Other virus tests not listed in subsection (1) of this section may be provided at actual cost of time at twenty-five dollars per hour plus materials.

[Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-720, filed 10/22/92, effective 11/22/92.]

WAC 16-324-730 ELISA testing for the presence of bacteria—Fees. The fee for ELISA testing for the presence of bacterial ringrot (*Clavibacter michiganensis* subsp. *sepedonicum*) and *Erwinia c. subsp. atroseptica*, per sample \$1.20

[Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-730, filed 10/22/92, effective 11/22/92.]

WAC 16-324-740 Entry level primary test—Fees.
 (1) Crystal violet pectate test for *Erwinia* sp., per sample \$2.50
 (2) Nutrient - Yeast extract broth for bacteria, per sample \$2.50

[Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-740, filed 10/22/92, effective 11/22/92.]

WAC 16-324-750 Tests for bacterial ringrot—Fees.
 (1) Gram stain test for bacterial ringrot, per sample \$3.75
 (2) Bioassay (host plant indexing) to confirm bacterial ringrot, per sample \$5.00

[Statutory Authority: Chapters 34.05 and 15.14 RCW. 92-22-017 (Order 4014), § 16-324-750, filed 10/22/92, effective 11/22/92.]

Chapter 16-328 WAC

STRAWBERRY PLANTS—CERTIFICATION

| | |
|------------|--|
| WAC | |
| 16-328-008 | Definitions. |
| 16-328-009 | Strawberry plant certification standards. |
| 16-328-010 | Strawberry plant certification fees. |
| 16-328-015 | Certifying agency issuance of certificate. |
| 16-328-025 | Strawberry plant certification—Isolation requirements. |
| 16-328-030 | Strawberry plant certification—Requirements for production of foundation and registered stock. |
| 16-328-035 | Strawberry plant certification—Requirements for the production of certified stock. |
| 16-328-038 | Production of certified strawberry nursery stock by micropropagation techniques. |
| 16-328-060 | Strawberry plant certification—Field standards. |
| 16-328-065 | Strawberry plant certification—Designation of plants. |
| 16-328-080 | Strawberry plant certification—Tagging or stamping and plant inspection. |
| 16-328-083 | Strawberry plant grades and standards—Washington No. 1. |
| 16-328-085 | Strawberry plant grades and standards—Washington No. 2. |
| 16-328-088 | Strawberry plant grades and standards—Tolerances. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|--|
| 16-328-001 | Promulgation. [Order 925, Promulgation, filed 6/25/63.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW. |
| 16-328-002 | Promulgation. [Order 1110, § 16-328-002, filed 3/31/69.] Repealed by Order 1216, filed 10/18/71, effective 11/18/71. |
| 16-328-003 | Promulgation. [Order 1216, § 16-328-003, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW. |
| 16-328-020 | Definitions. [Order 625, Regulation 2, effective 4/29/52.] Omitted from Order 925, which superseded Order 625. |
| 16-328-040 | Handling the crop prior to inspection. [Order 625, Regulation 4, effective 4/29/52.] Omitted from Order 925, which superseded Order 625. |
| 16-328-050 | Field inspection. [Order 625, Regulation 5, effective 4/29/52.] Now codified within WAC 16-328-035. |
| 16-328-070 | Classes of certified plants. [Order 625, Regulation 7, effective 4/29/52.] Now codified within WAC 16-328-065. |
| 16-328-090 | Effective date. [Order 1216, § 16-328-090, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW. |
| 16-328-100 | Washington No. 1. [Order 925, Strawberry Standards, Regulation 1, filed 6/25/63.] Repealed by Order 1216, filed 10/18/71, effective 11/18/71. |
| 16-328-110 | Washington No. 2. [Order 925, Strawberry Standards, Regulation 2, filed 6/25/63.] Repealed by Order 1216, filed 10/18/71, effective 11/18/71. |
| 16-328-120 | Tolerances. [Order 925, Strawberry Standards, Regulation 3, filed 6/25/63.] Repealed by Order 1216, filed 10/18/71, effective 11/18/71. |
| 16-328-130 | Definitions. [Order 925, Regulation 4, Strawberry Standards, filed 6/25/63; Order 625, Regulation 2, effective 4/29/52.] Repealed by Order 1216, filed 10/18/71, effective 11/18/72. |

WAC 16-328-008 Definitions. (1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or his duly appointed representative. (Inspector)

(3) "Virus infected (affected)" means presence of a virus(es) or mycoplasma like organism(s) in a plant or plant part.

(4) "Virus-like" means a disorder of genetic or nontransmissible origin.

(5) "Off-type" means not true-to-name.

(6) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

(7) "Index or indexing" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant; or by any other method.

(8) "Similar varietal characteristics" means that the plants have the same general character of growth.

(9) "Fairly fresh" means that the roots and petioles are not excessively wilted or otherwise damaged.

(10) "Firm" means that the crowns are not soft or spongy, although they may yield to slight pressure.

(11) "Moist" means that the plants are reasonably turgid and not dried to a degree than would affect normal growth.

(12) "Fairly clean" means that the roots are not matted or caked with dirt.

(13) "Fairly well trimmed runners and petioles" means that the runners and petioles shall be fairly well trimmed when the length of each does not exceed three inches.

(14) Free from damage by:

(a) "Sunburn" means that the roots shall not be damaged by sunburn or scald, but slight discoloration may be permitted.

(b) "Mold" means that the plants must be free from excessive mold or decay. Plants slightly affected by mold may be allowed.

(c) "Freezing injury" means that the roots shall be of a normal color and only moderately affected by discolored roots which affect the normal growth of the plant. Black roots caused by disease shall not be permitted.

(d) "Broken or split crowns, mechanical injury" means the breaking or severance of the crown from the root section or splitting of the crown or other mechanical injury that would affect the normal growth of the plant.

(15) "Free from detectable pests or diseases" means that administratively determined tolerance levels shall be established and administered for destructive pests such as cyclamen mite, crown borer, aphids, the red stele fungus, and nematodes. The evaluations for the pests shall be conducted by methods approved by the director.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-008, filed 6/9/87; Order 1216, § 16-328-008, filed 10/18/71, effective 11/18/71.]

WAC 16-328-009 Strawberry plant certification standards. The following specific rules constitute the requirements and standards for strawberry plant certification.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-009, filed 6/9/87.]

WAC 16-328-010 Strawberry plant certification fees. Strawberry plant certification fees are as follows:

(1) Certification application fee. The applicant shall furnish all information requested on the application for inspection and shall allow the department to take plants or plant parts from any planting for inspection or testing purposes. A separate application shall be made for each cultivar and/or unit entered for certification. Each lot of each cultivar shall be listed separately on the application. Lots under observation by the department shall pay the inspection fees. Applications for inspection shall be filed with the Seed Branch, 2015 South First Street, Yakima, Washington 98903 by June 30 each year accompanied by a one hundred twenty-five dollar fee.

(2) Inspection fees. The 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. Inspection fees shall be payable upon completion of work done and shall be for the sole purpose of defraying expenses incurred in the inspection and certification of strawberry nursery stock. Billing to the applicant shall be made by the seed branch.

(3) A grower desiring to produce certified strawberry plants as herein provided shall establish with the department facts evidencing sufficient experience to produce healthy, high quality stock.

(4) Failure to pay fees when due shall result in removing the applicant from this program.

(5) No application for any grower owing the Washington state department of agriculture for previous fees shall be considered.

[Statutory Authority: Chapter 15.14 RCW. 92-15-114 (Order 3005), § 16-328-010, filed 7/21/92, effective 8/21/92; 87-13-016 (Order 1932), § 16-328-010, filed 6/9/87; Order 1216, § 16-328-010, filed 10/18/71, effective 11/18/71, Order 925, Regulation 1, filed 6/25/63; Order 625, Regulation 1, effective 4/29/52.]

WAC 16-328-015 Certifying agency issuance of certificate. (1) The issuance of a state of Washington certified plant tag or stamp under this chapter affirms solely that the tagged or stamped strawberry rootstock has been subjected to certification standards and procedures by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(2) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(3) Participation in the strawberry plant certification program shall be voluntary.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-015, filed 6/9/87.]

WAC 16-328-025 Strawberry plant certification—Isolation requirements. (1) Foundation stock. These shall be produced in specially constructed houses to ensure protection from virus vectors or produced in a tissue culture laboratory.

(2) Registered stock. These shall be produced in specially constructed houses or grown in areas isolated by one-half mile or more from noncertified strawberry stock in order to minimize danger of virus infection.

(3) Certified stock. Same as registered stock.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-025, filed 6/9/87; Order 1216, § 16-328-025, filed 10/18/71, effective 11/18/71; Order 925, Regulation 2, filed 6/25/63; Order 625, Regulation 3 (part), effective 4/29/52.]

WAC 16-328-030 Strawberry plant certification—Requirements for production of foundation and registered stock. (1) Land requirements. Plants shall be grown on land acceptable to the department. A field to be eligible for the production of registered stock shall not have grown or been planted to strawberries during the previous year, unless planted with plants of the same variety and classification. The field shall have been found free of red stele when examined by the department the previous year or have been fumigated to control red stele according to methods approved by the department.

(2) Plant requirements.

(a) Only nuclear or foundation planting stock which has been indexed and regularly reindexed at least once every other year by qualified Washington State University or USDA personnel or personnel acceptable to the director of agriculture may be entered for the production of foundation stock. A grower may maintain and increase foundation stock indefinitely in a screenhouse that is approved by the

department: *Provided*, That no mother plant may remain at the foundation stock plant level more than two propagation seasons after it has been indexed free from viruses by methods approved by the department.

(b) Only strawberry plants which have been certified as foundation planting stock may be entered for the production of registered stock.

(3) Miscellaneous requirements.

(a) Each varietal selection shall be separated by a strip of land at least twelve feet wide.

(b) In roguing, growers shall dig and destroy all low yielding, unhealthy appearing, off-type, diseased or otherwise abnormal plants.

(c) Insect pests and diseases are to be effectively controlled by dusting, spraying, fumigation, or any other approved method by the department.

(d) All plant beds shall be kept relatively free from weeds.

(4) Field inspection. Field inspections shall be made by the department during the growing season and again in the fall at a time when red stele is readily seen or as many times as deemed necessary.

(5) Evidence of use of a chemical in this certification program that reduces or eliminates red stele symptoms without eradication of the causal fungus, *Phytophthora fragariae* Hickman, shall constitute grounds for elimination of plants thus treated from the Washington certified strawberry plant program.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-030, filed 6/9/87; Order 1216, § 16-328-030, filed 10/18/71, effective 11/18/71; Order 925, Regulation 3, filed 6/25/63; Order 625, Regulation 3 (part), effective 4/29/52.]

WAC 16-328-035 Strawberry plant certification—Requirements for the production of certified stock. (1) Land requirements. Plants shall be grown on land acceptable to the department (see requirements for isolation and fumigation).

(2) Plant requirements.

(a) Only first year plantings from foundation planting stock or registered planting stock may be entered for the production of certified stock.

(b) Under exceptional cases of need, certified stock may be recycled and used to produce more certified stock for one additional year, as specifically approved by the director.

(3) Miscellaneous requirements.

(a) Each varietal selection shall be separated by a strip of land at least twelve feet wide.

(b) In roguing, growers shall dig and immediately destroy all low yielding, unhealthy appearing, off-type, diseased or otherwise abnormal plants. The spots where those plants were growing shall be flagged to facilitate future close inspections.

(c) Pests and diseases are to be effectively controlled by dusting, spraying, fumigation, or any other approved method by the department. Aphids and cyclamen mites shall be controlled. Populations of those pests are to be determined by sampling methods approved by the director.

(d) Growers shall provide evidence that the plants do not exceed the tolerances shown in the table in WAC 16-328-060. This shall be determined by sampling methods approved by the director.

(1997 Ed.)

(e) All plant beds shall be kept relatively free from weeds.

(4) Field inspection. Field inspections shall be made by the department during the growing season and again in the fall at a time when red stele is readily seen or as many times as deemed necessary.

(5) Evidence of use of a chemical in this certification program that reduces or eliminates red stele symptoms without eradication of the causal fungus, *Phytophthora fragariae* Hickman, shall constitute grounds for elimination of plants thus treated from the Washington certified strawberry plant program.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-035, filed 6/9/87; Order 1216, § 16-328-035, filed 10/18/71, effective 11/18/71; Order 925, Regulation 4, filed 6/25/63; Order 625, Regulations 4 and 5, effective 4/29/52.]

WAC 16-328-038 Production of certified strawberry nursery stock by micropropagation techniques. Foundation and registered strawberry nursery stock may be propagated from approved nuclear stock. See WAC 16-328-009 and 16-328-015.

[Statutory Authority: Chapter 15.14 RCW. 87-17-024 (Order 1947), § 16-328-038, filed 8/13/87.]

WAC 16-328-060 Strawberry plant certification—Field standards. (1) The entire field or unit shall meet certification requirements except when soilborne pests are found in excess of tolerance in a portion of the field or unit, and the infestation can be safely delimited in the opinion of the department; or when plants in the infested portion are treated to eradicate or to control the pest to comply with the tolerance under the supervision of the department.

(2) Specific requirements:

TOLERANCES (%)

| Factors | Foundation field (all inspections) | Registered field | Certified Field | |
|---|------------------------------------|------------------|-----------------------|------------------|
| | | | 1st & 2nd inspections | 3rd inspection |
| Virus Diseases | 0 ^a | 0 | 1 ^b | 0.5 ^b |
| Red Stele ^b | 0 | 0 | 0 | 0 |
| Nematode ^c | 0 | 0 | 0 | 0 |
| Variety Mixture | 0 | 0 | 0.1 | 0 |
| All other Diseases (including lethal decline) | 0 | 0.5 | 2 | 1 |

^a All foundation stock mother plants must be indexed for virus content no more than two years previously in order to qualify at this level.

^b Visible.

^c It is strongly recommended that preplant application of an approved nematicide be made to fields to be used in this program. The department reserves the right to require soil tests for plant parasitic nematodes to be made by methods and at times approved by the department and the data furnished to the department for any field in this certification program.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-060, filed 6/9/87; Order 1216, § 16-328-060, filed 10/18/71, effective 11/18/71; Order 925, Regulation 5, filed 6/25/63; Order 625, Regulation 6, effective 4/29/52.]

WAC 16-328-065 Strawberry plant certification—Designation of plants. (1) Foundation planting stock shall

be identified by the state of Washington official certified strawberry plant tag or stamp, and in addition shall be marked "foundation planting stock."

(2) Registered planting stock shall be identified by the state of Washington official certified strawberry plant tag or stamp, and in addition shall be marked "registered planting stock."

(3) No. 1 certified planting stock shall be identified by the state of Washington official certified strawberry plant tag or stamp.

(4) No. 2 certified planting stock shall be identified by the state of Washington official certified strawberry plant tag or stamp.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-065, filed 6/9/87; Order 1216, § 16-328-065, filed 10/18/71, effective 11/18/71; Order 1110, § 16-328-065, filed 3/31/69; Order 925, Regulation 6, filed 6/25/63; Order 625, Regulation 7, effective 4/29/52.]

WAC 16-328-080 Strawberry plant certification—Tagging or stamping and plant inspection. (1) "Certified" stock shall be identified with the state of Washington official certified strawberry plant tag or stamp under the supervision of the department after plants have passed inspection.

(2) Crown division plants, if sold, shall be segregated and packed separately and identified with the state of Washington official certified strawberry plant tag or stamp, and also stamped "crown divisions."

(3) Only plants meeting Washington standards for strawberry plants shall be tagged or stamped, except those marked foundation, registered or crown division planting stock.

(4) All containers shall be marked with the name and address of the grower, grade or class of stock, and variety.

(5) The grower is referred to chapter 15.14 RCW, planting stock, for additional information.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-080, filed 6/9/87; Order 1216, § 16-328-080, filed 10/18/71, effective 11/18/71; Order 1110, § 16-328-080, filed 3/31/69; Order 925, Regulation 7, filed 6/25/63; Order 625, Regulation 8, effective 4/29/52.]

WAC 16-328-083 Strawberry plant grades and standards—Washington No. 1. Washington No. 1 shall consist of strawberry plants of one variety or plants of similar varietal characteristics which are:

- (1) Fairly fresh.
- (2) Firm.
- (3) Moist.
- (4) Fairly clean.
- (5) Fairly well trimmed runners and petioles.
- (6) Free from damage caused by:
 - (a) Sunburn.
 - (b) Mold.
 - (c) Freezing injury, black roots.
 - (d) Broken or split crown, mechanical injury.
- (7) Free from detectable dangerous pests or diseases, including plant parasitic nematodes.

Strawberry plants in this grade shall have not less than ten main roots, the length of which shall be not less than two and one-half inches, with a minimum crown diameter of one-fourth inch measured at the base of the crown.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-083, filed 6/9/87.]

[Title 16 WAC—page 388]

WAC 16-328-085 Strawberry plant grades and standards—Washington No. 2. Washington No. 2 shall consist of strawberry plants of one variety or plants of similar varietal characteristics which meet all of the requirements of Washington No. 1 except strawberry plants in this grade shall have not less than six main roots, the length of which shall be not less than two and one-half inches.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-085, filed 6/9/87.]

WAC 16-328-088 Strawberry plant grades and standards—Tolerances. (1) Application of tolerances. The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerance specified.

(2) Tolerances. In order to allow for variations incident to proper grading and packing, not more than a combined total of ten percent, by count, of the plants in any lot may fail to meet the requirements of the above grade.

(3) Packing. Strawberry plants are to be packed in such manner that they shall retain a fresh condition.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-088, filed 6/9/87.]

Chapter 16-333 WAC

RULES AND STANDARDS FOR CERTIFICATION OF PLANTS

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WAC 16-333-010 Definitions. (1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or his duly appointed representative.

(3) "Virus infected (affected)" means presence of a virus(es) or yellows disease agent in a plant or plant part.

The word "virus" shall be used hereafter to include yellows disease in this chapter.

(4) "Virus-like" means a disorder of genetic or nontransmissible origin.

(5) "Off-type" means not true-to-name.

(6) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

(7) "Index or indexing" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant; or by any other method.

(8) "Root cuttings" means sections of roots which have one or more bud.

(9) "Succulent plants" means small, actively growing plants that are developing from root buds, not having passed through a dormant period.

(10) "One-year old plants" means well rooted plants that have developed during one growing season.

(11) "Caneberry" means any cultivated *Rubus* species.

[Statutory Authority: Chapter 15.14 RCW. 85-22-053 (Order 1876), § 16-333-010, filed 11/5/85.]

WAC 16-333-020 Certifying agency issuance of certificate. (1) The issuance of a certified state of Washington plant tag or stamp under this chapter affirms solely that the tagged or stamped caneberry stock has been subjected to certification standards and procedures by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(2) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(3) Participation in the caneberry planting stock certification program shall be voluntary.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-333-020, filed 6/9/87; 85-22-053 (Order 1876), § 16-333-020, filed 11/5/85.]

WAC 16-333-030 Caneberry certification standards. The following specific rules constitute the requirements and standards for caneberry certification.

[Statutory Authority: Chapter 15.14 RCW. 85-22-053 (Order 1876), § 16-333-030, filed 11/5/85.]

WAC 16-333-040 Caneberry certification fees. (1) Caneberry certification application fee. The applicant shall furnish all information requested on the application for inspection and shall allow the department to take plants or plant parts from any planting for inspection and testing purposes. A separate application shall be made for each cultivar and/or unit entered for certification. Each lot of each cultivar shall be listed separately on the application. Lots under observation by the department shall pay the inspection fees. Applications for inspection shall be filed with the seed branch, 2015 South First Street, Yakima, Washington 98903 by May 15 each year accompanied by a one hundred twenty-five dollar fee.

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(2) Inspection fees. The 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. Inspection fees shall be payable upon completion of work done and shall be for the sole purpose of defraying expenses incurred in the inspection and certification of caneberry nursery stock. Billing to the applicant shall be made by the seed branch.

(3) Applications for certification shall reach the department's seed branch, 2015 South First Street, Yakima, WA 98903, by May 15 each year.

(4) A grower desiring to produce certified caneberry plants as herein provided shall establish with the department facts evidencing sufficient experience to produce healthy, high quality stock.

(5) Failure to pay fees when due shall result in removing the applicant from the certification program.

(6) No application from any grower owing the department for previous fees shall be considered.

[Statutory Authority: Chapter 15.14 RCW. 92-15-114 (Order 3005), § 16-333-040, filed 7/21/92, effective 8/21/92; 87-13-016 (Order 1932), § 16-333-040, filed 6/9/87; 85-22-053 (Order 1876), § 16-333-040, filed 11/5/85.]

WAC 16-333-050 Requirements for production of caneberry foundation and registered stock. (1) Land requirements:

(a) A field to be eligible for the production of foundation or registered planting stock shall not have grown or have been planted to caneberry plants or solanaceous crops during the previous five years, unless planted with plants of same cultivar and classification. This requirement may be modified upon approval of the certification agency when tarp fumigated with chloropicrin and methyl bromide fumigant. An inspection and approval of the land by the certification agency is required after treatment prior to planting to ensure adequate varietal purity of the caneberry planting:

(b) Acceptable records shall be presented to the department of nematode sampling of the land in question which show that plant parasitic nematodes are not present in harmful quantities; and

(c) Fumigate the land in accordance with approved commercial practices compatible with current recommendations of the Washington State University extension service; and

(d) An insect-proof screenhouse or greenhouse may be used for production of foundation or registered planting stock: *Provided*, That all other land requirements are met.

(2) Isolation requirements:

(a) Plantings entered for certification shall be grown in areas sufficiently isolated from sources of caneberry viruses by distance or natural barriers to minimize current infection.

(b) Cultivars within the plantings entered for certification shall be separated by not less than fourteen feet. The space between cultivars shall be kept deeply cultivated to prevent intermingling roots.

(3) Plant requirements:

(a) Only nuclear planting stock which has been indexed and regularly reindexed for virus diseases by qualified Washington State University or United States Department of Agriculture personnel or personnel acceptable to the director may be entered for the production of foundation stock.

(b) Only foundation or nuclear planting stock may be entered for the production of registered stock.

(i) One percent, not to exceed twelve plants, of each foundation lot shall be maintained by the grower to allow some fruiting in order to permit evaluation for trueness to name and fruit character; or

(ii) Ten percent, not to exceed three plants, of each nuclear lot shall be maintained by Washington State University, or the United States Department of Agriculture, or department personnel to allow some fruiting to permit evaluation for trueness to name and fruit character; and

(iii) Plant harvest from a foundation or registered lot shall be limited to two growing seasons.

(c) Foundation stock shall not be maintained longer than three years.

(4) Miscellaneous requirements:

(a) At the time of the first field inspection, department inspectors shall clearly mark all plants that are off-type, crown and cane-gall infected, virus-infected or exhibiting virus-like symptoms.

(b) Growers shall dig or otherwise destroy all plants and their roots which are marked by a department inspector within one week from the date of the first field inspection.

(c) At the time of the second field inspection, department inspectors shall clearly mark all plants that are off-type, crown and cane-gall infected, virus-infected or exhibiting virus-like symptoms.

(d) Growers shall dig or otherwise destroy all off-type plants and their roots which are marked by a department inspector, as well as all off-type plants and their roots observed by the grower and not less than forty inches in each direction across the row from the off-type plant within two weeks from the date of the second field inspection.

(e) Growers shall dig or otherwise destroy all plants and their roots which are marked by a department inspector as being crown and cane-gall infected, virus-infected or showing virus-like symptoms.

(f) Insect pests, diseases and vectors of diseases shall be effectively controlled by dusting, spraying, or any other approved method.

(g) All plant beds shall be relatively free from weeds.

[Statutory Authority: Chapter 15.14 RCW. 89-16-051 (Order 2013), § 16-333-050, filed 7/28/89, effective 8/28/89; 87-13-016 (Order 1932), § 16-333-050, filed 6/9/87; 85-22-053 (Order 1876), § 16-333-050, filed 11/5/85.]

WAC 16-333-060 Requirements for production of caneberry certified planting stock. (1) Land requirements:

(a) Land proposed for the establishment of foundation, registered, and certified stock shall be inspected prior to planting in order to determine the absence of volunteer or holdover caneberry plants. Growers shall notify the department prior to planting the land; and

(b) A field to be eligible for the production of certified planting stock shall not have grown or shall not have been planted to caneberry plants or solanaceous crops during the previous five years, unless planted with plants of the same cultivar and classification; and

(c) Acceptable records shall be presented to the department of nematode sampling of the land in question which show that plant parasitic nematodes are not present in harmful quantities; and

(d) Fumigate the land in accordance with approved commercial practices compatible with current recommendations of the Washington State University extension service. Fumigation shall be supervised by a representative of the department.

(2) Isolation requirements:

(a) Plantings entered for certification shall be grown in areas sufficiently isolated from sources of caneberry viruses by distance or natural barriers to minimize current infection.

(b) Cultivars within the plantings entered for certification shall be separated by not less than fourteen feet. The space between cultivars shall be kept deeply cultivated to prevent intermingling roots.

(3) Plant requirements:

(a) Fields shall be planted with nuclear planting stock, foundation planting stock, or registered planting stock.

(b) Root cuttings and/or soft succulent plants from like plants may be accepted.

(c) Root or shoot cuttings may be used for sale to plant propagating beds.

(d) Plant harvest from a certified field shall be limited to two growing seasons.

(4) Miscellaneous requirements:

(a) At the time of the first field inspection, department inspectors shall clearly mark all plants that are off-type, crown and cane-gall infected, virus-infected or exhibiting virus-like symptoms.

(b) Growers shall dig or otherwise destroy all plants and their roots which are marked by a department inspector within one week from the date of the first field inspection.

(c) At the time of the second field inspection, department inspectors shall clearly mark all plants that are off-type, crown and cane-gall infected, virus-infected or exhibiting virus-like symptoms.

(d) Growers shall dig or otherwise destroy all off-type plants and their roots which are marked by a department inspector, as well as all plants and their roots in a rectangular area that is not less than ten feet in each direction in the row from the off-type plant and not less than forty inches in each direction across the row from the off-type plant within two weeks from the date of the second field inspection.

(e) Growers shall dig or otherwise destroy all plants and their roots which are marked by a department inspector as being crown and cane-gall infected, virus-infected or showing virus-like symptoms.

(f) Insect pests, diseases and vectors of diseases are to be effectively controlled by dusting, spraying or any other approved method.

(g) All plant beds shall be relatively free from weeds.

[Statutory Authority: Chapter 15.14 RCW. 89-16-051 (Order 2013), § 16-333-060, filed 7/28/89, effective 8/28/89; 85-22-053 (Order 1876), § 16-333-060, filed 11/5/85.]

WAC 16-333-065 Production of certified caneberry nursery stock by micropropagation techniques. Foundation and registered caneberry nursery stock may be propagated from approved nuclear stock. See WAC 16-333-020 and 16-333-040.

[Statutory Authority: Chapter 15.14 RCW. 87-17-024 (Order 1947), § 16-333-065, filed 8/13/87.]

WAC 16-333-070 Caneberry field inspection. Field inspections shall be made during the growing season and as many times as deemed necessary by the department:

- (1) First inspection _____ when plants are nine to fifteen inches high.
- (2) Second inspection _____ one month after first inspection.
- (3) Third inspection _____ digging time.

[Statutory Authority: Chapter 15.14 RCW. 85-22-053 (Order 1876), § 16-333-070, filed 11/5/85.]

WAC 16-333-080 Caneberry field standards. (1) The unit of certification shall be the entire unit entered for certification.

(2) Specific requirements:

| Factors | TOLERANCE | | | |
|--|---|---------------------------|----------------------------|----------------|
| | FOUNDATION REGISTERED ALL INSP. Percent | (FIELD) 1st & 2nd Percent | (DIGGING TIME) 3rd Percent | Plants Percent |
| Varietal Mixture | 0 | 0 | 0 | 0.5% |
| Virus Diseases* | 0 | 0.5% | 0.5% | 0.5% |
| Crown & Cane Gall | 0 | 0 | 0.1% | 0.1% |
| Nematode | 0.1% | 0.1% | 0.1% | 0.1% |
| Anthracoise | 1.0% | 5.0% | 5.0% | 5.0% |
| Other Diseases | 0.5% | 0.2% | 0.2% | 0.1% |
| Root, Crown or Cane Inhabiting Insects | 0 | 0.1% | 0.1% | 0.1% |

*Visible

(3) Any portion of a certified field, not meeting the above field standards, may be delimited if, in the judgment of the department, it will not jeopardize the remainder.

(a) Nuclear planting stock shall be designated by a certification from the department.

(b) Foundation planting stock shall be designated by the official certified tag or stamp and also stamped "foundation planting stock."

(c) Registered planting stock shall be designated by the official certified tag or stamp and also stamped "registered planting stock."

(d) Certified planting stock shall be tagged with the official tag or stamp of the state of Washington for certified plants.

[Statutory Authority: Chapter 15.14 RCW. 85-22-053 (Order 1876), § 16-333-080, filed 11/5/85.]

WAC 16-333-090 Caneberry tagging or stamping and plant inspection. (1) "Certified" stock shall be identified with the state of Washington official certified caneberry plant tag or stamp under the supervision of the department after plants have passed inspection.

(2) Only plants meeting Washington standards for caneberry plants shall be tagged or stamped, except those marked foundation or registered.

(3) All containers shall be marked with the name and address of the grower, grade or class of stock, and variety.

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(4) The grower is referred to chapter 15.14 RCW, planting stock, for additional information.

[Statutory Authority: Chapter 15.14 RCW. 85-22-053 (Order 1876), § 16-333-090, filed 11/5/85.]

WAC 16-333-200 Definitions. (1) "Department" means the Washington state department of agriculture.

(2) "Director" means the director of the Washington state department of agriculture or the director's duly authorized representative.

(3) "Certified block" means a planting of plants, bulbs, or cloves of garlic which are propagated from foundation or registered stock and are used to increase certified planting stock or propagated from plants, bulbs, or cloves in another certified block.

(4) "Certified planting stock" means bulbs or cloves of garlic which are:

(a) The first propagation of registered stock or foundation stock; or

(b) Progeny of certified stock which are grown in a certified block.

(5) "Foundation stock" means:

(a) Bulbs or cloves of garlic which have been treated in a hot solution of formalin or other treatment approved by the director for stem and bulb nematode (*Ditylenchus dipsaci*) and inspected and found to be free of white rot fungus (*Sclerotium cepivorum*); or

(b) Obtained from planting stock which was inspected and found to be free from stem and bulb nematode and white rot fungus; or

(c) Maintained and certified by the University of California, or other approved sources, as foundation stock.

(6) "Garlic" means the varieties of the plant *Allium sativum*.

(7) "Registered stock" means bulbs or cloves of garlic which are:

(a) The propagation of foundation stock; or

(b) Propagated from registered stock grown in a block.

(8) "Planting stock" includes certified stock, foundation stock, or registered stock.

(9) Garlic "seed" means bulbs or cloves of garlic for planting purposes.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-200, filed 3/27/91, effective 4/27/91.]

WAC 16-333-205 Approval of stock. The department does not produce or maintain foundation, registered, or certified class planting stock. Plants, bulbs, or cloves of garlic may be accepted as planting stock if the following conditions are met:

(1) The stock has been:

(a) Treated with a hot solution of formalin or other treatment approved by the director for stem and bulb nematode, according to label requirements, prior to being shipped into Washington; or

(b) Inspected by the department, another official state inspection agency, a crop improvement association, or another organization deemed as equivalent by the director, as attested by an official certificate or other documentation, and found to be free from stem and bulb nematode;

(2) The stock is free from white rot fungus;

(3) The stock has been approved by the department.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-205, filed 3/27/91, effective 4/27/91.]

WAC 16-333-210 Seed stock eligible for certification. Only the progeny of garlic stock meeting the approval requirements of WAC 16-333-205 will be eligible for certification as certified garlic seed.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-210, filed 3/27/91, effective 4/27/91.]

WAC 16-333-215 Planting requirements. (1) To assure that the identity of a certified block is maintained, each block shall be planted a minimum of twelve feet from another certified block or variety of garlic.

(2) Garlic shall be planted in a planting area inspected and approved by the department. That planting area shall be one:

- (a) Where stem and bulb nematode is not found;
- (b) Where the spread of infestation of nematode by drainage, flooding, or irrigation is not likely;
- (c) Where water for irrigation is directly from wells only;
- (d) Which has not been found to be infested with white rot fungus (*Sclerotium cepivorum*); and
- (e) Which has never been planted with gladiolus bulbs or with any *Allium* spp. except certified garlic.

(3) Garlic shall be planted a minimum of five hundred feet from any *Allium* spp. which is not being grown for certification as seed.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-215, filed 3/27/91, effective 4/27/91.]

WAC 16-333-220 Conditions under which certification may be refused. The department will conduct field inspections of certified garlic plantings. Any plants which appear to be growing abnormally or abnormal appearing bulbs will be collected and examined for the presence of pests or disease. The department may refuse to certify a planting of garlic or the harvested bulbs of garlic if:

- (1) The planting, bulbs or cloves, are found to be infested with stem or bulb nematode, white rot fungus, or any other pest of garlic and the department determines that the infestation cannot be eliminated by treatment, rouging, or other procedure; or
- (2) The grower has failed to comply with any certification requirement in this chapter.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-220, filed 3/27/91, effective 4/27/91.]

WAC 16-333-225 Responsibilities of the grower. A grower of certified garlic shall:

- (1) Conduct an active program of garlic pest control;
- (2) Use suitable precautions when cultivating, irrigating, or moving or using of equipment to prevent the spread of soil-borne pests or disease;
- (3) Keep containers for the movement of harvested garlic free of dirt and residues of garlic, onions, or other *Allium* species: *Provided*, That bins previously used for

onions, potatoes, and gladiolus bulbs may not be used and bins used for other crops shall be steam cleaned;

(4) Conform to white rot quarantine regulations in WAC 16-470-300 through 16-470-340.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-225, filed 3/27/91, effective 4/27/91.]

WAC 16-333-230 Storage requirements for certified seed. Certified seed-garlic shall be stored in clean containers and in clean storage areas which have been approved by the department. Storage shall not be allowed in onion, potato, or gladiolus storage bins or areas. Certified garlic seed may be placed either in new bags, or bags that have been used only for certified garlic seed, or bags that have been sterilized in a manner approved by the department.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-230, filed 3/27/91, effective 4/27/91.]

WAC 16-333-235 Movement of seed out-of-state—Permit requirement. (1) If a lot of certified seed-garlic is to be moved out of Washington for treatment, as provided in WAC 16-333-205 (1)(a), and for cracking, prior to that movement, the grower shall obtain a permit from the department. The number of the permit shall be used by the department to identify that lot.

(2) The permit shall be affixed to the shipping container at all times. The permit number shall be referenced on the official certificate certifying that the prescribed treatment has been completed. A certificate and the attached permit is required for reentry of the treated seed into Washington as certified garlic seed. Unless the identity shall be maintained on all seed lots, such lots may not be certified.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-235, filed 3/27/91, effective 4/27/91.]

WAC 16-333-240 Fees. The following fees are applicable to the garlic seed certification program:

- (1) An application fee \$ 200.00
- (2) Inspection fee, per hour \$ 20.00
- (3) Mileage, per mile \$ 26
- (4) Laboratory analysis by the department to determine the presence of nematodes or disease, costs of materials and labor, per hour \$ 20.00
- (5) Laboratory analysis performed by Washington State University or other laboratories will be charged back at the actual cost to the department including shipping and any other directly related costs.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-240, filed 3/27/91, effective 4/27/91.]

WAC 16-333-245 Certifying agency issuance of certificate. (1) The issuance of a certified state of Washington seed tag or stamp under this chapter affirms solely that the tagged or stamped seed garlic has been subjected to certification standards and procedures by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all garlic plants, bulbs, or cloves under this chapter.

(2) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling or otherwise, in connection with this chapter. No grower, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

[Statutory Authority: Chapter 15.14 RCW. 91-08-015 (Order 2076), § 16-333-245, filed 3/27/91, effective 4/27/91.]

Chapter 16-350 WAC

FRUIT TREES—REGISTRATION AND CERTIFICATION

WAC

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WAC 16-350-001 Promulgation. I, Joe Dwyer, director of agriculture, state of Washington, by virtue of the authority vested in me under chapter 15.14 RCW, after due notice and a public hearing held in Yakima, Washington, June 11, 1964, (pursuant to chapters 43.32 and 34.04 RCW), do hereby promulgate the following regulations relating to the registration of fruit trees and certification of fruit tree nursery stock.

[Order 951, Promulgation, filed 7/2/64; Order 890, Promulgation, effective 9/17/62.]

WAC 16-350-003 Promulgation. (This promulgation relates to WAC 16-350-003, 16-350-050 and 16-350-070.)

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.14 RCW and after due notice and public hearing held in Olympia, Washington, on January 3, 1974, pursuant to chapters 42.30 and 34.04 RCW do hereby promulgate the following regulations relating to Fruit trees—Registration and certification.

[Order 1331, § 16-350-003, filed 1/15/74; Order 1300, § 16-350-003, filed 3/26/73; Order 1275, § 16-350-003, filed 7/6/72.]

WAC 16-350-010 General. (1) Trees may be registered as rootstock and top-stock sources for the propagation of certified nursery stock when inspected, tested and found to be true-to-name and discernibly free from harmful virus and virus-like diseases by procedures outlined in this program.

(2) Registration and/or certification does not imply any warranty on the part of the department or any employee thereof.

(3) Participation in this program shall be voluntary.

[Order 1331, § 16-350-010, filed 1/15/74; Order 1300, § 16-350-010, filed 3/26/73; Order 951 (part), filed 7/2/64; Order 890 (part), effective 9/17/62.]

WAC 16-350-015 Definitions. (1) "Virus infected (affected)" means presence of a harmful virus(es) in a plant or plant part.

(2) "Virus-like" means a disorder of genetic or nontransmissible origin.

(3) "Off-type" means not true-to-name.

(4) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

(5) "Index" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant or by any other method.

(6) "Registered tree" means that a registration number has been assigned by the department to a tree or clonal planting that has been inspected and tested in accordance with the provisions of this program.

(7) "Scion-block" means a planting of registered trees which serves as a source of scionwood for the propagation of "Washington certified nursery stock."

(8) "Seed-block" means a planting of registered prunus seed trees which serves as a source of seed for producing rootstock used in the propagation of "Washington certified nursery stock."

(9) "Stool bed" means a clonal planting of self-rooted registered trees for the specific purpose of producing vegetatively propagated rootstock used in the propagation of "Washington certified nursery stock."

(10) "Washington certified nursery stock" means nursery grown seedlings, clonal rootstocks originating from registered trees and nursery grown trees propagated by using top-stock from registered trees and rootstock originating from registered trees except as herein provided for certain rootstocks, but limited to the plant Genera 1. Chaenomeles, 2. Cydonia, 3. Crataegus, 4. Malus, 5. Prunus, 6. Pyrus, 7. Sorbus.

(11) "Washington certified seed" means seed produced on registered seed trees.

[Statutory Authority: Chapter 15.14 RCW. 90-23-006 (Order 2058), § 16-350-015, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-015, filed 1/15/74; Order 1300, § 16-350-015, filed 3/26/73; Order 951, Regulation 1, filed 7/2/64; Order 890, Regulation 1, effective 9/17/62.]

WAC 16-350-020 Requirements. (1) The applicant nurseryman shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of registered plantings being grown under the provisions of this program. The applicant nurseryman shall be responsible for maintaining the identity of all nursery stock entered in this program in a manner approved by the department. Any planting entered in this program shall be kept in a thrifty growing condition and free of plant pests.

(2) There shall be no budding, grafting, or top-working of registered trees in any scion-block, seed-block or stool bed.

(3) Any plant found to be affected by a virus or virus-like disease or if off-type shall be removed and destroyed immediately from any planting following notification by the department.

[Order 1331, § 16-350-020, filed 1/15/74; Order 1300, § 16-350-020, filed 3/26/73; Order 951, Regulation 2(a), filed 7/2/64; Order 890, Regulation 2 (part), effective 9/17/62.]

WAC 16-350-025 Scion-blocks. (1) **Location.** A scion-block shall be located not less than 100 feet from any nonregistered cultivated plant of the Rosaceae family. The ground in a scion-block and for a distance of 20 feet surrounding it shall be kept either clean cultivated or in an approved, properly controlled, ground cover. Registered scion-block trees shall be planted and maintained in a manner and at sufficient distance that branches of different varieties do not overlap. Each tree shall bear a permanent registration number.

(2) **Acceptability.** The root stock and top-stock sources of the scion-block trees shall have originated from foundation trees established under this program, or from virus-tested trees originating through the inter-regional project No. 2 (IR-2) or other approved sources. If the tree is scion-rooted, its source shall have met the above requirements. Only registered trees shall be permitted in the scion-block.

[Statutory Authority: Chapter 15.14 RCW. 90-23-006 (Order 2058), § 16-350-025, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-025, filed 1/15/74; Order 1300, § 16-350-025, filed 3/26/73; Order 951, Regulation 2(b), filed 7/2/64; Order 890, Regulation 2 (part), effective 9/17/62.]

WAC 16-350-030 Seed-blocks. (1) **Location.** A prunus seed-block shall be located not less than 100 feet from any nonregistered plant of the Prunus species. The ground in a seed-block and for a distance of 20 feet surrounding the seed-block shall be kept clean cultivated or in an approved, controlled ground cover. Each tree shall bear a permanent registration number.

(2) **Acceptability.** The rootstock and top-stock sources of the seed-tree shall have originated from foundation trees established under this program or from virus-tested trees originating through the inter-regional project No. 2 (IR-2) or other approved sources. If the tree is scion-rooted, its source shall have met the above requirements. Only registered trees shall be permitted in the seed-block.

[Statutory Authority: Chapter 15.14 RCW. 90-23-006 (Order 2058), § 16-350-030, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-030, filed 1/15/74; Order 1300, § 16-350-030, filed 3/26/73; Order 951, Regulation 2(c), filed 7/2/64; Order 890, Regulation 2 (part), effective 9/17/62.]

WAC 16-350-032 Stool-beds. (1) **Location.** A stool-bed shall be located not less than fifty feet from any nonregistered cultivated plant of the Rosaceae family. The following exception will apply. Nonregistered stool-beds may be located no less than ten feet from registered stool-bed plantings. The ground in a stool-bed and for a distance of ten feet surrounding it shall be kept clean cultivated.

(2) **Acceptability.** Existing stool-beds that index clean on the commonly used virus indicators will qualify as **registered stool-beds.** New stool-beds (those planted after January 1, 1976) shall have originated from foundation stock established under this program, or from virus-tested plants originating through the inter-regional project No. 2 (IR-2) or

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other approved sources. If the tree is scion-rooted, its source shall have met the above requirements. Only registered trees shall be permitted in the stool-bed.

[Statutory Authority: Chapter 15.14 RCW. 90-23-006 (Order 2058), § 16-350-032, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-032, filed 1/15/74; Order 1300, § 16-350-032, filed 3/26/73.]

WAC 16-350-035 Nursery stock. (1) **Rootstocks.** All stone and pome fruit and related ornamental nursery stock being grown for blue tag certification shall be on rootstocks from registered trees except for stone fruit and related ornamental trees grown on virus tested seedlings and pome fruit and related ornamental trees grown on apple and pear seedlings. These seedling rootstocks, when grown from commercial seed, will be acceptable if seed transmissible virus content does not exceed five percent. Clonal rootstocks used in the production of Washington certified blue tag nursery stock must originate from registered stool-beds.

(2) **Location.** Nursery stock being grown for certification shall be planted sufficiently apart to maintain its identity and shall be kept clean cultivated. It shall be designated as to rootstock, top-stock, and interstock sources. There shall be no rebudding or re-grafting of nursery row stock unless such stock is reworked with budwood from the same registered scion-tree.

(3) **Seed.** Certified seed shall have been produced on registered seed trees only.

(4) **Tagging.** A blue tag shall designate trees produced from registered scion-source trees and which have been propagated on rootstocks produced from registered seed-source or stool-bed trees; or which are self-rooted. Stone and pome fruit and related ornamental trees grown on seedling rootstocks from commercial seed will also qualify for blue tag certification if seed transmissible virus content does not exceed five percent.

A yellow tag shall designate trees produced from registered scion-source trees and which have been propagated on rootstocks which originate from nonvirus-tested sources.

All nursery stock meeting the requirements of this program when sold shall have the variety, interstock and rootstock designated where applicable as follows: Variety/ interstock/rootstock.

(5) **Acceptability.** All nursery stock meeting the requirements of this program shall be known as Washington certified nursery stock.

[Statutory Authority: Chapter 15.14 RCW. 90-23-006 (Order 2058), § 16-350-035, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-035, filed 1/15/74; Order 1300, § 16-350-035, filed 3/26/73; Order 951, Regulation 2(d), filed 7/2/64; Order 890, Regulation 2 (part), effective 9/17/62.]

WAC 16-350-040 Inspection and testing. (1) **Methods and procedures.** Inspection and testing procedures prescribed in this program may be made only by the department and shall be conducted in a manner and at times determined as suitable. The methods and procedures used for making the virus disease determinations will conform to IR-2 standards.

(2) **Inspection of nursery stock for certification.** At least one visual inspection shall be made of nursery rootstock in a planting for certification during the first growing season. At the request of the department any undesirable

rootstock shall be rogued before propagation. At least two visual inspections shall be made of nursery stock during the growing season following bud or graft placement.

The department shall refuse certification in part or all of a planting if plants have been propagated from registered trees determined to be affected by a virus or virus-like disease or if other requirements of this program have not been met.

[Order 1331, § 16-350-040, filed 1/15/74; Order 1300, § 16-350-040, filed 3/26/73; Order 951, Regulation 3, filed 7/2/64; Order 890, Regulation 3, effective 9/17/62.]

WAC 16-350-045 Application and fees. (1) Application.

(a) The applicant nurseryman shall furnish to the department all information pertinent to the operation of this program and shall give his/her consent to the department to take propagating wood from any tree for testing purposes.

(b) Trees registered and used under the provisions of the Washington state nursery improvement program shall be deemed usable as registered scion-trees and seed-trees if they meet the requirements outlined in this program.

(c) Application for inspection and indexing of registered scion and seed-trees and for inspection of nursery stock for certification must be filed with the department by June 1 of each year accompanied by an application fee. The application fee will consist of \$100.00 plus \$1.00 for each seed-tree entered in this program.

(2) **Fees.** The application fee will apply toward the one percent annual assessment on the gross sale price of the wholesale market value for all fruit trees, fruit tree related ornamentals, and fruit tree rootstock sold within the state or shipped from the state of Washington by any licensed nursery dealer during any license period, as set forth in RCW 15.13.130: *Provided*, That no refund of the application will be allowed.

[Statutory Authority: Chapter 15.14 RCW. 90-23-006 (Order 2058), § 16-350-045, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-045, filed 1/15/74; Order 1300, § 16-350-045, filed 3/26/73; Order 1275, § 16-350-045, filed 7/6/72; Order 951, Regulation 4, filed 7/2/64; Order 890, Regulation 4, effective 9/17/62.]

WAC 16-350-050 Tagging and identity. (1) Tagging. The department will authorize the use of official certification tags for the identification of nursery stock or seed that meet the requirements of this program. These tags will be supplied by the Washington state department of agriculture to all members participating in the program. Participating members will reimburse the department of agriculture for all certification tags supplied. This reimbursement will be based on the cost incurred by the Washington state department of agriculture.

(2) **Identity.** Any person selling Washington certified nursery stock or seed is responsible for the identity of the stock bearing each tag and for such nursery stock or seed meeting the requirements of this program. Persons issued tags authorized by the program shall account for stock produced and sold and keep such records as may be necessary.

[Statutory Authority: Chapter 15.14 RCW. 90-23-006 (Order 2058), § 16-350-050, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-050, filed

1/15/74; Order 1300, § 16-350-050, filed 3/26/73; Order 951, Regulation 5, filed 7/2/64; Order 890, Regulation 5, effective 9/17/62.]

WAC 16-350-060 Grades and standards for Washington certified fruit tree nursery stock. All certified nursery stock offered for sale is to be bundled in accordance with commercial practice and shall be identified by one or more legible printed labels.

[Statutory Authority: Chapter 15.14 RCW. 90-23-006 (Order 2058), § 16-350-060, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-060, filed 1/15/74; Order 1300, § 16-350-060, filed 3/26/73; Order 951, Regulation 6, filed 7/2/64; Order 890, Regulation 6, effective 9/17/62.]

WAC 16-350-065 Statutory declaration of unlawful acts. RCW 15.14.140 states: "It shall be unlawful for any person to sell, offer for sale, hold for sale, label, identify, represent or to advertise any planting stock" or seed "as being certified, registered, foundation or breeder planting stock" or seed "unless it has been inspected by the director and he has issued a certificate stating that such planting stock" or seed "has met the requirements of this chapter and rules adopted hereunder and that it is properly identified and labeled."

[Statutory Authority: Chapter 15.14 RCW. 90-23-006 (Order 2058), § 16-350-065, filed 11/9/90, effective 12/10/90; Order 1331, § 16-350-065, filed 1/15/74; Order 1300, § 16-350-065, filed 3/26/73; Order 951 (part), filed 7/2/64; Order 890 (part), effective 9/17/62.]

WAC 16-350-070 Effective date. This order shall take effect on and after February 14, 1974.

[Order 1331, § 16-350-070, filed 1/15/74; Order 1300, § 16-350-070, filed 3/26/73.]

WAC 16-350-075 Certifying agency issuance of certificate. (1) The issuance of a certified state of Washington plant tag or stamp under this chapter affirms solely that the tagged or stamped fruit tree or fruit tree related stock and rootstock has been subjected to certification standards and procedures by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(2) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

[Statutory Authority: Chapter 15.14 RCW. 90-23-006 (Order 2058), § 16-350-075, filed 11/9/90, effective 12/10/90.]

**Chapter 16-354 WAC
HOP ROOTSTOCKS—CERTIFICATION**

WAC

16-354-002
16-354-005
16-354-010
16-354-020

Promulgation.
Hop rootstock—General.
Definitions.
Field standards for production of certified hop rootstock.

| | |
|------------|---|
| 16-354-030 | Hop rootstock inspections. |
| 16-354-040 | Hop rootstock certification application and fees. |
| 16-354-050 | Hop rootstock tagging and identity. |
| 16-354-070 | Hop rootstock field standards. |
| 16-354-090 | Hop rootstock grades and standards. |
| 16-354-100 | Hop rootstock tolerances. |

3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-005, filed 7/16/85; Order 1264, § 16-354-005, filed 5/10/72.]

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

| | |
|------------|---|
| 16-354-001 | Promulgation—Rootstocks classified—Negation of warranty—Participation voluntary. [Order 1023, Promulgation, filed 6/16/66; Order 996, Promulgation, filed 11/30/65; Order 947, Promulgation, filed 4/13/64.] Repealed by Order 1264, filed 5/10/72. |
| 16-354-060 | Standards for hop rootstock (early and late cluster type). [Order 1023, Regulation VI, filed 6/16/66; Order 996, Regulation VI, filed 11/30/65; Order 947, Regulation VI, filed 4/13/64.] Repealed by Order 1264, filed 5/10/72. |
| 16-354-080 | Effective date. [Order 1264, § 16-354-080, filed 5/10/72.] Repealed by 85-15-046 (Order 1867), filed 7/16/85. Statutory Authority: Chapter 15.14 RCW. |

WAC 16-354-002 Promulgation. (This promulgation relates to WAC 16-354-001, 16-354-010, 16-354-020, 16-354-030, 16-354-040, 16-354-050, and 16-354-060. WAC 16-354-001 and 16-354-060 are repealed.)

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.14 RCW and after due notice and public hearing held in Yakima, Washington on May 3, 1972, pursuant to chapters 42.30 and 34.04 RCW do hereby establish the following rules for the certification of hop rootstocks.

[Order 1264, § 16-354-002, filed 5/10/72.]

WAC 16-354-005 Hop rootstock—General. (1) Rootstocks of hops (*Humulus Lupulus L.*) may be designated as foundation stock, registered stock and certified stock when inspected, tested and found to be discernibly free from Ilar viruses and virus-like diseases, downy mildew, powdery mildew, verticillium wilt, crown gall, rootknot nematode, hop cyst nematode or other serious pests, by procedures and inspections outlined in this program.

(2) The issuance of a state of Washington certified plant tag or stamp under this chapter affirms only that the tagged or stamped hop rootstock has been subjected to certification procedures to determine compliance with standards by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(3) The department is not responsible for disease, genetic disorders, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(4) Participation in the hop rootstock certification program shall be voluntary.

[Statutory Authority: RCW 15.14.030 (2), (5). 95-18-034 (Order 5083), § 16-354-005, filed 8/28/95, effective 9/28/95. Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-005, filed

WAC 16-354-010 Definitions. (1) "Ilar virus" means a grouping of viruses, including Apple Mosaic Virus and Prunus Necrotic Ringspot, which share common characteristics including spherical in shape, with genetic material in three different particles and commonly inducing ring spots in hosts.

(2) "Virus-like" means a transmissible disorder of unknown cause.

(3) "Index" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant or by any other method.

(4) "Foundation rootstock" means slips or rhizomes, cuttings and rooted plants taken from hop stocks established and maintained by Washington State University, that are indexed, and believed to be free from known viruses and which will be genetically uniform. Cuttings or rooted plants, which shall be used to establish certified mother blocks shall be furnished to the applicant for a fee determined by Washington State University.

(5) "Certified mother block" means a planting of hop stocks established from foundation rootstock.

(6) "Certified rootstock" means rootstock produced from certified mother blocks and meeting the requirements as herein provided.

(7) "Verticillium wilt" means the disease caused by *Verticillium albo-atrum* Reinke & Berth. or hop strains of this organism.

(8) "Downy mildew and/or black rot" means the disease caused by *Pseudoperonospora humuli* Miy. & Tak., G. W. Wils. Black roots caused by this disease shall not be permitted.

(9) "Powdery mildew" means the disease caused by *Sphaerotheca humuli* (DC) Burrill = *Sphaerotheca macularis* (WALLR.: FR) Lind.

(10) "Crown gall" means the disease caused by *Agrobacterium tumefaciens* E. F. Sm. & Towns., Conn.

(11) "Rootknot nematode" means the nematode *Meloidogyne* sp.

(12) "Hop cyst nematode" means the nematode *Heterodera humuli* Filipjev.

(13) "Crown" means a slip or layered stem cutting with visible buds, that has been grown for one or two years.

(14) "Fairly fresh" means that the roots or cuttings are not excessively wilted.

(15) "Firm" means that the plant parts are not soft or spongy, although they may yield to slight pressure.

(16) "Moist" means that the plant parts are reasonably turgid and not dried to a degree that would affect normal growth.

(17) "Fairly clean" means that the plant parts are not matted or caked with dirt.

(18) "Free from damage caused by mold" means that the plants shall be free from excessive mold or decay. Plants slightly affected by mold shall be allowed.

(19) "Free from damage caused by freezing injury" means that the roots shall be of a normal color and only moderately affected by discolored roots which affect the normal growth of the plant.

(20) "Broken or mutilated rootstock" means the breaking of the root section or splitting of the plant part or other mechanical injury that would affect the normal growth of the plant.

(21) "Department" means the Washington state department of agriculture.

(22) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

[Statutory Authority: RCW 15.14.030 (2), (5), 95-18-034 (Order 5083), § 16-354-010, filed 8/28/95, effective 9/28/95. Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-010, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-010, filed 7/16/85; Order 1264, § 16-354-010, filed 5/10/72; Order 1023, Regulation 1, filed 6/16/66; Order 996, Regulation 1, filed 11/30/65; Order 947, Regulation 1, filed 4/13/64.]

WAC 16-354-020 Field standards for production of certified hop rootstock. (1) Land requirements:

(a) New land (land that has never grown hops), proposed for the establishment of certified mother blocks, shall be approved by the department prior to planting.

(b) A certified mother block to be eligible for the production of certified rootstock shall be planted in a site that has been out of hop production for three years (poles and trellis removed). The site shall be inspected the season prior to planting. 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.]

WAC 16-354-030 Hop rootstock inspections. (1)

The first inspection shall be for downy mildew, and other diseases and pests.

(2) The second inspection, depending on suitable weather conditions, shall be primarily for detection of Iar viruses, and virus-like diseases.

(3) The presence of verticillium wilt, detected in any inspection, shall disqualify the field.

(4) Rootstocks. The planting material (slips or rhizomes, layered stem cuttings, or crowns) shall be inspected at digging and/or at planting time to determine freedom from serious pests.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-030, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-030, filed 7/16/85; Order 1264, § 16-354-030, filed 5/10/72; Order 1023, Regulation III, filed 6/16/66; Order 996, Regulation III, filed 11/30/65; Order 947, Regulation III, filed 4/13/64.]

WAC 16-354-040 Hop rootstock certification application and fees. (1) The applicant grower shall furnish to the department all information pertinent to the operation of the hop rootstock certification program and shall give his/her consent to the department to take material from certified mother blocks and/or greenhouses for examination and testing.

(2) Application for inspection and testing of certified mother blocks and certified stocks shall be filed with the department by April 1 of each year accompanied by a seventy-five dollar application fee.

(3) Inspection fees shall be sixteen dollars for each acre per inspection with a minimum fee of eighty dollars for five acres or less per inspection.

(4) Payment for inspection of certified mother blocks and nursery stock for registration and certification shall be made upon completion of the inspection. Billing to the nursery stock grower shall be made by the plant services division.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-040, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-040, filed 7/16/85; 79-06-038 (Order 1631), § 16-354-040, filed 5/17/79; Order 1264, § 16-354-040, filed 5/10/72; Order 1023, Regulation IV, filed 6/16/66; Order 996, Regulation IV, filed 11/30/65; Order 947, Regulation IV filed 4/13/64.]

WAC 16-354-050 Hop rootstock tagging and identity. (1) Tagging. The department shall issue a certificate covering hop rootstock that meets the requirements of the hop rootstock certification program and authorize the use of official certification tags for the identification of such rootstock.

(2) Identity. Any person selling certified hop rootstock shall be responsible for the identity of the stock bearing each tag and for the stock meeting the requirements of the hop rootstock certification program. Persons issued tags autho-

alized by the certification program shall account for stock produced and sold, and keep records as may be necessary. Containers for hop rootstocks shall be new.

[Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-050, filed 7/16/85; Order 1264, § 16-354-050, filed 5/10/72; Order 1023, Regulation V, filed 6/16/66; Order 996, Regulation V, filed 11/30/65; Order 947, Regulation V, filed 4/13/64.]

WAC 16-354-070 Hop rootstock field standards.

(1) The unit of certification shall be the entire lot within the field standing at the time of inspection.

(2) Specific requirements. (Percentage tolerances)

| | <u>Certified</u> |
|---------------------|------------------|
| Downy mildew | 1% |
| Nematodes (visible) | 1% |
| Verticillium wilt | 0 |
| Ilar viruses | 0 |
| Powdery mildew | 0 |

[Statutory Authority: RCW 15.14.030 (2), (5). 95-18-034 (Order 5083), § 16-354-070, filed 8/28/95, effective 9/28/95. Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-070, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-070, filed 7/16/85; Order 1264, § 16-354-070, filed 5/10/72.]

WAC 16-354-090 Hop rootstock grades and standards. (1) Grades for hop clones which inherently produce slips or rhizomes and/or layered stem cuttings of small caliper shall be determined by a committee appointed by the Washington hop commission.

(2) Washington No. 1 shall consist of hop slips or rhizomes and/or layered stem cuttings of one strain, not less than five inches in length and not less than five-sixteenths inch in diameter and containing at least one visible bud, crowns not less than six inches in length and not less than three-fourths inch in diameter, with one or more visible buds which are:

- (a) Fairly fresh.
- (b) Firm.
- (c) Moist.
- (d) Fairly clean.
- (e) Free from damage caused by:
 - (i) Mold.
 - (ii) Freezing injury.
 - (iii) Broken or mutilated rootstocks.
 - (iv) Crown gall.
 - (v) Black rot.

[Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-090, filed 7/16/85.]

WAC 16-354-100 Hop rootstock tolerances. (1) In order to allow for variations incident to proper grading and packing, not more than a combined total of six percent, by count, of the rootstocks in any lot shall fail to meet the requirements of Washington No. 1, and not more than six percent of the rootstock shall have rhizomes or layered stem cuttings less than five inches in length.

(2) In order to insure lot uniformity, no individual container within a lot may contain more than one and one-half times the established tolerance.

(3) Hop plants shall be packed to retain a fresh condition.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-354-100, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.14 RCW. 85-15-046 (Order 1867), § 16-354-100, filed 7/16/85.]

Chapter 16-400 WAC

HORTICULTURAL INSPECTION FEES

WAC

| | |
|------------|--|
| 16-400-007 | Definition. |
| 16-400-010 | Grade and condition certificates—Fruits. |
| 16-400-040 | Grade and condition certificates—Vegetables. |
| 16-400-060 | Certificate charges—Other agricultural commodities. |
| 16-400-100 | Certificates. |
| 16-400-150 | Shipping permits and certificates of compliance—Fruits and vegetables. |
| 16-400-210 | Other charges. |
| 16-400-270 | Copies. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|--------------|--|
| 16-400-001 | Promulgation. [Emergency Order 1065 and Order 1066, Promulgation, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Promulgation, filed 5/12/67; Order 989, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 83-06-048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-400-003 | Promulgation. [Order 1121, § 16-400-003, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-003, filed 6/30/69.] Repealed by 83-06-048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-400-004 | Promulgation. [Order 1121, § 16-400-004, filed 12/29/69.] Repealed by 83-06-048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-400-005 | Promulgation. [Order 1121, § 16-400-005, filed 7/7/70.] Repealed by 83-06-048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-400-006 | Promulgation. [Order 1402, § 16-400-006, filed 6/16/75; Order 1377, § 16-400-006, filed 9/12/74; Order 1355, § 16-400-006, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-006, filed 5/30/73; Order 1223, § 16-400-006, filed 12/10/71, effective 1/10/72.] Repealed by 83-06-048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-400-00601 | Promulgation. [Order 1482, § 16-400-00601, filed 8/16/76.] Repealed by 83-06-048 (Order 1786), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-400-020 | Loose apples and/or pears. [Statutory Authority: Chapter 15.17 RCW. 79-01-035 (Order 1589), § 16-400-020, filed 12/20/78. Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-020, filed 5/17/78; Order 1402, § 16-400-020, filed 6/16/75; Order 1377, § 16-400-020, filed 9/12/74; Order 1355, § 16-400-020, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-020, filed 5/30/73; Order 1121, § 16-400-020, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-020, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, § 2, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 2, filed 5/12/67; Order 989, Regulation 1, § 2, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-06-029 (Order 1847), filed 2/28/85. Statutory Authority: Chapter 15.17 RCW. |
| 16-400-025 | Loose stone fruit and grapes. [Statutory Authority: Chapter 15.17 RCW. 79-01-035 (Order 1589), § 16-400-025, filed 12/20/78.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW. |

- 16-400-030 Grade and condition certificates—Soft fruits. [Emergency Order 1065 and Order 1066, Regulation 1, § 3, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 3, filed 5/12/67; Order 989, Regulation 1, § 3, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by Order 1121, filed 6/30/69, effective 8/1/69.
- 16-400-050 Grade and condition certificates—Defense subsistence supply center or other federal agencies. [Statutory Authority: Chapter 15.17 RCW. 86-08-081 (Order 1884), § 16-400-050, filed 4/2/86; 85-02-033 (Order 1845), § 16-400-050, filed 12/31/84, effective 2/1/85. Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-050, filed 5/17/78; Order 1377, § 16-400-050, filed 9/12/74; Order 1355, § 16-400-050, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-050, filed 5/30/73; Order 1121, § 16-400-050, filed 12/29/69; Order 1121, § 16-400-050, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-050, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, § 5, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 5, filed 5/12/67; Order 989, Regulation 1, § 5, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 89-08-040 (Order 2001), filed 3/31/89. Statutory Authority: Chapter 15.17 RCW.
- 16-400-070 Hay and straw. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-070, filed 5/17/78; Order 1377, § 16-400-070, filed 9/12/74; Order 1355, § 16-400-070, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-070, filed 5/30/73; Order 1121, § 16-400-070, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-070, filed 6/30/69; Emergency Order 1065 and 1066, Regulation 1, § 7, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 7, filed 5/12/67; Order 989, Regulation 1, § 7, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-080 Charges—Grade and condition certificates. [Order 783, Regulation 8, effective 3/1/59.] Omitted from Orders 928 and 989, which superseded Order 783.
- 16-400-090 Short form or lot inspection certificates. [Order 1377, § 16-400-090, filed 9/12/74; Order 1355, § 16-400-090, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-090, filed 5/30/73; Order 1121, § 16-400-090, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-090, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 2, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 2, filed 5/12/67; Order 989, Regulation 2, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-110 Condition certificates. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-110, filed 5/17/78; Order 1377, § 16-400-110, filed 9/12/74; Order 1355, § 16-400-110, § 16-400-110, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-110, filed 5/30/73; Order 1121, § 16-400-110, filed 6/30/69; effective 8/1/69; Order 1120, § 16-400-110, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 4, §§ 1-5, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 4, §§ 1-5, filed 5/12/67; Order 989, Regulation 4, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-120 Car hook-up, loading or unloading certificate. [Order 1377, § 16-400-120, filed 9/12/74; Order 1355, § 16-400-120, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-120, filed 5/30/73; Order 1121, § 16-400-120, filed 6/30/69, effective 8/1/69; Order 1120, § 16-400-120, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 5, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 5, filed 5/12/67; Order 989, Regulation 5, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-130 Checkloading fees for P.M.A. services. [Order 783, Regulation 13, effective 3/1/59.] Omitted from Orders 928 and 989, which superseded Order 783.
- 16-400-140 Sanitary certificates—Fruits and vegetables. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-140, filed 5/17/78; Order 1377, § 16-400-140, filed 9/12/74; Order 1355, § 16-400-140, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-140, filed 5/30/73; Order 1121, § 16-400-140, filed 6/30/69, effective 8/1/69; Emergency Order 1120, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 6, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 6, §§ 1-2, filed 5/12/67; Order 989, Regulation 6, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-160 through 16-400-190. [Order 783, effective 3/1/59.] Now codified within WAC 16-400-150.
- 16-400-200 Quarantine certificates. [Emergency Order 1065 and Order 1066, Regulation 8, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 8, filed 5/12/67; Order 989, Regulation 8, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-220 Time allowance. [Order 783, Regulation 22, effective 3/1/59.] Now codified within WAC 16-400-210.
- 16-400-230 Fumigation charges. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-230, filed 5/17/78; Order 1377, § 16-400-230, filed 9/12/74; Order 1355, § 16-400-230, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-230, filed 5/30/73; Order 1121, § 16-400-230, filed 6/30/69; effective 8/1/69; Emergency Order 1120, § 16-400-230, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 10, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 10, filed 5/12/67; Order 989, Regulation 10, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-235 Field or orchard inspections. [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-235, filed 5/17/78; Order 1377, § 16-400-235, filed 9/12/74; Order 1355, § 16-400-235, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-235, filed 5/30/73; Order 1121, § 16-400-235, filed 6/30/69, effective 8/1/69; Emergency Order 1120, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 11, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 11, filed 5/12/67.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-240 Seed sampling. [Emergency Order 1065 and Order 1066, Regulation 12, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 12, filed 5/12/67; Order 989, Regulation 11, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-250 Extra charges (on all above services). [Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-250, filed 5/17/78; Order 1482, § 16-400-250, filed 8/16/76; Order 1377, § 16-400-250, filed 9/12/74; Order 1355, § 16-400-250, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-250, filed 5/30/73; Order 1121, § 16-400-

- 250, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-250, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 13, §§ 1-6, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 13, §§ 1-6, filed 5/12/67; Order 989, Regulation 12, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-260 Mileage. [Order 783, Regulation 26, effective 3/1/59.] Now codified within WAC 16-400-250.
- 16-400-280 Retyping. [Order 1377, § 16-400-280, filed 9/12/74; Order 1355, § 16-400-280, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-280, filed 5/30/73; Order 1121, § 16-400-280, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-280, filed 6/30/69, effective 8/1/69; Emergency Order 1065 and Order 1066, Regulation 15, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 15, filed 5/12/67; Order 989, Regulation 14 (part), filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-285 Certificate on fruit or vegetables unrestricted as to grade or condition. [Order 1377, § 16-400-285, filed 9/12/74.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-290 Holidays. [Order 989, Regulation 14 (part), filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.] Now codified within WAC 16-400-250. [Order 1052, filed 5/12/67.]
- 16-400-2901 Effective date. [Order 1377, § 16-400-290 (codified as WAC 16-400-2901), filed 9/12/74; Order 1355, § 16-400-2901, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-2901, filed 5/30/73; Order 1223, § 16-400-2901, filed 12/10/71, effective 1/10/72.] Repealed by 85-02-033 (Order 1845), filed 12/31/84, effective 2/1/85. Statutory Authority: Chapter 15.17 RCW.
- 16-400-2902 Effective date. [Order 1402, § 16-400-290 (codified as WAC 16-400-2902), filed 6/16/75.] Repealed by Order 1482, filed 8/16/76.

WAC 16-400-007 Definition. For the purposes of this chapter districts two, three, and four are defined in chapter 16-458 WAC Horticultural inspection district boundaries.

[Statutory Authority: Chapter 15.17 RCW. 89-08-040 (Order 2001), § 16-400-007, filed 3/31/89; 85-06-029 (Order 1847), § 16-400-007, filed 2/28/85.]

WAC 16-400-010 Grade and condition certificates—Fruits. Charges for grade and condition certificates for all fruits shall be:

- (1) The minimum charge for all fruits shall be nine dollars.
- (2) For all fresh market fruits of apples, pears, and soft fruit in containers—wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or in bags, per cwt. or fraction thereof:
 - (a) For federal-state certification:
 - Apples 15 1/2¢
 - Apricots, cherries, nectarines
and peaches 21¢
 - Pears 12¢
 - Plums, prunes, other soft fruits,
grapes, and berries 16¢

- (b) For state certification:
 - Apples 14 1/2¢
 - Pears 11¢

(3) For all apples, pears, stone fruits, berries, and grapes in bulk or in containers for processing, or for quality condition and/or size determination, charges shall be two dollars fifty cents per ton net weight or fraction thereof. When inspection is requested only for the purpose of verifying the product, conveyance, markings, or other factors not related to quality, the charges shall be at the hourly rate but not less than the minimum certificate charge of nine dollars.

[Statutory Authority: Chapter 15.17 RCW. 90-09-031 (Order 2031), § 16-400-010, filed 4/11/90, effective 5/12/90; 89-08-040 (Order 2001), § 16-400-010, filed 3/31/89; 86-08-081 (Order 1884), § 16-400-010, filed 4/2/86; 85-02-033 (Order 1845), § 16-400-010, filed 12/31/84, effective 2/1/85; 79-01-035 (Order 1589), § 16-400-010, filed 12/20/78. Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-010, filed 5/17/78; Order 1482, § 16-400-010, filed 8/16/76; Order 1377, § 16-400-010, filed 9/12/74; Order 1355, § 16-400-010, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-010, filed 5/30/73; Order 1121, § 16-400-010, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-010, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, filed 5/12/67; Order 989, Regulation 1, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-040 Grade and condition certificates—Vegetables. Charges for grade and condition certificates for all vegetables shall be:

- (1) The minimum charge for all vegetables shall be nine dollars.
- (2) Charges for grade and condition certificates for fresh market vegetables in containers—wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins or in bags per cwt. or fraction thereof:
 - (a) For federal-state certification:
 - Asparagus 21¢
 - Cantaloupes, and corn 12.5¢
 - Onions 8¢
 - Potatoes, and seed potatoes 6¢
 - Processing potatoes 6¢
 - Complete inspection (rate shall be reduced for level of service required)
 - Tomatoes 19¢

- (b) For state certification:
 - Asparagus 19¢

(3) Inspection fees for cabbage, carrots, cauliflower, celery, cucumbers, lettuce, rhubarb, rutabagas, squash, watermelons, etc., shall be at the hourly rate of twenty-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996.

(4) Inspection for quality, condition, and/or size determination, whether in bulk or in containers, for all vegetables for processing, except potatoes, charges shall be two dollars fifty cents per ton net weight or fraction thereof. When inspection is requested only for the purpose of verifying the product, conveyance, markings, or other factors not related to quality, the charges shall be at the hourly rate, but not less than the minimum certificate charge of nine dollars.

[Statutory Authority: Chapter 15.17 RCW. 96-10-060 (Order 5095), § 16-400-040, filed 4/30/96, effective 5/31/96; 89-08-040 (Order 2001), § 16-

400-040, filed 3/31/89; 86-08-081 (Order 1884), § 16-400-040, filed 4/2/86; 85-02-033 (Order 1845), § 16-400-040, filed 12/31/84, effective 2/1/85; 79-01-035 (Order 1589), § 16-400-040, filed 12/20/78. Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-040, filed 5/17/78; Order 1402, § 16-400-040, filed 6/16/75; Order 1377, § 16-400-040, filed 9/12/74; Order 1355, § 16-400-040, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-040, filed 5/30/73; Order 1121, § 16-400-040, filed 12/29/69; Order 1121, § 16-400-040, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-040, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, § 4, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 4, filed 5/12/67; Order 989, Regulation 1, § 4, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-060 Certificate charges—Other agricultural commodities. Inspection charges for beans, peas, lentils, hay, and straw shall be the same as those set in WAC 16-212-070.

[Statutory Authority: Chapter 15.17 RCW. 85-02-033 (Order 1845), § 16-400-060, filed 12/31/84, effective 2/1/85; Order 1482, § 16-400-060, filed 8/16/76; Order 1377, § 16-400-060, filed 9/12/74; Order 1355, § 16-400-060, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-060, filed 5/30/73; Order 1121, § 16-400-060, filed 7/7/70; Order 1121, § 16-400-060, filed 6/30/69, effective 8/1/69; Emergency Order 1120, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 1, § 6, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 1, § 6, filed 5/12/67; Order 989, Regulation 1, § 6, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-100 Certificates. Certificate charges shall be in accordance with the following provisions:

(1) Consolidation certificates shall be charged as specified in WAC 16-400-010 and 16-400-040 and shall have an additional charge of three dollars for each additional local lot.

(2) Condition certificate charges shall be two-thirds of the grade and condition certificates with the following exceptions:

(a) Previously inspected lots shall have a minimum charge of nine dollars.

(b) When the lot has had no prior inspection for quality or grade and it is requested that the certificate carry out-bound car, truck, or state lot number, the grade and condition certificate schedule shall apply.

(c) Out-of-state products reported on state certificates shall be charged on the applicable grade and condition certificate schedule, except there shall be an hourly charge of twenty-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996.

(d) For lots of controlled atmosphere storage apples which were previously certified, a state condition certificate or quality control inspection may be issued without additional charge.

(3) Car hook-up, loading or unloading certificate shall be charged at the rates specified in subsection (2)(a) of this section.

(4) Sanitary and quarantine certificate charges for fruits and vegetables shall be:

(a) Six dollars for the issuance of a certificate, plus the hourly rates specified in WAC 16-400-210 (1)(a) when the shipment is not covered by federal-state or state certificates.

(b) Six dollars per set when the shipment is covered by federal-state or state certificates.

(5) Container weight, or checkloading certificates shall be charged at the rates specified in WAC 16-400-210 (1)(a).

(6) Federal-state certification shall meet the criteria for sampling as established by United States Department of Agriculture, Agricultural Marketing Service. When the federal-state inspector or inspector's aide must physically obtain samples from lots blocked out for loading or from lots in storage, charges of seven and one-half cents per cwt. shall be made in addition to inspection fees. When assistance is provided by the applicant's personnel, charges for sampling shall be reduced accordingly.

[Statutory Authority: Chapter 15.17 RCW. 96-10-060 (Order 5095), § 16-400-100, filed 4/30/96, effective 5/31/96; 90-09-031 (Order 2031), § 16-400-100, filed 4/11/90, effective 5/12/90; 89-08-040 (Order 2001), § 16-400-100, filed 3/31/89; 86-08-081 (Order 1884), § 16-400-100, filed 4/2/86; 85-02-033 (Order 1845), § 16-400-100, filed 12/31/84, effective 2/1/85; Order 1377, § 16-400-100, filed 9/12/74; Order 1355, § 16-400-100, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-100, filed 5/30/73; Order 1121, § 16-400-100, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-100, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 3, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 3, filed 5/12/67; Order 989, Regulation 3, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-150 Shipping permits and certificates of compliance—Fruits and vegetables. By law, each shipment of apples, apricots, Italian prunes, peaches, pears, certified seed potatoes, and asparagus shall be covered by a shipping permit for grade; cherries shall have a shipping permit indicating freedom from cherry fruit fly larvae, whether certified or not. Shipments to processors of apricots, cherries, peaches, prunes, and asparagus do not require a shipping permit. If the lot has been certified, a permit or certificate of compliance shall be issued without additional charge. If the lot has not been certified, the basis of charges shall be:

(1) The minimum charge shall be two dollars fifty cents.

(2) Two-thirds the rate for state grade and condition certificates shall apply.

(3) Permit to ship apples and/or pears to a byproduct plant outside the district shall be three dollars.

(4) On certified seed potatoes no charge shall be made for shipping permits when seed potatoes are grown, graded, and shipped in full compliance with the provisions of the rules for the certification of seed potatoes, and the grades and standards for certified seed potatoes as listed in chapter 16-324 WAC.

[Statutory Authority: Chapter 15.17 RCW. 89-08-040 (Order 2001), § 16-400-150, filed 3/31/89; 85-02-033 (Order 1845), § 16-400-150, filed 12/31/84, effective 2/1/85; 83-06-048 (Order 1786), § 16-400-150, filed 3/1/83. Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-150, filed 5/17/78; Order 1524, § 16-400-150, filed 4/20/77; Order 1377, § 16-400-150, filed 9/12/74; Order 1355, § 16-400-150, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-150, filed 5/30/73; Order 1223, § 16-400-150, filed 12/10/71, effective 1/10/72; Order 1121, § 16-400-150, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-150, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 7, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 7, filed 5/12/67; Order 989, Regulation 7, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

WAC 16-400-210 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-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996.

(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-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996.

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-eight dollars beginning June 1, 1996, and twenty-nine dollars beginning July 1, 1996.

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.

[Statutory Authority: Chapter 15.17 RCW. 96-10-060 (Order 5095), § 16-400-210, filed 4/30/96, effective 5/31/96. Statutory Authority: Chapters 15.17 and 17.24 RCW. 94-16-060, (Order 5054), § 16-400-210, filed 7/28/94, effective 8/28/94; 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.]

WAC 16-400-270 Copies. Charges for copies made shall be:

(1) Extra copies—After original typing of a certificate a charge of four dollars per set shall be made for extra copies when requested by the original applicant of the certificate or other financially interested party. Copy machine copies of inspectors' notes, certificates or related documents when requested by applicant may be charged twenty-five cents per copy.

(2) Retyping or reissuance—When, through no fault of the inspection service, retyping or reissuance is necessary, such service shall be rendered for four dollars per set.

[Statutory Authority: Chapter 15.17 RCW. 89-08-040 (Order 2001), § 16-400-270, filed 3/31/89; 85-02-033 (Order 1845), § 16-400-270, filed 12/31/84, effective 2/1/85. Statutory Authority: RCW 15.17.150. 78-06-025 (Order 1578), § 16-400-270, filed 5/17/78; Order 1377, § 16-400-270, filed 9/12/74; Order 1355, § 16-400-270, filed 5/14/74, effective 7/1/74; Order 1317, § 16-400-270, filed 5/30/73; Order 1121, § 16-400-270, filed 6/30/69, effective 8/1/69; Emergency Order 1120, § 16-400-270, filed 6/30/69; Emergency Order 1065 and Order 1066, Regulation 14, filed 9/15/67; Order 1066, effective 10/16/67; Order 1052, Regulation 14, filed 5/12/67; Order 989, Regulation 13, filed 8/3/65; Emergency Order 988, effective 8/3/65; Order 928, filed 7/8/63; Order 783, effective 3/1/59.]

**Chapter 16-401 WAC
NURSERY INSPECTION FEES**

WAC

- 16-401-019 Schedule of fees and charges—Billing policies and procedures.
- 16-401-020 Schedule of fees and charges—Facility inspection.
- 16-401-023 Schedule of fees and charges—Establishing hourly rates.
- 16-401-025 Schedule of fees and charges—Applicable rates and charges.
- 16-401-030 Schedule of fees and charges—Miscellaneous charges.
- 16-401-040 Nursery dealer license fees.
- 16-401-050 Annual assessment—Fruit tree material.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

- 16-401-001 Promulgation. [Order 1064, Promulgation, filed 8/28/67, effective 9/27/67.] Repealed by Order 1152, filed 5/28/70, effective 7/1/70.
- 16-401-002 Promulgation. [Order 1152, § 16-401-002, filed 5/28/70, effective 7/1/70.] Repealed by 87-19-098 (Order 1953), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.
- 16-401-003 Promulgation. [Order 1315, § 16-401-003, filed 5/30/73; Order 1204, § 16-401-003, filed 5/28/71, effective 7/1/71.] Repealed by 79-04-025 (Order 1628), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.
- 16-401-010 Nonlicensed operators. [Order 1064, Regulation 1, filed 8/28/67, effective 9/27/67.] Repealed by Order 1152, filed 5/28/70, effective 7/1/70.
- 16-401-015 Nonretailer or wholesaler shippers. [Order 1064, Regulation 2, filed 8/28/67, effective 9/27/67.] Repealed by Order 1152, filed 5/28/70, effective 7/1/70.
- 16-401-035 Effective date. [Order 1315, § 16-401-035, filed 5/30/73; Order 1204, § 16-401-035, filed 5/28/71, effective 7/1/71; Order 1152, § 16-401-035, filed 5/28/70, effective 7/1/71.] Repealed by 79-04-025 (Order 1628), filed 3/21/79. Statutory Authority: Chapter 15.13 RCW.

WAC 16-401-019 Schedule of fees and charges—Billing policies and procedures. (1) All billable services provided under chapter 15.13 RCW are due and payable

upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing service for established accounts. Accounts not paid-in-full within thirty days of billing shall be considered delinquent.

(2) All delinquent accounts shall be assessed a late charge equal to one and one-half percent per month, or portion of a month, on the unpaid balance.

(3) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system shall be twenty dollars. All billable services of less than twenty dollars shall be due and payable-in-full at the time that service is rendered.

(4) No person with an account ninety days or more in arrears shall receive service except on the basis of payment in full at the time service is rendered. Such accounts shall not be restored to monthly billing status until all past due accounts are paid-in-full. Such accounts may be subject to legal action for collection.

(5) Accounts that become ninety days or more in arrears twice within a five-year period may be subject to permanent requirement to payment-in-full at the time service is provided.

[Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-019, filed 12/1/92, effective 1/1/93.]

WAC 16-401-020 Schedule of fees and charges—

Facility inspection. (1) Any plant material at a location licensed as a nursery dealer under chapter 15.13 RCW shall be subject to regulatory inspection. A nursery inspection certificate shall be issued, without additional charge except as provided in subsection (2) of this section, stating the results of the inspection.

(2) A fee may be charged for repeated, subsequent inspections of license locations where plant material does not meet the requirements set forth in chapter 15.13 RCW: *Provided*, That the license location shall be subject to no more than two paid inspections each license period. Fees shall be assessed on the basis of the time required for the inspection at the hourly rate provided in WAC 16-401-025.

[Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-020, filed 12/1/92, effective 1/1/93. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-020, filed 9/17/87; Order 1315, § 16-401-020, filed 5/30/73; Order 1204, § 16-401-020, filed 5/28/71, effective 7/1/71; Order 1152, § 16-401-020, filed 5/28/70, effective 7/1/70.]

WAC 16-401-023 Schedule of fees and charges—

Establishing hourly rates. (1) Requested services shall be provided at an hourly rate and an overtime rate. The overtime rate shall apply for service provided before 8:00 a.m. or after 5:00 p.m. during the work day and for all services provided on Saturday, Sunday, or a holiday listed in subsection (2) of this section.

(2) Holidays shall mean New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Veteran's Day, Christmas Day, President's Day, and Martin Luther King's Birthday.

(3) The minimum hourly charge assessed shall be one hour. Additional charges shall be in one-half hour increments prospectively.

(4) Persons requesting service with less than twenty-four hours notice on a weekend or holiday, or before 8:00 a.m. or after 5:00 p.m., may be subject to a call back charge of two hours at the overtime rate, in addition to all other charges, if the department is actually required to pay call back to the employee(s) providing the requested service.

[Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-023, filed 12/1/92, effective 1/1/93.]

WAC 16-401-025 Schedule of fees and charges—Applicable rates and charges. The following rates for requested inspection services shall apply:

- (1) Hourly rate, per hour \$ 25.00
- (2) Overtime rate, per hour \$ 32.00
- (3) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the hourly rate may be assessed for requested inspections that are not a part of a regular work schedule. Such charge may be pro-rated among applicants if more than one applicant is provided service during a work day or trip when mileage and/or per diem are applicable.

(4) Inspections for phytosanitary certification, including growing season field inspections, shall be provided at the hourly rate provided in subsection (1) of this section except where an alternate certification inspection fee is provided in statute, in rule, or by a written agreement between the department and an industry organization. When growing season field inspections for phytosanitary certification and regulatory inspections are performed simultaneously, the first two hours of inspection each calendar year for nurseries licensed under WAC 16-401-040 (1)(b) or (2)(a); and the first four hours of inspection per calendar year for nurseries licensed under WAC 16-401-040 (1)(c) or (2)(b), shall be without charge.

(a) There shall be no additional charge for the first phytosanitary certificate issued at the time of the inspection.
(b) Phytosanitary certificates issued more than twenty-four hours from the time of the inspection, first certificate \$ 12.00
(c) Additional phytosanitary certificates . . . \$ 4.00 ea.
(5) Inspection and certification of nonplant material or equipment for sanitation (freedom from soil or pests) by visual examination or through a prescribed treatment (steam cleaning, hydro-washing, etc.) shall be performed at the hourly rate.

(a) All certificates must be issued at the time of inspection.

(b) For the first certificate, no additional charge.

(c) Additional certificates \$ 4.00 ea.

(6) Inspections for garden brown snail certification or other miscellaneous inspection certification shall be at the hourly rate.

(a) For the first certificate no charge

(b) For additional certificates \$ 4.00 ea.

(7) Witnessing and certification of fumigation shall be at the hourly rate, plus a per lot or container fee of \$ 10.00

(8) For a certificate of plant health for noncommercial movement of plant materials between states by unlicensed persons, up to a maximum of five plants, and provided that the plants are brought to a plant services office for inspection \$ 5.00

Note: When two or more types of inspection, provided in this section, are performed simultaneously, only one hourly rate, per WAC 16-401-025, shall be applied. One certificate for one service shall be issued at not charge. Additional certificates will be issued at the \$4.00 rate.

[Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-025, filed 12/1/92, effective 1/1/93. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-025, filed 9/17/87. Statutory Authority: Chapter 15.13 RCW. 79-04-025 (Order 1628), § 16-401-025, filed 3/21/79; Order 1315, § 16-401-025, filed 5/30/73; Order 1152, § 16-401-025, filed 5/28/70, effective 7/1/70.]

WAC 16-401-030 Schedule of fees and charges—Miscellaneous charges. The following rates for miscellaneous charges on requested inspections shall apply.

(1) Postage and other miscellaneous costs shall be charged back at the actual cost.

(2) Fee for special handling service (i.e., federal express, air parcel post or air freight) \$ 3.50

(3) Fee for facsimile transmission of documents, per document \$ 3.50

(4) Additional copies of certificates, per copy \$.20

(5) Other requested office services, not specifically provided, shall be charged a fee based on the portion of an hour at the hourly rate in WAC 16-401-025 necessary to perform the service.

(6) Nursery stickers and nursery stock inspection: Certificate tags:

(a) In lots of 250 \$ 5.00 per lot

(b) Less than 250 (minimum 10) \$.25 each

(7) Authorization by the department to preprint Washington nursery stock inspection certificates on shipping containers, yearly authorization fee or renewal . . \$ 25.00

[Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-030, filed 12/1/92, effective 1/1/93. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-030, filed 9/17/87. Statutory Authority: Chapter 15.13 RCW. 79-04-025 (Order 1628), § 16-401-030, filed 3/21/79; Order 1315, § 16-401-030, filed 5/30/73; Order 1152, § 16-401-030, filed 5/28/70, effective 7/1/70.]

WAC 16-401-040 Nursery dealer license fees. As provided in chapter 15.13 RCW, the director of agriculture hereby establishes the following schedule of annual license fees which shall accompany the application for nursery dealer license:

(1) Retail nursery dealer license:

(a) For gross business sales of horticultural plants and turf less than two thousand five hundred dollars, the license fee shall be thirty-five dollars.

(b) For gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars, the license fee shall be seventy-five dollars.

(c) For gross business sales of horticultural plants and turf of fifteen thousand dollars or more, the license fee shall be one hundred fifty dollars.

(d) Retail nursery dealer license fee increases shall become effective January 1, 1993.

(2) Wholesale nursery dealer license:

(a) For gross business sales of horticultural plants and turf less than fifteen thousand dollars, the license fee shall be seventy-five dollars.

(b) For gross business sales of horticultural plants and turf of fifteen thousand dollars or more, the license fee shall be one hundred fifty dollars.

(c) Wholesale nursery dealer license fee increases shall become effective January 1, 1993.

(3) As provided in RCW 15.13.280 there is hereby established a surcharge of twenty percent of the base rate, in addition to the fees established on all classes of licenses in subsections (1) and (2) of this section to be used solely to support research projects recommended by the nursery advisory committee and of general benefit to the nursery industry.

(4) Permit fee for those types of sales and organizations exempted from licensing requirements by RCW 15.13.270, per permit \$5.00

[Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-040, filed 12/1/92, effective 1/1/93; 92-13-034 (Order 2094), § 16-401-040, filed 6/10/92, effective 7/1/92. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-040, filed 9/17/87.]

WAC 16-401-050 Annual assessment—Fruit tree material. As provided in RCW 15.13.310, the director of agriculture hereby establishes an annual assessment of one percent on the gross sale price of the wholesale market value for all fruit trees, fruit tree related ornamental trees, fruit tree seedlings, fruit tree rootstock, and all other rootstock used for fruit tree propagation produced in Washington, and sold within the state or shipped from the state by any licensed nursery dealer.

[Statutory Authority: [Chapter 15.13 RCW]. 92-24-067 (Order 4016), § 16-401-050, filed 12/1/92, effective 1/1/93. Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-050, filed 9/17/87.]

Chapter 16-403 WAC

STANDARDS FOR APPLES MARKETED WITHIN WASHINGTON

WAC

- 16-403-140 Washington state standards for apples.
- 16-403-141 Red Delicious, Delicious, Golden Delicious—
Minimum soluble solids.
- 16-403-142 Red Delicious, Delicious, and Golden Delicious—
Minimum firmness.
- 16-403-143 Granny Smith—Starch-iodine requirements.
- 16-403-145 Red, partial red or blushed varieties—Washington
extra fancy.
- 16-403-150 Red, partial red or blushed varieties—Washington
fancy.
- 16-403-155 Color requirements.
- 16-403-160 Green or yellow varieties—Washington extra fancy.
- 16-403-165 Green or yellow varieties—Washington fancy.
- 16-403-170 Green or yellow varieties—Washington C grade.
- 16-403-175 Green or yellow varieties—Color requirements.
- 16-403-180 Combination grades.
- 16-403-185 Culls.
- 16-403-190 Tolerances.
- 16-403-195 Application of tolerances.
- 16-403-200 Calculation of percentages.
- 16-403-205 Condition after storage or transit.
- 16-403-215 Packing requirements.
- 16-403-220 Marking requirements—Open or closed containers.
- 16-403-225 Other brands and grades.
- 16-403-230 Well formed.
- 16-403-235 Fairly well formed.
- 16-403-240 Diameter or fruit weight.
- 16-403-245 Mature.

- 16-403-250 Override.
- 16-403-255 Carefully hand picked.
- 16-403-260 Clean.
- 16-403-265 Injury.
- 16-403-270 Damage.
- 16-403-275 Serious damage.
- 16-403-280 Adoption of United States standards as state standards.
- 16-403-285 Spots showing diameters in fractions of an inch.
- 16-403-290 Damage by invisible watercore.
- 16-403-295 Inspector's guide for apple bruises at shipping point
and market.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-403-001 Promulgation. [Order 893, Promulgation, filed 8/31/62; Order 870, Promulgation, filed 11/13/61.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-002 Promulgation. [Order 992, filed 8/24/65; Emergency Order 991, filed 8/24/65.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-003 Promulgation. [Order 1061, Promulgation, filed 7/28/67, effective 8/28/67.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-010 Introduction and definitions. [Order 893, General Regulation, § 1, effective 10/1/62; Order 870, General Regulation, § 1, filed 11/13/61; Order 838, Regulation 1, § 1, filed 3/27/61; Order 791, Regulation 1, § 1 (part), filed 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-015 Red, partial red or blushed varieties—Washington extra fancy. [Order 893, Regulation 1, § 1, effective 10/1/62; Order 870, Regulation 1, § 1, filed 11/13/61; Order 838, Regulation 1 (part), filed 3/27/61; Order 791, Regulation 1, § 1, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-020 Red, partial red or blushed varieties—Washington fancy. [Order 893, Regulation 1, § 2, effective 10/1/62; Order 870, Regulation 1, § 2, filed 3/27/61; Order 838, Regulation 1, § 2, filed 3/27/61; Order 791, Regulation 1, § 2, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-025 Red, partial red or blushed varieties—Color requirements. [Order 893, Regulation 1, § 3, effective 10/1/62; Order 870, Regulation 1, § 3, filed 11/13/61; Order 838, Regulation 1, § 3, filed 3/27/61; Order 791, Regulation 1, § 4, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-030 Green or yellow varieties—Washington extra fancy. [Order 893, Regulation 2, § 1, effective 10/1/62; Order 870, Regulation 2, § 1, filed 11/13/61; Order 791, Regulation 2, § 1, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-035 Green or yellow varieties—Washington fancy. [Order 1061 (part), filed 7/28/67, effective 8/28/67; Order 893, Regulation 2, § 2, effective 10/1/62; Order 870, Regulation 2, § 2, filed 11/13/61; Order 791, Regulation 2, § 2, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-040 Green or yellow varieties—Washington C grade. [Order 1061 (part), Regulation 2, § 3, filed 7/28/67, effective 8/28/67; Order 893, Regulation 2, § 3, effective 10/1/62; Order 870, Regulation 2, § 3, filed 11/13/61; Order 791, Regulation 2, § 3, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-045 Green or yellow varieties—Hail grade. [Order 870, Regulation 2, § 4, filed 11/13/61; Order 791, Regulation 2, § 4, effective 9/15/59.] Superseded by Order 893, filed 8/31/62, effective 10/1/62.
- 16-403-050 Green or yellow varieties—Color requirements. [Order 893, Regulation 2, § 4; Order 870, Regulation 2, § 5, filed 11/13/61; Order 791, Regulation 2, § 5, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-055 Combination grades. [Order 893, Regulation 3, effective 10/1/62; Order 870, Regulation 3, filed 11/13/61; Order 838, Regulation 3, § 1, filed 6/20/61; Clarification in

- Order 838, filed 6/20/62; Order 791, Regulation 3, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-060 Cull grades. [Order 893, Regulation 4, effective 10/1/62; Order 870, Regulation 4, filed 11/13/61; Order 791, Regulation 4, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-065 Tolerances. [Order 893, Regulation 5, effective 10/1/62; Order 870, Regulation 5, filed 11/13/61; Order 791, Regulation 5, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-070 Containers. [Order 893, Regulation 6, effective 10/1/62; Order 870, Regulation 6, filed 11/13/61; Order 791, Regulation 6, effective 9/15/59, subsection (2)(d) amended by Order 992, filed 8/24/65; Emergency Order 991, filed 8/24/65.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-075 Marking requirements—Marking open or closed containers. [Order 1061, Regulation 7, § 2, filed 7/28/67, effective 8/28/67; Order 893, Regulation 7, effective 10/1/62; Order 870, Regulation 7, filed 11/13/61; Order 791, Regulation 7, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-080 Other brands and grades. [Order 893, Regulation 8, effective 10/1/62; Order 870, Regulation 8, filed 11/13/61; Order 791, Regulation 8, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-085 Washington state conditions standards. [Order 893, Regulation 9, effective 10/1/62; Order 870, Regulation 9, filed 11/13/61; Order 791, Regulation 9, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-090 Washington state standards for grades of processing apples. [Order 893, Regulation 10, effective 10/1/62; Order 870, Regulation 10, filed 11/13/61.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-095 United States standards for apples—Grades. [Order 893, Regulation 11, § 1, effective 10/1/62; Order 870, Regulation 11, § 1, filed 11/13/61; Order 791, Regulation 10, § 1, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-100 United States standards for apples—Color requirements. [Order 893, Regulation 11, § 2, effective 10/1/62; Order 870, Regulation 10, § 2, filed 11/13/61; Order 791, Regulation 10, § 2, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-105 United States standards for apples—Tolerances. [Order 893, Regulation 11, § 3, effective 10/1/62; Order 870, Regulation 11, § 3, filed 11/13/61; Order 791, Regulation 10, § 3, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-110 United States standards for apples—Condition. [Order 893, Regulation 11, § 4, effective 10/1/62; Order 870, Regulation 11, § 4, filed 11/13/61; Order 791, Regulation 10, § 4, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-115 United States standards for apples—Packing and marking. [Order 893, Regulation 11, § 5, effective 10/1/62; Order 870, Regulation 11, § 5, filed 11/13/61; Order 791, Regulation 10, § 5, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-120 United States standards for apples—United States condition standards for export. [Order 893, Regulation 11, § 6, effective 10/1/62; Order 870, Regulation 11, § 6, filed 11/13/61; Order 791, Regulation 10, § 6, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-125 United States standards for apples—Definitions. [Order 893, Regulation 11, § 7, effective 10/1/62; Order 870, Regulation 11, § 7, filed 11/13/61; Order 791, Regulation 10, § 7, effective 9/15/59.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.
- 16-403-130 Spot diameters illustrated. [Order 893 (part), effective 10/1/62.] Repealed by Order 1374, filed 7/26/74, effective 9/1/74.

- 16-403-135 Promulgation. [Order 1374, § 16-403-135, filed 7/26/74, effective 9/1/74.] Repealed by 79-07-068 (Order 1635), filed 6/27/79. Statutory Authority: Chapter 15.17 RCW.
- 16-403-13501 Promulgation. [Order 1475, § 16-403-13501, filed 7/27/76.] Repealed by 79-07-068 (Order 1635), filed 6/27/79. Statutory Authority: Chapter 15.17 RCW.
- 16-403-300 Effective date. [Order 1374, § 16-403-300, filed 7/26/74, effective 9/1/74.] Repealed by 79-07-068 (Order 1635), filed 6/27/79. Statutory Authority: Chapter 15.17 RCW.

WAC 16-403-140 Washington state standards for apples. Washington state standard apple grades for extra fancy and fancy shall be equivalent to or better than the U.S. standards for grades of apples effective September 1, 1964, as amended October 1, 1966, July 25, 1972, and March 25, 1976, for U.S. extra fancy and U.S. fancy. Apples meeting the foregoing grades may be marked either with the proper Washington or U.S. grade, or both. In no case shall the grade and condition requirements thereof be interpreted as less than those standards required by said U.S. standards for grades of apples for the comparable Washington grade and variety.

[Statutory Authority: Chapter 15.17 RCW. 88-14-128 (Order 1982), § 16-403-140, filed 7/6/88, effective 9/1/88; Order 1374, § 16-403-140, filed 7/26/74, effective 9/1/74.]

WAC 16-403-141 Red Delicious, Delicious, Golden Delicious—Minimum soluble solids. Prior to the general release date for harvest of the crop of the current growing season, as established by the Delicious maturity committee of the Washington state horticultural association, shipment shall not be allowed of apples of the Red Delicious and Delicious varieties having less than ten percent soluble solids and apples of the Golden Delicious variety having less than ten and one-half percent soluble solids as determined by refractometer.

[Statutory Authority: Chapter 15.17 RCW. 86-14-026 (Order 1892), § 16-403-141, filed 6/25/86.]

WAC 16-403-142 Red Delicious, Delicious, and Golden Delicious—Minimum firmness. At the time of shipment, Red Delicious, and Delicious varieties shall pressure test not less than twelve pounds: *Provided*, That those apples failing to pressure test twelve pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test twelve pounds or more.

At the time of shipment, Golden Delicious variety shall pressure test not less than ten pounds: *Provided*, That those apples failing to pressure test ten pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test ten pounds or more.

[Statutory Authority: Chapter 15.17 RCW. 90-09-032 (Order 2032), § 16-403-142, filed 4/11/90, effective 5/12/90; 89-14-031 (Order 2012), § 16-403-142, filed 6/28/89, effective 9/1/89; 88-14-128 (Order 1982), § 16-403-142, filed 7/6/88, effective 9/1/88.]

WAC 16-403-143 Granny Smith—Starch-iodine requirements. Prior to the general release date for harvest of the crop of the current growing season, as established by

the Delicious maturity committee of the Washington state horticultural association, shipment shall not be allowed of apples of the Granny Smith variety which fail to meet the stage of maturity as indicated by starch-iodine rating of 1.2 on the Cascade Analytical Inc. chart: *Provided*, That any such lot of apples may be shipped if not more than ten percent of the apples tested fail to meet the 1.2 rating.

[Statutory Authority: Chapter 15.17 RCW. 92-15-056, § 16-403-143, filed 7/13/92, effective 8/13/92.]

WAC 16-403-145 Red, partial red or blushed varieties—Washington extra fancy. Washington extra fancy consists of apples of one variety which are mature but not overripe, carefully hand picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, scald, scab, bitter pit, Jonathan spot, freezing injury, visible watercore, and broken skins and bruises except those which are slight and incident to proper handling and packing. The apples are also free from injury caused by smooth net-like russeting, sunburn or spray-burn, limb rubs, hail, drought spots, scars, disease, insects, or other means; and free from damage by smooth solid, slightly rough or rough russeting, or stem or calyx cracks, and free from damage by invisible watercore after January 31st of the year following the year of production: *Provided*, That invisible watercore shall not be a quality factor of Fuji variety at any time of the year. Each apple of this grade has the amount of color specified in WAC 16-403-155 for the variety.

[Statutory Authority: Chapter 15.17 RCW. 94-07-133 (Order 5033), § 16-403-145, filed 3/23/94, effective 4/23/94; Order 1374, § 16-403-145, filed 7/26/74, effective 9/1/74.]

WAC 16-403-150 Red, partial red or blushed varieties—Washington fancy. Washington fancy consists of apples of one variety which are mature but not overripe, carefully hand picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, visible watercore, and broken skins and bruises, except those which are incident to proper handling and packing. The apples are also free from damage caused by russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, disease, insects, invisible watercore after January 31st of the year following the year of production, or damage by other means: *Provided*, That invisible watercore shall not be a quality factor of Fuji variety at any time of the year. Each apple of this grade has the amount of color specified in WAC 16-403-155 for the variety.

[Statutory Authority: Chapter 15.17 RCW. 94-07-133 (Order 5033), § 16-403-150, filed 3/23/94, effective 4/23/94; Order 1374, § 16-403-150, filed 7/26/74, effective 9/1/74.]

WAC 16-403-155 Color requirements. In addition to the requirement specified for the grades set forth in WAC 16-403-145 and 16-403-150, apples of these grades shall have the percentage of color specified for the variety appearing in this section.

(1) **Solid red varieties.** For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: *Provided*, That an apple having color of a

lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade, subject to the limitations set forth below.

| VARIETY | EXTRA FANCY PERCENT | FANCY PERCENT |
|------------------------------------|---------------------|-------------------|
| Black Ben | 66 ⁽¹⁾ | 40 ⁽³⁾ |
| Gano | 66 ⁽¹⁾ | 40 ⁽³⁾ |
| Winesaps | 66 ⁽¹⁾ | 40 ⁽³⁾ |
| Other similar varieties | 66 ⁽¹⁾ | 40 ⁽³⁾ |
| Red sport varieties ⁽²⁾ | 66 ⁽⁴⁾ | 40 ⁽³⁾ |

(1) Must have at least 50 percent good shade of red color characteristic of the variety.

(2) When the red sport varieties are marked as such, they shall meet the color requirements of red sport varieties, and the containers must also bear the name of the parent variety.

(3) Must have at least 33 percent good shade of red color; characteristic of the variety.

(4) Must have at least 66 percent good shade of red color; characteristic of the variety.

(2) **Striped or partial red varieties.** For the striped or partial red varieties the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over stripes of lighter red, green or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade, subject to the limitations set forth below. Faded brown stripes shall not be considered as color.

| VARIETY | EXTRA FANCY PERCENT | FANCY PERCENT |
|------------------------------------|---------------------|-------------------|
| Delicious | 50 | 25 |
| Rome Beauty | 50 ⁽¹⁾ | 33 ⁽²⁾ |
| Wealthy | 50 | 25 |
| Stayman | 50 | 33 |
| Other similar varieties | 50 | 25 |
| Jonathan | 66 ⁽¹⁾ | 33 ⁽²⁾ |
| McIntosh | 50 ⁽¹⁾ | 33 ⁽²⁾ |
| Cortland | 50 | 33 |
| Akane | 33 1/3 | 15 |
| Jonamac | 50 | 33 |
| Nittany | 25 | 10 |
| Vista Bella | 25 | 10 |
| Other similar varieties | 50 | 33 |
| Red sport varieties ⁽⁵⁾ | 66 ⁽⁴⁾ | 40 ⁽³⁾ |

(1) Must have at least 35 percent good shade of red color characteristic of the variety.

(2) Must have at least 15 percent good shade of red color characteristic of the variety.

(3) Must have at least 33 percent good shade of red color characteristic of the variety.

(4) Must have at least 66 percent good shade of red color characteristic of the variety.

(5) When the red sport varieties are marked as such, they shall meet the color requirements of red sport varieties, and the containers must also bear the name of the parent variety.

(3) **Red cheeked or blushed varieties.**

| VARIETY | EXTRA FANCY PERCENT | FANCY PERCENT |
|-------------------------|---------------------|----------------|
| Braeburn | Blush Cheek | Tinge of color |
| Elstar | Blush Cheek | Tinge of color |
| Fuji | Blush Cheek | Tinge of color |
| Gala, (Royal Gala) | Blush Cheek | Tinge of color |
| Jonagold | Blush Cheek | Tinge of color |
| Winter Banana | Blush Cheek | Tinge of color |
| Other similar varieties | Blush Cheek | Tinge of color |

(4) In no case shall the color requirements for any variety be less than those required under the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 and July 25, 1972 for the comparable Washington grade and variety.

[Statutory Authority: Chapter 15.17 RCW. 90-13-078 (Order 2045), § 16-403-155, filed 6/19/90, effective 7/20/90; Order 1374, § 16-403-155, filed 7/26/74, effective 9/1/74.]

WAC 16-403-160 Green or yellow varieties—Washington extra fancy. Washington extra fancy consists of apples of one variety which are mature but not overripe, carefully hand picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, scald, scab, bitter pit, Jonathan spot, freezing injury, visible watercore, broken skins and bruises except those which are slight and incident to proper handling and packing. The apples are also free from slightly rough or rough russeting, provided, russeting other than rough or bark-like russeting materially affecting the appearance of the apple shall be permitted in the stem cavity or calyx basin if it cannot be seen when the apple is placed stem end or calyx end down on a flat surface. The apples are also free from injury caused by smooth net-like russeting, smooth solid russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, disease, insects, stem or calyx cracks, or other means; and free from damage by invisible watercore after January 31st of the year following the year of production. Each apple of this grade has the amount of color specified in WAC 16-403-175 for the variety.

[Statutory Authority: Chapter 15.17 RCW. 92-15-056, § 16-403-160, filed 7/13/92, effective 8/13/92; 86-14-026 (Order 1892), § 16-403-160, filed 6/25/86; Order 1374, § 16-403-160, filed 7/26/74, effective 9/1/74.]

WAC 16-403-165 Green or yellow varieties—Washington fancy. Washington fancy consists of apples of one variety which are mature but not overripe, carefully hand picked, clean, fairly well formed; free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, visible watercore, and broken skins and bruises except those which are incident to proper handling and packing. The apples are also free from damage caused by russeting, sunburn or sprayburn, limb rubs, hail, drought spots, scars, stem or calyx cracks, disease, insects, invisible watercore after January 31st of the year following the year of production, or damage by other means. Each

apple of this grade has the amount of color specified in WAC 16-403-175 for the variety.

[Order 1374, § 16-403-165, filed 7/26/74, effective 9/1/74.]

WAC 16-403-170 Green or yellow varieties—Washington C grade. The requirements of this grade are the same as for Washington fancy except for color, russeting and invisible watercore. Apples of this grade are free from excessive damage caused by russeting which means that apples meet the russeting requirements for Washington fancy as defined under the definitions of "damage by russeting," except the aggregate area of an apple which may be covered by smooth net-like russeting shall not exceed 25 percent; and the aggregate area of an apple which may be covered by smooth solid russeting shall not exceed 10 percent: *Provided*, That in the case of the Yellow Newtown[,], Granny Smith or similar varieties the aggregate area of an apple which may be covered with smooth solid russeting shall not exceed 20 percent; and the aggregate area of an apple which may be covered with excessively rough or barklike russeting or limb rubs shall not exceed the area of a circle three-fourths of an inch in diameter. Each apple of this grade has the amount of color specified in WAC 16-403-175 for the variety. There is no requirement in this grade pertaining to invisible watercore.

[Statutory Authority: Chapter 15.17 RCW. 79-07-068 (Order 1635), § 16-403-170, filed 6/27/79; Order 1374, § 16-403-170, filed 7/26/74, effective 9/1/74.]

WAC 16-403-175 Green or yellow varieties—Color requirements. (1) Golden Delicious. In extra fancy and fancy grades, 75 percent or more of the surface of the apple shall show white or light green predominating over the green color. In C grade, 33-1/3 percent or more of the surface of the apple shall show white or light green predominating over the green color.

(2) In green and yellow varieties, other than Golden Delicious, characteristic ground color shall be required in extra fancy, fancy or C grade.

(3) In no case shall the color requirements for any variety be less than those required under the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 and July 25, 1972 for the comparable Washington grade and variety.

[Order 1374, § 16-403-175, filed 7/26/74, effective 9/1/74.]

WAC 16-403-180 Combination grades. (1) Combination extra fancy and fancy. When extra fancy and fancy apples are packed together, the boxes may be marked "Washington combination extra fancy and fancy" and shall contain at least 80 percent extra fancy apples, except Newtowns, which shall contain at least 50 percent extra fancy apples. (This is the only combination grade which may be used for red or partial red varieties.)

(2) Combination extra fancy, fancy and C grade. When extra fancy, fancy and C grade apples are packed together, the boxes may be marked "Washington combination extra fancy, fancy and C grade" and shall contain at least 80 percent extra fancy apples, except Newtowns, which shall contain at least 50 percent extra fancy apples.

(3) Combination fancy and C grade. When fancy and C grade apples are packed together, the boxes may be marked "Washington combination fancy and C grade" but shall contain at least 80 percent fancy apples, except Newtowns, which shall contain at least 50 percent fancy apples.

(4) Jumble pack. The larger sizes of the above grades may be removed and the rest packed and marked "jumble" or "face and fill" in addition to the grade mark.

(5) Gift grade. Gift grade may consist of mixed varieties (apples and pears) and in the case of apples shall meet Washington extra fancy grade as defined in Washington standards for apples, and in the case of pears shall be U.S. No. 1 or higher grade as defined in Washington standards for D'Anjou, Bosc, Winter Nelis and other varieties of winter pears. When gift containers meet the requirements of gift grade, such containers need be marked only "gift grade" and a statement of net contents in weight or count and name and address of packer or shipper.

[Statutory Authority: Chapter 15.17 RCW. 88-14-128 (Order 1982), § 16-403-180, filed 7/6/88, effective 9/1/88; Order 1374, § 16-403-180, filed 7/26/74, effective 9/1/74.]

WAC 16-403-185 Culls. (1) Apples which are not graded in conformity with the foregoing grades and which contain not more than 5 percent serious insect damage shall be designated as "culls."

(2) Following is a quotation from RCW 15.17.080 - Fresh fruits—Culls—Container markings—Designation on bills of lading, invoices, etc.:

"It shall be unlawful for any person to sell fresh fruits for fresh consumption classified as culls under the provisions of this chapter or rules adopted hereunder unless such fruit is packed in one-half bushel or one bushel wooden baskets ring faced, with the fruit in the ring face representative of the size and quality of the fruit in such baskets. Such baskets shall be lidded and the words "cull" including the kind of fruit and variety must appear on the top and side of each basket and on any label thereon in clear and legible letters at least two and one-half inches high. Every bill of lading, invoice, memorandum, and document referring to said fruit shall designate them as culls."

[Order 1374, § 16-403-185, filed 7/26/74, effective 9/1/74.]

WAC 16-403-190 Tolerances. In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) Defects: Washington extra fancy, Washington fancy and Washington C grade.

Ten percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged, including therein not more than one percent for apples affected by decay or internal breakdown.

(2) When applying the foregoing tolerances to combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the percent of apples of the higher grade required in the combination.

Combinations requiring 80 percent of the higher grade for the lot shall have not less than 65 percent of the higher grade in individual samples.

Combinations requiring 50 percent of the higher grade for the lot shall have not less than 40 percent of the higher grade in individual samples.

(3) Size. When size is designated by the numerical count for a container, not more than 5 percent of the apples in the lot may vary more than 1/4 inch in diameter. When size is designated by minimum or maximum diameter or weight, not more than 5 percent of the apples in any lot may be smaller than the designated minimum and not more than 10 percent may be larger than the designated maximum.

(4) Firmness. Not more than ten percent of the apples in any lot of Red Delicious, Delicious, and Golden Delicious varieties shall fail to meet the firmness requirements as defined in WAC 16-403-142.

[Statutory Authority: Chapter 15.17 RCW. 92-15-056, § 16-403-190, filed 7/13/92, effective 8/13/92; 90-09-032 (Order 2032), § 16-403-190, filed 4/11/90, effective 5/12/90; 89-14-031 (Order 2012), § 16-403-190, filed 6/28/89, effective 9/1/89; 88-14-128 (Order 1982), § 16-403-190, filed 7/6/88, effective 9/1/88; Order 1374, § 16-403-190, filed 7/26/74, effective 9/1/74.]

WAC 16-403-195 Application of tolerances. The contents of individual samples in the lot, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

Packages which contain more than 10 pounds:

Samples shall have not more than one and one-half times a specified tolerance of 10 percent or more and not more than double a tolerance of less than 10 percent, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any sample.

Packages which contain 10 pounds or less:

Not over 10 percent of the samples may have more than three times the tolerance specified, except that at least one defective apple may be permitted in any sample: *Provided*, That not more than one apple or more than 6 percent (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.

[Statutory Authority: Chapter 15.17 RCW. 88-14-128 (Order 1982), § 16-403-195, filed 7/6/88, effective 9/1/88; Order 1374, § 16-403-195, filed 7/26/74, effective 9/1/74.]

WAC 16-403-200 Calculation of percentages. (1) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(2) When the minimum diameter and/or minimum weight of individual apples, or minimum and maximum diameters and/or weights of individual apples are marked on a container or when the apples are jumbled in a container or in bulk, percentages shall be calculated on the basis of weight or an equivalent basis.

[Statutory Authority: Chapter 15.17 RCW. 92-15-056, § 16-403-200, filed 7/13/92, effective 8/13/92; Order 1475, § 16-403-200, filed 7/2/76; Order 1374, § 16-403-200, filed 7/26/74, effective 9/1/74.]

WAC 16-403-205 Condition after storage or transit.

(1) Decay, scald or any other deterioration which may have developed on apples after they have been in storage or

transit shall be considered as affecting condition and not the grade, except a separate tolerance in addition to and aside from the regular grade tolerances shall be allowed for apples that are overripe, providing an average of not more than 5 percent overripe in any lot of apples with not more than 10 percent overripe in any one container shall be permitted in any shipment.

[Order 1374, § 16-403-205, filed 7/26/74, effective 9/1/74.]

WAC 16-403-215 Packing requirements. (1) Apples tray packed or cell packed in cartons shall be arranged according to approved and recognized methods. Packs shall be at least fairly tight^a or fairly well filled^b.

(2) Closed cartons containing apples not tray or cell packed shall be fairly well filled^b or the pack shall be sufficiently tight to prevent any appreciable movement of the apples.

(3) Apples on the shown face of any container shall be reasonably representative in size, color and quality of the contents.

(4) Tolerances: In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may fail to meet these requirements.

^a - "Fairly tight" means that apples are of the proper size for molds or cell compartments in which they are packed and that molds or cells are filled in such a way that no more than slight movement of apples within molds or cells is possible. The top layer of apples, or any pad or space filler over the top layer of apples shall be not more than 3/4 inch below the top edge of the carton.

^b - "Fairly well filled" means that the net weight of apples in containers ranging from 2,100 to 2,900 cubic inch capacity is not less than 38 pounds for Jonathan, McIntosh and Golden Delicious varieties and not less than 40 pounds for all other varieties.

[Order 1374, § 16-403-215, filed 7/26/74, effective 9/1/74.]

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.]

WAC 16-403-225 Other brands and grades. (1) Any person, firm or organization wishing to pack apples under any other grade or brand than according to the foregoing rules shall file a certified copy of the description of such grade or brand with the director of agriculture the year in which the apples so to be packed are grown: *Provided*, That upon request of such person, firm, or organization, having reregistered such grade or brand for ten or more consecutive years, the grade or brand may be permanently registered.

(2) If such grade or brand is approved by the director of agriculture, apples may be packed under such grade or brand, instead of the official state grading rules and all boxes of apples so packed shall be marked with that grade or brand: *Provided*, That private grades or brands for apples may only be registered and approved when they meet the specifications required of Washington fancy grade or better.

Note: Private grades do not meet marking requirements of U.S. Apple and Pear Act and shall not be used on export shipments.

[Statutory Authority: Chapter 15.17 RCW. 86-10-045 (Order 1886), § 16-403-225, filed 5/6/86; Order 1374, § 16-403-225, filed 7/26/74, effective 9/1/74.]

WAC 16-403-230 Well formed. "Well formed" means having the normal shape characteristic of the variety,

except that the shape may be slightly irregular provided it does not detract from the general appearance of the apple. Shape shall be determined by the same models used in determining shape under the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 and July 25, 1972.

[Order 1374, § 16-403-230, filed 7/26/74, effective 9/1/74.]

WAC 16-403-235 Fairly well formed. "Fairly well formed" means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance. Shape shall be determined by the same models used in determining shape under the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966 and July 25, 1972.

[Order 1374, § 16-403-235, filed 7/26/74, effective 9/1/74.]

WAC 16-403-240 Diameter or fruit weight. When measuring for minimum size, "diameter" means the greatest dimension of the apple measured at right angles to a line from stem to blossom end. When measuring for maximum size "diameter" means the smallest dimension of the apple determined by passing the apple through a round opening in any position. When measuring for minimum weight as a designation of fruit size, the individual apple must meet the minimum weight designation as marked on the container or package.

[Statutory Authority: Chapter 15.17 RCW. 92-15-056, § 16-403-240, filed 7/13/92, effective 8/13/92; Order 1374, § 16-403-240, filed 7/26/74, effective 9/1/74.]

WAC 16-403-245 Mature. (1) "Mature" means that the apples have reached the stage of development which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing different stages of firmness of apples:

(a) "Hard" means apples with a tenacious flesh and starchy flavor.

(b) "Firm" means apples with a tenacious flesh but which are becoming crisp with a slightly starchy flavor, except the Delicious variety.

(c) "Firm ripe" means apples with crisp flesh except that the flesh of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy.

(d) "Ripe" means apples with mealy flesh and soon to become soft for the variety.

[Order 1374, § 16-403-245, filed 7/26/74, effective 9/1/74.]

WAC 16-403-250 Overripe. "Overripe" means apples which are dead ripe, with flesh very mealy or soft, and past commercial utility.

[Order 1374, § 16-403-250, filed 7/26/74, effective 9/1/74.]

WAC 16-403-255 Carefully hand picked. "Carefully hand picked" means that the apples do not show evidence of rough handling or of having been on the ground.

[Order 1374, § 16-403-255, filed 7/26/74, effective 9/1/74.]

WAC 16-403-260 Clean. "Clean" means that the apples are free from excessive dirt, dust, spray residue and other foreign material.

[Order 1374, § 16-403-260, filed 7/26/74, effective 9/1/74.]

WAC 16-403-265 Injury. (1) "Injury" means any specific defect defined in this section, or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which more than slightly detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects shall be considered as injury:

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is injured by russeting. Smooth net-like russeting outside of the stem cavity or calyx basin shall be considered as injury when an aggregate area of more than 10 percent of the surface is covered in the red, partial red and blushed varieties and 5 percent of the surface for green and yellow varieties, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted. Smooth solid russeting when the aggregate area in the green and yellow varieties exceeds more than 1/4 inch in diameter and in the red and partial red varieties when the aggregate area exceeds 3/8 inch in diameter shall also be considered as injury.

(b) Sunburn or sprayburn, when the discolored area does not blend into the normal color of the fruit.

(c) Dark brown or black limb rubs which affect a total area of more than one-fourth inch in diameter for red, partial red or blushed varieties and one-eighth inch for green or yellow varieties, except that light brown limb rubs of a russet character shall be considered under the definition of injury by russeting.

(d) Hail marks, drought spots, other similar depressions or scars:

(i) When the skin is broken, whether healed or unhealed;

(ii) When there is appreciable discoloration of the surface;

(iii) When any surface indentation exceeds one-sixteenth inch in depth;

(iv) When any surface indentation exceeds one-eighth inch in diameter; or

(v) When the aggregate affected area of such spots exceeds one-half inch in diameter for red, partial red and blushed varieties or one-fourth inch for green or yellow varieties.

(e) Disease:

(i) Cedar rust infection which affects a total area of more than three-sixteenths inch in diameter.

(ii) Sooty blotch or fly speck which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.

(iii) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated

spots which affect an area of more than one-fourth inch in diameter.

(f) Insects:

(i) Any healed sting or healed stings which affect a total area of more than one-eighth inch in diameter including any encircling discolored rings.

(ii) Worm holes.

(g) Stem or calyx cracks which more than slightly detract from the appearance or the edible or shipping quality of the apple or stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-eighth inch.

[Order 1374, § 16-403-265, filed 7/26/74, effective 9/1/74.]

WAC 16-403-270 Damage. (1) "Damage" means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects shall be considered as damage:

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is damaged by russeting, except that excessively rough or barklike russeting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin shall be considered as damage:

(i) Russeting which is excessively rough or rough on green and yellow varieties.

(ii) Smooth net-like russeting, when an aggregate area of more than 15 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(iii) Smooth solid russeting when an aggregate area of more than 5 percent of the surface is covered and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(iv) Slightly rough russeting which covers an aggregate area of more than one-half inch.

(v) Rough russeting in the red and partial red varieties which covers an aggregate area of more than one-fourth inch in diameter.

(b) Sunburn or sprayburn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

(c) Limb rubs which affect a total area of more than one-half inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russeting.

(d) Hail marks, drought spots, other similar depressions or scars:

(i) When any unhealed mark is present;

(ii) When any surface indentation exceeds one-eighth inch in depth;

(iii) When the skin has not been broken and the aggregate affected area exceeds one-half inch in diameter; or

(iv) When the skin has been broken and well healed, and the aggregate affected area exceeds one-fourth inch in diameter.

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-fourth inch.

(f) Invisible watercore existing around the core and extending to watercore in the vascular bundles; or surrounding the vascular bundles when the affected areas surrounding three or more vascular bundles meet or coalesce; or existing in more than slight degree outside the circular area formed by the vascular bundles.

(g) Disease:

(i) Scab spots which affect a total area of more than one-fourth inch in diameter.

(ii) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.

(iii) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.

(iv) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.

(h) Insects:

(i) Any healed sting or healed stings which affect a total area of more than three-sixteenths inch in diameter including any encircling discolored rings.

(ii) Worm holes.

[Order 1374, § 16-403-270, filed 7/26/74, effective 9/1/74.]

WAC 16-403-275 Serious damage. (1) "Serious damage" means any specific defect defined in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance, or the edible or shipping quality of the apple. The following specific defects shall be considered as serious damage:

(a) The following types and amounts of russeting shall be considered as serious damage:

(i) Smooth solid russeting, when more than one-half of the surface in the aggregate is covered, including any russeting in the stem cavity or calyx basin, or slightly rough, or excessively rough or barklike russeting, which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russeting permitted.

(b) Sunburn or sprayburn which seriously detracts from the appearance of the fruit.

(c) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(d) Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate: *Provided*, That no hail marks which are unhealed shall be permitted and not more than an aggregate area of one-half inch shall

be allowed for well healed hail marks where the skin has been broken.

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-half inch.

(f) Visible watercore which affects an area of more than one-half inch in diameter.

(g) Disease:

(i) Scab spots which affect a total area of more than three-fourths inch in diameter.

(ii) Cedar rust infection which affects a total area of more than three-fourths inch in diameter.

(iii) Sooty blotch or fly speck which affects more than one-third of the surface.

(iv) Red skin spots which affect more than one-third of the surface.

(v) Bitter pit or Jonathan spot which is thinly scattered over more than one-tenth of the surface and does not materially deform or disfigure the fruit.

(h) Insects:

(i) Healed stings which affect a total area of more than one-fourth inch in diameter including any encircling discolored rings.

(ii) Worm holes.

[Order 1374, § 16-403-275, filed 7/26/74, effective 9/1/74.]

WAC 16-403-280 Adoption of United States standards as state standards. In addition to the standards for apples prescribed in WAC 16-403-140 through 16-403-275, there are hereby adopted, as additional standards of the state of Washington for apples, the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966, July 25, 1972, and March 25, 1976, adopted by the United States Department of Agriculture, as they apply to U.S. extra fancy, U.S. fancy, U.S. No. 1 and U.S. No. 1 hail, provided, the color requirements specified for U.S. No. 1 and U.S. No. 1 hail must be good shade of red color and the percentage of color required for U.S. No. 1 and U.S. No. 1 hail for Delicious shall be 25 percent good shade of red color and provided further, that all the United States grades as applied to Red Delicious, Delicious, and Golden Delicious varieties shall meet the firmness requirements of WAC 16-403-142.

[Statutory Authority: Chapter 15.17 RCW. 89-14-031 (Order 2012), § 16-403-280, filed 6/28/89, effective 9/1/89; 88-14-128 (Order 1982), § 16-403-280, filed 7/6/88, effective 9/1/88; Order 1374, § 16-403-280, filed 7/26/74, effective 9/1/74.]

WAC 16-403-285 Spots showing diameters in fractions of an inch. Spots showing diameters in fractions of an inch are illustrated below.



One-eighth inch



Three-sixteenths inch



One-fourth inch



Three-eighths inch



One-half inch



Three-fourths inch

[Order 1374, § 16-403-285, filed 7/26/74, effective 9/1/74.]

WAC 16-403-290 Damage by invisible watercore.
(See chart below.)

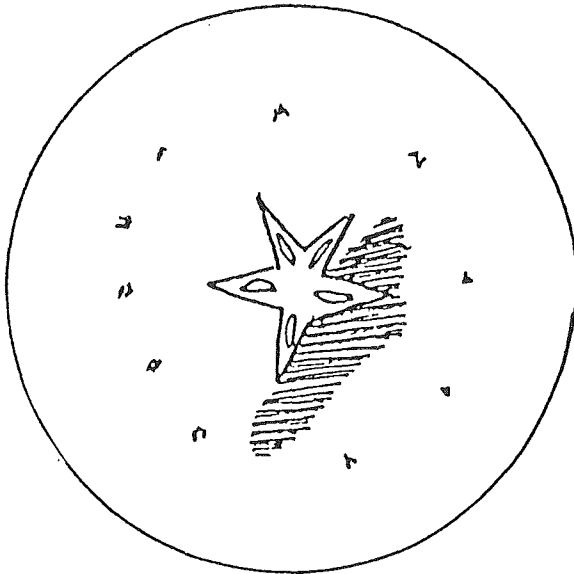
DAMAGE BY INVISIBLE WATERCORE

affects:

Wash. extra fancy and Wash. fancy grades, except Fuji variety, after *February 1 of year following production* and affecting U.S. condition standards for export *anytime*.

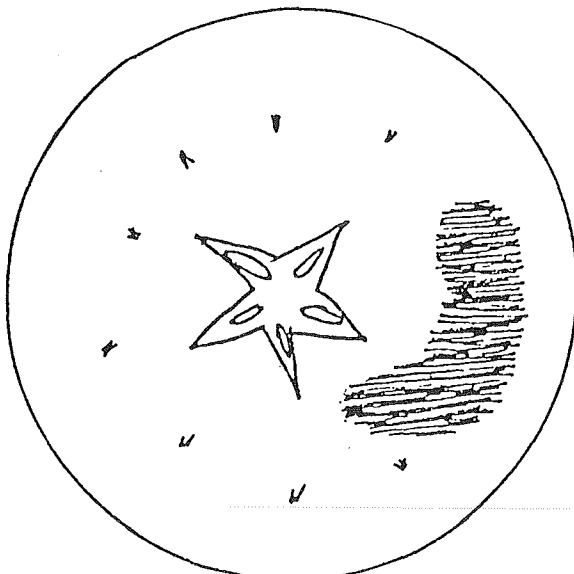
THIS

1. *existing around core and extending to watercore in vascular bundles*



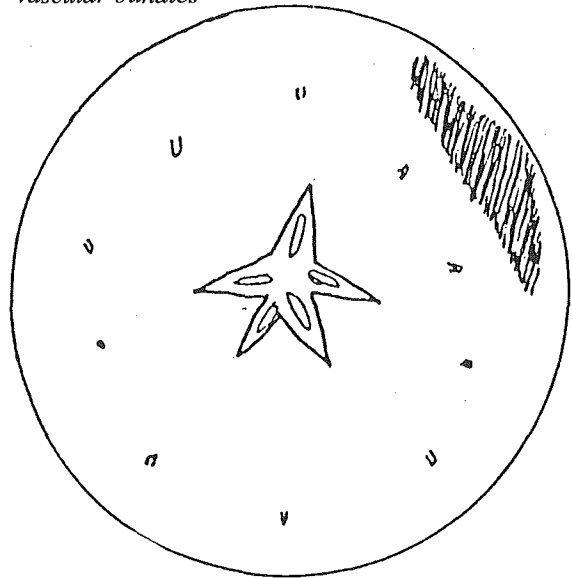
OR THIS

2. *surrounding vascular bundles when affected areas around three or more bundles meet or coalesce*



OR THIS

3. *more than slight degree outside circular area formed by vascular bundles*



[Statutory Authority: Chapter 15.17 RCW. 94-07-133 (Order 5033), § 16-403-290, filed 3/23/94, effective 4/23/94; Order 1374, § 16-403-290, filed 7/26/74, effective 9/1/74.]

WAC 16-403-295 Inspector's guide for apple bruises at shipping point and market. (See chart below)

**INSPECTOR'S GUIDE FOR APPLE BRUISES
AT SHIPPING POINT AND MARKET
(AREAS BASED ON 125-163 SIZE APPLES)**

ALLOW IN U.S.
EXTRA FANCY*

ALLOW IN U.S.
FANCY AND
U.S. NO. 1**

| | tray or cell | other packs | tray or cell | other packs |
|--------------------|--------------|-------------|--------------|-------------|
| SOFT | none | same | same | same |
| DEPTH | 1/8" | same | 3/16" | same |
| AREA ONE BRUISE | 1/2" | same | 3/4" | 7/8" |

AGGREGATE
AREA (in proportion to above allowances)

- * Includes Washington extra fancy - all varieties
 - ** Includes Washington fancy - all varieties except summer apples
- variety susceptibility should be kept in mind when applying above guide

[Order 1374, § 16-403-295, filed 7/26/74, effective 9/1/74.]

**Chapter 16-404 WAC
STANDARDS FOR SUMMER APPLES MARKETED
WITHIN WASHINGTON**

| | |
|------------|--|
| WAC | |
| 16-404-001 | Promulgation. |
| 16-404-010 | Definitions. |
| 16-404-020 | Grades—Washington extra fancy apples. |
| 16-404-030 | Grades—Washington summer fancy apples. |
| 16-404-040 | Grades—Color percentages. |
| 16-404-050 | Marking requirements. |
| 16-404-060 | Tray packs. |
| 16-404-070 | Exceptions. |

WAC 16-404-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW, after due notice and public hearings held at Yakima, Wenatchee and Okanogan on July 14, 15 and 16, 1965, respectively (pursuant to chapter 34.04 RCW), do hereby establish the following Washington standards for summer apples.

[Order 987, Promulgation, filed 7/26/65; Emergency Order 986, filed 7/26/65.]

WAC 16-404-010 Definitions. (1) The following regulations and definitions shall apply to all varieties and grades under this order:

(a) Apples at the time of shipment shall not be overripe (see tolerance which applies at time of shipment).

(b) "Mature" means having reached the stage of growth which will insure the proper completion of the ripening process. Firmness of the flesh shall be considered only in connection with other factors to determine the degree of maturity.

(c) "Overripe" means dead ripe, with flesh very mealy or soft, and past commercial utility.

(d) "Hand picked" means that the apples do not show evidence of rough handling or of having been on the ground.

(e) "Clean" means free from excessive dirt or other foreign material.

(f) "Sound" means that the apples at time of packing are free from visible defects, such as decay, breakdown, scald, bitter pit, or physical injury affecting quality.

(g) "Aggregate area" means that all the areas of the blemish under consideration may be assembled into one circular area of the maximum diameter specified.

(2) Summer apples shall be defined as all apples such as Early MacIntosh, Beacon, Tydeman Red, Lodi, Yellow Transparent and all other similar varieties ripening before Jonathans. Excluding Jonathans, Arkansas Black, Spitzenburg, King David, Winesap, Red Sport varieties, Delicious, Stayman, Vanderpool, Black Twig, MacIntosh and Rome Beauty.

(Note: Winter Banana variety may also be packed under summer grades.)

[Order 987, Regulation, filed 7/26/65; Emergency Order 986, filed 7/26/65.]

WAC 16-404-020 Grades—Washington extra fancy apples. (1) Washington summer extra fancy shall consist of apples of one variety which are mature, hand-picked, clean, sound, fairly well formed and free from visible watercore, broken skin and from damage caused by insects, disease, mechanical injury or other causes.

(2) Each apple shall have the amount of color hereinafter specified for apples in this grade.

(3) **Caution:** To be certified on an export from certificate all apples must meet U.S. No. 1 grade requirements.

(4) "Fairly well formed" means that the apple shall have the normal shape characteristic of the variety except that one-half of the apple may deviate slightly or that the apple may be slightly flattened as by frost injury.

(5) "Damage" means any defect which materially affects the appearance or the edible or shipping qualities of the apple.

(6) The following shall not be considered damage:

(a) Slight handling bruises or box bruises, such as are incidental to good commercial handling in the preparation of a tight pack.

(b) Sunburn or spray burn when the normal color of the apple is not seriously affected, and there is no blistering or cracking of the skin, and the discolored area blends into the normal coloring of the apple.

(c) Dark colored limb rubs not to exceed 1/2" in the aggregate area. Limb rubs of a light brown or russet character shall be governed by the definition covering solid russetting.

(d) Smooth russetting at the stem or calyx end provided that such russetting is not visible for more than 1/2" when the apple is placed with the russet end down on a flat surface.

(e) Smooth net-like russetting which does not cover an aggregate area of more than ten percent of the surface and net-like russetting on the colored portions of the apple which does not materially detract from its appearance shall not be counted in computing the ten percent mentioned above.

(f) Hail marks, drought spots or other similar depressions or scars where there is no appreciable discoloration, except as later noted, other than russetting, or when any individual indentation does not exceed 1/4 of an inch in diameter or the total area affected does not exceed 3/4 of an inch in diameter. One discolored unbroken area not to exceed 1/8 of an inch in diameter shall be allowed.

(g) Scab spots affecting an aggregate area not to exceed 3/8 of an inch in diameter.

(h) Any healed stings affecting an aggregate area not to exceed 3/16 of an inch in diameter.

(i) Slight aphid sign or thrip marks which do not roughen or pebble the surface of the apple.

(j) Any defect or defects not listed above which affects the appearance or quality of the apple not more than the defects listed above.

[Order 987, Regulation 1, filed 7/26/65; Emergency Order 986, filed 7/26/65.]

WAC 16-404-030 Grades—Washington summer fancy apples. (1) Washington summer fancy apples shall consist of apples of one variety which are mature, hand-picked, sound, not badly misshapen and free from visible watercore, serious damage caused by insects, disease, mechanical injuries or other causes and free from soft bruises or broken skin (except that apples may have skin punctures not exceeding 1/4" in diameter).

(2) **Caution:** Punctured apples do not meet the requirements of the Export Apple and Pear Act and cannot be certified on an export certificate.

(3) Each apple shall have the amount of color hereinafter specified for apples of this grade.

(4) "Not badly misshapen" means that the apple may be more irregularly misshapen than defined above, but shall not be deformed to the extent of materially affecting its utility or general appearance.

(5) "Serious damage" means any injury or defect or a combination thereof which seriously detract from the appearance of the apple.

(6) The following shall not be considered serious damage:

(a) Sunburn or spray burn which does not seriously detract from the appearance of the apple.

(b) Limb rubs affecting an aggregate area not to exceed 3/4 of an inch.

(c) Smooth solid russeting affecting an area of not more than one-half the surface in the aggregate, including russeting of the stem basin or bark-like russeting which does not seriously detract from the appearance of the apple.

(d) Growth cracks when no crack exceeds 1/2" in length.

(e) Hail marks, drought spots or other similar depressions do not exceed an aggregate area of ten percent of the surface. Slight injury means that no individual area may exceed 3/4" in diameter of discolored area. The discolored area may be a light brown or black or may be a russeted area and the skin may or may not be broken, if broken, the area shall be well healed.

(f) Scab spots affecting an aggregate area of not to exceed 3/4 of an inch.

(g) Not to exceed two stings, each having an encircling hard ring or slight depression, providing no sting exceeds 1/8" in diameter exclusive of any encircling ring.

(h) Aphis pebbling or thrip marks not seriously affecting the appearance of the apple.

(i) Any defect or defects not listed above which does not affect the appearance of the apple more than the defects listed above.

[Order 987, Regulation 2, filed 7/26/65; Emergency Order 986, filed 7/26/65.]

WAC 16-404-040 Grades—Color percentages. For the Washington summer apple grades the color percentage listed below refers to color of blush, shades of red, or stripes of red characteristic of the variety.

| | <u>EXTRA FANCY</u> | <u>FANCY</u> |
|-----------------------------|--------------------|--------------|
| Early MacIntosh | 33-1/3 % | 15% |
| Beacon | 33-1/3 % | 15% |
| Tydeman Red | 33-1/3 % | 15% |
| Other similar red varieties | 33-1/3 % | 15% |

(2) In the following varieties no color required in extra fancy or fancy.

- Yellow transparent
- Lodi
- Other similar varieties

[Order 987, Regulation 3, filed 7/26/65; Emergency Order 986, filed 7/26/65.]

WAC 16-404-050 Marking requirements. In summer apple grades when extra fancy and fancy are packed together, the boxes may be marked combination Washington summer extra fancy and fancy. The package must contain at least fifty percent of the extra fancy grade.

[Order 987, Regulation 4, filed 7/26/65; Emergency Order 986, filed 7/26/65.]

WAC 16-404-060 Tray packs. Tray packs shall be well filled. To be well filled a tray pack container must have not less than thirty-six pounds net of apples.

[Order 987, Regulation 5, filed 7/26/65; Emergency Order 986, filed 7/26/65.]

WAC 16-404-070 Exceptions. NOTE: [WAC 16-403-001 through 16-403-130.] For any rule or regulation not specifically mentioned above, the general regulations of Washington state standards for apples shall apply.

[Order 987, Regulation 6, filed 7/26/65; Emergency Order 986, filed 7/26/65.]

**Chapter 16-406 WAC
STANDARDS FOR APRICOTS**

WAC

| | |
|------------|-----------------------------------|
| 16-406-001 | Promulgation. |
| 16-406-020 | Tolerances. |
| 16-406-030 | Marking and packing requirements. |
| 16-406-040 | Culls for fresh market. |
| 16-406-050 | Definition of terms. |
| 16-406-060 | Definition of grades. |

WAC 16-406-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW, after due notice and public hearings held at Yakima and Wenatchee, Washington on March 29 and 30, 1966, (pursuant to chapters 42.32 and 34.04 RCW), do hereby establish the following Washington standards for apricots and the container marking and packing requirements.

[Order 1015, Promulgation, filed 4/29/66; Order 771, Promulgation, effective 4/28/58.]

WAC 16-406-020 Tolerances. (1) In order to allow for variations incident to proper grading and handling, not more than a total of ten percent of the apricots in any container may be below the requirements of grade, provided that not more than five percent shall be seriously damaged by insects, and not more than one percent shall be allowed for decay or internal breakdown: *Provided*, That in addition in Washington No. 1 not more than ten percent, by count, of the apricots in any lot may be damaged but not seriously damaged by bruising.

(2) When applying the foregoing tolerances to the combination grade no part of any tolerance shall be used to reduce the percentage of Washington No. 1 apricots required in the combination, but individual containers may have not more than ten percent less than the percentage of Washington No. 1 required, provided that the entire lot averages within the percentage specified.

[Order 1015, Regulation B, filed 4/29/66; Order 771, effective 4/28/58.]

WAC 16-406-030 Marking and packing requirements. (1) When the numerical count is used, the apricots in any container shall not vary more than one fourth inch in diameter. In order to allow for variations incident to proper sizing, not more than ten percent, by weight, of the apricots in any package may be below the minimum size specified

except when in packed containers when the variation in size in the individual package does not exceed one fourth inch in diameter. The determination of grade may be made on the count basis.

(2) When apricots are prepared for market and/or offered for sale in containers, open or closed, such containers shall have stamped thereon the variety, grade, and packer's, grower's or shipper's name and address, and the net weight.

(These marking requirements do not apply to apricots being sold or shipped to canneries)

[Order 1015, Regulation C, filed 4/29/66; Order 771, effective 4/28/58.]

WAC 16-406-040 Culls for fresh market. Cull apricots shall be clearly marked with the word CULLS, in large letters at least two inches high, on containers which must be of the closed type.

[Order 1015, Regulation D, filed 4/29/66; Order 771, effective 4/28/58.]

WAC 16-406-050 Definition of terms. As used in these grades:

(1) "Mature" means having reached the stage of maturity which will insure a proper completion of the ripening process.

(2) "Well formed" means having the shape characteristic of the variety.

(3) "Damage" means that the apricot is injured to an extent readily apparent in the process of proper grading and handling. Well healed growth cracks not over three eighths of an inch in length, punctures not over three sixteenths of an inch in diameter, stem pulls not over three-eighths of an inch in diameter (except for the Riland variety - growth cracks not over three-eighths of an inch in length, punctures not over one-fourth of an inch in diameter and stem pulls not over one-half inch in diameter) or smooth shallow limb rubs not more than one-fourth of an inch in diameter or russeting affecting not to exceed one-tenth of the surface of the apricot shall not be regarded as damage. Bruises not to exceed five percent of the surface of the apricot shall not be regarded as damage.

(4) Hail marks that are shallow and superficial or not more than three-eighths of an inch in diameter in the aggregate, or when the skin has been broken, except that not to exceed one well healed hail mark, such mark not to exceed one-eighth of an inch in diameter will not be considered as damage.

(5) "Serious damage" means immaturity, or any deformity or injury which causes breaking of the skin in excess of three-eighths of an inch in diameter or which seriously affects the appearance, but well healed growth cracks, not over one-half inch in length, shall not be regarded as serious damage. Except for the Riland variety - growth cracks that are not well healed and not over one-half inch in length shall not be regarded as serious damage. Bruises not to exceed ten percent of the surface of the apricot shall not be regarded as serious damage. Hail marks that are not more than three-sixteenth of an inch deep, or not more than one-half of an inch in diameter in the aggregate or when the skin has been broken, except that not to exceed four well healed hail marks, each such mark not to exceed one-eighth of an inch in diameter, will not be considered as serious damage.

(6) "Diameter" means the greatest diameter, measured through the center of the apricot, at right angles to a line running from the stem to the blossom end. Apricots having a diameter of one and one-half inches, ring measurement, shall be considered large, while the apricots having a diameter of less than one and one-half inches shall be designated as small.

(7) The following will be taken into consideration in determining maturity:

(a) Ambering—Replacement of the green color of the flesh immediately around the pit by an amber shade is recognized by many authorities on apricots as an indicator of maturity.

(b) Springiness—This condition develops in connection with the separation of the flesh from the pit and is an indication that the fruit is reaching proper tree maturity for picking for fresh shipment. Springiness may be detected by external pressure on the fruit or by cutting the apricot in half at right angles to the longitudinal axis and noting how one-half or both halves slip away from the pit.

(c) Taste—On a tree whose fruit is ready for harvest for fresh shipment it is usually impossible to find at least an occasional fruit which has lost sufficient of its green taste to be fairly palatable. In using this test, do not be misled by fruits which may be maturing abnormally because of worm infestation.

(d) Separation of fruit from stem—The manner in which fruit may be separated from its stem is some indication of maturity, the more immature fruit tending to tear the adjacent skin and flesh more than fruit which is near proper maturity.

(8) The following varieties shall not be considered to have reached that stage of maturity which will insure a proper completion of the ripening process until they have developed characteristic turning or yellow (shades Nos. 3 or 4 on U.S. standard ground color chart) on the minimum percentage of surface area as stated opposite the varietal name:

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| Moorpark | —20% |
| Gilbert or Newcastle | —50% |
| Tilton | —40% |
| Blenheim | —40% |
| Royal | —40% |

[Order 1015, Regulation E, filed 4/29/66; Order 771, effective 4/28/58.]

WAC 16-406-060 Definition of grades. (1) Washington No. 1 shall consist of apricots of one variety which are mature but not soft, overripe or shriveled, and which are well formed, visibly clean and free from decay, worm holes, and from damage caused by dirt, limb rubs, growth cracks, bruises, scale, hail, disease, insects or mechanical or other means. (See tolerances WAC 16-406-020)

(2) Washington No. 2 shall consist of apricots of one variety which are mature but not soft, overripe or shriveled, but which are fairly clean and free from decay, worm holes, and from serious damage caused by growth cracks, bruises, hail, insect pests, mechanical or other means. (See tolerances WAC 16-406-020)

(3) Washington combination shall consist of a combination of Washington No. 1 and Washington No. 2 and may be

packed. When such a combination is packed, at least fifty percent of the apricots in any container shall meet the requirements of Washington No. 1. (See tolerances WAC 16-406-020)

(4) Culls shall consist of apricots which are immature or seriously damaged by growth cracks, nail, insect pests, mechanical or other means. (See marking and packing requirements WAC 16-406-030)

[Order 1015, Regulation A, filed 4/29/66; Order 771, effective 4/28/58.]

Chapter 16-409 WAC STANDARDS FOR ASPARAGUS

WAC

WASHINGTON STANDARDS

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| 16-409-015 | Definitions. |
| 16-409-020 | Washington standards—Grades. |
| 16-409-030 | Tolerances for defects, color, diameter and trim. |
| 16-409-035 | Application of tolerances. |
| 16-409-060 | Washington standards—Size designations. |
| 16-409-065 | Containers. |
| 16-409-070 | Marking requirements. |
| 16-409-075 | Exemption. |

UNITED STATES STANDARDS FOR FRESH ASPARAGUS

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| 16-409-085 | Adoption of United States standards as Washington state standards. |
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-409-001 | Promulgation. [Order 795, Promulgation, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-010 | Washington standards—Variations between lot and individual package tolerances. [Order 795, Regulation 1, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-040 | Washington standards—Culls. [Order 795, Regulation 2(5), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-050 | Washington standards—Definition of terms. [Order 795, Regulation 2(6), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-080 | United States standards for fresh asparagus—Authorized U.S. grades—Application of tolerances. [Order 795, Regulation 4(1), (2), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-090 | United States standards for fresh asparagus—U.S. No. 1 grade. [Order 795, Regulation 4(3), (4), (5), (6), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-100 | United States standards for fresh asparagus—U.S. No. 2 grade. [Order 795, Regulation 4(7), (8), (9), (10), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-110 | United States standards for fresh asparagus—Diameter classification. [Order 795, Regulation 5, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-120 | United States standards for fresh asparagus—Amount of green color. [Order 795, Regulation 6, effective 2/16/60.] Repealed by 85-07-028 (Order 1848), filed 3/15/85. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-130 | United States standards for fresh asparagus—Stalk length. [Order 795, Regulation 7, effective 2/16/60.] Repealed by |

83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

16-409-140 United States standards for fresh asparagus—Definition of terms. [Order 795, Regulation 8, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

WASHINGTON STANDARDS

WAC 16-409-015 Definitions. (1) "Clean" means that the asparagus is free from excessive dirt, dust, residue or foreign matter.

(2) "Fresh" means that the stalk is not limp or flabby.

(3) "Well trimmed" means that at least two-thirds of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container and that the butt is not stringy or frayed.

(4) "Fairly well trimmed" means that at least one-third of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container and that the butt is not badly stringy or frayed.

(5) "Diameter" means the greatest thickness of the stalk measured at a point approximately one inch from the butt.

(6) "Fairly uniform in length" means that stalks within a container shall vary not more than one and one-half inches in length.

(7) "White" means that portion of the stalk near the butt, which is white in color or light purple over white. White is measured from the extreme tip of the butt to the point of beginning of green color.

(8) "Green" means that portion of the stalk having green color, purplish-green or greenish-purple color, and purple at the tip.

(9) "Damage" means any defect, or combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the stalk.

(10) "Serious damage" means any defect, or combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the stalk.

(11) "Badly misshapen" means the stalk is so badly flattened, crooked or otherwise so badly deformed that its appearance is seriously affected.

(12) "Fresh asparagus" as used in the standards means a lot of asparagus marketed for the purpose of fresh consumption.

(13) "Lot" means any number of containers of fresh asparagus being offered as a unit for the purpose of inspection, sale, or shipment.

(14) "Shipment" means any number of containers of fresh asparagus transported on a single conveyance from the area of production.

(15) "Field container" means an open lug made of wood, plastic, or similar material and used repetitively for field harvesting.

[Statutory Authority: Chapter 15.17 RCW. 85-07-028 (Order 1848), § 16-409-015, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-015, filed 3/1/83.]

WAC 16-409-020 Washington standards—Grades.

(1) Washington extra fancy shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, well trimmed, fairly straight, not wilted, and which are free from decay and damage caused by spreading or

packed. When such a combination is packed, at least fifty percent of the apricots in any container shall meet the requirements of Washington No. 1. (See tolerances WAC 16-406-020)

(4) Culls shall consist of apricots which are immature or seriously damaged by growth cracks, nail, insect pests, mechanical or other means. (See marking and packing requirements WAC 16-406-030)

[Order 1015, Regulation A, filed 4/29/66; Order 771, effective 4/28/58.]

Chapter 16-409 WAC STANDARDS FOR ASPARAGUS

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WASHINGTON STANDARDS

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| 16-409-015 | Definitions. |
| 16-409-020 | Washington standards—Grades. |
| 16-409-030 | Tolerances for defects, color, diameter and trim. |
| 16-409-035 | Application of tolerances. |
| 16-409-060 | Washington standards—Size designations. |
| 16-409-065 | Containers. |
| 16-409-070 | Marking requirements. |
| 16-409-075 | Exemption. |

UNITED STATES STANDARDS FOR FRESH ASPARAGUS

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| 16-409-085 | Adoption of United States standards as Washington state standards. |
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|---|
| 16-409-001 | Promulgation. [Order 795, Promulgation, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-010 | Washington standards—Variations between lot and individual package tolerances. [Order 795, Regulation 1, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-040 | Washington standards—Culls. [Order 795, Regulation 2(5), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-050 | Washington standards—Definition of terms. [Order 795, Regulation 2(6), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-080 | United States standards for fresh asparagus—Authorized U.S. grades—Application of tolerances. [Order 795, Regulation 4(1), (2), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-090 | United States standards for fresh asparagus—U.S. No. 1 grade. [Order 795, Regulation 4(3), (4), (5), (6), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-100 | United States standards for fresh asparagus—U.S. No. 2 grade. [Order 795, Regulation 4(7), (8), (9), (10), effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-110 | United States standards for fresh asparagus—Diameter classification. [Order 795, Regulation 5, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-120 | United States standards for fresh asparagus—Amount of green color. [Order 795, Regulation 6, effective 2/16/60.] Repealed by 85-07-028 (Order 1848), filed 3/15/85. Statutory Authority: Chapter 15.17 RCW. |
| 16-409-130 | United States standards for fresh asparagus—Stalk length. [Order 795, Regulation 7, effective 2/16/60.] Repealed by |

83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

16-409-140 United States standards for fresh asparagus—Definition of terms. [Order 795, Regulation 8, effective 2/16/60.] Repealed by 83-06-049 (Order 1787), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW.

WASHINGTON STANDARDS

WAC 16-409-015 Definitions. (1) "Clean" means that the asparagus is free from excessive dirt, dust, residue or foreign matter.

(2) "Fresh" means that the stalk is not limp or flabby.

(3) "Well trimmed" means that at least two-thirds of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container and that the butt is not stringy or frayed.

(4) "Fairly well trimmed" means that at least one-third of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container and that the butt is not badly stringy or frayed.

(5) "Diameter" means the greatest thickness of the stalk measured at a point approximately one inch from the butt.

(6) "Fairly uniform in length" means that stalks within a container shall vary not more than one and one-half inches in length.

(7) "White" means that portion of the stalk near the butt, which is white in color or light purple over white. White is measured from the extreme tip of the butt to the point of beginning of green color.

(8) "Green" means that portion of the stalk having green color, purplish-green or greenish-purple color, and purple at the tip.

(9) "Damage" means any defect, or combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the stalk.

(10) "Serious damage" means any defect, or combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the stalk.

(11) "Badly misshapen" means the stalk is so badly flattened, crooked or otherwise so badly deformed that its appearance is seriously affected.

(12) "Fresh asparagus" as used in the standards means a lot of asparagus marketed for the purpose of fresh consumption.

(13) "Lot" means any number of containers of fresh asparagus being offered as a unit for the purpose of inspection, sale, or shipment.

(14) "Shipment" means any number of containers of fresh asparagus transported on a single conveyance from the area of production.

(15) "Field container" means an open lug made of wood, plastic, or similar material and used repetitively for field harvesting.

[Statutory Authority: Chapter 15.17 RCW. 85-07-028 (Order 1848), § 16-409-015, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-015, filed 3/1/83.]

WAC 16-409-020 Washington standards—Grades.

(1) Washington extra fancy shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, well trimmed, fairly straight, not wilted, and which are free from decay and damage caused by spreading or

broken tips, dirt, disease, insects, or mechanical or other means. Stalks shall have at least eighty-five percent green color.

(b) Stalks within individual containers shall meet one of the following designated sizes: Jumbo, large, or standard.

(2) Washington extra fancy tips shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, well trimmed, fairly straight, not wilted, and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, or mechanical or other means. Stalks shall be all green.

(b) Stalks within the individual containers shall meet one of the following designated sizes: Jumbo, large, standard, or small.

(3) Washington fancy shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, fairly well trimmed, not wilted and not badly misshapen, and which are free from decay and serious damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall have at least eighty-five percent green color.

(b) Each stalk shall have a diameter of not less than four-sixteenths inch.

(4) Washington consumer pack shall consist of:

(a) Clean, fresh stalks of asparagus and may be of random length, which are fairly straight, not wilted and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall show not more than one and one-half inches of white.

(b) Each stalk shall have a diameter of not less than four-sixteenths inch.

(5) Culls.

(a) Asparagus which is not graded in conformity with Washington extra fancy, Washington extra fancy tips, Washington fancy, Washington consumer pack, or U.S. No. 1, or U.S. No. 2 shall be designated as "culls."

(b) Culls shall not be marketed if more than ten percent by count of the stalks show white in excess of two inches.

(6) Any lot of fresh asparagus, including "culls" marketed within the state of Washington, shall have not more than ten percent of stalks with white in excess of two inches, nor more than ten percent of stalks which are less than four-sixteenths inch in diameter.

[Statutory Authority: Chapter 15.17 RCW. 97-01-081 (Order 6008), § 16-409-020, filed 12/17/96, effective 1/17/97; 85-07-028 (Order 1848), § 16-409-020, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-020, filed 3/1/83; Order 795, Regulation 2(1), (2), effective 2/16/60.]

WAC 16-409-030 Tolerances for defects, color, diameter and trim. (1) In order to allow for variations incident to proper grading and handling in the Washington extra fancy, Washington extra fancy tips, Washington fancy, and Washington consumer pack grades, the following tolerances are provided as specified:

(a) Ten percent, by count, for stalks failing to meet the requirements of the grade other than for trim and color requirements, including therein, not more than one percent for stalks affected by decay.

(b) An additional ten percent, by count, for stalks having less than the specified amount of green color.

(c) An additional ten percent, by count, for stalks not meeting trim requirements.

(2) In order to allow for variations in diameter and length incident to proper sizing in the Washington extra fancy, Washington extra fancy tips, Washington fancy, and Washington consumer pack grades, the following tolerance is provided as specified: Ten percent, by count, for stalks failing to meet the required minimum and maximum diameter, and/or length, as defined under, "fairly uniform in length" and "size designations."

[Statutory Authority: Chapter 15.17 RCW. 97-01-081 (Order 6008), § 16-409-030, filed 12/17/96, effective 1/17/97; 85-07-028 (Order 1848), § 16-409-030, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-030, filed 3/1/83; Order 795, Regulation 2(3), (4), effective 2/16/60.]

WAC 16-409-035 Application of tolerances. Individual samples are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(1) For a tolerance of ten percent or more, individual samples shall contain not more than one and one-half times the tolerance specified.

(2) For a tolerance of less than ten percent, individual samples shall contain not more than double the tolerance specified.

(3) One decayed or otherwise defective stalk, one poorly trimmed stalk, one poorly colored, and one off-size stalk shall be permitted in any sample.

[Statutory Authority: Chapter 15.17 RCW. 85-07-028 (Order 1848), § 16-409-035, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-035, filed 3/1/83.]

WAC 16-409-060 Washington standards—Size designations. In addition to the statement of grade:

(1) Washington extra fancy grade lots shall be designated as Washington extra fancy jumbo or Washington jumbo, Washington extra fancy large or Washington large, or Washington extra fancy standard or Washington standard. Ninety percent, by count, of the stalks in any lot shall conform to the following diameters for such designations:

(a) Washington extra fancy jumbo or Washington jumbo shall be stalks thirteen-sixteenths inch in diameter or larger.

(b) Washington extra fancy large or Washington large shall be stalks seven-sixteenths inch in diameter or larger.

(c) Washington extra fancy standard or Washington standard shall be stalks six-sixteenths inch in diameter or larger.

(2) Washington extra fancy tips grade shall be designated as Washington extra fancy tips jumbo, Washington extra fancy tips large, Washington extra fancy tips standard or Washington extra fancy tips small. Ninety percent, by count, of stalks in any lot shall conform to the diameters for size designations as stated under the Washington extra fancy grade for jumbo, large or standard and under the Washington fancy grade for small.

(3) Washington fancy grade lots shall be designated by minimum diameter: *Provided*, That when at least ninety percent, by count, of the stalks in any lot are four-sixteenths inch in diameter or larger, the lot may be designated as Washington fancy small or Washington small.

(4) Washington consumer pack grade lots shall be designated by minimum diameter. Stalks shall be four-sixteenths inch in diameter or larger.

(5) U.S. No. 1 grade lots shall be designated as Washington jumbo, Washington large, or Washington standard, or may be designated by minimum diameter.

(6) U.S. No. 2 grade lots shall be designated as Washington small or may be designated by minimum diameter.

[Statutory Authority: Chapter 15.17 RCW. 97-01-081 (Order 6008), § 16-409-060, filed 12/17/96, effective 1/17/97; 85-07-028 (Order 1848), § 16-409-060, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-060, filed 3/1/83; Order 795, Regulation 2(7), effective 2/16/60.]

WAC 16-409-065 Containers. (1) Fresh asparagus shall be marketed in containers which are clean and free from dirt, trash, and visible contaminates.

(2) Fresh asparagus of the Washington extra fancy, Washington extra fancy tips, Washington fancy, U.S. No. 1, and U.S. No. 2 grades shall be marketed in containers with moisture pads.

(3) Fresh asparagus of the Washington consumer pack grade shall be marketed in pyramid type containers with moisture pads, or in fibre-board or wooden "western lug" containers having inside dimensions of approximately seven, by eleven and one-half, by eighteen inches, or capacity of thirteen hundred fifty to fifteen hundred fifty cubic inches.

(4) Western lugs shall contain not less than twenty pounds net weight.

(5) Culls shall be marketed in wooden pyramid containers with moisture pads.

(6) Fresh asparagus in field containers shall not be marketed.

(7) The director may allow the use of containers not specified in subsections (2), (3), (4), and (5) of this section, as experimental containers for the purpose of test or trial marketing.

[Statutory Authority: Chapter 15.17 RCW. 97-01-081 (Order 6008), § 16-409-065, filed 12/17/96, effective 1/17/97; 85-07-028 (Order 1848), § 16-409-065, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-065, filed 3/1/83.]

WAC 16-409-070 Marking requirements. (1) Containers shall be conspicuously and legibly marked with the name and address of the grower, packer, or distributor, the grade, and net weight, and a size designation or diameter size as defined in WAC 16-409-060 (1), (2), (3), (4), (5), and (6).

(2) The grade and size designation shall be marked in letters at least three-eighths inch in height.

(3) The following abbreviations of grade and size designation shall be acceptable: Washington may be abbreviated as Wash. or WA. Extra fancy may be abbreviated as ex fcy or extra fcy. Fancy may be abbreviated as fcy. Large may be abbreviated as lge. Standard may be abbreviated as std.

(4) The use of U.S. No. 1 or U.S. No. 2 grade markings shall be permitted subject to WAC 16-409-085.

(5) If culls are marketed, the word "culls" shall be conspicuously and legibly marked in letters at least one inch in height and shall be predominant in size over other markings.

(6) All required markings shall be placed on one end of the container, and may be duplicated on opposite end of container.

[Statutory Authority: Chapter 15.17 RCW. 97-01-081 (Order 6008), § 16-409-070, filed 12/17/96, effective 1/17/97; 85-07-028 (Order 1848), § 16-409-070, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-070, filed 3/1/83; Order 795, Regulation 3, effective 2/16/60.]

WAC 16-409-075 Exemption. Any individual shipment of fresh asparagus shall be exempted from the requirements of WAC 16-409-020 through 16-409-060, 16-409-065 (2), (3), (4), (5), and (7); and 16-409-070 when:

(1) The shipment consists of asparagus for home use and not for resale.

(2) The shipment does not exceed two hundred fifty pounds net weight.

[Statutory Authority: Chapter 15.17 RCW. 97-01-081 (Order 6008), § 16-409-075, filed 12/17/96, effective 1/17/97; 85-07-028 (Order 1848), § 16-409-075, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-075, filed 3/1/83.]

UNITED STATES STANDARDS FOR FRESH ASPARAGUS

WAC 16-409-085 Adoption of United States standards as Washington state standards. In addition to the standards for asparagus as set forth in this chapter the United States standards for grades of fresh asparagus, as they apply to U.S. No. 1 and U.S. No. 2, are hereby adopted as additional standards for the state of Washington for asparagus: *Provided*, That U.S. No. 1 shall be not less than six-sixteenths inch in diameter and shall meet or exceed Washington extra fancy grade and U.S. No. 2 shall be not less than four-sixteenths inch in diameter and shall meet or exceed Washington fancy grade.

[Statutory Authority: Chapter 15.17 RCW. 85-07-028 (Order 1848), § 16-409-085, filed 3/15/85; 83-06-049 (Order 1787), § 16-409-085, filed 3/1/83.]

Chapter 16-412 WAC STANDARDS FOR CANTALOUPE

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| 16-412-010 | Scope. |
| 16-412-020 | Variation between lot and individual package tolerances. |
| 16-412-030 | U.S. No. 1 grade. |
| 16-412-040 | U.S. commercial grade. |
| 16-412-050 | Definition of terms. |
| 16-412-060 | Markings. |

WAC 16-412-010 Scope. The provisions of this chapter are effective and mandatory for all cantaloupes grown within or marketed within or outside of the state.

[Order 358, Preface, effective 5/18/42.]

WAC 16-412-020 Variation between lot and individual package tolerances. The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

[Order 358, effective 5/18/42.]

WAC 16-412-030 U.S. No. 1 grade. U.S. No. 1 shall consist of cantaloupes of one variety which are firm, mature, well formed, well netted and free from aphis honey dew, cracks, sunburn, decay and from damage caused by dirt, moisture, hail, disease, insects or mechanical or other means.

In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the cantaloupes in any container may be below the requirements of this grade, but not over 1/2 of this tolerance or 5 percent, shall be allowed for defects causing serious damage, and not more than 1 percent shall be allowed for cantaloupes affected by soft rot.

[Order 358, effective 5/18/42.]

WAC 16-412-040 U.S. commercial grade. U.S. commercial shall consist of cantaloupes which meet the requirements of U.S. No. 1 grade except for the increased tolerance for defects specified below.

In order to allow for variations incident to proper grading and handling, not more than a total of 20 percent, by count, of the cantaloupes in any container may be below the requirements of this grade, but not more than one-fourth of this amount, or 5 percent, shall be allowed for defects causing serious damage, and not more than 1 percent shall be allowed for cantaloupes affected by soft rot.

[Order 358, effective 5/18/42.]

WAC 16-412-050 Definition of terms. As used in these standards:

"Mature" means that the cantaloupe has reached the stage of development which will insure a proper completion of the ripening process;

"Well netted" means having the netting characteristic of a well developed specimen of the variety;

"Damage" means any injury or defect which materially affects the appearance, or the edible, or shipping quality;

"Serious damage" means any injury or defect which seriously affects the edible or shipping quality. Cantaloupes which are soft, immature, or cracked shall be considered as being seriously damaged.

[Order 358, effective 5/18/42.]

WAC 16-412-060 Markings. The boxes shall be conspicuously and legibly stamped in letters of at least one-half inch type with the name and address of the grower, the variety, grade, net weight or count. It is not obligatory that the shipper's or association's name and address be stamped on the boxes if they contain the grower's name and address.

(1997 Ed.)

[Order 358, effective 5/18/42.]

Chapter 16-414 WAC CHERRIES

WAC

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WAC 16-414-010 Washington No. 1 grade and tolerances defined. (1) Washington No. 1 shall consist of sweet cherries which meet the following requirements: Similar varietal characteristics; mature; fairly well colored; well formed and clean; free from decay insect larvae or holes caused by them, soft overripe or shriveled, underdeveloped doubles and sunscald; and free from damage by any other cause.

(2) Size.

(a) The minimum diameter of each cherry shall be not less than 54/64 inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(b) When containers of cherries are marked with a row count/row size designation, the row count/row size marked shall be one of those shown in column 1 of the following table and shall be of the corresponding minimum diameter size shown in column 2:

| Column 1 Row count/Row size | Column 2 Diameter in inches |
|--------------------------------|--------------------------------|
| 9 | 75/64 |
| 9 1/2 | 71/64 |
| 10 | 67/64 |
| 10 1/2 | 64/64 |
| 11 | 61/64 |
| 11 1/2 | 57/64 |
| 12 | 54/64 |

(3) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:

(a) For defects at shipping point. Washington No. 1. Eight percent for cherries which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than four percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of one percent for cherries which are affected by decay.

Note: Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of

loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

(b) For defects en route or at destination.

Washington No. 1. Twenty-four percent for cherries in any lot which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Eight percent for cherries which fail to meet the requirements for this grade because of permanent defects; or

(ii) Six percent for cherries which are seriously damaged, including therein not more than four percent for cherries which are seriously damaged by permanent defects and not more than two percent for cherries which are affected by decay.

(c) For off-size.

(i) Not more than ten percent, by count, of cherries in any inspection lot shall measure less than 54/64 inches in diameter.

(ii) Ten percent, by count, for cherries which fail to meet any specified maximum diameter when such maximum diameter is marked on the container or specified in terms of fractions of inches.

(iii) When the containers are marked with row count/row size or the lot is specified by row count/row size, not more than ten percent, by count, of the cherries in any inspection lot may fail to meet the corresponding diameter size as defined in subsection (2)(b) of this section.

[Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-010, filed 6/14/95, effective 7/15/95; 78-04-060 (Order 1550), § 16-414-010, filed 3/31/78.]

WAC 16-414-015 Northwest No. 1 grade and tolerances defined. (1) Northwest No. 1 shall consist of sweet cherries which meet the requirements of Washington No. 1 as defined in WAC 16-414-010 (1) and (2), except for tolerances.

(2) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by count, are provided as specified:

(a) For defects at shipping point. Northwest No. 1. Ten percent for cherries in any inspection lot which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than five percent shall be allowed for defects causing serious damage, including in this latter amount not more than one percent for cherries which are affected by decay. The contents of individual samples or containers in any lot shall not be limited to the percentage of grade defects as defined in WAC 16-414-020(1).

Note: Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

(b) For defects en route or at destination. Northwest No. 1. Twenty-four percent for cherries in any inspection lot which fail to meet the requirements for this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) Ten percent, by count, for cherries which fail to meet the requirement for this grade because of permanent defects; or

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(ii) Seven percent, by count, for cherries which are seriously damaged, including therein not more than five percent for cherries which are seriously damaged by permanent defects and not more than two percent for cherries which are affected by decay.

(c) For off-size.

(i) Not more than ten percent, by count, of cherries in any inspection lot shall measure less than 54/65 inches in diameter.

(ii) Ten percent, by count, for cherries which fail to meet any specified maximum diameter when such maximum diameter is marked on the container or specified in terms of fractions of inches.

(iii) When the containers are marked with row count/row size or the lot is specified by row count/row size, not more than ten percent, by count, of the cherries in any inspection lot may fail to meet the corresponding diameter size as defined in WAC 16-414-010 (2)(b).

[Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-015, filed 6/14/95, effective 7/15/95.]

WAC 16-414-020 Application of tolerances. (1) Individual samples shall have not more than double the tolerances specified, except that at least two defective and two off-size specimens may be permitted in any sample: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(2) When containers are marked with row count/row size or the lot is specified by row count/row size, the individual samples or containers shall not be limited as to the percentage of cherries which are smaller than the diameter corresponding to the particular row count/row size, except that not more than twenty percent, by count, of the cherries in any sample or container shall measure less than 54/64 inches in diameter.

[Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-020, filed 6/14/95, effective 7/15/95; 78-04-060 (Order 1550), § 16-414-020, filed 3/31/78.]

WAC 16-414-030 Definitions. (1) Similar varietal characteristics. "Similar varietal characteristics" means that the cherries in any container are similar in color and shape.

(2) Mature. "Mature" means that the cherries have reached the stage of growth which will insure the proper completion of the ripening process.

(3) Fairly well colored. "Fairly well colored" means that at least ninety-five percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

(4) Well formed. "Well formed" means that the cherry has the normal shape characteristic of the variety, except that mature well developed doubles shall be considered well formed when each of the halves is approximately evenly formed.

(5) Clean. "Clean" means that the cherries are practically free from dirt, dust, spray residue, or other foreign material.

(6) "Face packed" means that the cherries in the top layer in any container are placed so that the stem ends are pointing downward toward the bottom of the container.

[Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-030, filed 6/14/95, effective 7/15/95; 78-04-060 (Order 1550), § 16-414-030, filed 3/31/78.]

WAC 16-414-040 Damage. "Damage" means any specific defect described in this section; or any equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects shall be considered as damage:

(1) Cracks within the stem cavity when deep or not well healed, or when the appearance is affected to a greater extent than that of a cherry which has a superficial well healed crack one-sixteenth inch in width extending one-half the greatest circumference of the stem cavity;

(2) Cracks outside of the stem cavity when deep or not well healed, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing and handling, or when materially affecting the appearance;

(3) Hail injury when deep or not well healed, or when the aggregate area exceeds the area of a circle three-sixteenths inch in diameter;

(4) Insects when scale or more than one scale mark is present, or when the appearance is materially affected by any insect;

(5) Limbrubs when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(6) Pulled stems when the skin or flesh is torn, or when the cherry is leaking;

(7) Russeting when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(8) Scars when excessively deep or rough or dark colored and the aggregate area exceeds the area of a circle three-sixteenths inch in diameter, or when smooth or fairly smooth, light colored and superficial and the aggregate area exceeds the area of a circle one-fourth inch in diameter;

(9) Skin breaks when not well healed or when the appearance of the cherry is materially affected; and,

(10) Sutures when excessively deep or when affecting the shape of the cherry to the extent that it is not well formed.

[Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-040, filed 3/31/78.]

WAC 16-414-050 Diameter. "Diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry.

[Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-050, filed 3/31/78.]

WAC 16-414-060 Serious damage. "Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which seriously detracts from the appearance or the edible or marketing quality of the fruit. The following specific defects shall be considered as serious damage:

- (1) Decay;
- (2) Insect larvae or holes caused by them;
- (3) Skin breaks which are not well healed;
- (4) Cracks which are not well healed; and,
- (5) Pulled stems with skin or flesh of cherry torn or which causes the cherry to leak.

[Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-060, filed 3/31/78.]

WAC 16-414-070 Permanent defects. "Permanent defects" means defects which are not subject to change during shipping or storage; including, but not limited to, factors of shape, scarring, skin breaks, injury caused by hail or insects, and mechanical injury which is so located as to indicate that it occurred prior to shipment.

[Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-070, filed 3/31/78.]

WAC 16-414-080 Condition defects. "Condition defects" means defects which may develop or change during shipment or storage; including but not limited to decayed or soft cherries and such factors as pitting, shriveling, sunken areas, brown discoloration and bruising which is so located as to indicate that it occurred after packing.

[Statutory Authority: Chapter 15.17 RCW. 78-04-060 (Order 1550), § 16-414-080, filed 3/31/78.]

WAC 16-414-085 Container requirements. All sweet cherries except Rainier, Royal Anne, and similar varieties commonly known as "light sweet cherries," shall be placed in containers which meet the following requirements:

(1) The net weight of loose packed (jumble filled) cherries in any container shall be twelve pounds or less, or twenty pounds or more. The net weight of face-packed cherries in any container shall be fifteen pounds, or twelve pounds or less: *Provided*, That containers with a net weight of twelve pounds or less may be packed together with like containers in a master shipping container.

(2) The director may, upon the recommendation by the Washington state horticultural association's cherry committee, allow the use of containers not specified in subsection (1) of this section, as experimental containers for the purpose of test or trial marketing: *Provided*, That cherries placed in such containers shall meet the quality requirements of the Washington No. 1, U.S. No. 1, or Northwest No. 1 grade, and that at least ninety percent, by count, of the cherries in any lot of such containers shall measure not less than 54/64 inches in diameter, by requesting a waiver.

[Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-085, filed 6/14/95, effective 7/15/95.]

WAC 16-414-090 Marking containers. Containers shall be conspicuously and legibly stamped with the name and the address of the grower, packer or shipper, the net weight, and shall be marked with the true variety name or "sweet cherries." The containers may be marked with the grade name Washington No. 1, U.S. No. 1, or Northwest No. 1.

[Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-090, filed 6/14/95, effective 7/15/95; 78-04-060 (Order 1550), § 16-414-090, filed 3/31/78.]

WAC 16-414-095 Adoption of United States standards as state standards. In addition to the standards for cherries prescribed in WAC 16-414-010 through 16-414-090, there are hereby adopted, as additional standards of the state of Washington for cherries, the United States standards for grades of sweet cherries, effective May 7, 1971, as they apply to U.S. No. 1, provided, the minimum size of cherries and tolerances for undersize shall meet the requirements of the Washington No. 1 grade.

[Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-414-095, filed 6/14/95, effective 7/15/95.]

WAC 16-414-100 Grades. (1) Washington No. 1 grade sulphured whole cherries shall consist of properly matured cherries of similar varietal characteristics that are clean, firm, well formed and well bleached. The cherries shall be free from damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.

In order to allow for variations incident to proper preparation, grading and handling, at least ninety-five percent of the cherries of any lot must meet the requirements of "firm." In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade, of which not more than one-half or five percent shall be allowed for defects classified as serious damage.

(2) Washington No. 1 grade sulphured halved cherries shall consist of portions of sliced cherries, no particle of which shall be smaller than an estimated one-third or more than an estimated two-thirds of a whole cherry. The cherries shall be properly matured, of similar varietal characteristics that are clean, firm, well formed and well bleached. The cherries shall be free from damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.

In order to allow for variations incident to proper preparation, grading and handling, at least ninety-five percent of the cherries of any lot must meet the requirements of "firm." In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade, of which not more than one-half or five percent shall be allowed for defects classified as serious damage.

(3) Washington No. 2 grade sulphured whole cherries shall consist of properly matured cherries of similar varietal characteristics that are clean, fairly firm, well formed, and fairly well bleached. The cherries shall be free from serious damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.

In order to allow for variations incident to proper preparation, grading and handling, at least ninety percent of the cherries of any lot must meet the requirements of "fairly firm." In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade.

(4) Washington No. 2 grade sulphured halved cherries shall consist of properly matured cherries of similar varietal characteristics that are clean, fairly firm, well formed, and fairly well bleached. The cherries shall be free from serious

damage caused by mechanical injury, surface discoloration, rain cracks, blemishes or other means.

In order to allow for variations incident to proper preparation, grading and handling, at least ninety percent of the cherries of any lot must meet the requirements of "fairly firm." In addition, not more than ten percent of the cherries of any lot may be below the remaining requirements of this grade.

(5) Washington combination grade sulphured cherries shall be a combination of Washington No. 1 and Washington No. 2 cherries of any style. When such a combination grade is packed, unless otherwise specified, the lot shall average not less than fifty percent Washington No. 1 quality cherries.

A tolerance of not more than ten percent shall be allowed for cherries which fall below the requirements of Washington No. 2 grade.

The tolerances for the standards are on a container basis. However, individual containers in any lot may vary from the specified tolerances, providing the averages for the entire lot, based on sample inspection, are within the tolerances specified. No part of any tolerance shall be allowed to reduce, for the lot as a whole, the fifty percent of cherries of the higher grade requirement in the combination; but individual containers may not have less than thirty-five percent of the higher grade or more than twenty percent below the requirements of Washington No. 2 grade.

When other combinations are specified, individual containers may not have more than fifteen percent less than the percentage specified of the higher grade or more than twenty percent below the requirements of Washington No. 2 grade.

(6) Washington No. 3 grade sulphured cherries shall consist of cherries which fail to meet the requirements of the above grades and shall be practically free of stems, leaves, fruit spurs, bark, dirt or foreign material.

[Statutory Authority: Chapter 15.17 RCW. 80-08-010 (Order 1708), § 16-414-100, filed 6/20/80.]

WAC 16-414-110 Sizes. The following approximate sizes shall be considered as standards for all grades of sulphured cherries except for halved cherries.

- (1) Extra small: 14 mm. to and including 16 mm.
- (2) Small: 16 mm. to and including 18 mm.
- (3) Medium: 18 mm. to and including 20 mm.
- (4) Large: 20 mm. to and including 22 mm.
- (5) Extra large: 22 mm. and over.

A tolerance of five percent for cherries which fail to meet the specified minimum diameter and ten percent for cherries that fail to meet the specified maximum diameter shall be allowed.

[Statutory Authority: Chapter 15.17 RCW. 80-08-010 (Order 1708), § 16-414-110, filed 6/20/80.]

WAC 16-414-120 Application of tolerances for certification of lots of Washington No. 1 or Washington No. 2 grade sulphured cherries. (1) The tolerances for certification of lots of Washington No. 1 or Washington No. 2 grades of sulphured cherries shall be on a container basis. However, not to exceed one sixth of the individual containers in any lot may vary from the specified tolerances provided the averages for the entire lot, based on sample

inspection, are within the tolerances specified. For a tolerance of ten percent or more, individual containers in any lot may contain not more than one and one half times the tolerance specified. For a tolerance of less than ten percent, individual containers in any lot may contain not more than double the tolerance specified.

(2) In pitted cherries:

(a) Of extra small and small sizes there shall not be found in excess of two pits per each forty ounces of cherries.

(b) Of medium, large or mixed sizes, there shall not be found in excess of one pit per each forty ounces of cherries.

(c) Of extra large size there shall not be found in excess of one pit per each sixty ounces of cherries.

[Statutory Authority: Chapter 15.17 RCW. 80-08-010 (Order 1708), § 16-414-120, filed 6/20/80.]

WAC 16-414-130 Definitions. (1) "Sulphured cherries" means properly matured whole cherries of similar varietal characteristics packed in a solution of sulphur dioxide of sufficient strength to preserve the cherries with or without the addition of hardening agents.

(2) "Unpitted sulphured cherries" means whole cherries stemmed or unstemmed from which the pits have not been removed. If unstemmed, not more than twenty percent, by weight, of all the cherries may have the stems removed. If stemmed, not more than one-half of one percent, by weight, of all the cherries may have the stems attached.

(3) "Pitted sulphured cherries" means whole cherries with or without stems from which the pits have been removed. If unstemmed (cocktail), not more than seven percent, by weight, of all the cherries may have the stems removed. If stemmed, not more than one-half of one percent, by weight, of all the cherries may have the stems attached.

(4) "Pit" means an entire pit or portion thereof attached to a sulphured cherry or within the pit cavity.

(5) "Unclassified cherries" means sulphured cherries which do not conform to any of the styles set forth in subsections (2), (3) or (4) of this section.

(6) "Properly matured" means that stage of ripeness in which the fruit is fully developed for brining purposes.

(7) "Clean" means that the product is practically free from leaves, fruit spurs, bark, twigs, dirt or foreign material.

(8) "Well bleached" means that the cherries possess a practically uniform color typical of well bleached sulphured cherries for the variety.

(9) "Firm" means that the cherries possess a firm, fleshy texture, retain their approximate original shape, are not shriveled, and do not show more than slight collapsed areas of flesh.

(10) "Damage" means any injury or defect which materially affects the appearance or market quality of the product. The following shall be considered "damage":

(a) "Mechanical injury" - any open pitter hole, or open pitter holes measuring more than one-eighth inch across in the aggregate; any pitter hole where there is a material loss of flesh; any pitter tear or pitter tears, or any other mechanical injury which materially affects the appearance of the cherry.

(b) "Surface discoloration"

(i) (In case of Washington No. 1 whole cherry) - any light surface discoloration exceeding in the aggregate one-eighth of the surface of the cherry; any dark surface discoloration exceeding in the aggregate the area of a circle three-sixteenths inch in diameter, but not exceeding in the aggregate one-eighth of the surface of the cherry.

(ii) (In case of Washington No. 1 halved cherries) - any light surface discoloration exceeding in the aggregate one-eighth of the surface of the cherry; any dark surface discoloration exceeding in the aggregate the area of a circle one-sixteenth inch in diameter.

(c) "Rain cracks"

(i) (In case of Washington No. 1 whole cherries) - in the stem basin more than one-fourth inch in length; outside the stem basin more than three-sixteenths inch in length measured on the circumference.

(ii) (In case of Washington No. 1 halved cherries) - in the stem basin more than one-eighth inch in length; outside the stem basin no rain cracks shall be allowed.

(d) "Blemished" - any insect injury, bird pecks, limb rub, hail marks, sunburn, solution cracks or any other blemish or combination of blemishes which materially affects the appearance of the cherry; also any cherry, the flesh of which is materially discolored.

(11) "Fairly well bleached" means that the cherries possess a reasonably uniform color typical of reasonably well bleached sulphured cherries for the variety.

(12) "Fairly firm" means that the cherries possess a reasonably firm texture, may have slightly lost their original shape, may be slightly shriveled or may show moderately collapsed areas of the flesh.

(13) "Serious damage" means any injury which seriously affects the appearance or market quality of the product. The following shall be considered "serious damage:"

(a) Any deformed or double cherry.

(b) "Mechanical injury"

(i) (In case of Washington No. 2 whole cherries) - any open pitter hole, or open pitter holes measuring more than three-sixteenths inch across in the aggregate; any pitter hole where there is a serious loss of flesh; any pitter tear or pitter tears, or any other mechanical injury which seriously affects the appearance of the cherry.

(ii) (In the case of Washington No. 2 halved cherries) - any open pitter hole, or open pitter holes measuring more than one-eighth inch across in the aggregate; any pitter hole where there is a serious loss of flesh; any pitter tear or pitter tears, or any other mechanical injury which seriously affects the appearance of the cherry.

(c) "Surface discoloration" - any light surface discoloration exceeding in the aggregate one-half of the surface of the cherry; any dark surface discoloration exceeding in the aggregate one-eighth of the surface of the cherry.

(d) "Rain cracks"

(i) (In the case of Washington No. 2 whole cherries) - in the stem basin more than one-half inch in length; outside the stem basin more than three-eighths inch in length measured on the circumference.

(ii) (In the case of Washington No. 2 halved cherries) - in the stem basin more than one-fourth inch in length; outside the stem basin more than three-sixteenths inch in length measured on the circumference.

(e) Any blemish or combination of any blemishes which seriously affects the appearance of the cherry; also any cherry the flesh of which is seriously discolored.

[Statutory Authority: Chapter 15.17 RCW. 80-08-010 (Order 1708), § 16-414-130, filed 6/20/80.]

Chapter 16-424 WAC ONION STANDARDS

WAC

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|------------|---|
| 16-424-010 | Grades and tolerance. |
| 16-424-020 | Definition of terms. |
| 16-424-030 | Variation between lot and individual package tolerance. |

WAC 16-424-010 Grades and tolerance. These grades are to be used as standard and guidance for packing and shipping onions but carry no obligatory marking requirements:

(1) **U.S. No. 1** shall consist of onions of similar varietal characteristics which are mature, fairly firm, fairly well shaped, free from doubles, splits, bottlenecks, scallions, and from damage caused by seedstems, tops, roots, sunscald, sunburn, sprouting, freezing, peeling, dirt, foreign matter, disease, insects, or mechanical or other means. Unless otherwise specified, the minimum size shall be 1 1/2 inches in diameter and in the case of yellow, brown and red onions, 40 percent or more, and in the case of white onions, 30 percent or more, by weight, of the onions in any lot shall be 2 inches or larger in diameter*.

In order to allow for variations other than size, incident to proper grading and handling, not more than 10 percent, by weight, of the onions in any container may be damaged by peeling and not more than 5 percent, may be below the remaining requirements of this grade, but not more than two-fifths of this tolerance, or 2 percent, may be allowed for onions which are affected by decay. In addition, not more than 5 percent, by weight, may be below the minimum size specified and not more than 15 percent may be above any specified maximum size. No part of any tolerance shall be allowed to reduce the percentage of onions which shall be 2 inches or larger in diameter or any other specified size or larger, but individual containers may have not more than 15 percent less than the percentage specified, provided that the entire lot averages within the percentage specified.

(2) **U.S. commercial** shall consist of onions of similar varietal characteristics which are mature, not soft or spongy, not badly misshapen, free from doubles, splits, bottlenecks, scallions, and from damage caused by seedstems, tops, roots, sunscald, sunburn, sprouting, freezing, dirt, foreign matter, disease, insects, or mechanical or other means. Unless otherwise specified, the minimum size shall be 1 1/2 inches in diameter.

In order to allow for variations other than size incident to proper grading and handling, not more than 5 percent, by weight, of the onions in any container may be below the requirements of this grade but not more than two-fifths of this tolerance or 2 percent, may be allowed for onions which are affected by decay. In addition, not more than 5 percent, by weight, may be below the size specified and not more than 15 percent may be above any specified maximum size.

(3) **Unclassified** shall consist of onions which are not graded in conformity with any of the foregoing grades.

[Order 186, effective 9/1/35.]

WAC 16-424-020 Definition of terms. As used in these grades:

(1) "Mature" means dry and well cured. Mid-season onions which are not customarily held in storage shall be considered mature when harvested in accordance with good commercial practice at a stage which will not result in the onions becoming soft or spongy;

(2) "Fairly firm" means that the onion may yield slightly to moderate pressure but is not appreciably soft or spongy;

(3) "Fairly well shaped" means having the shape characteristic of the variety but slightly off-type, slightly elongated or slightly misshapen onions shall be admitted to U.S. No. 1 grade;

(4) "Badly misshapen" means that the onion is so elongated or misshapen that its appearance is seriously affected;

(5) "Doubles" and "splits" are onions which have developed more than one distinct bulb. All such onions which are either distinctly misshapen or which show a splitting of the dry outer scales shall be excluded from U.S. No. 1;

(6) "Bottlenecks" are onions with abnormally thick necks;

(7) "Scallions" are onions which have thick necks and relatively small and poorly developed bulbs;

(8) "Damage" means any injury from the causes mentioned which materially affects the appearance of the lot or the edible or shipping quality of the individual onions. Any one of the following defects shall be considered as "damage:"

(a) Sunscald which affects the shipping or market quality. Slight dry scald which is not readily apparent without peeling the onion shall not be considered as damage;

(b) "Peeled" onions when more than one-half of the thin papery skin is missing, leaving the larger portion of the fleshy outer scale unprotected. Such onions are sometimes referred to as "bald" or "skinned" onions or "peelers";

(c) Onions which have one or more of the fleshy scales cracked. Such onions are undesirable because of the possibility of decay organisms entering the injured tissues. Cracking of the thin paper skins shall not be regarded as damage;

(d) Any lot of onions which is materially stained. A lot of onions shall be considered as materially stained when there are enough stained onions to distinctly detract from the appearance of the lot. In this connection the number of stained onions permitted will depend upon the natural color of the onions and upon the degree of staining on individual onions. In a lot of yellow, brown or red onions, 20 percent may be not more than appreciably stained before the lot is considered damaged but when the onions are badly stained not more than 5 percent shall be permitted. In a lot of white onions 15 percent may be not more than appreciably stained, but not over 5 percent may be badly stained. These percentages are given as a guide in determining whether or not a lot is out of grade on account of "damage by dirt" and they

shall be in addition to the 5 percent tolerance allowed for other defects;

(3) "Damage by tops." In considering this factor, the appearance of the lot of onions as a whole should be considered. While all onions should be trimmed to less than 2 inches there are often some that have been cut with tops a little longer. However, any lot of onions having more than 20 percent of onions with tops over 2 inches in length shall be considered as damaged. This percentage is given only as a guide and it may be reduced if the tops are very long. For example, not more than 10 percent of onions may have tops longer than 5 inches.

Any lot of onions quoted as being of size smaller than 1 1/2 inches minimum such as "U.S. No. 1, 1 1/4 inches minimum," is not required to meet the percentage which shall be 2 inches or larger as specified in the U.S. No. 1 grade.

[Order 186, effective 9/1/35.]

WAC 16-424-030 Variation between lot and individual package tolerance. The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified. For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified.

For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

[Order 186, effective 9/1/35.]

Chapter 16-436 WAC

WASHINGTON STANDARDS FOR PEACHES

WAC

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| 16-436-002 | Promulgation. |
| 16-436-003 | Promulgation. |
| 16-436-100 | Washington extra fancy grade. |
| 16-436-110 | Washington fancy grade. |
| 16-436-120 | Washington combination extra fancy and fancy grade. |
| 16-436-140 | Cull grade. |
| 16-436-150 | Cull peach requirements. |
| 16-436-160 | Tolerances. |
| 16-436-165 | Tolerances. |
| 16-436-166 | Tolerances—Size. |
| 16-436-180 | Application of tolerances to individual packages. |
| 16-436-185 | Washington standard pack. |
| 16-436-186 | Containers. |
| 16-436-187 | Minimum size. |
| 16-436-190 | Marking requirements. |
| 16-436-200 | Definitions. |
| 16-436-210 | Definition—Damage. |
| 16-436-220 | Definition—Serious damage. |
| 16-436-225 | Adoption of United States standards as state standards. |
| 16-436-230 | Effective date. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-436-001 | Promulgation. [Order 1014, Promulgation, filed 4/29/66; Order 919, filed 6/4/63; Order 860, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71. |
| 16-436-010 | Grades. [Order 1014, Regulation A, filed 4/29/66; Order 919, Regulation 1, filed 6/4/63; Order 860, Regulation 1, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71. |
| 16-436-020 | Application of tolerances to individual packages. [Order 1014, Regulation B, filed 4/29/66; Order 919, Regulation 2, filed 6/4/63; Order 860, Regulation 2, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71. |
| 16-436-030 | Marking requirements. [Order 1014, § 16-436-030, filed 6/4/68, effective 7/5/68; Order 1014, Regulation C, filed 4/29/66; Order 919, Regulation 3, filed 6/4/63; Order 860, Regulation 3, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71. |
| 16-436-040 | Cull peach requirements. [Order 1014, Regulation D, filed 4/29/66; Order 919, Regulation 4, filed 6/4/63; Order 860, Regulation 4, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71. |
| 16-436-050 | Definitions. [Order 1014, Regulation E, filed 4/29/66; Order 919, Regulation 5, filed 6/4/63; Order 860, Regulation 5, effective 8/25/61.] Repealed by Order 1203, filed 5/14/71, effective 6/14/71. |
| 16-436-130 | Washington No. 2 grade. [Order 1203, § 16-436-130, filed 5/14/71, effective 6/14/71.] Repealed by 92-11-076, filed 5/20/92, effective 6/20/92. Statutory Authority: Chapter 15.17 RCW. |
| 16-436-170 | Tolerances. [Statutory Authority: Chapter 15.17 RCW. 88-11-048 (Order 1977), § 16-436-170, filed 5/16/88; Order 1203, § 16-436-170, filed 5/14/71, effective 6/14/71.] Repealed by 92-11-076, filed 5/20/92, effective 6/20/92. Statutory Authority: Chapter 15.17 RCW. |

WAC 16-436-002 Promulgation. (This promulgation relates to WAC 16-436-001, 16-436-010, 16-436-020, 16-436-030, 16-436-040, and 16-436-050.)

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW and after due notice and public hearing held at Ellensburg, Washington on May 5, 1971, pursuant to chapters 42.32 and 34.04 RCW do hereby establish the following standards for peaches and the container marking requirements.

[Order 1203, § 16-436-002, filed 5/14/71, effective 6/14/71.]

WAC 16-436-003 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW and after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington, September 14, 1971, do hereby promulgate the following regulations relating to Washington standards for peaches. (Amending Order No. 1203 and superseding Emergency Order No. 1208)

[Order 1212, § 16-436-003, filed 9/17/71, effective 10/18/71.]

WAC 16-436-100 Washington extra fancy grade.
(1) Shall consist of peaches of one variety which are mature, but not soft or overripe; fairly well formed; and which are free from decay, broken skin, worms, worm holes; and free from damage caused by bruises; dirt or other foreign material; bacterial spot; scab; scale; growth cracks; hail injury; leaf or limb rubs or russetting; split pits; stem pull;

rough suture; other diseases, insects or mechanical or other means.

(2) Size. Such peaches shall measure not less than 2-1/4 inches in diameter: *Provided*, That such peaches shall also meet requirements of WAC 16-436-187 Minimum size. Definitions for the above grade will be found under WAC 16-436-160, 16-436-180, 16-436-185, 16-436-190, 16-436-200, 16-436-210, and 16-436-220.

[Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-100, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-100, filed 5/16/88; Order 1203, § 16-436-100, filed 5/14/71, effective 6/14/71.]

WAC 16-436-110 Washington fancy grade. (1) Shall consist of peaches of one variety which meet all of the requirements of Washington extra fancy: *Provided*, Split pit not to exceed 3/8 inch in length shall be allowed. Damage, but not serious damage, for rough suture shall be allowed in this grade.

(2) Size. Such peaches shall measure not less than 2-1/4 inches in diameter: *Provided*, That such peaches shall also meet requirements of WAC 16-436-187 Minimum size. Definitions for the above grade will be found under WAC 16-436-165, 16-436-180, 16-436-185, 16-436-190, 16-436-200, 16-436-210, and 16-436-220.

[Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-110, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-110, filed 5/16/88; Order 1212, § 16-436-110, filed 9/17/71, effective 10/18/71; Order 1203, § 16-436-110, filed 5/14/71, effective 6/14/71.]

WAC 16-436-120 Washington combination extra fancy and fancy grade. When extra fancy and fancy peaches are packed together, the box shall be marked Washington combination extra fancy and fancy and shall contain at least 75% Washington extra fancy peaches. Definitions for the above grade will be found under WAC 16-436-160, 16-436-180, 16-436-185, 16-436-190, 16-436-200, 16-436-210, and 16-436-220.

[Order 1203, § 16-436-120, filed 5/14/71, effective 6/14/71.]

WAC 16-436-140 Cull grade. Shall consist of peaches which are not graded in conformity with the foregoing grades.

[Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-140, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-140, filed 5/16/88; Order 1203, § 16-436-140, filed 5/14/71, effective 6/14/71.]

WAC 16-436-150 Cull peach requirements. Cull peaches shall be packed in one bushel baskets, ring faced with the peaches in the ring representative of the size, and quality of the peaches in the baskets and the baskets lidded, and the words "cull peaches" shall appear on the top and side of the basket in which they are shipped and upon labels upon the basket in clear and legible letters at least 2-1/2 inches high, and the name and address of the grower, shipper, or packer, and the variety, minimum diameter, and net weight shall be legibly stamped upon the lid or appear upon the labels in letters at least 1/2 inch high. Every bill of lading, invoice, memorandum and other documents referring to said peaches shall designate them as cull peaches.

[Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-150, filed 5/20/92, effective 6/20/92; Order 1203, § 16-436-150, filed 5/14/71, effective 6/14/71.]

WAC 16-436-160 Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances shall apply to the Washington extra fancy (WAC 16-436-100), and the Washington combination extra fancy and fancy (WAC 16-436-120), not more than 10% by count, of the peaches in any lot may fail to meet the requirements of this grade but not more than 1/2 of this amount, or 5%, shall be allowed for defects causing serious damage, as defined under WAC 16-436-220, and not more than 1/5 of this amount, or 1%, shall be allowed for decay at shipping point: *Provided*, An additional tolerance of not more than 10% by count, of the peaches in any lot may be damaged, but not seriously damaged, by bruising at packing time as defined under WAC 16-436-210 and 16-436-220. When applying the foregoing tolerances to the combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 75% of peaches of the higher grade required in the combination, but individual containers shall have not less than 65% of the higher grade. An additional tolerance of 2% shall be allowed for soft, over-ripe, or decayed peaches en route or at destination as defined under WAC 16-436-200.

[Statutory Authority: Chapter 15.17 RCW. 88-11-048 (Order 1977), § 16-436-160, filed 5/16/88; Order 1203, § 16-436-160, filed 5/14/71, effective 6/14/71.]

WAC 16-436-165 Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances shall apply to the Washington fancy (WAC 16-436-110), not more than 20% by count of the peaches in any lot may fail to meet the requirement of this grade, but not more than 1/4 of this amount, or 5% shall be allowed for defects causing serious damage, as defined under WAC 16-436-220 and not more than 1/5 of this amount, or 1% shall be allowed for decay at shipping point. An additional tolerance of 2% shall be allowed for soft, over-ripe, or decayed peaches en route or at destination as defined under WAC 16-436-200.

[Statutory Authority: Chapter 15.17 RCW. 88-11-048 (Order 1977), § 16-436-165, filed 5/16/88.]

WAC 16-436-166 Tolerances—Size. In order to allow for variations incident to proper sizing, not more than 10% by count, of the peaches in any lot may be below the specified minimum size and not more than 15% may be above any specified maximum size.

[Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-166, filed 5/20/92, effective 6/20/92.]

WAC 16-436-180 Application of tolerances to individual packages. Applying to all grades.

(1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, The averages for the entire lot are within the tolerances specified for this grade.

(2) For packages which contain more than 10 pounds, and a tolerance of 10% or more is provided, individual

packages in any lot shall have not more than 1-1/2 times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10% is provided, individual packages in any lot shall have not more than double the tolerance specified.

(3) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects and sizes: *Provided*, That not more than one peach which is seriously damaged by insects or affected by decay may be permitted in any package.

[Order 1203, § 16-436-180, filed 5/14/71, effective 6/14/71.]

WAC 16-436-185 Washington standard pack. Applies to all grades except culls.

(1) Each package shall be packed so that the peaches in the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(2) Baskets. Peaches packed in U.S. Standard bushel baskets, or half-bushel baskets shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the peaches within the packages when lidded.

(3) Boxes. Peaches packed in standard western boxes shall be reasonably uniform in size and arranged in the packages according to the approved and recognized methods. Each wrapped peach shall be fairly well enclosed by its individual wrapper. All packages shall be well filled and tightly packed but the contents shall not show excessive or unnecessary bruising because of over-filled packages. The number of peaches in the box shall not vary more than 4 from the number indicated on the box.

(4) Peaches packed in other type boxes such as fibre-board boxes or corrugated cartons may be place packed, or jumble packed faced, and all packs shall be well filled.

(5) Peaches packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(6) Peaches placed in individual paper cups and packed in boxes shall be in cups of the proper size for the peaches.

(7) In order to allow for variations incident to proper packing, not more than 10% of the packages in any lot may not meet these requirements.

[Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-185, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-185, filed 5/16/88; Order 1203, § 16-436-185, filed 5/14/71, effective 6/14/71.]

WAC 16-436-186 Containers. (1) Fresh peaches of the Washington extra fancy grade when in loose or jumble packs shall be marketed in containers of a capacity equal to or greater than that of a western lug box and shall contain not less than twenty-six pounds net weight of peaches: *Provided*, That such containers of peaches having less than twenty-six pounds net weight may be marketed if such containers are well filled.

(2) Fresh peaches of the Washington fancy grade or of the Washington combination extra fancy and fancy grade shall be marketed only in the standard peach box or western lug box: *Provided*, That such containers of peaches having less than twenty-six pounds net weight may be marketed if such containers are well filled.

(3) The director may allow the use of containers not specified in WAC 16-436-185, subsections (1) and (2) of

this section, WAC 16-436-187 Minimum size, and 16-436-200, as experimental containers for the purpose of test or trial marketing.

[Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-186, filed 5/20/92, effective 6/20/92.]

WAC 16-436-187 Minimum size. (1) Fresh peaches of any variety, except peaches of the Elberta varieties, when packed and marketed in any container except the standard peach box, shall measure not less than 2 3/8 inches in diameter.

(2) Fresh peaches of any variety when packed and marketed in the standard peach box shall measure not less than 2 1/4 inches in diameter.

(3) Fresh peaches of the Elberta varieties when marketed in any container shall measure not less than 2 1/4 inches in diameter.

[Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-187, filed 5/20/92, effective 6/20/92.]

WAC 16-436-190 Marking requirements. Applies to all grades except culls.

(1) All containers shall be conspicuously and legibly stamped with the name and address of the grower, shipper or packer, the fruit variety, grade, and numerical count, or minimum diameter.

(2) When the numerical count is not shown, the minimum diameter and net weight shall be plainly stamped or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 3 inches minimum, 2-1/4 inches minimum, 2-3/8 inches minimum, in accordance with the facts. The minimum and maximum diameters may both be stated in accordance with the facts.

(3) The grade shall be stamped in letters at least 1/4 inch high. The following abbreviations may be used: Washington may be abbreviated as Wash. or Wa.; extra fancy may be abbreviated as ex. fcy. or extra fcy.; fancy may be abbreviated as fcy.; combination may be abbreviated as comb.

[Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-190, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-190, filed 5/16/88; Order 1203, § 16-436-190, filed 5/14/71, effective 6/14/71.]

WAC 16-436-200 Definitions. Applying to all grades.

(1) "Diameter" means the greatest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

(2) "Mature" means that the peach has reached the stage of growth which will insure a proper completion of the ripening process.

(3) "Soft or overripe" means that the peach has very little resistance to pressure. Such peaches are dead ripe.

(4) "Fairly well formed" means that the shape of the peach shall not be so misshapen that the appearance is more than moderately affected, consistent with the characteristic shape of the variety.

(5) "Not badly misshapen" means that the peach may be more irregularly shaped than "fairly well formed" as defined

above, but shall not be deformed to the extent of seriously affecting its utility or general appearance.

(6) The term "loose or jumble pack" shall mean that the peaches are not placed in the container in cups, compartments, or trays.

(7) The term "standard peach box" shall mean a container with minimum inside dimensions of 4 1/4 to 6 by 11 1/2 by 16 inches.

(8) The term "western lug box" shall mean any container with minimum inside dimensions of 7 by 11 1/2 by 18 inches.

(9) The term "well filled" shall mean the level of the fruit is filled to the top edge of the container sides.

(10) The term "enroute" shall mean that the peaches have left the original shipping point and are in transit or being held in an intermediate storage facility prior to arriving at the final destination.

(11) The term "at destination" shall mean the final point of delivery by commercial carrier, or the wholesale or retail facility in which peaches are held.

[Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-200, filed 5/20/92, effective 6/20/92; Order 1203, § 16-436-200, filed 5/14/71, effective 6/14/71.]

WAC 16-436-210 Definition—Damage. Applies to Wash. ex. fancy (WAC 16-436-100); Wash. fancy (WAC 16-436-110); Wash. comb. ex. fancy and fancy (WAC 16-436-120). "Damage" means any injury or defect which materially affects the appearance or the edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage.

(1) Bruises where any bruise discolors the flesh to a depth greater than 3/16 of an inch or discolors the skin in an area greater than 1/2 inch in diameter or smaller bruises aggregating more than 1/2 inch in diameter. Areas or depths of bruises are applicable to a peach 2-1/4 inches or smaller in diameter. Correspondingly greater areas or depths shall be allowed on larger peaches as follows:

| | | |
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| 2 1/2 inches in dia. | 5/9 in. area dia. | 5/24 in. deep |
| 2 3/4 inches in dia. | 11/18 in. area dia. | 11/48 in. deep |
| 3 inches in dia. | 2/3 in. area dia. | 1/4 in. deep |
| 3 1/4 inches in dia. | 13/18 in. area dia. | 13/48 in. deep |
| 3 1/2 inches in dia. | 7/9 in. area dia. | 7/24 in. deep |
| 3 3/4 inches in dia. | 15/18 in. area dia. | 5/16 in. deep |
| 4 inches in dia. | 8/9 in. area dia. | 1/3 in. deep |

(2) Bacterial spot, when cracked, or when aggregating more than 3/8 inch in diameter;

(3) Scab spot, when cracked, or when aggregating more than 3/8 inch in diameter;

(4) Scale, when concentrated, or when scattered and aggregating more than 1/4 inch in diameter;

(5) Growth cracks, when unhealed, or more than 1/2 inch in length;

(6) Hail injury which is unhealed, or deep, or when aggregating more than 1/4 inch in diameter, or more than 1/8 inch in depth;

(7) Leaf or limb rubs or russetting, exceeding 1-1/4 inches in diameter when smooth and light colored or exceeding 1/2 inch in diameter when rough or dark colored;

(8) Split pit, when causing any unhealed crack, or when causing any crack which is readily apparent, or when affecting shape to the extent that the fruit is not fairly well formed;

(9) Stem pulls larger than 1/2 inch in diameter, including stem area;

(10) Rough suture length, half way down side of peach 1/4 inch wide and 1/32 inch high.

[Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-210, filed 5/20/92, effective 6/20/92; Order 1203, § 16-436-210, filed 5/14/71, effective 6/14/71.]

WAC 16-436-220 Definition—Serious damage. Applying to Washington extra fancy (WAC 16-436-100); Wash. fancy (WAC 16-436-110); Wash. comb. ex. fancy and fancy (WAC 16-436-120). "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage.

(1) Bruises, when aggregated and causing a waste in excess of 10% by area on any peach or with any one bruise causing a waste in excess of 5% by area or exceeding 3/8 of an inch in depth. Areas or depths of bruises specified are applicable to a peach 2-1/4 inches or smaller in diameter. Correspondingly greater areas or depths shall be allowed on definitely larger peaches;

(2) Bacterial spot, when any cracks are not well healed, or when aggregating more than 1/2 inch in diameter;

(3) Scab spots, when cracked, or when healed and aggregating more than one inch in diameter;

(4) Scale, when aggregating more than 1/2 inch in diameter;

(5) Growth cracks, when unhealed, or more than 5/8 inch in length;

(6) Hail injury, when unhealed, or shallow hail injury when aggregating more than 3/4 inch in diameter, or deep hail injury which seriously deforms the fruit or which aggregates more than 1/2 inch in diameter, or more than 1/8 inch in depth;

(7) Leaf or limb rubs, when smooth and light colored and aggregating more than 1-1/2 inches in diameter, or dark or rough and barklike scars aggregating more than 1/2 inch in diameter;

(8) Split pit, when causing any unhealed crack, or when healed and aggregating more than 1/2 inch in length including any part of the crack which may be covered by the stem;

(9) Stem pulls larger than 5/8 inch in diameter, including stem area;

(10) Punctures not on the shoulder area or punctures on the shoulder area larger than 3/16 of an inch in diameter;

(11) Rough suture, entire length of suture 1/4 inch wide, 1/16 inch high.

[Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-220, filed 5/20/92, effective 6/20/92; 88-11-048 (Order 1977), § 16-436-220, filed 5/16/88; Order 1203, § 16-436-220, filed 5/14/71, effective 6/14/71.]

WAC 16-436-225 Adoption of United States standards as state standards. In addition to the standards for peaches prescribed in WAC 16-436-100 through 16-436-230

there are hereby adopted as additional standards of the state of Washington for peaches, and for optional use by the producer or shipper, the United States standards for grades of peaches, effective June 15, 1952, as they apply to U.S. fancy, U.S. extra no. 1, U.S. no. 1, U.S. no. 2: *Provided*, That such peaches shall meet the requirements of WAC 16-436-100, 16-436-110, and 16-436-120.

[Statutory Authority: Chapter 15.17 RCW. 92-11-076, § 16-436-225, filed 5/20/92, effective 6/20/92.]

WAC 16-436-230 Effective date. This order shall take effect on and after October 18, 1971.

[Order 1212, § 16-436-230, filed 9/17/71, effective 10/18/71; Order 1203, § 16-436-230, filed 5/14/71, effective 6/14/71.]

Chapter 16-439 WAC PEARS, SUMMER AND FALL

WAC

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| 16-439-001 | Promulgation. |
| 16-439-200 | Definition of terms. |
| 16-439-210 | Grades. |
| 16-439-220 | Tolerances. |
| 16-439-230 | Culls. |
| 16-439-240 | Size. |
| 16-439-250 | Containers. |
| 16-439-260 | Minimum weight. |
| 16-439-270 | Marking. |
| 16-439-280 | United States standards for summer and fall pears. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-439-010 | through 16-439-120. [Order 188, effective 6/30/33; Order 632, effective 8/9/52.] Superseded by Emergency Order 922 and Permanent Order 930. See WAC 16-439-200 et seq. |
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WAC 16-439-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW, after due notice and public hearing held at Olympia, Washington on September 30, 1966, (pursuant to chapters 42.32 and 34.04 RCW), do hereby establish the Washington standards for Bartlett and other summer and fall pears, container minimum size and marking requirements.

[Order 1033, Promulgation, filed 10/10/66, effective 11/10/66; Order 930, Promulgation, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-200 Definition of terms. The following regulations and definitions shall apply to all varieties and grades under this order.

(1) "Mature" means having reached the stage of maturity which will insure a proper completion of the ripening process. Firmness of the flesh shall be considered only in connection with other factors to determine the degree of maturity.

(2) "Hand picked" means that pears do not show evidence of rough handling or of having been on the ground.

(3) "Clean" means reasonably free from dust, dirt, or honey dew.

(4) "Sound" means that pears at time of packing are free from visible defects such as decay, breakdown, scald, bitter pit, or physical injury affecting keeping quality.

(5) "Aggregate area" means that all the areas of the blemish under consideration may be assembled into one circular area of the maximum diameter specified.

[Order 1033, § 1, filed 10/10/66, effective 11/10/66; Order 930, General Regulation, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-210 Grades. Washington extra fancy shall consist of pears of one variety which are mature, hand picked, clean, well formed, sound, and free from drought spot, cork spot, and visible black end, and from damage caused by broken skin, bruises, limbrubs, sunburn, sprayburn, hail marks, russeting, disease, insects, mechanical or other means.

(1) "Well formed" means having the shape characteristic of the variety; and is further defined by variety as follows:

(a) Bartletts shall have a characteristic pyriform shape of a length not less than 1 1/4 times the diameter of the pear, except that the shape may be slightly irregular provided it does not detract from the general appearance of the pear.

(b) In other varieties slight irregularities of shape from type which do not materially detract from the general appearance of the fruit shall be considered well formed.

(2) "Free from damage" means that no blemish shall be allowed which materially affects the appearance of the fruit. The following blemishes shall not be considered as damage:

(a) Slight handling bruises and box bruises such as are incident to good commercial handling in the preparation of a tight pack.

(b) Sunburn, if the normal color of the fruit has not been materially changed, without any softening of the flesh or blistering or cracking of the skin.

(c) Spray burn, same as sunburn.

(d) Russeting, characteristic of the variety as follows:

(i) On Bartlett, characteristic russeting shall be permitted at the calyx end provided such russeting is not visible for more than 1/2 inch when the pear is placed calyx end down on a flat surface.

(e) Light russeting not characteristic of the variety, when the affected area does not exceed an aggregate of 15% of the surface.

(f) Slight pebbling on Bartletts which does not materially detract from the appearance.

In addition to the above, a pear may show any one or a combination of the following, the aggregate of which does not exceed 3/4 inch in diameter:

(g) Limbrubs which are light and not soft and which affect an aggregate area not to exceed 3/4 inch in diameter.

(h) Hail marks when the injury is superficial and which affect an aggregate area not to exceed 1/4 inch in diameter.

(i) Heavy russeting, such as is characteristic of frost injury when the aggregate area does not exceed 1/2 inch in diameter.

(j) Two slight, healed depressions which do not materially affect the general appearance of the fruit.

(k) Sooty blotch when affecting an aggregate area of more than 10% slight or thin, or 1/2 inch moderate, or 3/8 inch heavy.

(3) **Washington fancy** shall consist of pears of one variety which are mature, hand picked, clean, not seriously misshapen, sound, and free from cork spot, and visible black end, and from damage caused by broken skin, and from serious damage caused by bruises, limbrub, sunburn, spray burn, hail marks, drought spot, russeting, disease, insects, mechanical or other means.

(4) "Not seriously misshapen" means in Bartletts and other varieties, the pear shall have a shape which will permit the cutting of three fairly uniform quarters, and which is neither excessively flattened or elongated for the variety, and which shall be free from excessive creases or folds.

(5) "Free from serious damage" means that the defects taken singly or collectively shall not seriously deform or disfigure the fruit, or seriously affect the edible or culinary value. The following blemishes shall not be considered as serious damage:

(a) Slight handling bruises and box bruises, such as are incident to good commercial handling in the preparation of a tight pack.

(b) Sunburn, if the normal color of the fruit has been but slightly changed without any softening of the flesh or blistering or cracking of the skin.

(c) Spray burn, same as sunburn.

(d) Russeting characteristic of the variety.

(i) On Bartlett, characteristic russeting shall be permitted at the calyx end provided such russeting is not visible for more than 1/2 inch when the pear is placed calyx end down on a flat surface and in addition smooth russeting shall be permitted on the entire surface.

(ii) On other varieties, smooth russeting not characteristic of the variety will be permitted on the entire surface of the fruit.

(e) Pebbling on Bartletts which does not seriously affect the culinary or edible value of the fruit.

(f) Limbrubs on Bartletts and other varieties which are light and which are not soft and which do not affect an aggregate area to exceed 10% of the surface of the fruit.

(g) Drought spots which do not affect an aggregate area exceeding 1/4 inch.

In addition to the above, a pear may show any one or a combination of the following, the aggregate of which does not exceed the maximum area specified on each variety mentioned below:

(h) Heavy or dark heavy limbrubs on Bartletts and other varieties which are not soft and which do not affect an aggregate area to exceed 3/4 of an inch.

(i) Hail marks when the injury does not affect an aggregate area to exceed 3/4 inch in diameter on Bartlett pears, and 1/2 inch in diameter on other varieties of pears.

(j) **Frost rings.**

(i) Bartletts: Frost rings which do not completely encircle the pear and when the surface is only slightly grooved; and frost damage, such as occurs at the calyx end and which does not materially detract from the appearance of the pear.

(ii) On other varieties frost injury of the nature of heavy russet shall be considered under heavy limbrubs.

(k) Scab spot affecting an aggregate area not to exceed 1/2 inch in diameter.

(l) Shallow healed depressions which do not seriously affect the general appearance of the fruit and which do not

affect an aggregate area to exceed 3/4 of an inch in diameter.

(m) Sooty blotch when affecting an aggregate area of not more than 50% of the surface area of thin, widely scattered spots, or not more than 1 1/4 inches of moderate, or not more than 3/4 inch of heavy.

(6) **Washington C grade** shall consist of pears of one variety which are mature, hand picked, clean, sound and free from hard-end; and free from serious damage caused by (a) broken skin, (b) insects, disease, hail marks, limbrubs, heavy russet, or other means; and shall not be so excessively elongated or flattened as to preclude the cutting of one good half.

(a) Broken skin exceeding 1/4 inch in diameter.

(b) "Free from serious damage" means defects when taken singly or collectively shall not seriously affect the edible or culinary value of the fruit. The following conditions shall not be considered serious damage: Healed insect depressions or other surface blemishes which do not prevent the cutting of one good half.

(c) Hard-end is defined as those pears which show an abnormally yellow or green color at the blossom end or an abnormally smooth rounded bases with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody.

(d) Pears affected by hard-end shall be considered defects of all grades.

(e) Rat-tail shaped pears, or second bloom pears that are tough or ridged shall be considered defects of all grades.

(7) **Combination grades.**

A. When extra fancy and fancy pears are packed together, the packages may be marked "combination extra fancy and fancy." In this grade at least 50%, by count, of the fruit must meet the requirements of extra fancy.

B. When extra fancy, fancy, and C grade pears are packed together, the packages may be marked "combination extra fancy, fancy and C grade" but must contain at least 50%, by count, of pears meeting the requirements of extra fancy grade.

C. When extra fancy and C grade pears are packed together, the packages may be marked "combination extra fancy, and C grade," but must contain at least 50%, by count, of pears meeting the requirements of extra fancy grade.

D. When fancy and C grade pears are packed together, the packages may be marked "combination fancy and C grade," but must contain at least 50%, by count, of pears meeting the requirements of fancy grade.

[Order 1033, Regulation 1, filed 10/10/66, effective 11/10/66; Order 930, Regulation 1, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-220 Tolerances. (1) Tolerances which apply at time of packing:

(a) In order to allow for variations incident to commercial grading and handling, in each of the foregoing grades not more than 10%, by count, of any lot may be below the requirements of the grade, and not more than one-tenth of this amount shall be allowed for decay and/or breakdown. Slight imperfections which are not discernible in good commercial sorting practice shall not be considered as defects of grade.

(b) In addition to the above, a 10% tolerance for a total of all defects from the standards defined for uniformity of size, wrapping, and tightness of pack shall be permitted, and shall be computed by counting, weighing, or measuring the specimens judged to be below the standard.

(c) In order to allow for variations incident to proper sizing, not more than five percent, by count, of the pears in any lot may be below any specified minimum size and not more than ten percent may be above any specified maximum size.

(d) Small inconspicuous skin breaks, less than one-eighth inch in diameter or depth, shall not be considered damage. In addition, not more than 15 percent of the pears in any container may have not more than one skin break from one-eighth inch to three-sixteenths inch, inclusive, in diameter or depth.

(2) Tolerances which apply after pears have been placed in storage or in transit in Washington state: After pears have been placed in storage or in transit, scald, breakdown, decay, bitter pit, or physical injury affecting keeping quality which may have developed or may only have become evident after pears are packed are defined as applying to condition rather than to grade.

[Order 1033, Regulation 2, filed 10/10/66, effective 11/10/66; Order 930, Regulation 2, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-230 Culls. (1) Pears which are not graded in conformity with foregoing grades and standards and which contain not more than 5% serious insect damage shall be designated as "culls."

(2) Infested culls. Pears which are not graded in conformity with the foregoing grades and which contain 5% or more infestation from codling moth, San Jose scale, and other horticultural pests, shall be designated as "infested culls."

[Order 1033, Regulation 3, filed 10/10/66, effective 11/10/66; Order 930, Regulation 3, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-240 Size. (1) The following packs shall be recognized as standard for determining range in sizes: 70, 80, 90, 100, 110, 120, 135, 165, 180, 193, 210, 228, 245.

(2) The following terms will be used for description of degrees of uniformity of sizing of pears in packed containers.

(a) **Uniform** when the container contains not more than two sizes, the majority of which must be of the size with which the container is marked;

(b) **Fairly uniform** when the container actually contains a range of not more than three sizes, one size larger and one size smaller than the size with which the container is marked;

(c) **Slightly irregular** when not more than 10% of the pears in the container exceed the range of three sizes mentioned above;

(d) **Irregular** when more than 10% of the pears in the container exceed the range of three sizes mentioned above. (Note: Packages in which the size must be described as "irregular" do not comply with the state grading and packing regulations and cannot legally be shipped.)

[Order 1033, Regulation 4, filed 10/10/66, effective 11/10/66; Order 930, Regulation 4, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

(1997 Ed.)

WAC 16-439-250 Containers. (1) Standard box packs: All pears packed in boxes under these regulations shall be arranged in clean, fairly bright and tightly nailed boxes according to the approved and recognized methods, with stems pointing towards the end of the box, except when jumbled. All boxes shall be tightly packed at time of packing but the contents shall not show excessive or unnecessary bruising because of an overfilled package. Each pear wrapped shall be well wrapped.

(2) Tray packs:

(a) A standard tray pack container carries four, five, or six molded pulp trays and is packed to and marked with one of the same size counts of the same size pears as are packed in the standard container.

(b) All pears packed in tray pack containers shall be as uniformly sized as those packed in the standard box and shall be arranged according to the approved method for the tray type of pack.

(c) Each container shall be well filled.

(3) When containers smaller than standard boxes or tray pack cartons are used, the containers shall be tightly packed, and if pears are wrapped and/or packed in a uniform manner as described in (1) or (2) above, the same requirements for sizing, wrapping and/or placement shall apply.

[Order 1033, Regulation 5, filed 10/10/66, effective 11/10/66; Order 930, Regulation 5, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-260 Minimum weight. The smallest container for shipment of fresh Bartlett pears shall contain at least 14 lbs. net weight of pears. (Except for overwrap trays or other consumer type packages packed in master containers.) The director may, after receiving application, grant the use of experimental packages.

[Order 1033, Regulation 6, filed 10/10/66, effective 11/10/66; Order 930, Regulation 6, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-270 Marking. (Packed or loose in containers.) (1) When shipped, the container shall bear the correct name of the variety or "variety unknown," the name of the grower, packer, or shipper, and his address, the grade, and the correct number of pears or the net contents either in terms of dry measure or weight. Any of these marks may be printed on the label but in case they are not, they must be stamped on the end of the container. The grower's, packer's, or shipper's name and address, if not included on the label, must be placed either in line with the grade marks above the label or on the opposite end of the container.

(2) When pears are packed in other than standard boxes or tray cartons, the container shall be marked with the correct number of pears and the net weight.

[Order 1033, Regulation 7, filed 10/10/66, effective 11/10/66; Order 930, Regulation 7, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

WAC 16-439-280 United States standards for summer and fall pears. (1) The following U.S. grades may be used for Bartlett and other summer and fall pears: U.S. No. 1, U.S. No. 2, and U.S. combination, as promulgated in the U.S. standards for summer and fall pears and adopted effective August 20, 1955.

(2) When U.S. grades are used, pears must meet the requirements of the lowest Washington state grade or better.

[Order 1033, Regulation 8, filed 10/10/66, effective 11/10/66; Order 930, Regulation 8, filed 8/6/63; Emergency Order 922, filed 6/7/63.]

Chapter 16-442 WAC WINTER PEARS

WAC

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WAC 16-442-005 Application and when mandatory.

(1) This order is applicable to D'Anjou, Bosc, Winter Nelis and other varieties of winter pears; and

(2) Effective and mandatory when packed or marketed within the state of Washington.

[Order 322, effective 7/29/40.]

WAC 16-442-010 Introduction. (1) Numbers and letters in parentheses following grade terms indicate where such terms are defined under definitions of terms (WAC 16-442-090).

(2) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(3) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(4) When the pears are in bulk, percentages shall be calculated on the basis of weight.

(5) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(6) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(7) For a tolerance of less than 10 per cent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

[Order 322, effective 7/29/40.]

WAC 16-442-020 Washington extra fancy or U.S. extra No. 1. Washington extra fancy or U.S. extra No. 1 shall consist of pears of one variety which are mature (1),

but not overripe (2), carefully handpicked (3), clean (4), well formed (5), free from decay, internal breakdown, scald, freezing injury, worm holes, black end (6), hard end, drought spot, and free from injury (7) caused by russetting (7a), limb rubs (7b), hail (7c), scars (7c), cork spot (7d), sunburn (7e), sprayburn (7e), stings or other insect injury (7f) or mechanical or other means (7), except that they shall be free from damage (9) caused by bruises (9b), broken skins (9c), or disease (9k). (See tolerances and condition after storage or transit.)

[Order 322, effective 7/29/40.]

WAC 16-442-030 U.S. No. 1. U.S. No. 1 shall consist of pears of one variety which are mature (1), but not overripe (2), carefully handpicked (3), clean (4), fairly well formed (8), free from decay, internal breakdown, scald, freezing injury, worm holes, black end (6), and from damage (9) caused by hard end (9a), bruises (9b), broken skins (9c), russetting (9d), limbrubs (9e), hail (9f), scars (9f), cork spot (9g), drought spot (9h), sunburn (9i), sprayburn (9i), stings or other insect injury (9j), disease (9k) or mechanical or other means (9). (See tolerances and condition after storage or transit.)

[Order 322, effective 7/29/40.]

WAC 16-442-040 Washington fancy or U.S. No. 2. Washington fancy or U.S. No. 2 shall consist of pears of one variety which are mature (1), but not overripe (2), carefully handpicked (3), clean (4), not seriously misshapen (10), free from decay, internal breakdown, scald, freezing injury, worm holes, black end (6), and from damage (9) caused by hard end (9a), or broken skins (9c). The pears shall also be free from serious damage (11), caused by bruises, russetting (11a), limbrubs (11b), hail (11c), scars (11c), cork spot (11d), drought spot (11e), sunburn (11f), sprayburn (11f), stings or other insect injury (11g), disease (11h), or mechanical or other means (11). (See tolerances and condition after storage or transit.)

[Order 322, effective 7/29/40.]

WAC 16-442-050 Washington combination or U.S. combination grade. A combination of U.S. No. 1 and U.S. No. 2 may be packed. When such a combination is packed, at least 50 percent of the pears in any container shall meet the requirements of U.S. No. 1. (See tolerances and condition after storage or transit.)

[Order 322, effective 7/29/40.]

WAC 16-442-060 Washington commercial. A combination of extra fancy and fancy may be packed together as "Washington commercial grade" when at least 50 percent of the pears in any container meet the requirements of Washington extra fancy, and the remainder meet the requirements of Washington fancy (except that broken skins or skin punctures not to exceed three sixteenths of an inch in diameter shall not be considered a defect for this grade).

[Order 322, effective 7/29/40.]

WAC 16-442-070 Washington third grade. Washington third grade shall consist of pears of one variety which are mature, hand picked, clean, sound, not very seriously misshapen (12), free from black end, free from damage caused by hard end, broken skins, and from serious damage caused by cork spot or bruises.

[This paragraph—Order 610, effective 8/21/51.]

WAC 16-442-080 Culls. Pears which are not graded in conformity with the foregoing grades must be designated as culls.

[Order 322, effective 7/29/40.]

WAC 16-442-090 Definitions of terms. As used in these standards:

(1) "Mature" means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

Before a mature pear becomes overripe it will show varying degrees of firmness depending upon the stage of the ripening process. Therefore, a statement of firmness should be given in order to indicate the state of the ripening process. A description of the ground color should also be given.

The following terms should be used for describing the ground colors "green," "light green," "yellowish green," and "yellow."

The following terms should be used for describing the firmness of pears:

"Hard" means that the flesh of the pear is solid and does not yield appreciably even to considerable pressure. Such pears are in suitable condition for long storage periods for the variety;

"Firm" means that the flesh of the pear is fairly solid but yields somewhat to moderate pressure. The ripening process in firm pears is further advanced than in hard pears and they cannot be held in storage as long. Winter varieties at the firm stage may be held longer than the early varieties;

"Firm ripe" means that the flesh of the pear yields readily to moderate pressure. Such a pear is approaching the stage at which it is in prime eating condition but may be held for a brief period although winter varieties can be held longer than the early varieties;

"Ripe" means that the pear is at the stage where it is in its most desirable condition for eating.

(2) "Overripe" means dead ripe, very mealy or soft, past commercial utility;

(3) "Carefully handpicked" means that the pears do not show evidence of rough handling or of having been on the ground;

(4) "Clean" means free from excessive dirt, dust, spray residue or other foreign material;

(5) "Well formed" means having the shape characteristic of the variety. Slight irregularities of shape from type which do not appreciably detract from the general appearance of the fruit shall be considered well formed;

(6) "Black end" is evidenced by an abnormally deep green color around the calyx, or black spots usually occurring on the one-third of the surface nearest to the calyx, or by an abnormally shallow calyx cavity;

(7) "Injury" means any blemish or defect that more than slightly affects the appearance, edible or shipping quality. The following shall be considered as injury:

(7a) Russeting which exceeds the following shall be considered as injury:

On all varieties any excessively rough russeting (russeting which shows "frogging" or slight cracking).

On Comice, and on Anjou and other smooth-skinned varieties, slightly rough russeting, or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds 1/2 inch in diameter;

On Anjou and other smooth-skinned varieties, smooth solid russeting when the aggregate area exceeds 1/2 inch in diameter and smooth netlike russeting when the aggregate area exceeds 15 percent of the surface, and on Comice, smooth solid or smooth netlike russeting when the aggregate area exceeds one-third of the surface, except that, in addition, on these and similar varieties, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx and not visible for more than 1/2 inch along the contour of the pear, when it is placed calyx end down on a flat surface;

On any of the following and other similar varieties, rough or thick russeting such as is characteristic of frost injury when the aggregate area exceeds 1/2 inch in diameter. On any of these varieties any amount of characteristic russeting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limb rubs which resemble and blend into russeted areas shall be considered as russet:

| | |
|---------------|-------------------------|
| Bosc | Pound |
| Clairgeau | Seckel |
| Easter Beurre | Sheldon |
| Kieffer | Winter Nelis, and other |
| P. Barry | similar varieties; |

Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(7b) Limbrubs which are cracked, softened, more than very slightly depressed, not light in color, or exceeding an aggregate area of 3/4 inch in diameter;

(7c) Hail marks or other similar depressions or scars which are not very shallow or superficial, or which affect an aggregate area of more than 1/4 inch in diameter;

(7d) Cork spot when a pear shows depressions or other external evidence of the disease;

(7e) Sunburn or sprayburn if the normal color of the fruit has been materially changed, or if the skin is blistered or cracked, or the flesh softened or discolored;

(7f) More than two healed slight stings or depressions, or any stings which materially affect the general appearance of the fruit.

Blister mite or canker worm injury which is not very shallow and superficial or where the injury affects an aggregate area or more than 1/4 inch;

(8) "Fairly well formed" means that the pear may be slightly abnormal in shape but not to an extent which detracts materially from the appearance of the fruit. Winter Nelis pears with characteristic slight sutures or with slight flattening on one side and/or other slight irregularities which

do not materially detract from the general appearance of the pear shall be considered fairly well formed;

(9) "Damage" means any injury or defect which materially affects the appearance, edible or shipping quality;

(9a) Hard end, if the pear shows an abnormally yellow color at the blossom end, or an abnormally smooth rounded base with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody;

(9b) Slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack shall not be considered damage;

(9c) Any pear with one skin break larger than 3/16 inch in diameter or depth, or with more than one skin break 1/8 inch or larger in diameter or depth, shall be considered damaged, and scored against the grade tolerance.

Small inconspicuous skin breaks, less than 1/8 inch in diameter or depth, shall not be considered damage. In addition, not more than 15 percent of the pears in any container may have not more than one skin break from 1/8 inch to 3/16 inch inclusive in diameter or depth;

(9d) Russeting which exceeds the following shall be considered as damage:

On all varieties excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds 1/2 inch in diameter;

On Anjou and other smooth-skinned varieties, slightly rough russeting, or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds 3/4 inch in diameter;

On Anjou, smooth solid or smooth netlike russeting when the aggregate area exceeds one-third of the surface, and on other smooth-skinned varieties, 15 percent of the surface, except that, in addition, on Anjou and other smooth-skinned varieties, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than 1/2 inch along the contour of the pear, when it is placed calyx end down on the flat surface;

On any of the following and other similar varieties, rough or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds 3/4 inch in diameter; on any of these varieties any amount of characteristic russeting is permitted, whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limb rubs which resemble and blend into russeted areas shall be considered as russet:

| | |
|---------------|-------------------------|
| Bosc | Pound |
| Clairgeau | Seckel |
| Comice | Sheldon |
| Easter Beurre | Winter Nelis, and other |
| Kieffer | similar varieties; |
| P. Barry | |

Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(9e) Any limbrubs which are cracked; softened, or more than slightly depressed.

Black discoloration caused by limb rubs which exceeds an aggregate area of 3/8 inch in diameter.

Dark brown discoloration or excessive roughness caused by limb rubs which exceeds an aggregate area of 1/2 inch in diameter.

Slightly rough, light colored discoloration caused by limb rubs which exceeds an aggregate area of 3/4 inch in diameter.

Smooth, light colored discoloration caused by limb rubs which exceeds an aggregate area of 1 inch in diameter;

(9f) Hail marks or other similar depressions or scars which are not shallow or superficial, or where the injury affects an aggregate area of more than 3/8 inch in diameter;

(9g) Cork spot, when more than one in number visible externally, or when the visible external injury affects an area of more than 3/8 inch in diameter;

(9h) Drought spot when more than one in number, or when the external injury exceeds an aggregate area of 3/8 inch in diameter, or when the appearance of the flesh is materially affected by corky tissue or brownish discoloration;

(9i) Sunburn or sprayburn where the skin is blistered, cracked, or shows any light tan or brownish color, or the shape of the pear is appreciably flattened, or the flesh is appreciably softened or changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting (9d);

(9j) Insects.

More than two healed codling moth stings, or any insect sting which is over 3/32 of an inch in diameter, or other insect stings affecting the appearance to an equal extent.

Blister mite or canker worm injury which is not shallow or superficial, or where the injury affects an aggregate area of more than 3/8 inch in diameter;

(9k) Disease.

Scab spots which are black and which cover an aggregate area of more than 1/8 inch in diameter, except that scab spots of a russet character shall be considered under the definition of russeting (9d).

Sooty blotch which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than 3/8 inch in diameter;

(10) "Seriously misshapen" means that the pear is excessively flattened or elongated for the variety, or is constricted or deformed so it will not cut three fairly uniform good quarters, or is so badly misshapen that the appearance is seriously affected;

(11) "Serious damage" means any injury or defect which seriously affects the appearance, edible or shipping quality:

(11a) Russeting which in the aggregate exceeds the following shall be considered as serious damage:

On all varieties, excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds 3/4 inch in diameter;

On all varieties, thick russeting such as is characteristic of frost injury, 15 percent of the surface;

On Anjou, smooth solid or smooth netlike russeting when the aggregate area exceeds two-thirds of the surface, except that, in addition, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than 1/2 inch along the contour of the pear, when it is placed calyx end down on a flat surface;

Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(11b) Limb rubs which are more than slightly cracked, or excessively rough limb rubs or dark brown or black

discoloration caused by limb rubs which exceeds an aggregate area of 3/4 inch in diameter;

Other limb rubs which affect an aggregate area of more than one-tenth of the surface;

(11c) Hail marks or other similar depressions or scars which affect an aggregate area of more than 3/4 inch in diameter, or which materially deform or disfigure the fruit;

(11d) Cork spot, when more than two in number visible externally, or when the visible external injury affects an aggregate area of more than 1/2 inch in diameter;

(11e) Drought spot when more than two in number, or where the external injury affects an aggregate area of more than 3/4 inch in diameter, or when the appearance of the flesh is seriously affected by corky tissue or brownish discoloration;

(11f) Sunburn or sprayburn where the skin is blistered, cracked or shows any brownish color, or where the shape of the pear is materially flattened, or the flesh is softened or materially changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting (11a);

(11g) Insects:
Worm holes.

More than three healed codling moth stings, of which not more than two may be over 3/32 inch in diameter, or other insect stings affecting the appearance to an equal extent.

Blister mite or canker worm injury which affects an aggregate area of more than 3/4 inch in diameter or which materially deforms or disfigures the fruit;

(11h) Disease:

Scab spots which are black, and which cover an aggregate area of more than 1/4 inch in diameter, except that scab spots of a russet character shall be considered under the definition of russeting (11a);

Sooty blotch which is thinly scattered over more than 15 percent of the surface, or dark heavily concentrated spots which affect an area of more than 3/4 inch in diameter;

(12) Very seriously misshapen means that the pear is excessively flattened, elongated for variety, or is constricted or deformed so it will not cut one good half or two fairly uniform quarters.

[Order 610, effective 8/21/51; Order 322, effective 7/29/40.]

WAC 16-442-100 Tolerances for preceding grades.

(1) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the pears in any container may be below the requirements of grade, provided that not more than 5 percent shall be seriously damaged by insects, and not more than 1 percent shall be allowed for decay or internal breakdown.

(2) When applying the foregoing tolerances to the combination grade no part of any tolerance shall be used to reduce the percentage of U.S. No. 1 pears required in the combination; but individual containers may have not more than 10 percent less than the percentage of U.S. No. 1 required, provided that the entire lot averages within the percentage specified.

[Order 322, effective 7/29/40.]

WAC 16-442-110 Condition after storage or transit.

Decay, scald or other deterioration which may have developed on pears after they have been in storage or transit shall be considered as affecting condition and not the grade.

[Order 322, effective 7/29/40.]

WAC 16-442-120 Standard pack. (1) Sizing. The numerical count, or the minimum size of the pears packed in closed containers shall be indicated on the package. The number of pears in the box shall not vary more than 3 from the number indicated on the box.

(2) When the numerical count is marked on western standard or special pear boxes the pears shall not vary more than 3/8 inch in their transverse diameter for counts 120 or less; 1/4 inch for counts 135 to 180 inclusive; and 3/16 inch for counts 193 or more.

(3) When the numerical count is marked on western standard half boxes or special half boxes packed three tiers deep, the pears shall not vary more than 1/4 inch for counts 90 or less, and 3/16 inch for counts 100 or more.

(4) When the numerical count is marked on western standard half boxes or special half boxes packed two tiers deep, the pears shall not vary more than 3/8 inch for counts 50 or less; 1/4 inch for counts 55 to 60 inclusive; and 3/16 inch for counts 65 or more.

(5) When the numerical count is not shown, the minimum size shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2-1/2 inches minimum, 2-1/4 inches minimum, or 2-5/8 inches minimum, in accordance with the facts. It is suggested that both minimum and maximum sizes be marked on the container, as 2-1/4 to 2-3/4 inches, 2-1/2 to 2-3/4 inches, as such marking is especially desirable for pears marketed in the export trade.

(6) "Size" means the greatest transverse diameter of the pear taken at right angles to a line running from the stem to the blossom end.

(7) Packing. Each package shall be packed so that the pears in the shown face shall be reasonably representative in size and quality of the contents of the package.

(8) Pears packed in any container shall be tightly packed. All packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(9) Pears packed in boxes shall be arranged in containers according to the approved and recognized methods with the pears packed lengthwise. A bridge shall not be allowed in any standard pack. When wrapped each pear shall be fairly well enclosed by its individual wrapper.

(10) Pears packed in round stave bushel baskets, tubs or in barrels shall be ring faced.

[Order 322, effective 7/29/40.]

WAC 16-442-130 Tolerances for standard pack. (1)

In order to allow for variations incident to proper sizing, not more than 5 percent of the pears in any container may not meet the size requirements provided that, when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for pears which are larger than the maximum size stated.

(2) In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may not meet these requirements, but no part of this tolerance shall be allowed for bridge packs, or for packs with different sizes and arrangements such as layers of 195 size and arrangement, and layers of 180 size and arrangement packed in the same box.

[Order 322, effective 7/29/40.]

WAC 16-442-140 Box packs. All pears packed in boxes under these regulations shall be arranged in clean, fairly bright and tightly nailed boxes according to the approved and recognized methods, with the stems pointing towards the end of the box, except when jumbled, and all boxes shall be tightly packed at time of packing but the contents shall not show excessive or unnecessary bruising because of an overfilled package. Each pear wrapped shall be well wrapped.

[Order 322, effective 7/29/40.]

WAC 16-442-150 Marking boxes. (1) When shipped, the box shall bear the correct name of the variety, or "variety unknown," the name of the grower, packer, or shipper, and his address, the grade and the number of pears or the net contents either in terms of dry measure or weight. Any of these marks may be printed on the label but in case they are not, they must be stamped on the end of the box. The grower's, packer's or shipper's name and address, if not included on the label, must be placed either in line with the grade marks above the label or on the opposite end of the box.

(2) When boxes are marked as to number, they shall comply with the specifications mentioned under size.

[Order 322, effective 7/29/40.]

WAC 16-442-160 Other grades and brands. Any person, firm, or organization wishing to pack pears under any other grade or brand than those described in the foregoing rules shall file a certified copy of the description of such grade or brand with the director of agriculture at Olympia, Washington, before the first day of August of the year in which the pears so to be packed are grown. If such grade or brand is approved by the director of agriculture, pears may be packed under such grade or brand instead of the official state grading rules, and all boxes of pears so packed shall be marked with that grade or brand.

[Order 322, effective 7/29/40.]

Chapter 16-445 WAC STANDARDS FOR ITALIAN PRUNES

WAC

| | |
|------------|--|
| 16-445-001 | Promulgation. |
| 16-445-040 | Washington No. 1 grade and tolerances. |
| 16-445-050 | Culls. |
| 16-445-060 | Application of tolerances. |
| 16-445-070 | Standard pack. |
| 16-445-080 | Definitions of terms. |
| 16-445-090 | Effective date. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|---|
| 16-445-005 | Non-Italian type prunes. [Order 662, effective 7/8/53.] Repealed by Order 1262, filed 5/5/72. |
| 16-445-010 | U.S. No. 1 grade—Tolerances. [Order 662, effective 7/8/53.] Repealed by Order 1262, filed 5/5/72. |
| 16-445-020 | U.S. No. 2 grade—Tolerances. [Order 662, effective 7/8/53.] Repealed by Order 1262, filed 5/5/72. |
| 16-445-030 | U.S. combination grade—Tolerances. [Order 662, effective 7/8/53.] Repealed by Order 1262, filed 5/5/72. |

WAC 16-445-001 Promulgation. (This promulgation relates to WAC 16-445-005, 16-445-010, 16-445-020, 16-445-030, 16-445-040, 16-445-050, 16-445-060, 16-445-070, and 16-445-080.)

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW and after due notice and public hearing held in Yakima, Washington on April 26, 1972, pursuant to chapters 42.32 and 34.04 RCW do hereby establish the following standards for Italian prunes.

[Order 1262, § 16-445-001, filed 5/5/72.]

WAC 16-445-040 Washington No. 1 grade and tolerances. (1) Defined. Washington No. 1 grade shall consist of prunes of one variety which are well formed (1), mature (2) but not overripe, soft or shriveled, and which are free from decay and sunscald (3), and from damage (4) caused by broken skins (4a), heat injury (4b), growth cracks (4c), sunburn (4d), split pits (4e), hail marks (4f), drought spots (4g), russetting (4h), scars (4i), dirt or other foreign material, disease, insects or mechanical or other means. Italian type prunes shall have two-thirds of the surface with purplish color characteristic of the particular area where grown, and unless otherwise specified, the minimum size of such prunes shall be not less than 1-1/4 inches in diameter (7).

(2) Tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances are specified:

(a) At shipping point: Not more than a total of ten percent, by count, of the prunes in any container may not meet the requirements of this grade for defects other than color and size, but not more than five percent by count, may be allowed for defects causing serious damage and not more than one percent may be allowed for decay. In addition, not more than ten percent, by count, in any container may not meet the color requirements and not more than ten percent, by count, may not meet the size specifications, but the combined tolerance for all defects shall not exceed fifteen percent.

(b) At destination or en route: Not more than a total of eighteen percent of the prunes in any container may not meet the requirements of this grade and not more than the following percentages shall be allowed for the defects listed:

Ten percent which fail to meet the color requirement;

Ten percent which fail to meet the minimum size requirement;

Ten percent which fail to meet the requirements of the grade because of other permanent defects;

Seven percent for defects causing serious damage, including therein not more than five percent for serious

damage by permanent defects and not more than two percent decay.

[Statutory Authority: Chapter 15.17 RCW. 78-04-061 (Order 1549), § 16-445-040, filed 3/31/78; Order 1262, § 16-445-040, filed 5/5/72; Order 698, (1), effective 6/15/54; Order 662, effective 7/8/53.]

WAC 16-445-050 Culls. Culls shall consist of prunes which are immature, or seriously damaged by growth cracks, hail, insect pests, mechanical or other means.

[Order 1262, § 16-445-050, filed 5/5/72; Order 662, effective 7/8/53.]

WAC 16-445-060 Application of tolerances. The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one undersized fruit may be permitted in a container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one undersized fruit may be permitted in a container.

[Order 1262, § 16-445-060, filed 5/5/72; Order 662, effective 7/8/53.]

WAC 16-445-070 Standard pack. (1) The prunes shall be of fairly uniform size (10) and tightly packed according to the approved and recognized methods. The fruits in the top layer shall not be noticeably superior in quality or size to those in the remainder of the package.

(2) The size of prunes packed in 4-basket crates shall be indicated as follows: 4x4, 4x5, 5x5, etc., in accordance with the arrangement in the top layer of the basket. These packs shall not be more than 3 layers deep. Arrangements such as 4-3x5 and 5-4x5 shall not be considered standard packs.

(3) The arrangement of the bottom layer shall be one row less one way, and may be one row less each way than the arrangement of the top layer. The arrangement of the middle layer may be the same as the top layer, or may be one row less one way than the arrangement of the top layer. Straight, offset, and diagonal packs in the layers are permitted. For example: A pack with 5x5 in the top layer may have 5x5 in the middle layer, and shall have 4x5 or 4-3x5 in the bottom layer; or it may have 4x5 or 4-3x5 in the middle layer, and shall have 4x5, 4-3x5, or 4x4 in the bottom layer.

(4) In layer-packed California peach or lug boxes, the count in the entire container shall be marked on the package.

(5) In double-faced and filled special lugs the number of rows, lengthwise of the lugs, shall be marked on the package to indicate size, as "nine row."

(6) In order to allow for variations incident to proper packing, not more than 10 percent, by count, of the containers in any lot may fail to meet the requirements of the standard pack.

[Order 1262, § 16-445-070, filed 5/5/72; Order 662, effective 7/8/53.]

WAC 16-445-080 Definitions of terms. As used in these standards:

(1) "Well-formed" means that the fruit has the shape characteristic of the variety. Doubles shall not be considered well-formed.

(2) "Mature" means that the fruit has reached the stage of maturity which will insure a proper completion of the ripening process.

(3) "Sunscald" means injury caused by the sun in which softening or collapse of the flesh is apparent.

(4) "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality of the fruit. Internal growth cracks, cavities or gum spots are not considered damage. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Broken skins which are unhealed; except those caused by pulled stems where the skin is not torn beyond the stem basin. (Healed skin breaks shall be handled as scars.)

(b) Heat injury which is extensive or not light in color.

(c) External growth cracks, when there are more than one on a fruit, or when any growth crack is deep, not well healed, or more than one-fourth inch in length.

(d) Sunburn which has materially changed the normal color of the fruit, or has caused the skin to blister or crack.

(e) Split pit which causes a readily apparent crack at the stem end, or which affects the shape to the extent that the fruit is not well-formed.

(f) Hail marks, or other similar depressions or scars, which are not shallow or superficial, or which aggregate more than three-eighths inch in diameter, or when the skin has been broken.

(g) Drought spots or external gum spots which are more than one-fourth of an inch in diameter.

(h) Russetting which is not excessively rough, when aggregating more than 10 percent of the fruit surface; or excessively rough russetting when aggregating more than one-fourth inch in diameter.

(i) Scars:

Dark, rough or depressed scars which aggregate more than one-fourth inch in diameter.

Fairly smooth, superficial scars, including fairly light discoloration such as is caused by handling or packing or by prunes rubbing against each other while on the tree, which aggregate more than one-half inch in diameter.

Thorn and limb scratches which are not well healed, or which aggregate more than one-half inch in length.

(5) "Well colored" as applied to Italian type prunes, means that 95 percent of the surface of the prune is purple color, excepting that portion which is permitted to be affected by russetting.

(6) "Fairly well colored" as applied to Italian type prunes, means that at least three-fourths of the surface of the prune is purple color.

(7) "Diameter" means the greatest distance measured through the center of the fruit, at right angles to a line running from the stem to the blossom end.

(8) "Badly misshapen" means that the fruit is so malformed or rough that its appearance is seriously damaged. Doubles shall be considered badly misshapen, except that doubles of Italian type prunes which have approximately equal sized halves shall not be considered badly misshapen.

(9) "Serious damage" means any injury or defect which seriously affects the appearance, edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Broken skins which are unhealed and more than one-eighth inch in diameter or depth, except those caused by pulled stems where the skin is not torn beyond the stem basin. (Healed skin breaks shall be handled as scars.)

(b) Heat injury which causes any softening or dark discoloration of the flesh. Heat injury may cause internal or external discoloration, and may or may not be serious. It should not be confused with sunscald which causes softening or collapse of the tissue, and which is always classed as serious damage.

(c) External growth cracks which are not well healed, or which are more than 3/16 inch in depth, or more than one-half inch in length.

(d) Sunburn which causes decided flattening of the fruit, or causes blistering, cracking, or noticeable brownish discoloration of the skin.

(e) Split pit which causes a crack at the stem end more than 3/16 inch in length, including any part which may be covered by the stem; or which affects the shape to the extent that the fruit is badly misshapen.

(f) Hail marks which are more than 3/16 inch in depth, or which aggregate more than one-half inch in diameter.

(g) Drought spots or external gum spots which aggregate more than one-half inch in diameter.

(h) Russeting which is not excessively rough, when aggregating more than one-third of the fruit surface; or excessively rough russeting when aggregating more than one-half inch in diameter.

(i) Scars which are very dark or excessively rough and aggregate more than one-half inch in diameter; or which are more than 3/16 inch in depth.

(10) "Fairly uniform size" means that the fruits in each packed container shall not show a variation of more than one-fourth of an inch in diameter (6).

[Order 1262, § 16-445-080, filed 5/5/72; Order 662, effective 7/8/53.]

WAC 16-445-090 Effective date. This order shall take effect on and after June 5, 1972.

[Order 1262, § 16-445-090, filed 5/5/72.]

**Chapter 16-448 WAC
STANDARDS FOR POTATOES**

WAC

| | |
|------------|---|
| 16-448-130 | Promulgation. |
| 16-448-135 | Applicability. |
| 16-448-140 | Washington No. 1 grade. |
| 16-448-145 | Washington commercial. |
| 16-448-150 | Washington No. 2. |
| 16-448-155 | Culls. |
| 16-448-160 | Size. |
| 16-448-165 | Tolerances. |
| 16-448-170 | Application of tolerances. |
| 16-448-175 | Samples for grade and size determination. |
| 16-448-180 | Skinning. |
| 16-448-185 | Definitions. |

| | |
|------------|-----------------------|
| 16-448-190 | Marking requirements. |
| 16-448-195 | Forbidden practices. |
| 16-448-200 | Effective date. |

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

16-448-002, 16-448-010, 16-448-020, 16-448-030, 16-448-040, 16-448-050, 16-448-060, 16-448-070, 16-448-080, 16-448-090, 16-448-100, 16-448-110, and 16-448-120. [Order 363, effective 8/12/42.] Repealed by Order 1263, filed 5/15/72.

WAC 16-448-130 Promulgation. (This promulgation relates to Order No. 363, WAC 16-448-002, 16-448-010, 16-448-020, 16-448-030, 16-448-040, 16-448-050, 16-448-060, 16-448-070, 16-448-080, 16-448-090, 16-448-100, 16-448-110, and 16-448-120.)

I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW and after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Moses Lake, Washington, on April 25, 1972, do hereby promulgate the following regulations relating to Washington standards for potatoes. (Repealing Order No. 363)

[Order 1263, § 16-448-130, filed 5/15/72.]

WAC 16-448-135 Applicability. Application and when mandatory.

(1) This order is applicable to potatoes grown in the state of Washington.

(2) Effective and mandatory when packed or marketed within the state of Washington.

[Order 1263, § 16-448-135, filed 5/15/72.]

WAC 16-448-140 Washington No. 1 grade. Shall consist of potatoes which meet the following requirements:

- (1) Similar varietal characteristics.
- (2) Firm.
- (3) Fairly clean.
- (4) Fairly well shaped.
- (5) Free from:
 - (a) Freezing.
 - (b) Blackheart.
 - (c) Late blight, southern bacterial wilt and ring rot.
 - (d) Soft rot and wet breakdown.
- (6) Free from damage by any other cause. See WAC 16-448-185.
- (7) Size. Not less than 1-7/8 inches in diameter, unless otherwise specified in connection with the grade.
- (8) For tolerances see WAC 16-448-165.

[Order 1263, § 16-448-140, filed 5/15/72.]

WAC 16-448-145 Washington commercial. Shall consist of potatoes which meet the requirements of Washington No. 1 grade except for the following:

- (1) Free from serious damage caused by:
 - (a) Dirt or other foreign matter.
 - (b) Russet scab.
 - (c) Rhizoctonia.
- (2) Size. Not less than 1-7/8 inches in diameter unless otherwise specified in connection with the grade.

(3) Increased tolerances for defects specified in WAC 16-448-165.

[Order 1263, § 16-448-145, filed 5/15/72.]

WAC 16-448-150 Washington No. 2. Shall consist of potatoes which meet the following requirements:

- (1) Similar varietal characteristics.
- (2) Not seriously misshapen.
- (3) Free from:
 - (a) Freezing.
 - (b) Blackheart.
 - (c) Late blight, southern bacterial wilt and ring rot.
 - (d) Soft rot and wet breakdown.
- (4) Free from serious damage by any other cause. See WAC 16-448-185.
- (5) Size. Not less than 1-1/2 inches in diameter, unless otherwise specified in connection with the grade.
- (6) For tolerances see WAC 16-448-165.

[Order 1263, § 16-448-150, filed 5/15/72.]

WAC 16-448-155 Culls. Potatoes which are not graded in conformity with the foregoing grades and which contain not more than 3 percent serious insect or disease damage shall be designated as "culls."

[Order 1263, § 16-448-155, filed 5/15/72.]

WAC 16-448-160 Size. (1) The minimum size, or minimum and maximum sizes may be specified in connection with the grade in terms of diameter or weight of the individual potato, or in accordance with one of the size designations in Table I or Table II: *Provided*, That sizes so specified shall not be in conflict with the basic size requirements for the grade.

(2) When size is specified in terms of the customary sizes of potatoes packed to count in standard 50-pound cartons, the weight ranges shown in Table II shall apply. These size designations may be applied to potatoes packed in any size container: *Provided*, That the weight ranges are within the limits specified.

TABLE I

| Size Designation | Minimum Diameter ¹ or weight | | Maximum Diameter ¹ or weight | |
|---------------------|---|--------|---|--------|
| | Inches | Ounces | Inches | Ounces |
| Size A ² | 1-7/8 | 3 | 3 | 3 |
| Size B | 1-1/2 | 3 | 2-1/4 | 3 |
| Small | 1-3/4 | 3 | 2-1/2 | 6 |
| Medium | 2-1/4 | 5 | 3-1/4 | 10 |
| Large | 3 | 10 | 4-1/4 | 16 |

¹ Diameter means the greatest dimension at right angles to the longitudinal axis, without regard to the position of the stem end.

² In addition to the minimum size specified, a lot of potatoes designated as Size A shall contain at least 40 percent of potatoes which are 2-1/2 inches in diameter or larger or 6 ounces in weight or larger.

³ No requirement.

TABLE II

| Size designation | Minimum Weight | Maximum Weight |
|------------------|----------------|----------------|
| | ounces | ounces |
| Under 50 | 15 | .... |
| 50 | 12 | 19 |
| 60 | 10 | 16 |
| 70 | 9 | 15 |
| 80 | 8 | 13 |
| 90 | 7 | 12 |
| 100 | 6 | 10 |
| 110 | 5 | 9 |
| 120 | 4 | 8 |
| 130 | 4 | 8 |
| 140 | 4 | 8 |
| Over 140 | 4 | 8 |

[Order 1263, § 16-448-160, filed 5/15/72.]

WAC 16-448-165 Tolerances. In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by weight, are provided as specified.

(1) **Washington No. 1.** A total of 8 percent for potatoes in any lot which fail to meet the requirements for the grade: *Provided*, That included in this tolerance not more than the following percentages shall be allowed for the defects listed:

- (a) 5 percent for external defects.
- (b) 5 percent for internal defects.
- (c) 3 percent for potatoes which are affected by freezing, southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown. See WAC 16-448-170.

(2) **Washington commercial.** A total of 20 percent for potatoes in any lot which fail to meet the requirements for the grade: *Provided*, That included in this tolerance not more than the following percentages shall be allowed for the defects listed:

- (a) 10 percent for potatoes which fail to meet the requirements for Washington No. 2 grade, including therein not more than:
 - (i) 6 percent for external defects.
 - (ii) 6 percent for internal defects.
 - (iii) 3 percent for potatoes which are affected by freezing, southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown. See WAC 16-448-170.

(3) **Washington No. 2.** A total of 10 percent for potatoes in any lot which fail to meet the requirements for the grade: *Provided*, That included in this tolerance not more than the following percentages shall be allowed for the defects listed:

- (a) 6 percent for external defects.
- (b) 6 percent for internal defects.

(c) 3 percent for potatoes which are affected by freezing, southern bacterial wilt, ring rot, late blight, soft rot or wet breakdown, including therein not more than 1 percent for potatoes which are frozen or affected by soft rot or wet breakdown. See WAC 16-448-170.

(4) For off-size.

(a) Not more than 3 percent of the potatoes in any lot may be smaller than the required or specified minimum size except that a tolerance of 5 percent shall be allowed for potatoes packed to meet a minimum size of 2-1/4 inches or larger in diameter or 5 ounces or more in weight. In addition, not more than 10 percent may be larger than any required or specified maximum size. See WAC 16-448-170.

(b) When a percentage of the potatoes is specified to be of a certain size and larger, individual samples shall have not less than one-half of the percentage specified: *Provided*, That the average for the entire lot is not less than the percentage specified.

[Order 1263, § 16-448-165, filed 5/15/72.]

WAC 16-448-170 Application of tolerances.

Individual samples shall have not more than double the tolerances specified, except that at least one defective and one off-size potato may be permitted in any sample: *Provided*, That en route or at destination one-tenth of the samples may contain three times the tolerance permitted for potatoes which are frozen or affected by soft rot or wet breakdown: *And provided further*, That the averages for the entire lot are within the tolerances specified for the grade.

[Order 1263, § 16-448-170, filed 5/15/72.]

WAC 16-448-175 Samples for grade and size determination.

Individual samples shall consist of at least 20 pounds. When individual packages contain at least 20 pounds, each individual sample is drawn from one package; when packages contain less than 20 pounds, a sufficient number of adjoining packages are opened to provide at least a 20-pound sample. The number of such individual samples drawn for grade and size determination will vary with the size of the lot.

[Order 1263, § 16-448-175, filed 5/15/72.]

WAC 16-448-180 Skinning.

The following definitions provide a basis for describing lots of potatoes as to the degree of skinning whenever description may be appropriate.

(1) "Practically no skinning" means that not more than 5 percent of the potatoes in the lot have more than one-tenth of the skin missing or "feathered."

(2) "Slightly skinned" means that not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered."

(3) "Moderately skinned" means that not more than 10 percent of the potatoes in the lot have more than one-half of the skin missing or "feathered."

(4) "Badly skinned" means that more than 10 percent of the potatoes in the lot have more than one-half of the skin missing or "feathered."

[Order 1263, § 16-448-180, filed 5/15/72.]

WAC 16-448-185 Definitions. (1) "Similar varietal characteristics" means that the potatoes in any lot have the same general shape, color and character of skin, and color of flesh.

(2) "Firm" means that the potato is not shriveled or flabby.

(3) "Fairly clean" means that at least 90 percent of the potatoes in any lot are reasonably free from dirt or staining and not more than a slight amount of loose dirt or foreign matter is present in the container.

(4) "Mature" means that the skins of the potatoes are generally firmly set and not more than 5 percent of the potatoes in the lot have more than one-tenth of the skin missing or "feathered."

(5) "Fairly well matured" means that the skins of the potatoes are generally fairly firmly set and not more than 10 percent of the potatoes in the lot have more than one-fourth of the skin missing or "feathered."

(6) "Well shaped" means that the potato has the normal shape of the variety.

(7) "Fairly well shaped" means that the potato is not materially pointed, dumbbell-shaped or otherwise materially deformed.

(8) "Seriously misshapen" means that the potato is seriously pointed, dumbbell-shaped or otherwise badly deformed.

(9) "Damage" means any defect, or any combination of defects, which materially detracts from the edible or marketing quality, or the internal or external appearance of the potato, or any external defect which cannot be removed without a loss of more than 5 percent of the total weight of the potato. See Tables III and IV.

(10) "Serious damage" means any defect, or any combination of defects, which seriously detracts from the edible or marketing quality, or the internal or external appearance of the potato, or any external defect which cannot be removed without a loss of more than 10 percent of the total weight of the potato. See Tables III and IV.

(11) "Freezing" means that the potato is frozen or shows evidence of having been frozen.

(12) "Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissue such as slimy soft rot, leak, or wet breakdown following freezing injury.

(13) "External defects" are defects which can be detected externally. However, cutting may be required to determine the extent of the injury. Some external defects are listed in Table III.

(14) "Internal defects" are defects which cannot be detected without cutting the potato. Some internal defects are listed in Table IV.

TABLE III - EXTERNAL DEFECTS

| DEFECTS | DAMAGE | | SERIOUS DAMAGE | |
|---------|--|---|---|--|
| | When materially detracting from appearance of potato | When removal causes loss of more than 5 percent of total weight of potato | When seriously detracting from appearance of potato | When removal causes loss of more than 10 percent of total weight of potato |
| | or | | or | |

| | | | | |
|------------------------|---|------|--|------|
| Air cracks | .X. | .... | .X. | .... |
| Bruises | .X. | .X. | .X. | .X. |
| Dirt | .X. | .... | .X. | .... |
| Enlarged lenticels | .X. | .... | .X. | .... |
| External Discoloration | .X. | .... | .X. | .... |
| Flea beetle injury | .X. | .X. | .X. | .X. |
| Greening | .X. | .X. | .X. | .X. |
| Rhizoctonia | .X. | .... | .X. | .... |
| Scab, pitted | .X. | .X. | .X. | .X. |
| Scab, russet | .X. | .... | .X. | .... |
| Scab, surface | When more than 5 percent of surface affected. | .... | When more than 25 percent of surface affected. | .... |
| Sunburn | .... | .X. | .... | .X. |
| Second growth | .X. | .... | .X. | .... |
| Growth cracks | .X. | .... | .X. | .... |

| Defect | Damage | Serious Damage ¹ |
|--------------------------|---|---|
| Wireworm or grass damage | When any hole in a potato 2-1/2 inches in diameter or 6 ounces in weight is more than 3/4 inch long, or when the aggregate length of all holes is more than 1-1/4 inches, or correspondingly shorter or longer holes in smaller or larger potatoes. | When any hole in a potato 2-1/2 inches in diameter or 6 ounces in weight is more than 1-1/2 inches long, or when the aggregate length of all holes is more than 2 inches, or correspondingly shorter or longer holes in smaller or larger potatoes. |
| Insects or worms | (See serious damage) | When present inside the potato. |
| Artificial coloring | When unsightly or when concealing any defect causing damage or when penetrating the flesh and removal causes loss of more than 5 percent of total weight of potato. | When concealing a serious defect or when penetrating into the flesh and removal causes loss of more than 10 percent of total weight of potato. |
| Sprouts | When more than 10 percent of the potatoes in any lot have any sprout more than 3/4 inch in length or have individual sprouts or clusters of sprouts which materially detract from the appearance of the potato. | |

¹ The following defects are considered serious damage when present in any degree:
 a. Freezing.
 b. Late blight.
 c. Ring rot.
 d. Southern bacterial wilt.
 e. Soft rot.
 f. Wet breakdown.

TABLE IV - INTERNAL DEFECTS

| Defect | Damage | Serious Damage |
|--|---|---|
| Hollow Heart | When materially detracting from the internal appearance. | When seriously detracting from the internal appearance. |
| Ingrown sprouts | When removal causes a loss of more than 5 percent of the total weight of the potato. | When removal causes a loss of more than 10 percent of the total weight of the potato. |
| Internal discoloration occurring entirely within the vascular ring. | When more than the equivalent of 3 scattered light brown spots 1/8 inch in diameter in a potato 2-1/2 inches in diameter or 6 ounces in weight, or correspondingly lesser or greater number of spots in smaller or larger potatoes. | When more than the equivalent of 6 scattered light brown spots 1/8 inch in diameter in a potato 2-1/2 inches in diameter or 6 ounces in weight, or correspondingly lesser or greater number of spots in smaller or larger potatoes. |
| Internal discoloration outside of or not entirely confined within the vascular ring. | When removal causes a loss of more than 5 percent of the total weight of the potato. | When removal causes a loss of more than 10 percent of the total weight of the potato. |

[Order 1263, § 16-448-185, filed 5/15/72.]

WAC 16-448-190 Marking requirements. (1) The containers shall bear the name of the grower, packer or distributor and his address and the net weight. When potatoes are marked as to grade, such potatoes shall meet the grade marked.

(2) All containers shall be marked, labeled or stenciled in a plain and legible manner.

(3) All cull potatoes which are offered for market for human consumption, shall be designated as CULL POTATOES, and the containers in which such potatoes are marketed or offered for market shall be legibly branded, marked, labeled, or stenciled in a plain and legible manner with the words CULL POTATOES in block type letters at least two inches high. This does not apply to potatoes going to processing plants for processing purposes.

[Order 1263, § 16-448-190, filed 5/15/72.]

WAC 16-448-195 Forbidden practices. In filling the bags and displaying of stock, containers must not be faced with potatoes of superior quality and size to the remaining contents of the container. All bags must be sufficiently well sewn to retain the contents thereof through the regular process of handling and shipping. When potatoes are exposed for sale, they must not be advertised as any other standard or grade than those laid down by the above regulations for potatoes shipped in containers: *Provided*, That U.S. grades must be made.

[Order 1263, § 16-448-195, filed 5/15/72.]

WAC 16-448-200 Effective date. This order shall take effect on and after June 15, 1972.

[Order 1263, § 16-448-200, filed 5/15/72.]

Chapter 16-449 WAC

WASHINGTON CONTROLLED ATMOSPHERE
STORAGE REQUIREMENTS FOR WINTER PEARS

WAC

| | |
|------------|-----------------------------------|
| 16-449-001 | Promulgation. |
| 16-449-010 | Requirements. |
| 16-449-020 | Maturity and condition standards. |
| 16-449-030 | Effective date. |

WAC 16-449-001 Promulgation. I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.30 RCW, and after due notice and public hearing held in Wenatchee, Washington on September 20, 1973, pursuant to chapters 42.32 and 34.04 RCW, do hereby promulgate the following Washington controlled atmosphere storage requirements for winter pears.

[Order 1326, § 16-449-001, filed 9/27/73.]

WAC 16-449-010 Requirements. Winter pears to be classified as controlled atmosphere storage pears, which meet the following requirements, other than those specifically set forth in chapter 15.30 RCW.

(1) Oxygen content of each room shall not exceed 5 percent oxygen within 20 days after sealing of room.

(2) Winter pears shall be retained in a controlled atmosphere storage, under required degrees of temperature and percentage of air components, for a period of not less than 45 days for the Bosc variety, and not less than 90 days for all other varieties of winter pears, to qualify as having been stored in controlled atmosphere storage.

(3) No person in this state shall place or stamp the letters "CA" or a similar designation in conjunction with a number or numbers upon any container or sub-container of any fruits or vegetables, unless the director has inspected such fruits or vegetables and issued a state lot number for such fruits or vegetables in conjunction with a certificate stating their quality and condition, that they were stored in a warehouse licensed under the provisions of this chapter and that they meet all other requirements of this chapter or rules adopted hereunder: *Provided*, That if such fruits or vegetables are not allowed to enter the channels of commerce within two weeks of such inspection or a subsequent similar inspection by the director the letters "CA" and the state lot number shall be eradicated by the licensee.

(4) Preconditioned winter pears: In order to bear the "CA" stamp, all winter pears must be certified as meeting controlled atmosphere storage requirements prior to the preconditioning.

[Order 1543, § 16-449-010, filed 11/8/77; Order 1326, § 16-449-010, filed 9/27/73.]

WAC 16-449-020 Maturity and condition standards. At time of shipment the winter pears shipped and marked with "CA" number shall meet the following maturity and condition standards:

(1) Condition standards: Not more than 2 percent decay, not more than 2 percent scald, and not to exceed an aggregate of 5 percent for all condition factors including cork.

[Title 16 WAC—page 444]

(2) Maturity standards: Not more than 5 percent shall be further advanced in maturity than firm.

[Order 1326, § 16-449-020, filed 9/27/73.]

WAC 16-449-030 Effective date. This order shall take effect on and after October 27, 1973.

[Order 1326, § 16-449-030, filed 9/27/73.]

Chapter 16-451 WAC

RHUBARB, HOT-HOUSE OR CELLAR GROWN

WAC

| | |
|------------|----------------------------------|
| 16-451-010 | Extra fancy grade. |
| 16-451-020 | Fancy grade. |
| 16-451-030 | Cull rhubarb. |
| 16-451-040 | Tolerances for preceding grades. |
| 16-451-050 | Definitions of terms. |
| 16-451-060 | Marking requirements. |
| 16-451-070 | Rhubarb box. |

WAC 16-451-010 Extra fancy grade. Extra fancy grade shall consist of stalks of rhubarb of similar varietal characteristics which are fresh, straight, clean, well trimmed, and free from decay and from damage caused by disease, insects, mechanical or other means. The diameter of the stalks in this grade shall be not less than nine-sixteenths of an inch and the length shall be not less than fourteen inches. Over five-eighths or more of the length of each stalk in this grade shall be a good shade of pink or deeper color.

[Order 705, effective 11/30/54.]

WAC 16-451-020 Fancy grade. Fancy grade shall consist of stalks of rhubarb of similar varietal characteristics which are fresh, straight, clean, well trimmed and free from decay and from damage caused by disease, insects, mechanical or other means. The diameter of the stalks in this grade shall be not less than three-eighths of an inch and the length of the stalk shall be not less than twelve inches. Over one-half or more of the length of each stalk in this grade shall be of a good shade of pink or deeper color.

[Order 705, effective 11/30/54.]

WAC 16-451-030 Cull rhubarb. Cull rhubarb shall consist of rhubarb which is not graded in conformity with any of the foregoing grades.

[Order 705, effective 11/30/54.]

WAC 16-451-040 Tolerances for preceding grades.
(1) In order to allow for variations incident to proper grading and handling, not more than a total of ten percent, by count, of the stalks in any container may be below the requirements of this grade, but not more than one-fifth of this tolerance, or two percent, may be allowed for decay.

(2) The tolerances specified for various grades are placed on a container basis. However, any lot of rhubarb shall be considered as meeting the requirements of a specified grade if the entire lot averages within the tolerances specified, provided that no sample from the containers in any lot is found to exceed the following amount: For a specified

tolerance of ten percent, not more than one and one-half times the tolerance shall be allowed in any one package.

(3) For a specified tolerance of two percent, not more than double the tolerance shall be allowed in any one package.

[Order 705, effective 11/30/54.]

WAC 16-451-050 Definitions of terms. As used in these grades:

(1) "Similar varietal characteristics" means that the rhubarb stalks are alike as to type of color and general characteristics.

(2) "Fresh" means that the rhubarb is not limp or wilted and that at shipping point it shows evidence of having been recently pulled and packed.

(3) "Straight" means with not more than a slight curvature or twisting along the longitudinal axis of the stalk.

(4) "Well trimmed" means (1) that the top has been neatly knife trimmed so that no more than approximately two inches of bases of the midribs remain on the larger diameter stalks and proportionately less on those of smaller diameter; (2) that the top has been so trimmed that a minimum of the thin leaf tissue remains; and (3) that the most of the basal husk has been removed.

(5) "Damage" means any injury from the causes mentioned which detracts from the appearance or keeping quality of the rhubarb.

(6) "Serious damage" means badly twisted or crooked stalks; broken or badly scarred or bruised stalks; or any other injury which detracts from such appearance and keeping quality.

(7) "Good shade of pink." In specifying color requirements the term "good shade of pink" is used to describe the minimum quality or intensity of color acceptable in the specified portion required to have color. This presumes that a major portion of the colored area of a stalk will show deeper color than the shade required as a minimum.

(8) "Diameter" means the measurement across the flat face of the stalk at a point not lower than six inches above the extreme base.

(9) "Length" means the overall length, provided the stalk is well trimmed.

[Order 705, effective 11/30/54.]

WAC 16-451-060 Marking requirements. (1) Open or closed containers shall be clean, and they shall be conspicuously and legibly stamped with the grade, net weight and name and address of the person, firm or association shipping the rhubarb. This does not apply to rhubarb going to processing plants for processing purposes.

(2) The grade shall be stamped in letters of at least 3/8 inch type.

(3) Cull rhubarb, if sold for fresh market purposes, must be packed in a standard, lidded rhubarb box, prominently and conspicuously marked CULL RHUBARB in 1-inch block type letters, and with the name and address of the person, firm or association shipping the rhubarb.

[Order 705, effective 11/30/54.]

WAC 16-451-070 Rhubarb box. The standard rhubarb box shall be 11-1/2 x 18 x 4 inches, inside dimensions.

[Order 705, effective 11/30/54.]

Chapter 16-458 WAC

HORTICULTURAL INSPECTION DISTRICT BOUNDARIES

WAC

| | |
|------------|-----------------|
| 16-458-004 | Promulgation. |
| 16-458-075 | District two. |
| 16-458-080 | District three. |
| 16-458-085 | District four. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|---|
| 16-458-001 | Promulgation. [Order 1125, § 16-458-001, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76. |
| 16-458-002 | Promulgation. [Order 1125, § 16-458-002, filed 7/15/70.] Repealed by Order 1471, filed 7/2/76. |
| 16-458-003 | Promulgation. [Order 1125, § 16-458-003, filed 11/1/72.] Repealed by Order 1471, filed 7/2/76. |
| 16-458-010 | District one. [Order 1125, § 16-458-010, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76. |
| 16-458-020 | District three. [Order 1125, § 16-458-020, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76. |
| 16-458-030 | District four. [Order 1125, § 16-458-030, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76. |
| 16-458-040 | District five. [Order 1125, § 16-458-040, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76. |
| 16-458-050 | District six. [Order 1125, § 16-458-050, filed 11/1/72; Order 1125, § 16-458-050, filed 7/15/70.] Repealed by Order 1471, filed 7/2/76. |
| 16-458-060 | Effective date. [Order 1125, § 16-458-060, filed 10/8/69, effective 11/10/69.] Repealed by Order 1471, filed 7/2/76. |
| 16-458-061 | Effective date. [Order 1125, § 16-458-061, filed 11/1/72; Order 1125, § 16-458-061, filed 7/15/70.] Repealed by Order 1471, filed 7/2/76. |
| 16-458-070 | District one. [Order 1471, § 16-458-070, filed 7/2/76.] Repealed by 87-24-009 (Order 1959), filed 11/20/87, effective 1/1/88. Statutory Authority: Chapter 15.17 RCW. |

WAC 16-458-004 Promulgation. (1) This promulgation relates to WAC 16-458-001, 16-458-002, 16-458-003, 16-458-010, 16-458-020, 16-458-030, 16-458-040, 16-458-050, 16-458-060 and 16-458-061.

(2) I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW [RCW 15.17.230], as amended by section 1, chapter 7, Laws of 1975 1st ex. sess., section 2, chapter 76, Laws of 1969 ex. sess., section 23, chapter 122, Laws of 1963, and after due notice as provided under chapters 34.04 and 42.32 [42.30] RCW, and a public hearing held in Olympia, Washington on June 14, 1976, do hereby promulgate the following regulations relating to horticultural inspection district boundaries and repealing the above WAC numbers.

[Order 1471, § 16-458-004, filed 7/2/76.]

WAC 16-458-075 District two. Kittitas, Klickitat, Skamania, Yakima and that portion of Benton County lying west of a line running south from the Columbia River known as the center line of Range 27E, and north of Sellards Road

from its junction with Range 27E on the east, thence west to the Yakima County line; this includes the Prosser, Kiona, and Benton City areas.

[Order 1471, § 16-458-075, filed 7/2/76.]

WAC 16-458-080 District three. All counties located west of the Cascade Mountains, Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman counties, and that portion of Benton County lying south and east of the Sellards Road, from its junction with Yakima County on the west thence east to the center line of Range 27E, thence north to the Columbia River; this excludes the Benton City, Kiona and Prosser areas.

[Statutory Authority: Chapter 15.17 RCW. 87-24-009 (Order 1959), § 16-458-080, filed 11/20/87, effective 1/1/88; Order 1471, § 16-458-080, filed 7/2/76.]

WAC 16-458-085 District four. Chelan, Douglas and Okanogan counties.

[Order 1471, § 16-458-085, filed 7/2/76.]

Chapter 16-459 WAC

CONTROLLED ATMOSPHERE STORAGE

WAC

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|--------------|--|
| 16-459-001 | Promulgation. |
| 16-459-00101 | Promulgation. |
| 16-459-010 | Requirements—General. |
| 16-459-020 | Identification of controlled atmosphere fruit prior to inspection. |
| 16-459-030 | Fees. |
| 16-459-040 | Penalties. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|--|
| 16-459-050 | Effective date. [Order 1213, § 16-459-050, filed 9/20/71.] Repealed by Order 1486, filed 9/15/76. |
|------------|--|

WAC 16-459-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 15.30 RCW, relating to controlled atmosphere storage of fruits and vegetables, and after due notice as provided under chapters 34.04 and 42.30 RCW, and a public hearing held in Wenatchee, Washington, on September 16, 1971, do hereby promulgate the following rules and regulations relating to controlled atmosphere storage.

[Order 1213, § 16-459-001, filed 9/20/71.]

WAC 16-459-00101 Promulgation. This promulgation relates to WAC 16-459-010 and 16-459-050 of Order No. 1213.

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.30 RCW, relating to controlled atmosphere storage of fruits and vegetables, and after due notice as provided under chapters 34.04 and 42.30 RCW, and a public hearing held in Ellensburg, Washington on September 9, 1976, do hereby promulgate the following rules and regula-

tions relating to controlled atmosphere storage, amending WAC 16-459-010 and repealing WAC 16-459-050.

[Order 1486, § 16-459-00101, filed 9/15/76.]

WAC 16-459-010 Requirements—General. (1) Controlled atmosphere storage operators and/or lessees are required to submit an application for license prior to August 31 of any year. This form will be entitled application for a controlled atmosphere storage license and will be form Agri 060-6074: *Provided*, Late license renewal will be in accordance with RCW 15.30.070.

(2) Controlled atmosphere storage operators are required to separately report to the district manager the date of sealing the storage and

(a) The quantity of loose fruit by variety and owner.

(b) The quantity of packed fruit by variety and owner.

This information will be submitted to the district manager on form Agri-060-6075 and signed by the operator.

(3) Each controlled atmosphere operator must keep daily determinations of air components as to percentages of carbon dioxide, oxygen, and temperature at least once each day as prescribed in RCW 15.30.120. This information is subject to audit by the inspection service and the various audits will be reported for each storage on form Agri-060-6076 by department personnel.

(4) In addition to the above general requirements, standard and red delicious apple varieties must be in a sealed controlled atmosphere storage on or before *December 15 each year* in order to qualify and be identified as Washington controlled atmosphere storage apples.

The forms mentioned above are department of agriculture forms which will be furnished by the plant industry division.

All license holders are required to notify the local inspection office on or before opening any controlled atmosphere storage rooms.

[Order 1486, § 16-459-010, filed 9/15/76; Order 1213, § 16-459-010, filed 9/20/71.]

WAC 16-459-020 Identification of controlled atmosphere fruit prior to inspection. (1) All controlled atmosphere storage fruit that requires transportation by a Washington state licensed motor vehicle for shipment, storage, or packaging will require identification. All fruit removed from controlled atmosphere storage and stored in conventional cold storage will require identification.

(2) Identification may be made at the time of entry into controlled atmosphere storage or at the time of removal from controlled atmosphere storage. This option is to be exercised by the controlled atmosphere licensee with the following requirements:

(a) Loose fruit in bins will be tagged with the prenumbered official department storage identification tag.

(b) Packed fruit is to be marked with a stamp supplied by the department at the time fruit enters controlled atmosphere storage.

(c) Packed fruit marked at time of removal from controlled atmosphere storage with stamp supplied by the department will be used under the supervision of inspection personnel.

The above identification requirements will be used on all fruit subject to identification as noted in paragraph (1) above only.

(3) Controlled atmosphere fruit retained by a packer for packaging at a later date will be identified as follows:

(a) Loose fruit held in bins will be tagged with a current state lot number without certification.

(b) Fruit held in field lugs will be identified in a like manner by pallet.

(c) Fruit held in any other manner will require certification and state lotting.

(4) Fruit subject to condition because of out-dated state lot stamp may be stamped with a current up-to-date state lot number if identification may be a problem. Fruit not restamped with an up-to-date number will be subject to an additional condition certification if identification is questionable.

[Order 1213, § 16-459-020, filed 9/20/71.]

WAC 16-459-030 Fees. Controlled atmosphere licensees will be subject to the following fees:

(1) Tags. First 1 to 100 - 50¢

Each additional 100 - 50¢

(2) Stamp distributed by the department only to be used on packed containers — \$1.00 each year.

(3) Inspection personnel. Supervision as required in WAC 16-459-020 (2)(c), will be at the rate established under permanent order entitled horticultural inspection fees.

[Order 1213, § 16-459-030, filed 9/20/71.]

WAC 16-459-040 Penalties. Willful violation of any of the above rules or provisions of chapter 15.30 RCW by controlled atmosphere operators and/or lessees will be sufficient cause for the department to consider suspension of the controlled atmosphere operator's or lessee's license.

[Order 1213, § 16-459-040, filed 9/20/71.]

Chapter 16-460 WAC TOMATOES

WAC

| | |
|------------|---|
| 16-460-005 | Applicability. |
| 16-460-008 | Promulgation. |
| 16-460-040 | Washington No. 1 grade, size, tolerances—Application of tolerances. |
| 16-460-080 | Definition of terms. |
| 16-460-100 | Marking requirements. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|-------------|---|
| 16-460-010 | Introduction. [Order 357, effective 5/1/42.] Superseded by Order 1055, filed 6/9/67, effective 7/10/67. See WAC 16-460-040. |
| 16-460-020, | 16-460-030, 16-460-050, 16-460-060, 16-460-070. [Order 357, effective 5/1/42.] Superseded by Order 1055, filed 6/9/67, effective 7/10/67. See WAC 16-460-100. |
| 16-460-090 | Size requirements. [Order 357, effective 5/1/42.] Superseded by Order 1055, filed 6/9/67, effective 7/10/67. See WAC 16-460-040. |
| 16-460-110 | California lug. [Order 357, effective 5/1/42.] Repealed by deletion, Order 1055, filed 6/9/67, effective 7/10/67. |

(1997 Ed.)

WAC 16-460-005 Applicability. Effective and mandatory for all tomatoes grown within or marketed in closed containers within or outside the state of Washington between July 1 and September 15 of each year.

[Order 1055 (part), filed 6/9/67, effective 7/10/67; Order 357, effective 5/1/42.]

WAC 16-460-008 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.17 RCW, after due notice and public hearing held in Wapato, Washington, on May 23, 1967 (pursuant to chapters 42.32 and 34.04 RCW), do hereby establish the Washington standards for tomatoes and the container marking requirements.

[Order 1055, Promulgation, filed 6/9/67, effective 7/10/67.]

WAC 16-460-040 Washington No. 1 grade, size, tolerances—Application of tolerances. Regulation A. **Grades.** Washington No. 1, shall consist of tomatoes of similar varietal characteristics (1) which are mature (2) but not overripe or soft (3) not badly misshapen (4) free from decay, freezing injury and from serious damage (5) caused by cuts (5a) dirt (5b) sunscald (5c) sunburn (5d) puffiness (5e) catfaces (5f) scars (5g) growth cracks (5h) hail (5i) insects (5j) bruises, diseases, or mechanical or other means.

Regulation B. **Size.** The minimum size, unless otherwise specified, shall be 1 3/4 inches in diameter. Tomatoes packed in rows shall not vary more than 1/2 inch in diameter in individual containers. In determining compliance with the above size requirements the measurement for minimum diameter shall be the largest diameter of the tomato measured at right angles to a line from the stem end to the blossom end. The measurement for maximum diameter shall be the smallest dimension of the tomato determined by passing the tomato through a round opening in any position.

Regulation C. **Tolerances.** In order to allow for variations incident to proper grading and handling, not more than 10% by count, of the tomatoes in any lot may be below the requirements of this grade, but not more than one-tenth of this tolerance or 1% may be allowed for soft ripe tomatoes or tomatoes affected by decay at shipping point, and not more than a total of 5% shall be allowed for soft ripe tomatoes or tomatoes affected by decay en route or at destination. In addition to the above a tolerance of 10% shall be allowed for tomatoes failing to meet size requirements.

Regulation D. **Application of tolerances.** The contents of individual containers in the lot based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified; when a tolerance is 10% or more individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container; and when a tolerance is less than 10%, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective specimen may be permitted in any container.

[Order 1055 (part), filed 6/9/67, effective 7/10/67; Order 357, effective 5/1/42.]

[Title 16 WAC—page 447]

WAC 16-460-080 Definition of terms. Regulation E.

(1) **"Similar varietal characteristics,"** means that the tomatoes are alike as to firmness of flesh and shade of color (for example, soft-fleshed, early maturing varieties are not mixed with firm fleshed, mid-season or late varieties, or bright red varieties mixed with varieties having a purplish tinge).

(2) **"Mature,"** means that the contents of two or more seed cavities have developed a jelly-like consistency and the seeds are well developed.

(3) **"Soft,"** means that the tomato yields readily to slight pressure.

(4) **"Badly misshapen,"** means that the tomato is decidedly kidney-shaped, lopsided, elongated, angular or otherwise badly deformed.

(5) **"Serious damage,"** means any defect which seriously affects the appearance, or the edible or shipping quality of the tomato. Any one of the following defects or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage.

(a) Cuts and broken skins when not shallow or not well healed, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2 1/2 inches in diameter having a shallow, well healed cut 3/4 inch in length, or other shallow, well healed skin breaks having an aggregate area equivalent to that of a circle 3/4 inch in diameter;

(b) When there is considerable dirt, sand or other material present to the extent that the appearance of the lot or individual tomatoes are seriously affected;

(c) Sunscald that is not blistered or shriveled or exceeds 1/2 inch in diameter;

(d) Sunburn affecting more than 50% of the area of the tomato;

(e) Puffiness when the open space in one or more loculus seriously affects the appearance of the tomato when cut through the center at right angles to a line running from the stem to the blossom end;

(f) Catfaces when scars are rough or deep, when channels are very deep or wide, when channels extend into a loculus, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2 1/2 inches in diameter having a fairly smooth catface with an area equivalent to that of a circle 3/4 inch in diameter;

(g) Scars (other than catfaces) when the appearance of the tomato is affected to a greater extent than that of a tomato 2 1/2 inches in diameter having a scar with no depth which has an area equivalent to that of a circle 3/4 inch in diameter;

(h) Growth cracks: (radiating from or concentric to the stem scar) when not well healed or when more than three-sixteenth inch in depth, or when affecting the appearance or shipping quality of the tomato to a greater extent than that of a tomato 2 1/2 inches in diameter having individual radial cracks 3/4 inch in length and an aggregate length of all radial cracks of 2 1/4 inches, measured from the edge of the stem scar, except that any lot of tomatoes which show at least 10% pink may have growth cracks which are not well healed, provided that such cracks are not leaking;

(i) Well healed means the surface of the cracks (or cut) is dried out and/or corked over so the crack does not have a

moist or fresh appearance. When surface is moist or fresh it is unhealed.

(i) Hail injury when deep, rough or not well healed and corked over, or when the appearance of the tomato is affected to a greater extent than that of a tomato 2 1/2 inches in diameter having fairly smooth, shallow hail marks with an aggregate area equal to that of a circle 3/4 inch in diameter;

(j) Insect injury when the appearance or the edible or shipping quality of the tomato is seriously affected or when any insect is present in the fruit.

Note: A tomato 2 inches in diameter has a surface area approximately 35% less than that of a tomato 2 1/2 inches in diameter. A tomato 3 inches in diameter has a surface area approximately 45% greater than that of a tomato 2 1/2 inches in diameter.

[Order 1055 (part), filed 6/9/67, effective 7/10/67; Order 357, effective 5/1/42.]

WAC 16-460-100 Marking requirements. Regulation F. All containers 30 lbs. net or less shall be legibly marked with the name and address of the grower or packer, and closed containers shall also be marked with the grade and the net weight or count. If cull tomatoes are packed in containers of 30 lbs. net or less, the words "CULLS" must be stenciled or stamped on the end of the container in block type letters at least one inch high. (These marking requirements do not apply to tomatoes being sold or shipped to canneries or other processing plants.)

NOTE: TOMATOES PACKED TO THIS GRADE *DO NOT* MEET CANADIAN IMPORT REQUIREMENTS. U.S. NO. 2, IS THE MINIMUM GRADE ACCEPTED. TOMATOES MAY BE PACKED UNDER ANY OF THE U.S. GRADES: U.S. NO. 1; U.S. NO. 2; U.S. NO. 3.

[Order 1055 (part), filed 6/9/67, effective 7/10/67; Order 699, effective 5/25/54.]

Chapter 16-461 WAC

INSPECTION REQUIREMENTS FOR FRUITS AND VEGETABLES

WAC

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| 16-461-006 | Definitions. |
| 16-461-010 | Inspection certificate and/or permit required. |
| 16-461-015 | Effective date. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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|------------|---|
| 16-461-001 | Promulgation. [Order 1098, Promulgation, § 16-461-001, filed 8/30/68, effective 9/30/68; Order 968, filed 3/26/65.] Superseded by WAC 16-461-002. |
| 16-461-002 | Promulgation. [Order 1122, filed 8/14/69, effective 9/14/69.] Superseded by WAC 16-461-003. |
| 16-461-003 | Promulgation. [Order 1122, filed 7/1/70; Order 1122, filed 8/14/69, effective 9/14/69.] Superseded by WAC 16-461-004. |
| 16-461-004 | Promulgation. [Order 1122, filed 8/23/71; Order 1122, filed 5/29/70, effective 7/1/70; Order 1122, filed 8/14/69, effective 9/14/69.] Superseded by WAC 16-461-005. |
| 16-461-005 | Promulgation. [Order 1324, § 16-461-005, filed 8/3/73; Order 1122, § 16-461-005, filed 5/5/72, effective 6/5/72.] Repealed by 83-06-050 (Order 1788), filed 3/1/83. Statutory Authority: Chapter 15.17 RCW. |

WAC 16-461-006 Definitions. (1) Commercial lot shall mean any number of any type of containers or any

quantity in bulk of agricultural products listed in WAC 16-461-010, which are sold or bartered: *Provided*, That quantities of less than five hundred pounds net weight, when sold by any producer where grown by the producer and sold directly to the ultimate consumer, shall not be considered as a commercial lot.

(2) Fruit/produce stands, as used in this chapter, shall mean any facilities from which the predominance of the edible commodity sales to the public are of seasonal fresh fruits and/or vegetables produced within the state of Washington, and shall include roadside stands, farmer's markets, trucks or other conveyances from which sales of commodities are made, and temporary open air parking lot stands other than those owned or operated by retail grocery stores. Such facilities may or may not be owned, leased, or otherwise operated by the producer of fruits and/or vegetables.

(3) Zone of production shall be defined as one of two geographical areas: Zone 1: All counties west of the Cascade Mountain Range; Zone 2: The counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

[Statutory Authority: Chapter 15.17 RCW. 92-18-103, § 16-461-006, filed 9/2/92, effective 10/3/92; 92-06-085, § 16-461-006, filed 3/4/92, effective 4/4/92.]

WAC 16-461-010 Inspection certificate and/or permit required. (1) No person shall ship, transport, accept for shipment, or accept delivery of, any commercial lot of the following agricultural products without an inspection and the issuance of a certificate and/or a permit by the plant services division of the department of agriculture allowing such shipment, movement or delivery:

(a) Apricots - in closed or open containers for fresh market.

(b) Italian prunes - in closed or open containers for fresh market.

(c) Peaches - in closed or open containers for fresh market.

(d) Cherries - in closed or open containers for fresh market: *Provided*, That no permit shall be issued on cherries infested with live cherry fruit fly larvae.

(e) Apples - in closed or open containers for fresh market: *Provided*, That apples may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of apples having the approval of the director to issue the certificates of compliance.

(f) Pears - in closed or open containers for fresh market: *Provided*, That pears may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of pears having the approval of the director to issue the certificates of compliance.

(g) Asparagus - in closed or open containers for fresh market: *Provided*, That asparagus may be shipped or transported if accompanied by certificates of compliance issued by the shipper or packer of the asparagus, having the approval of the director to issue the certificates of compliance.

(h) Apples in containers or bulk, for processing: *Provided*, That apples for processing may be shipped or

transported if accompanied by a certificate of compliance issued by the shipper of apples having the approval of the director to issue the certificates of compliance: *Provided further*, That apples for processing entering intrastate commerce shall not require a permit.

(i) Pears in containers or bulk, for processing: *Provided*, That pears for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of pears having the approval of the director to issue the certificates of compliance: *Provided further*, That pears for processing entering intrastate commerce shall not require a permit.

(2) Exemptions - Fruits and vegetables listed in WAC 16-461-010 shall be exempted from requirements for inspection and issuance of a certificate or permit:

(a) When the product is being transported from the premises where grown or produced to a horticultural facility other than wholesale or retail for the purpose of storing, grading, packing, packaging, labelling, or processing; prior to entering commercial channels for resale;

(b) When transportation is between horticultural facilities other than those facilities which sell at wholesale or retail level, for the purposes set forth in (a) of this subsection;

(c) When sold or transported to a fruit/produce stand within the zone of production, not to exceed daily quantities of two thousand pounds net weight of a single commodity nor six thousand pounds net weight of any combination of commodities other than cherries, listed in subsection (1) of this section, when on a single conveyance, provided that such exempt sales by the producer within a farmer's market shall not be restricted to the zone of production;

(d) When daily quantities do not exceed one hundred pounds net weight of dark varieties of sweet cherries which are sold for home use and not for resale, and the containers are marked "not for resale" in letters at least one-half inch in height.

(3)(a) Any shipper or packer of apples, apricots, cherries, pears, peaches, prunes, or asparagus may petition the director for authority to issue certificates of compliance for each season. The director may issue certificate of compliance agreements, granting such authority, on such terms and conditions as he may deem appropriate. The authority shall be limited to the issuance of certificates of compliance for apples, apricots, cherries, pears, peaches, prunes, and asparagus under the applicant's direct control or being handled at the shipper's or packer's facilities.

(b) The certificate of compliance shall be issued at time of shipment by the shipper or packer authorized to do so: *Provided*, That the apples, pears, cherries, and asparagus about to be shipped or transported are in full compliance with the requirements of chapter 15.17 RCW, regulations adopted thereunder and administrative directives of the director: *Provided further*, That apricots, cherries, peaches, prunes, or pears about to be shipped or transported are in full compliance with an existing federal marketing order requiring quality and condition certification and Washington state lot identification or federal-state lot identification;

Cherries of the dark sweet varieties shall be certified as to quality, condition, and size and shall meet all of the requirements of chapter 16-414 WAC, Cherries.

(c) The director's approval to issue certificates of compliance may be suspended, revoked, or denied for cause, subject to RCW 34.05.422(3) and that cause shall be the shipper's or packer's failure to comply with the requirements of subsection (3)(b) of this section, or for the shipper's or packer's actions which impede the department's abilities to ascertain full compliance with requirements of chapter 15.17 RCW or rules adopted thereunder, or for violation of the terms of the certificate of compliance agreement. The period of any suspension shall be determined by the director and shall be commensurate with the seriousness of the violation.

(d) Any shipper or packer whose authority to issue certificates of compliance has been suspended, revoked, or denied by the director shall be subject to those provisions of chapter 15.17 RCW and the regulations requiring the issuance of a shipping permit by the director before apples, apricots, cherries, pears, peaches, prunes, and asparagus may be shipped or transported.

(e) Certificates of compliance shall be on forms approved and issued by the director of agriculture.

(f) Any shipper or packer authorized to issue certificates of compliance shall deposit with the director of agriculture at the regular base fee equivalent to that charged by the director for a shipping permit, for each certificate of compliance issued by the authorized shipper or packer. The base fees shall be deposited with the director of agriculture in the same manner as fees for shipping permits.

[Statutory Authority: Chapter 15.17 RCW. 95-13-038, § 16-461-010, filed 6/14/95, effective 7/15/95; 92-18-103, § 16-461-010, filed 9/2/92, effective 10/3/92; 92-06-085, § 16-461-010, filed 3/4/92, effective 4/4/92; 83-06-050 (Order 1788), § 16-461-010, filed 3/1/83; Order 1523, § 16-461-010, filed 4/20/77; Order 1324, § 16-461-010, filed 8/3/73; Order 1122, § 16-461-010, filed 5/5/72, effective 6/5/72; Order 1122, § 16-461-010, filed 8/23/71; Order 1122, § 16-461-010, filed 5/29/70, effective 7/1/70; Order 1122, § 16-461-010, filed 8/14/69, effective 9/14/69; Order 1098, § 16-461-010, filed 8/30/68, effective 9/30/68; Order 968, filed 3/26/65.]

WAC 16-461-015 Effective date. This order shall become effective on and after September 4, 1973.

[Order 1324, § 16-461-015, filed 8/3/73; Order 1122, § 16-461-015, filed 5/5/72, effective 6/5/72.]

Chapter 16-462 WAC

GRAPEVINES—REGISTRATION AND CERTIFICATION

WAC

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|------------|--|
| 16-462-010 | Certified grape nursery stock—General. |
| 16-462-015 | Definitions. |
| 16-462-020 | Certified grape nursery stock—Requirements. |
| 16-462-025 | Certified grape nursery stock—Inspections. |
| 16-462-030 | Certified grape nursery stock—Application and fees. |
| 16-462-035 | Certified grape nursery stock—Tagging and identity. |
| 16-462-045 | Effective date. |
| 16-462-050 | Certified grape nursery stock—Tolerances. |
| 16-462-055 | Certified grape nursery stock—Grades and standards. |
| 16-462-060 | Certified grape nursery stock—Aseptic shoot tip propagation. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-462-001 | Promulgation. [Order 1397, § 16-462-001, filed 4/7/75; Order 1193, § 16-462-001, filed 4/19/71; Order 1084, § 16-462-001, filed 4/2/68.] Repealed by 86-08-078 (Order 1883), filed 4/2/86. Statutory Authority: Chapter 15.14 RCW. |
| 16-462-040 | Grades and standards. [Order 1084, § 16-462-040, filed 4/2/68.] Repealed by Order 1193, filed 4/19/71. |

WAC 16-462-010 Certified grape nursery stock—General. (1) Vines may be registered as sources for the propagation of certified grape nursery stock when inspected, indexed, and found to be true-to-name and apparently free from virus and virus-like diseases.

(2) The issuance of a certified state of Washington plant tag or stamp under this chapter affirms solely that the tagged or stamped rootstock has been subjected to certification standards and procedures by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(3) The department is not responsible for disease, genetic disorders, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(4) Participation in the certified grape nursery stock program shall be voluntary.

[Statutory Authority: Chapter 15.14 RCW. 86-08-078 (Order 1883), § 16-462-010, filed 4/2/86; Order 1193, § 16-462-010, filed 4/19/71; Order 1084, § 16-462-010, filed 4/2/68.]

WAC 16-462-015 Definitions. The definitions set forth in this section shall apply throughout this chapter unless the context otherwise requires:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or a duly appointed representative.

(3) "Virus infected (affected)" means presence of a virus(es) in a plant or plant part.

(4) "Virus-like" means a disorder of genetic or nontransmissible origin.

(5) "Off-type" means not true-to-name.

(6) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

(7) "Index or indexing" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant; or by any other method.

(8) "Registered vine" means any vine propagated from the foundation block that has been inspected and indexed virus-free in accordance with recommendations of Washington State University, and is identified by the number assigned to the original vines in the foundation from which it was propagated.

(9) "Foundation block" means a planting of grape vines established, operated and maintained by Washington State University, that are indexed to be free from viruses and that

are true-to-name. Cuttings to establish mother blocks shall be furnished to the applicants by the Washington state department of agriculture. Written requests for foundation material shall be received by the department of agriculture before December 1 of each year.

(10) "Mother block" means a planting of grape vines for which propagating material originated directly from the Washington State University foundation block or first generation plants originating from such stock. The mother blocks shall be maintained by the nurserymen and provide propagating wood to produce Washington certified grape nursery stock.

(11) "Washington certified grape nursery stock" means vines, rooted cuttings and cuttings taken or propagated directly from foundation or mother blocks and certified in accordance with the provisions of this chapter. Certified plants grown in a greenhouse may be used for one growing season to propagate additional certified plants.

[Statutory Authority: Chapter 15.14 RCW. 86-08-078 (Order 1883), § 16-462-015, filed 4/2/86; 78-10-072 (Order 1583), § 16-462-015, filed 9/27/78; Order 1397, § 16-462-015, filed 4/7/75; Order 1193, § 16-462-015, filed 4/19/71; Order 1084, § 16-462-015, filed 4/2/68.]

WAC 16-462-020 Certified grape nursery stock—Requirements. (1) Applicant.

(a) The applicant shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of mother blocks and nursery stock. The applicant shall be responsible for maintaining the identity of all nursery stocks and mother block vines, and for keeping all plants in a thrifty growing condition and free of plant pests.

(b) The applicant shall take suitable precautions in cultivation, irrigation, movement and use of equipment, and in other farming practices, to guard against spread of soil-borne pests to plantings entered under this program. The applicant shall keep all areas clean cultivated except for cover crops.

(c) The applicant shall remove and destroy immediately, following notification by the department, any registered vine or nursery plant found to be affected by a virus or virus-like disease or is off-type.

(d) The applicant agrees to make available to commercial grape growers, following the establishment of a mother block, at least seventy-five percent of certified cuttings or plants of each variety available each year.

(2) Location. The foundation block, all mother blocks and nursery stock shall be located at least one hundred feet from any land on which noncertified grape vines have been grown within the past ten years.

(3) General.

(a) Plants of different varieties in the mother blocks shall be separated by a minimum of twelve feet in the row. The distance between rows of different varieties shall be a minimum of eight feet.

(b) Cuttings from each mother block variety and selection number shall be identified and kept separate during the growing season.

(c) Treatment to eliminate soil-borne pests may be required.

(d) All nursery stock other than greenhouse grown plants shall comply with the grades and standards for

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Washington certified grape nursery stock as listed in the section for grades and standards.

(e) Certified stock shall remain in the nursery no more than two growing seasons.

(f) An inspection tag shall be attached by the plant grower. Certification is based solely on visual inspections of sample plants of this lot which were found to meet tolerances prescribed in the section on tolerances. Certification of this lot does not represent the freedom from disease or quality of any other lot of grape planting stock. Inspection reports of all lots of grape planting stock entered for certification can be inspected at the Department of Agriculture, Seed Branch, 2015 South 1st Street, Yakima, Washington.

[Statutory Authority: Chapter 15.14 RCW. 86-08-078 (Order 1883), § 16-462-020, filed 4/2/86; 78-10-072 (Order 1583), § 16-462-020, filed 9/27/78; Order 1193, § 16-462-020, filed 4/19/71; Order 1084, § 16-462-020, filed 4/2/68.]

WAC 16-462-025 Certified grape nursery stock—Inspections. The inspections shall be made by the department and shall be conducted in a manner and at times determined as suitable.

(1) Foundation block.

(a) Two inspections shall be made during each growing season.

(b) Foundation vines shall be pruned to allow some fruiting.

(2) Mother block.

(a) Two inspections shall be made during each growing season.

(b) Mother block vines shall be pruned to allow some fruiting.

(3) Nursery stock.

(a) Two inspections shall be made during each growing season.

(b) The stock shall also be inspected during or after digging and grading and shall be apparently free of rootknot nematode, crown gall and other visible diseases and serious pest injury.

[Statutory Authority: Chapter 15.14 RCW. 86-08-078 (Order 1883), § 16-462-025, filed 4/2/86; Order 1193, § 16-462-025, filed 4/19/71; Order 1084, § 16-462-025, filed 4/2/68.]

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.]

WAC 16-462-035 Certified grape nursery stock—Tagging and identity. (1) Tagging. The department requires the use of official certification tags for the identification of nursery stock such as rooted cuttings and cuttings that meet the requirements of this chapter.

(2) Identity. Any person selling Washington certified grape nursery stock shall be responsible for the identity of such nursery stock. Persons issued tags authorized by this chapter shall account by variety for stock produced and sold and keep such other records as may be necessary.

[Statutory Authority: Chapter 15.14 RCW. 86-08-078 (Order 1883), § 16-462-035, filed 4/2/86; Order 1193, § 16-462-035, filed 4/19/71; Order 1084, § 16-462-035, filed 4/2/68.]

WAC 16-462-045 Effective date. This order shall take effect on and after May 8, 1975.

[Order 1397, § 16-462-045, filed 4/7/75; Order 1193, § 16-462-045, filed 4/19/71.]

WAC 16-462-050 Certified grape nursery stock—Tolerances. Specific requirements for grape nursery stock inspection tolerances are based solely on visual inspections of sample plants conducted according to WAC 16-462-025:

| Pest and diseases | Percentage tolerance for: Registered mother blocks | |
|-------------------|---|-------------------|
| | First Inspection | Second Inspection |
| Fanleaf virus | 0% | 0% |
| Leafroll virus | 0% | 0% |
| Grape phylloxera | 0% | 0% |

[Statutory Authority: Chapter 15.14 RCW. 86-08-078 (Order 1883), § 16-462-050, filed 4/2/86.]

WAC 16-462-055 Certified grape nursery stock—Grades and standards. All certified stock offered for sale shall be bundled in accordance with commercial practice and shall be correctly identified by one or more legible printed labels.

(1) Rooted cuttings.

(a) Grade No. 1 shall have one live cane at least nine inches long and shall be well rooted.

(b) Grade No. 2 shall have one live cane at least six inches long and shall be well rooted.

(2) Cuttings shall have at least three buds and shall not be less than nine inches long and at least one-fourth inch caliper at top end. Top bud shall not be more than two inches from tip of cutting. Basal bud shall be within one-fourth inch from basal end.

(3) Two year plants shall meet the same standard as rooted cutting Grade No. 1.

(4) Tolerances. In order to allow for variations incident to proper grading and packing, not more than a combined total of five percent by count, of the plants or cuttings in any lot shall fail to meet the requirements of the above grades.

[Statutory Authority: Chapter 15.14 RCW. 86-08-078 (Order 1883), § 16-462-055, filed 4/2/86.]

WAC 16-462-060 Certified grape nursery stock—Aseptic shoot tip propagation. "Aseptic shoot tip propagation" means aseptically removing a vegetative shoot tip from growth arising from dormant cuttings, or from green growth (softwood) during the growing season, from Washington State University foundation plants and subsequently aseptically transferring these shoot tips to a suitable vessel containing an appropriate culture media. Plants derived from these shoot tips (first generation), when maintained under greenhouse conditions, may serve as a source of softwood cuttings (second generation), which may be used to establish a registered grape mother block suitable for the production of Washington certified grape nursery stock when managed in accordance with all other provisions of WAC 16-462-010 through 16-462-055 inclusive. First generation plants produced from original foundation material, those derived from aseptic shoot tip culture and maintained under greenhouse conditions, as well as second generation plants which will constitute the registered grape mother blocks, are all subject to Washington state department of agriculture inspection.

[Statutory Authority: Chapter 15.14 RCW. 90-10-043, § 16-462-060, filed 4/27/90, effective 5/28/90.]

Chapter 16-463 WAC

PROHIBITING THE SALE AND/OR MOVEMENT OF INFESTED CHERRIES

WAC

- 16-463-001 Promulgation.
- 16-463-010 Conditions for shipment, transfer and sale of cherries.

WAC 16-463-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 15.17 and 15.08 RCW after due notice and public hearing held in Yakima, Washington on June 27, 1968, pursuant to chapters 42.32 and 34.04 RCW do hereby adopt the following rules*.

[Order 1099, § 16-463-001, filed 8/30/68, effective 9/30/68.]

*Reviser's note: WAC 16-463-001 applies to WAC 16-463-010 only.

WAC 16-463-010 Conditions for shipment, transfer and sale of cherries. No person shall ship or transfer from the area of production, or within the area of production, or offer for sale for human consumption, any cherries that are infested with live cherry fruit fly larvae.

[Order 1099, § 16-463-010, filed 8/30/68, effective 9/30/68.]

Chapter 16-465 WAC

RULES AND REGULATIONS FOR THE OFFICIAL DETERMINATION OF BACTERIAL RING ROT IN SEED POTATOES

WAC

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| 16-465-001 | Promulgation. |
| 16-465-010 | Sampling procedures for seed potatoes produced in Washington. |
| 16-465-020 | Sampling procedure for potato planting stock for seed or commercial production. |
| 16-465-030 | Handling and shipment of official samples. |
| 16-465-040 | Official reporting and diagnosis. |
| 16-465-050 | Disposition. |
| 16-465-060 | Effective date. |

WAC 16-465-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 15.08 RCW relating to horticulture pests and diseases, chapter 17.24 RCW relating to insect pests and plant diseases, chapter 15.14 RCW relating to planting stock, and chapter 15.17 RCW relating to standards of grades and packs, and after due notice as provided under chapters 34.04 and 42.32 RCW and a public hearing held in Moses Lake, Washington, on January 20, 1970, do hereby promulgate the following regulations for the official sampling procedure and determination of bacterial ring rot (*Corynebacterium sepedonicum*) in potatoes.

[Order 1138, § 16-465-001, filed 2/2/70.]

WAC 16-465-010 Sampling procedures for seed potatoes produced in Washington. (1) Official sample must be taken by authorized Washington state department of agriculture personnel.

(2) Samples may consist of stems, roots and/or tubers.

(3) Samples may be taken from a field lot, bin or other container.

(4) Samples may be taken any time during field inspection, harvesting or shipping.

[Order 1138, § 16-465-010, filed 2/2/70.]

WAC 16-465-020 Sampling procedure for potato planting stock for seed or commercial production. (1) Upon request, official samples will be taken by authorized Washington state department of agriculture personnel.

(2) Lot from which sample has been requested must be held until official diagnosis is made. Disposition will be in accordance with diagnosis result.

(3) Samples must be selected from containers with positive identification.

[Order 1138, § 16-465-020, filed 2/2/70.]

WAC 16-465-030 Handling and shipment of official samples. (1) A sample shall consist of a minimum of three to five tubers and/or affected stems or root systems.

(2) Lower stems and root systems shall be placed in a dry plastic bag for transportation.

(3) Affected tubers shall be wrapped in dry newspapers and placed in a box.

(4) Official sample and reporting form delivered to the state plant pathologist for diagnosis will be in a container sealed with a Washington state department of agriculture seal.

(5) Keep sample cool and deliver promptly to the state plant pathologist designated by the Washington state department of agriculture.

[Order 1138, § 16-465-030, filed 2/2/70.]

WAC 16-465-040 Official reporting and diagnosis.

(1) The official diagnosis shall be recorded on a form designated by the Washington state department of agriculture.

(2) This completed form with the results attested to by the designated state plant pathologist will be the official determination of the state of Washington.

[Order 1138, § 16-465-040, filed 2/2/70.]

WAC 16-465-050 Disposition. (1) Lots of potato planting stock officially determined to be infected with bacterial ring rot shall not be used for propagation purposes and will be disposed of in the following manners.

(a) Processing plant.

(b) Fresh consumption.

(c) Diverted outside of state of Washington at growers expense and discretion, if not grown in state of Washington.

(d) Disposition by burning.

[Order 1138, § 16-465-050, filed 2/2/70.]

WAC 16-465-060 Effective date. This order shall take effect on and after March 4, 1970.

[Order 1138, § 16-465-060, filed 2/2/70.]

Chapter 16-470 WAC

QUARANTINE—AGRICULTURAL PESTS

WAC

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| 16-470-210 | Articles under quarantine—Honey bee tracheal mite hosts and carriers. [Statutory Authority: Chapters 17.24 and 15.60 RCW. 85-15-008 (Order 1863), § 16-470-210, filed 7/8/85.] Repealed by 90-20-001 (Order 2053), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.24 RCW. | 16-470-635 | Varroa mite—Restrictions—Interior. [Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-635, filed 7/25/88.] Repealed by 92-06-023, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.60 and 17.24 RCW. |
| 16-470-220 | Honey bee tracheal mite—Area under quarantine—Exterior. [Statutory Authority: Chapters 17.24 and 15.60 RCW. 85-15-008 (Order 1863), § 16-470-220, filed 7/8/85.] Repealed by 90-20-001 (Order 2053), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.24 RCW. | | |
| 16-470-230 | Honey bee tracheal mite—Restrictions. [Statutory Authority: Chapters 17.24 and 15.60 RCW. 85-15-008 (Order 1863), § 16-470-230, filed 7/8/85.] Repealed by 90-20-001 (Order 2053), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.24 RCW. | | |
| 16-470-240 | Honey bee tracheal mite—Enforcement. [Statutory Authority: Chapters 15.60 and 17.24 RCW. 86-14-097 (Order 1896), § 16-470-240, filed 7/2/86.] Repealed by 90-20-001 (Order 2053), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.24 RCW. | | |
| 16-470-500 | Apple ermine moth—Quarantine. [Statutory Authority: Chapter 17.24 RCW. 87-04-027 (Order 1916), § 16-470-500, filed 1/30/87.] Repealed by 92-06-024, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.13 and 17.24 RCW. | | |
| 16-470-510 | Apple ermine moth—Area under quarantine. [Statutory Authority: Chapter 17.24 RCW. 87-04-027 (Order 1916), § 16-470-510, filed 1/30/87.] Repealed by 92-06-024, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.13 and 17.24 RCW. | | |
| 16-470-520 | Apple ermine moth—Commodities under quarantine. [Statutory Authority: Chapter 17.24 RCW. 87-04-027 (Order 1916), § 16-470-520, filed 1/30/87.] Repealed by 92-06-024, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.13 and 17.24 RCW. | | |
| 16-470-530 | Apple ermine moth quarantine—Restrictions—Requirements. [Statutory Authority: Chapter 17.24 RCW. 87-04-027 (Order 1916), § 16-470-530, filed 1/30/87.] Repealed by 92-06-024, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.13 and 17.24 RCW. | | |
| 16-470-600 | Quarantine—Varroa mite. [Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-600, filed 7/25/88.] Repealed by 92-06-023, filed 2/25/92, effective 3/27/92. Statutory Authority: Chapters 15.60 and 17.24 RCW. | | |
| 16-470-605 | Varroa mite—Regulated articles. [Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-605, filed 7/25/88.] Repealed by 92-06-023, | | |

WAC 16-470-010 Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(5) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

(6) "Commercial fruit" means fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled;

(b) Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant.

(7) "Honey bee" means bees of the species *Apis mellifera*.

(8) "Colony" means any natural group of bees having a queen.

(9) "Hive" means any receptacle or container made or prepared for the use of bees, including movable frames, combs, or substances deposited into the hive by bees.

(10) "Queen" means the fertile female honey bee, singly, in a shipping cage with attendant honey bees or in plurality with other queens in a shipping cage having common honey bee attendants.

(11) "Nuclei" means a shipping container or hive having five or less combs of bees and a queen.

(12) "Package" means a combless shipping container of bees with or without a queen.

(13) "Apiarist" means any person who owns bees or is a keeper of bees.

(14) "Net(s)" means fabricated material which is designed and utilized to prevent the escape of bees from bee colonies or hives during transit.

[Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-010, filed 7/25/88. Statutory Authority: Chapter 17.24 RCW. 86-07-020 (Order 1881), § 16-470-010, filed 3/12/86; 85-15-006 (Order 1861), § 16-470-010, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-010, filed 5/1/84, effective 7/1/84.]

WAC 16-470-015 Penalties. Any person who violates or fails to comply with any rule adopted under RCW 17.24.020 through 17.24.100 shall be guilty of a misdemeanor, and for a second and each subsequent violation of the same rule, shall be punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than one hundred dollars, or more than one thousand dollars, or by both fine and imprisonment.

[Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-015, filed 7/25/88. Statutory Authority: Chapter 17.24 RCW. 85-15-007 (Order 1862), § 16-470-015, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-015, filed 5/1/84, effective 7/1/84.]

WAC 16-470-020 Quarantine—Gypsy moth—Area under order. (1) Interior quarantine. Real and personal properties within Washington state and adjacent properties where the department has identified multiple gypsy moth life stages and where occupants and/or owners of those properties have been notified by the department of the gypsy moth infestation and to the effect that the subject property is under quarantine pursuant to chapter 16-470 WAC rules and requirements.

(2) Exterior quarantine. All areas of the United States and Canada that are declared high risk by the United States Department of Agriculture, animal, plant, health inspection service, plant protection and quarantine.

(3) The following definition shall apply to WAC 16-470-020 through 16-470-060: "Gypsy moth (*Lymantria dispar*)" means a lepidopterous insect of the family Lymandriidae which in the larval stage defoliates many species of trees and shrubs.

[Statutory Authority: Chapter 17.24 RCW. 86-07-020 (Order 1881), § 16-470-020, filed 3/12/86; 84-10-039 (Order 1822), § 16-470-020, filed 5/1/84, effective 7/1/84.]

WAC 16-470-030 Quarantine/gypsy moth hosts and carriers. The following articles and commodities are placed under quarantine when located within or originating from an area as described in WAC 16-470-020:

(1) Trees, shrubs with persistent woody stems, Christmas trees and parts of such trees and shrubs (except seeds, fruits and cones).

(2) Timber and building materials, including but not limited to such items as lumber, planks, poles, logs, firewood, pulpwood, fencing and building blocks.

(3) Mobile homes, recreational vehicles, trailers, boats, camping gear, and associated equipment.

(4) Outdoor household articles including but not limited to such items as furniture, toys, garden tools, garden machinery, animal houses.

(5) Any other items or means of conveyance not covered above when that item or conveyance presents a hazard of the spread of any life stage of gypsy moth.

[Statutory Authority: Chapter 17.24 RCW. 84-10-039 (Order 1822), § 16-470-030, filed 5/1/84, effective 7/1/84.]

WAC 16-470-040 Gypsy moth quarantine restrictions—Interior. Items under quarantine are prohibited movement from the area under quarantine except as follows:

(1) Any item under quarantine may be inspected and certified for movement by a department inspector if, in the inspector's judgment, it is free of all stages of gypsy moth. Any item that in the judgment of the department inspector is too large or for other reasons cannot be adequately inspected for all stages of gypsy moth will not be certified except as indicated in WAC 16-470-040 (3) and (4).

(2) Garden prunings from trees and shrubs may be moved under Washington state department of agriculture permit to the city or county dumps where such material is to be buried, incinerated, composted, or otherwise treated or handled in a manner that is approved by a department inspector and does not pose a hazard to the spread of gypsy moth life stages. A department permit is not necessary for such material picked up by city or county vehicles or trucking companies under contract to haul such material to county approved facilities for disposal.

(3) Any item which cannot be adequately inspected as stated in WAC 16-470-040(1) may be moved from the quarantine area if cleaned or treated as prescribed by the director and in a manner satisfactory to the department inspector. Such items cleaned or treated shall be certified by a department inspector before movement from the quarantine area.

(4) Department inspectors may also certify items for movement when in their judgment the item has not been exposed to infestation, or has not been exposed to infestation after being properly inspected, cleaned or treated.

(5) Expense of cleaning or treatment of articles or commodities for gypsy moth shall be the responsibility of the person in possession of the articles or commodities, or the consignee in case of commercial shipment by common carriers of household goods.

[Statutory Authority: Chapter 17.24 RCW. 84-10-039 (Order 1822), § 16-470-040, filed 5/1/84, effective 7/1/84.]

WAC 16-470-050 Gypsy moth quarantine restrictions—Exterior. Quarantined articles and commodities are prohibited entry into Washington state except as follows:

(1) Articles and commodities covered originating in the area under quarantine may enter this state: *Provided*, That

the articles or commodities are accompanied by a certificate issued by an authorized agricultural official in the state or province of origin which contains the following information:

- (a) The designation of the articles and commodities.
- (b) The county and state or province of origin.
- (c) A statement verifying that all the articles and commodities were inspected for all stages of gypsy moth, and:
 - (i) They originated in noninfested premises in the area under quarantine and have not been exposed to gypsy moth while in the area under quarantine; or
 - (ii) Upon inspection, they were found to be free of any stage of gypsy moth; or
 - (iii) They were treated at origin under the direction of an agricultural official to destroy any stage of gypsy moth; the method of treatment used and the date of the treatment shall also be stated; or
 - (iv) They were grown, produced, manufactured, stored or handled in such a manner that no stage of gypsy moth would be transmitted on them.
- (d) The original or facsimile signature of the authorized agricultural official.

(2) The certificate required under WAC 16-470-050(1) may be issued by a private enterprise: *Provided*, That the enterprise has been approved by the director, or by the United States Department of Agriculture, animal and plant health inspection service, plant protection and quarantine as having employees who have successfully completed a training program approved by the director or the United States Department of Agriculture, conducted by private organizations or state government officials, in the inspection for and treatment of gypsy moth; and the inspection and any treatment was performed, and the certificate issued by, one of those employees.

(3) Any certificate issued by a private enterprise shall contain the information required in WAC 16-470-050(1): *Provided*, That the statement relating to treatment at origin in WAC 16-470-050 (1)(c) shall verify that the articles and commodities were treated at origin by an employee who has successfully completed an approved training program in the inspection for and treatment of gypsy moth; and the signature required in WAC 16-470-050 (1)(d), shall be that of the employee issuing the certificate.

(4) The certificate required in WAC 16-470-050(1) shall be securely attached to the outside of the container containing the articles or commodities, or securely attached to the article or commodity itself if not in a container, or securely attached to the consignee's copy of the weighbill or other shipping document.

(5) Any article or commodity covered in WAC 16-470-030 which originated in the area under quarantine and is not accompanied by the certificate required may:

- (a) Enter Washington, if, in the determination of the department, the article or commodity is:
 - (i) Cleaned or treated to destroy gypsy moth at the point of entry; or
 - (ii) Cleaned or treated to destroy gypsy moth in the county of destination, under the supervision of the department, prior to release of the article or commodity. Any shipment containing articles or commodities to be cleaned or treated in the county of destination shall be sealed at point of entry or origin and held under quarantine in that county until the treatment or cleaning is to occur.

(b) Be refused entry in Washington, if, in the opinion of the department inspector that:

- (i) Cleaning or treatment to destroy gypsy moth at the point of entry would interfere with the movement of interstate commerce; and/or
- (ii) Cleaning or treatment to destroy gypsy moth in the county of destination presents a high risk of dissemination of gypsy moth during transit or it is not possible to effectively clean or treat due to lack of facilities and/or needed equipment or lack of personnel in that county.

(c) Expense of cleaning or treatment of articles and commodities for gypsy moth at point of arrival in Washington state, or in the county of destination shall be the responsibility of the person in possession of the articles and commodities or the consignee in the case of commercial shipment by common carrier of household goods.

(6) No certificate is required for movement into Washington of articles and commodities covered in WAC 16-470-030 that originated outside an area under quarantine when the point of origin is clearly indicated, their identity has been maintained and they have been safeguarded against infestation by gypsy moth while in the area under quarantine.

[Statutory Authority: Chapter 17.24 RCW. 84-10-039 (Order 1822), § 16-470-050, filed 5/1/84, effective 7/1/84.]

WAC 16-470-060 Special permits. The director may issue special permits admitting articles or commodities covered in WAC 16-470-030 not otherwise eligible for entry from the area under quarantine, subject to such conditions and provisions deemed necessary for protection of Washington agriculture.

[Statutory Authority: Chapter 17.24 RCW. 84-10-039 (Order 1822), § 16-470-060, filed 5/1/84, effective 7/1/84.]

WAC 16-470-100 Quarantine—Apple maggot and plum curculio—Area under order. (1) The following areas are declared by the director to be under quarantine for apple maggot:

(a) Exterior quarantine. All states or foreign countries where apple maggot is known to occur including but not limited to the states of North Dakota, South Dakota, Nebraska, Oklahoma, and Texas, and all states east thereof including the District of Columbia, and the states of Idaho, Oregon, Utah, and California, and any other areas where apple maggot is detected.

(b) Interior quarantine. The entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, Spokane, Skamania, Thurston and Wahkiakum, and any other counties where apple maggot is detected.

(c) Regional area quarantine. When mutually agreed upon, and formally accepted by the directors of the Washington state department of agriculture and Oregon state department of agriculture the following shall apply: In Oregon state the counties of Wasco and Hood River and in Washington state the counties of Skamania and Klickitat will be considered a single production area. Commercial fruit produced in these counties may move freely throughout this production area unless regulatory measures as prescribed in WAC 16-470-120 are implemented.

(2) The following areas are declared by the director to be under quarantine for plum curculio: Utah, and, in the eastern United States, all states and districts east of and including the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where plum curculio is detected.

(3) The following definitions shall apply to WAC 16-470-100 through 16-470-120:

(a) "Apple maggot (*Rhagoletis pomonella*)" means a dipterous insect belonging to the family Tephritidae which in the larval stage lives within fruit of its host plants with potential for causing extensive damage to fruit of certain crops.

(b) "Plum curculio (*Conotrachelus nenuphar*)" means a coleopterous insect of the family Curculionidae which in the larval stage lives within the fruit of its host plants with potential for causing extensive damage to fruit of certain crops.

(c) "Threatened with infestation" means that any life stage of apple maggot or plum curculio has been found within one-half mile of production site including any portion of an orchard outside or beyond the one-half mile boundary if any portion of the orchard is within the one-half mile area.

[Statutory Authority: Chapter 17.24 RCW. 91-03-115 (Order 2071), § 16-470-100, filed 1/23/91, effective 2/23/91; 90-24-034 (Order 2064), § 16-470-100, filed 11/30/90, effective 12/31/90; 86-07-020 (Order 1881), § 16-470-100, filed 3/12/86; 85-15-007 (Order 1862), § 16-470-100, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-100, filed 5/1/84, effective 7/1/84.]

WAC 16-470-110 Commodities under quarantine—Apple maggot hosts and carriers. (1) The following commodities shipped from all states including the District of Columbia as listed in WAC 16-470-100(1) are hereby placed under quarantine for apple maggot: All fresh fruit of apple (including crabapple), apricot, cherry, hawthorn (haw), nectarine, peach, pear (commercial pears from California, Idaho, Oregon, Utah, and Washington are exempt from the provisions of this chapter), plum, prune, quince, and rose hips are prohibited entry into the state of Washington except as provided in WAC 16-470-120 (1) through (9).

(2) The following commodities shipped from all states including the District of Columbia as listed in WAC 16-470-100(2) are hereby placed under quarantine for plum curculio: All fresh fruit of apple (including crabapple), apricot, blueberry, cherry, currant, grape, hawthorn (haw), huckleberry, nectarine, peach, pear, persimmon, plum, prune, and quince, are prohibited entry into the state of Washington except as provided in WAC 16-470-120 (1) through (9).

[Statutory Authority: Chapter 17.24 RCW. 85-15-007 (Order 1862), § 16-470-110, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-110, filed 5/1/84, effective 7/1/84.]

WAC 16-470-120 Apple maggot and plum curculio quarantine restrictions—Interior/exterior. (1) Certification required. Commodities described in WAC 16-470-110 that are produced in or shipped from the area under quarantine are prohibited entry into or movement within the state of Washington unless a certificate issued by and bearing the original or facsimile signature of the authorized agricultural official of the state from which the commodity is shipped evidencing compliance with WAC 16-470-120 (3), (4), (5), (7), (8), or (9). No certificate is required for commodities

meeting the requirements of WAC 16-470-120 (2) or (6).

(2) Reshipments in original containers. Commodities in original unopened containers, each bearing labels or other identifying marks evidencing origin outside the area under quarantine, may be reshipped to this state from any point within the area under quarantine.

(3) Repacked commodities. Each lot or shipment of commodities certified by an authorized agricultural official to have been grown outside the area under quarantine and which has had continued identity maintained while within the area under quarantine, may be repacked and shipped by common carrier from any point within the area under quarantine to this state. The certificate shall contain the following information:

(a) The state in which commodities were grown,

(b) The point of repacking and reshipment,

(c) The amount and kind of commodities comprising the lot or shipment,

(d) The names and addresses of the shipper and consignee.

(4) Apples exposed to controlled atmosphere (CA) storage. Apples which are exposed to controlled atmosphere (CA) storage for a continuous period of ninety days, during which period the temperature within the storage room has been maintained at thirty-eight degrees Fahrenheit or less, may be admitted into Washington: *Provided*, That the storage room or building is approved by the proper authorities in the state of origin as a controlled atmosphere facility, and each lot or shipment of such apples to Washington state is accompanied by a certificate, as provided in WAC 16-470-120(1).

(5) Shipments from cold storage. Commodities described in WAC 16-470-110 which are held in cold storage for a continuous period of forty days or more, during which period the temperature within the storage room is maintained at thirty-two degrees Fahrenheit or less, may be admitted into Washington state: *Provided*, That each lot or shipment is accompanied by a certificate, as stated in WAC 16-470-120(1) evidencing compliance with the minimum temperature requirements.

(6) Solid frozen fruits exempt. No restrictions are placed on the entry into this state of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state.

(7) Commercial fresh fruit from California, Idaho, Utah, Oregon, and Washington. All commercial fresh fruit as described in WAC 16-470-110 grown in and shipped from the states of California, Idaho, Utah, Oregon, and Washington may be shipped into or within Washington state: *Provided*, That the origin state department of agriculture conducts an adequate apple maggot (and plum curculio in Utah and in any other state where plum curculio is detected) detection program and provides the Washington state department of agriculture immediate written notification of detections in counties where apple maggot (and plum curculio in Utah and in any other state where plum curculio is detected) has not been previously detected, and the origin state shall certify that shipments originated in an area found to be free from apple maggot (and plum curculio in Utah and in any other state where plum curculio is detected) and were grown in a commercial orchard and have not been placed under quarantine by the origin state or the director.

(8) All commercial fresh fruit of apple (including crabapple), cherry, hawthorn (haw), plum, and prune produced in counties in the states of California, Idaho, Oregon, and Utah where apple maggot is known to occur, or all commercial fresh fruit listed in WAC 16-470-110 produced in counties in the state of Utah where plum curculio is known to occur may move into Washington under permit, when permit provisions have been authorized by the director and formally accepted by the origin state.

(9) All commercial fresh fruit of apple (including crabapple) and hawthorn (haw) produced in or shipped from any location in Washington state. The director may pursuant to RCW 17.24.105 prescribe specific regulatory or control measures to apply within designated areas to prevent or minimize the possible movement of apple maggot from commercial orchards. The following action shall be taken when it has been determined that the commercial fruit may be infested with or threatened with infestation by apple maggot or plum curculio.

(a) All fresh fruit of apple (including crabapple) and hawthorn (haw) (except graded culls - see (b) of this subsection) shall be sampled by an authorized agency inspector, following accepted agency and industry standards.

(i) If found to be free from apple maggot or plum curculio, a certificate as provided for in WAC 16-470-120(1) shall be issued.

(ii) If found to be infested with apple maggot or plum curculio, one or more of the following procedures shall be prescribed before any fresh fruit of apple (including crabapple) and hawthorn (haw) are moved from designated or quarantined areas.

(A) Fresh fruit to be exposed to controlled atmosphere (CA) storage as provided in WAC 16-470-120(4).

(B) Fresh fruit to be exposed to cold storage as provided in WAC 16-470-120(5).

(C) Other methods as may be prescribed by the director.

(b) Graded culls shall be subject to (a)(ii) (A) or (B) of this subsection or other requirements as prescribed by the director.

(10) All commodities as described in WAC 16-470-110 known or found to be infested with or damaged by apple maggot or plum curculio shall not be sold, held for sale, or offered for sale, except as provided for in WAC 16-470-120 (4) or (5).

[Statutory Authority: Chapter 17.24 RCW. 85-15-007 (Order 1862), § 16-470-120, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-120, filed 5/1/84, effective 7/1/84.]

WAC 16-470-130 Special permits. The director may issue special permits admitting commodities covered in WAC 16-470-110 not otherwise eligible for entry from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent introduction, escape or spread of the quarantined pests.

[Statutory Authority: Chapter 17.24 RCW. 84-10-039 (Order 1822), § 16-470-130, filed 5/1/84, effective 7/1/84.]

WAC 16-470-300 Quarantine—Onion white rot disease. (1) The director finds that onion white rot disease is detrimental to the onion industry of Washington state and a quarantine is established to prevent the spread and intro-

duction of onion white rot disease caused by *Sclerotium cepivorum*, a fungus, within noninfested areas of Washington state.

(2) The following definition shall apply to WAC 16-470-300 through 16-470-340: "Onion" means any *Allium* spp. including but not limited to onion, garlic, leek, chive, or shallots.

[Statutory Authority: Chapter 17.24 RCW. 86-07-020 (Order 1881), § 16-470-300, filed 3/12/86; 85-20-043 (Order 1873), § 16-470-300, filed 9/25/85.]

WAC 16-470-310 Onion white rot disease—Area under order. The area under quarantine for onion white rot disease includes Adams, Franklin, and Grant counties.

[Statutory Authority: Chapter 17.24 RCW. 85-20-043 (Order 1873), § 16-470-310, filed 9/25/85.]

WAC 16-470-320 Onion white rot disease—Restrictions—Control—Prevention—Sanitation. The following restrictions are declared to be the proper methods for the control and prevention of the introduction of onion white rot disease which shall be used in the quarantine area described in WAC 16-470-310:

(1) No person shall import into the quarantine area for the purpose of planting or propagation bulbs, sets, or seedlings of onion, garlic, leek, chive, shallots, or other *Allium* spp. except those produced in and shipped from any area of this state or other states where onion white rot is not known to occur, and each shipment shall be certified to be free from white rot disease by the origin state department of agriculture.

(2) Except as provided in this chapter, no person shall in any manner import or move soil, machinery, tools, or equipment into the quarantine area, which have been previously used in any manner on fields outside the quarantine area where the host plants named in subsection (1) of this section have been cultivated. Machinery, tools or equipment may be imported or moved into the quarantine area with prior approval from the department: *Provided*, That the soil, machinery, tools or equipment are cleaned and sterilized to the satisfaction of the department prior to movement into the quarantine area. The cleaning shall include the thorough removal of all dirt by the use of steam under pressure. Sterilization shall be accomplished by the use of steam. For the purposes of this section, "machinery, tools or equipment" includes but is not limited to vehicles, farm trucks, harvesters, and tillage equipment.

(3) The department may stop the movement of any machinery, tools, or equipment into or within the quarantine area which have not been cleaned and sterilized as provided in this section.

(4) No person shall knowingly import into the quarantine area livestock which have been pastured on irrigated fields known to be infested with white rot or have been fed white rot infested plant parts; nor shall white rot infested plant parts be imported into the quarantine area for livestock feed; nor shall white rot infested plant parts found in the quarantined area be fed to livestock. No restrictions are imposed by this quarantine on livestock moving to feed lots, sale yards, or exhibition sites (such as fairgrounds, shows, etc.) in the quarantined area.

[Statutory Authority: Chapter 17.24 RCW. 85-20-043 (Order 1873), § 16-470-320, filed 9/25/85.]

WAC 16-470-330 Onion white rot disease—Enforcement. (1) The department may inspect any onions or onion planting areas within the quarantine area during any time of the year to determine whether the disease organism is present. If the department finds that any onions, whether they are being transported, or any fields are infested with the disease organism, the department may seize any infested onions which are separated from the land on which grown, or by written order direct the control and eradication of an infestation. The written order shall be mailed or hand delivered to the onion grower or field owner.

(2) Movement of infested onions within the quarantine area or removal of infested onions from the quarantine area shall be carried out only with the department's prior approval and under its supervision.

(3) Control and eradication methods used shall be only those approved by the department and Washington State University and may include:

- (a) The destruction of any infested onions;
- (b) A directive that a specific part or all of any infested area be taken out of onion production;
- (c) A directive that any infested area be fenced, properly diked to prevent off-flow of irrigation or rainwater, and planted to an approved crop which will prevent soil erosion and will not require annual tillage;
- (d) Prohibit the pasturing of animals on any infested area;
- (e) A directive that equipment, tools and machinery used on an infested area be cleaned and sterilized as described in WAC 16-470-320 prior to removal from the area.

[Statutory Authority: Chapter 17.24 RCW. 85-20-043 (Order 1873), § 16-470-330, filed 9/25/85.]

WAC 16-470-340 Onion white rot disease—Research. The department may, with the consent of the owner, allow use of an infested growing area as an experimental plot by Washington State University for onion white rot research. Use of the growing area for research shall be subject to the prior approval of, and supervised by the department.

[Statutory Authority: Chapter 17.24 RCW. 85-20-043 (Order 1873), § 16-470-340, filed 9/25/85.]

WAC 16-470-400 Quarantine—Chestnut. The director finds that chestnut pests not known to occur in Washington may be detrimental to the chestnut industry of Washington state and a quarantine is established to prevent the introduction of designated chestnut pests into Washington state.

[Statutory Authority: Chapter 17.24 RCW. 85-21-003 (Order 1875), § 16-470-400, filed 10/3/85.]

WAC 16-470-410 Chestnut—Area under quarantine. The area under quarantine for designated chestnut pests includes all states and districts of the United States.

[Statutory Authority: Chapter 17.24 RCW. 85-21-003 (Order 1875), § 16-470-410, filed 10/3/85.]

WAC 16-470-420 Chestnut—Pests. The following are designated chestnut pests: Chestnut bark disease (*Endothia parasitica*); large chestnut weevil (*Curculio caryatrypes*); small chestnut weevil (*Curculio sayi*); nut curculio (*Conotrachelus carinifer*); and the oriental chestnut gall wasp (*Dryocosmus kuriphilus*).

[Statutory Authority: Chapter 17.24 RCW. 85-21-003 (Order 1875), § 16-470-420, filed 10/3/85.]

WAC 16-470-430 Chestnut pests—Hosts and carriers—Commodities under quarantine. Commodities under quarantine are all known carriers of designated pests listed in WAC 16-470-420, including but not limited to all species and varieties of chestnut (*Castanea* spp.) and chinquapin (*Castanopsis* spp.) trees, plants and parts thereof including grafts, cuttings, scions, nuts, logs and firewood.

[Statutory Authority: Chapter 17.24 RCW. 85-21-003 (Order 1875), § 16-470-430, filed 10/3/85.]

WAC 16-470-440 Chestnut quarantine—Restrictions—Requirements. Commodities under quarantine for designated chestnut pests are prohibited entry into Washington state from areas under quarantine (see WAC 16-470-410) except as provided below:

(1) Commodities under quarantine produced in Arizona, California, Idaho, Nevada, Oregon and Utah may be shipped into Washington state: *Provided*, That each shipment is identified by proper origin certification stating the shipment originated in that state.

(2) Commodities under quarantine produced in any area of Montana, Wyoming, Colorado, New Mexico, or any states east thereof may be shipped into Washington state: *Provided*, That each shipment is accompanied by a certificate bearing original or facsimile signature of the authorized agricultural official affirming that chestnut bark disease, large chestnut weevil, small chestnut weevil, nut curculio, and oriental chestnut gall wasp are not known to occur within the production area of the origin state.

(3) Commodities under quarantine produced in any area where chestnut bark disease, large chestnut weevil, small chestnut weevil, nut curculio, and oriental chestnut gall wasp are known to occur may be shipped into Washington state: *Provided*, That the commodities under quarantine have been treated in a manner recommended by the origin department of agriculture or university extension service and approved by the department. Each shipment shall be accompanied by a certificate bearing the original or facsimile signature of the authorized agricultural official stating the commodity is free from quarantined pests, and stating in detail the treatment used.

(4) No restrictions are placed on the nuts of all species and varieties of chestnut and chinquapin that are grown in and imported from foreign countries as regulated by the United States Department of Agriculture and reshipped into Washington state when shipped in unopened, original containers.

(5) In addition to all other penalties prescribed in WAC 16-470-015, all host material listed in WAC 16-470-430 entering Washington state in violation of this quarantine will immediately be shipped out of Washington or destroyed by the person or persons in possession of the material in a

manner approved by the department at no cost to the department.

[Statutory Authority: Chapter 17.24 RCW. 85-21-003 (Order 1875), § 16-470-440, filed 10/3/85.]

WAC 16-470-700 Quarantine—Japanese beetle. A quarantine is established under this chapter against the pest known as Japanese beetle (*Popillia japonica* Newman), a member of the family Scarabaeidae. The Japanese beetle is a persistent, serious and highly destructive pest, attacking the roots, leaves, and fruits of over three hundred kinds of plants including fruit trees, ornamentals, and field and vegetable crops.

[Statutory Authority: Chapter 17.24 RCW. 90-15-042 (Order 2049), § 16-470-700, filed 7/16/90, effective 8/16/90.]

WAC 16-470-705 Areas under quarantine. (1) Except as provided in subsection (2) of this section, the entire states of Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia, and the Provinces of Ontario and Quebec are declared to be under quarantine for Japanese beetle.

(2) The director may exempt individual counties of the states under quarantine from meeting the conditions in WAC 16-470-715 if the director determines that:

(a) The state has adopted and is enforcing restrictions on the interstate and intrastate movement of regulated articles that are equivalent to or exceed the restrictions placed on the movement of regulated articles as provided in this rule; and

(b) Annual surveys are conducted in such counties and the results of such surveys are negative for Japanese beetle.

(3) Any state may request exemption of one or more counties under subsection (2) of this section. Such request shall be in writing and signed by a duly authorized official stating the areas surveyed, the survey method, and the last date of Japanese beetle infestation in such county if previously infested. The director shall maintain a list of any county so exempted.

[Statutory Authority: Chapter 17.24 RCW. 90-15-042 (Order 2049), § 16-470-705, filed 7/16/90, effective 8/16/90.]

WAC 16-470-710 Regulated articles. The following are hereby declared to be hosts or possible carriers of Japanese beetle and are prohibited entry into this state from an area under quarantine either directly, indirectly, diverted or reconsigned, except as provided for in WAC 16-470-715:

(1) Soil, humus, compost, and manure (except when commercially packaged);

(2) All plants with roots (except bareroot plants free from soil);

(3) Grass sod;

(4) Plant crowns or roots for propagation (except when free from soil);

(5) Bulbs, corms, tubers, and rhizomes of ornamental plants (except when free of soil);

(6) Any other plant, plant part, article, or means of conveyance when it is determined by the director to present

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a hazard of spreading live Japanese beetle due to either infestation, or exposure to infestation by Japanese beetle.

[Statutory Authority: Chapter 17.24 RCW. 90-15-042 (Order 2049), § 16-470-710, filed 7/16/90, effective 8/16/90.]

WAC 16-470-715 Conditions governing the movement of regulated articles into Washington state. (1) Persons shipping regulated articles into this state from areas under quarantine shall notify the department's plant protection branch of the nature and quantity of each shipment, its expected date of arrival at destination, the name of the intended receiver and the destination. The person to whom the commodities are shipped shall hold the same until they are inspected and released by the department.

(2) The commodities covered shall be accompanied by a certificate issued by an authorized state or federal regulatory official from the state of origin certifying that the commodity, soil, or means of conveyance is treated with methods and procedures approved and prescribed by the director.

(3) Privately owned houseplants grown indoors may be allowed entry into this state without meeting the requirements of subsection (2) of this section if a department official inspects such plants as prescribed in subsection (1) of this section and determines that they are free from Japanese beetle.

[Statutory Authority: Chapter 17.24 RCW. 90-15-042 (Order 2049), § 16-470-715, filed 7/16/90, effective 8/16/90.]

WAC 16-470-720 Special permits. The director may issue special permits admitting regulated articles covered in WAC 16-470-710 not otherwise eligible for entry from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent the introduction, escape, or spread of the Japanese beetle.

[Statutory Authority: Chapter 17.24 RCW. 90-15-042 (Order 2049), § 16-470-720, filed 7/16/90, effective 8/16/90.]

WAC 16-470-900 Schedule of fees and charges—Billing policies and procedures. (1) All billable services provided under chapter 17.24 RCW are due and payable upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing. Accounts not paid in full within thirty days of billing shall be considered delinquent.

(2) All delinquent accounts shall be assessed a late charge equal to one percent per month, or portion of a month, on the unpaid balance.

(3) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system shall be twenty dollars. All billable services of less than twenty dollars shall be due and payable on the date that service is rendered.

(4) No person with an account ninety days or more in arrears shall receive service except on the basis of payment in full at the time service is rendered. Such accounts shall not be restored to monthly billing status until all past due amounts are paid-in-full. Such accounts may be subject to legal action for collection.

(5) Accounts that become ninety days or more in arrears twice within a five-year period may be subject to a permanent requirement for payment in full at the time service is provided.

[Statutory Authority: Chapter 17.24 RCW. 92-07-023, § 16-470-900, filed 3/10/92, effective 4/10/92.]

WAC 16-470-905 Schedule of fees and charges—Establishing hourly rates. (1) Requested services shall be provided at an hourly rate and an overtime rate except as provided in WAC 16-470-905(5). The overtime rate shall apply for service provided before 8:00 a.m. or after 5:00 p.m. during the work day and for all services provided on Saturday, Sunday, or on a holiday listed in subsection (2) of this section.

(2) Holidays shall mean New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving Day, Veteran's Day, Christmas Day, President's Day, and Martin Luther King's Birthday.

(3) The minimum hourly charge assessed shall be one hour. Additional charges shall be in one-half hour increments prospectively.

(4) Persons requesting service with less than twenty-four hours notice on a weekend or holiday, or before 8:00 a.m. or after 5:00 p.m., may be subject to a call back charge of two hours at the overtime rate in addition to all other charges if the department is actually required to pay call back to the employee(s) providing the requested service.

(5) For larger projects, the department reserves the right to provide service by written agreement at a single, negotiated cost or at a negotiated hourly rate.

[Statutory Authority: Chapter 17.24 RCW. 92-07-023, § 16-470-905, filed 3/10/92, effective 4/10/92.]

WAC 16-470-910 Schedule of fees and charges—Applicable fees and charges.

- (1) Hourly rate \$25.00
(2) Overtime rate \$32.00
(3) Laboratory diagnostic services, except as provided in subsection (4) of this section, shall be charged at the applicable hourly rate plus materials.

(4) Plant pathology laboratory diagnostic fees shall be as follows:

(4) Plant pathology laboratory diagnostic fees shall be as follows:

Table with 6 columns: Identity Determination, 1 sample, 5 samples, 10 samples, 50 samples, 100+samples. Rows include virus, bacteria, fungus, nematode.

Note: To receive volume rates, samples must be submitted as a unit and identification request must be for one specific virus, bacterium, fungus, or nematode.

[Statutory Authority: Chapter 17.24 RCW. 92-07-023, § 16-470-910, filed 3/10/92, effective 4/10/92.]

WAC 16-470-915 Schedule of fees and charges—Fees for post entry inspection services.

- (1) Site inspection and/or permit review and approval \$50.00

(2) Subsequent inspections of post entry plant materials shall be provided at the applicable hourly rate.

(3) Post entry inspection fees may be waived for state universities, United States Department of Agriculture researchers, and other public entities.

(4) Fees for post entry inspection services shall be effective May 1, 1992.

[Statutory Authority: Chapter 17.24 RCW. 92-07-023, § 16-470-915, filed 3/10/92, effective 4/10/92.]

WAC 16-470-920 Schedule of fees and charges—Miscellaneous fees.

(1) Mileage at the established office of financial management rate (schedule A), per diem at actual cost, and travel time at the hourly rate may be assessed for requested inspections or post entry inspections that are not a part of a regular work schedule. Such charges may be prorated among applicants if more than one applicant is provided service during a work day or trip when per diem is applicable.

(2) Postage and other miscellaneous costs shall be charged back at the actual cost.

(3) Certificates of inspection, phytosanitary certificates, and other official documents shall be provided subject to the charges and conditions established in WAC 16-401-025.

(4) Fee for special handling service (i.e., Federal Express, Air Parcel Post, or Air Freight) \$3.50

(5) Fee for facsimile transmission of documents, per document \$3.50

[Statutory Authority: Chapter 17.24 RCW. 92-07-023, § 16-470-920, filed 3/10/92, effective 4/10/92.]

Chapter 16-471 WAC

CHRYSANTHEMUM WHITE RUST DISEASE

WAC

- 16-471-010 Definitions.
16-471-015 Penalties.
16-471-020 Quarantine—Chrysanthemum white rust disease.
16-471-030 Area under quarantine.
16-471-040 Regulated articles.
16-471-050 Conditions governing the movement of regulated articles from an area under quarantine.
16-471-060 Plant and plant parts to be destroyed or treated—Interval before replanting.
16-471-070 Special permits and compliance agreements.
16-471-080 Notice of quarantine—Notice of destruction.

WAC 16-471-010 Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-010, filed 1/11/91, effective 2/11/91.]

WAC 16-471-015 Penalties. Any person who violates or fails to comply with any rule adopted under RCW 17.24.020 through 17.24.100 shall be guilty of a misdemeanor, and for a second and each subsequent violation of the same rule, shall be guilty of a gross misdemeanor.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-015, filed 1/11/91, effective 2/11/91.]

WAC 16-471-020 Quarantine—Chrysanthemum white rust disease. An interior quarantine is established under chapter 17.24 RCW against the disease known as chrysanthemum white rust disease, *Puccinia horiana* P. Henn. Chrysanthemum white rust is a serious fungal disease which threatens chrysanthemums, an important floral and ornamental crop, and is not known to occur in the United States.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-020, filed 1/11/91, effective 2/11/91.]

WAC 16-471-030 Area under quarantine. Real or personal properties within the state of Washington:

(1) On which the department has identified chrysanthemum white rust or which is identified as a recipient of infected plants; and

(2) Where the occupants and owners of those properties have been notified by the department of the chrysanthemum white rust infestation or the receipt of infected plants, and the conditions and requirements of this quarantine as provided in WAC 16-471-080.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-030, filed 1/11/91, effective 2/11/91.]

WAC 16-471-040 Regulated articles. The following are regulated articles and are hereby declared to be hosts or possible carriers of chrysanthemum white rust disease and shall not be moved from the area under quarantine either directly, indirectly, diverted or reconsigned, except as provided for in WAC 16-471-050:

(1) Plant or plant parts of any susceptible chrysanthemum species including but not limited to the following:

| COMMON NAME | SCIENTIFIC NAME |
|------------------------|---|
| Nippon daisy | <i>C. nipponicum</i> |
| Florists chrysanthemum | <i>C. morifolium</i> (syn. <i>C. sinense</i>) |
| High daisy | <i>C. uliginosum</i> |
| (No Common Name) | <i>C. arcticum</i> |
| | <i>C. shiwogiku</i> |
| | <i>C. pacificum</i> |
| | <i>C. makinoi</i> |
| | <i>C. indicum</i> (syn. <i>C. japonicum</i>) |
| | <i>C. yezoeuse</i> |
| | <i>C. koreanum</i> |
| | <i>C. boreale</i> |
| | <i>C. yosinagathum</i> |

(2) Soil, humus, compost, manure, planting media, or rooting media.

(3) Tools and implements used in chrysanthemum cultivation.

(4) Any other products, articles, or means of conveyance, of any character whatsoever, when it is determined by the director that they present a hazard of spread of chrysan-

themum white rust disease and the person in possession thereof has been so notified.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-040, filed 1/11/91, effective 2/11/91.]

WAC 16-471-050 Conditions governing the movement of regulated articles from an area under quarantine. Regulated articles are prohibited movement from the area under quarantine except that tools and implements used in chrysanthemum cultivation that may have come in contact with infected plants or contaminated soil may be moved if:

(1) Disinfected by washing with steam or high pressure hot water; and

(2) Protected from further contact with infected plants or contaminated soil.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-050, filed 1/11/91, effective 2/11/91.]

WAC 16-471-060 Plant and plant parts to be destroyed or treated—Interval before replanting. (1) All plants and plant parts of chrysanthemum species listed in WAC 16-471-040(1) found in the area under quarantine shall be (a) destroyed by incineration, burial in lime pits, or heat treatment; or (b) otherwise treated in a manner prescribed by the director.

(2) Following the destruction or treatment of the current stand of all chrysanthemum plants or plant parts, no susceptible chrysanthemum species shall be planted or grown in the area under quarantine for a period of at least two months unless prior written authorization is obtained from the director.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-060, filed 1/11/91, effective 2/11/91.]

WAC 16-471-070 Special permits and compliance agreements. The director may issue special permits or enter into compliance agreements allowing the movement of regulated articles covered in WAC 16-471-040 not otherwise eligible for movement from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent the escape or spread of chrysanthemum white rust disease.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-070, filed 1/11/91, effective 2/11/91.]

WAC 16-471-080 Notice of quarantine—Notice of destruction. When the director finds real or personal property as described in WAC 16-471-030(1) the director shall issue a written notice of quarantine to the owners and occupants thereof. The notice shall identify the property under quarantine, order the prompt destruction of susceptible species of chrysanthemum plants, and direct treatment of any other regulated articles.

[Statutory Authority: Chapter 17.24 RCW. 91-03-046 (Order 2070), § 16-471-080, filed 1/11/91, effective 2/11/91.]

**Chapter 16-472 WAC
BARBERRY AND BLACK STEM RUST**

[Order 556, effective 9/1/49.]

| | |
|------------|---|
| WAC | |
| 16-472-010 | Establishing quarantine—Promulgation. |
| 16-472-020 | Duty to destroy rust susceptible barberry bushes. |
| 16-472-030 | No restrictions placed on the growing or intrastate movement of rust-resistant barberry, mahonia, and mahoberberis plants or seeds. |
| 16-472-040 | All packages to be plainly labelled or stamped. |
| 16-472-050 | Recision of previous conflicting regulations. |

WAC 16-472-040 All packages to be plainly labelled or stamped. (1) All intrastate and interstate shipments and/or individual packages of *Berberis*, *Mahonia* or *Mahoberberis* plants, seeds, or parts thereof capable of propagation must be plainly labelled or stamped on the outside of the package as to botanical species or horticultural variety and must be plainly marked with the name and address of the consignee and consignor. In addition, when required by federal quarantine No. 38, revised, each shipment and/or individual package containing *Berberis*, *Mahonia* or *Mahoberberis* plants or seeds shall have securely attached to the outside thereof, a valid shipping permit issued by the United States Department of Agriculture authorizing the interstate movement of regulated products.

WAC 16-472-010 Establishing quarantine—Promulgation. (1) Whereas, the fact has been determined and notice is hereby given that the common barberry, (*Berberis vulgaris*) and its horticultural varieties as well as certain other species of *Berberis*, *Mahonia*, and *Mahoberberis* are the alternate host plants of disease known as black stem rust, caused by an organism *Puccinia graminis*, which attacks wheat, oats, barley and rye, and many cultivated and wild grasses, often resulting in material financial loss to growers of these crops in Washington, and whereas, the spread of this plant disease throughout the state of Washington would entail great loss to the agricultural interests of this state,

(2) Any and all employees and designated agents of the horticultural division of the state department of agriculture, are hereby empowered and instructed to intercept, condemn, and destroy, or return to shipper at his expense, *Berberis*, *Mahonia* and *Mahoberberis* plants or seeds moved in violation of and not marked in accordance with the above regulations. All authorized persons mentioned above also are empowered and instructed to enforce all other provisions of this order.

(2) Now, therefore, I, Sverre N. Omdahl, director of agriculture of the state of Washington, under authority vested in me by RCW 17.24.030, in order to prevent the spread of black stem rust caused by an organism *Puccinia graminis*, do hereby proclaim and establish a quarantine effective throughout the state of Washington prohibiting the maintenance, propagation, sale or movement throughout the state of Washington, of species and varieties of *Berberis*, *Mahonia*, and *Mahoberberis* determined to be alternate hosts of this disease, including any plants, cuttings, stalks, scions, buds, fruits, seeds or parts of these plants capable of propagation.

(3) Articles subject to destruction in these regulations may be moved interstate and intrastate by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall have securely attached to the outside thereof an identifying tag from the Bureau of Entomology and Plant Quarantine, showing compliance with such conditions.

[Order 556, effective 9/1/49.]

[Order 556, effective 9/1/49.]

WAC 16-472-020 Duty to destroy rust susceptible barberry bushes. It shall be the duty of all firms, corporations, private individuals, and other persons owning or controlling lands, or places in this state, and all public authorities having jurisdiction over streets, highways, parks, public lands, irrigation canals, diking districts, and other public places, to forthwith destroy all rust-susceptible barberry bushes from said premises and to keep the same free from such plants.

WAC 16-472-050 Recisions of previous conflicting regulations. All previous quarantines or regulations that may be found in conflict with the provisions of this quarantine are hereby rescinded.

[Order 556, effective 9/1/49.]

[Order 556, effective 9/1/49.]

WAC 16-472-030 No restrictions placed on the growing or intrastate movement of rust-resistant barberry, mahonia, and mahoberberis plants or seeds. No restrictions are placed by these regulations on the growing or intrastate movement of rust-resistant *Barberry*, *Mahonia*, and *Mahoberberis* plants or seeds; however, these shall consist only of those species and horticultural varieties designated as rust-resistant by the chief of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture in section 301.38-5 of Federal Quarantine No. 38.

**Chapter 16-478 WAC
EUROPEAN CORN BORER**

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| WAC | |
| 16-478-001 | Promulgation. |
| 16-478-00101 | Promulgation. |
| 16-478-010 | Pest. |
| 16-478-020 | Area under quarantine. |
| 16-478-030 | Infested area. |
| 16-478-040 | Commodities covered. |
| 16-478-050 | Restrictions. |
| 16-478-060 | Enforcing powers. |
| 16-478-070 | Federal shipments exempt. |
| 16-478-080 | Commodities covered subject to other rules and regulations. |
| 16-478-090 | Disposition of violations and penalties. |
| 16-478-100 | Common carrier agents must hold shipments. |

Cuttings (without roots) of *Mahonia* shipped for decorative purposes and not for propagation do not come under these restrictions.

WAC 16-478-001 Promulgation. (1) Whereas, the fact has been determined that a dangerous insect pest known

as the European corn borer, *pyrausta nubilalis* (hubn.), heretofore not known to exist in the state of Washington, exists in the hereinafter described infested areas, and that the restricted products herein described are hosts or possible carriers of said pests;

(2) Now, therefore, I, Sverre N. Omdahl, director of agriculture of the state of Washington, by virtue of authority vested in me by RCW 17.24.030, hereby declare it necessary, in order to prevent the introduction of said European corn borer into the state of Washington, to establish a quarantine at the boundaries of the state of Washington, setting forth the infested area, the regulated products, conditions governing shipment of regulated products, and the conditions governing the issuance of certificates under which regulated products may be shipped.

[Order 607, Promulgation, effective 7/23/51.]

WAC 16-478-00101 Promulgation. (1) Whereas, it has been determined that the present requirements of the European corn borer quarantine No. 607 present some restrictions to interstate commerce in the movement of dry corn into the state of Washington or through the state of Washington for export;

(2) Now, therefore, I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of authority vested in me by RCW 17.24.030 hereby amend WAC 16-478-050 to set forth the rules allowing agents to issue official certificates for corn.

[Order 1476, § 16-478-00101, filed 7/2/76.]

WAC 16-478-010 Pest. European corn borer, *pyrausta nubilalis* (hubn.)

[Order 607, effective 7/23/51.]

WAC 16-478-020 Area under quarantine. All states and districts of the United States except the states of Arizona, California, Idaho, Nevada, Oregon and Utah.

[Order 607, effective 7/23/51.]

WAC 16-478-030 Infested area. Entire states of Alabama, Arkansas, Connecticut, Colorado, Delaware, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

[Order 607, effective 7/23/51.]

WAC 16-478-040 Commodities covered. (Restricted products). Corn, broomcorn, sorghums, and Sudan grass plants and all parts thereof (including seed and shelled grain, and stalks, ears, cobs, and all other parts, fragments, or debris of said plants), beans in the pod, beets, celery, bell pepper fruits, endive, Swiss chard, and rhubarb (cut or plants with roots), cut flowers and entire plants of aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnia, Japanese hop, dahlia (except tubers without stems) and

gladiolus (except corms without stems) are hereby declared to be hosts or possible carriers of the pest herein quarantined against.

[Order 607, effective 7/23/51.]

WAC 16-478-050 Restrictions. (1) **Certification required on shelled grain and seed.** Except as provided in (2) below, and effective immediately, all shelled grain and seed of corn, broomcorn, sorghums, and Sudan grass, grown in or shipped from the infested area described in WAC 16-478-030 above, arriving in the state of Washington from the area under quarantine as described in WAC 16-478-020 above, will be admitted into the state of Washington only provided each lot or shipment is accompanied by an official certificate (see (6) below) of the state or district from which shipped, affirming either that said grain or seed has been passed through a 1/2 inch mesh screen or less or otherwise cleaned prior to loading and is believed to be free from stalks, cobs, stems or other portions of plants or fragments capable of harboring larva of the European corn borer and further, that the car or truck was free from such plants or fragments at the time of loading, or affirming that said grain or seed has been fumigated with methyl bromide at the rate of 4 pounds per 1000 cubic feet for 16 hours at 60 degrees temperature, **except that** shelled grain and seed of corn, broomcorn, sorghums, and Sudan grass grown in and shipped from the states under quarantine and not excepted in WAC 16-478-020 above, will be admitted into the state of Washington provided each such shipment or lot is accompanied by an official certificate (see (6) below) of the state where produced affirming that all grain or seed covered by said certificate is a product of said state wherein no European corn borer is known to exist and that its continued identity has been maintained to assure no blending or mixing with grain, seed, plants, or portions thereof produced in or shipped from infested areas herein described.

(2) **Small lots, and packages of seed admitted without certificate.** Individual shipments or lots of one hundred pounds or less of clean shelled grain and seed covered by this regulation, or comprised of packages of less than ten pounds, are hereby exempted from the certification requirements of (1) above and will be admitted into this state subject to inspection and freedom from other plant parts, fragments, and debris capable of harboring European corn borer.

(3) **Stalks, ears, cobs, or other parts, fragments, or debris of corn, broomcorn, sorghums, and Sudan grass admitted under disinfection or treatment certificate.** Stalks, ears, cobs, or other parts, fragments or debris of corn, broomcorn, sorghums, and Sudan grass grown in or shipped from the area under quarantine imported as such or as packing or otherwise, will be admitted into the state of Washington only provided each lot or shipment is accompanied by an official certificate (see (6) below) of the state from which shipped affirming that all stalks, ears, cobs, or other parts, fragments, or debris of such plants accompanied thereby have been fumigated with methyl bromide at the rate of 3 pounds per 1000 cubic feet for 4 hours at 60 degrees, or have been sterilized or disinfected by a method and in a manner prescribed by the director of agriculture of the state of Washington, except that stalks, ears, cobs, or other parts,

fragments, or debris of said plants grown in and shipped from states not listed in the infested area described in WAC 16-478-030 above will be admitted into the state of Washington provided each shipment or lot is accompanied by an official certificate (see (6) below) of the state where produced affirming that such product is a product of said state wherein no European corn borer is known to exist and that continued identity has been maintained to assure no handling or storage in association with stalks, ears, cobs, or other parts, fragments, or debris of such plants grown in or shipped from infested areas herein described.

(4) **Certification required on certain vegetable and ornamental plants and plant products produced in or shipped from infested area.** Beans in the pod, beets, celery, bell pepper fruits, endive, Swiss chard, and rhubarb (cut or plants with roots), cut flowers and entire plants of aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnia, Japanese hop, dahlia, (except tubers without stems) and gladiolus (except corms without stems), produced in or shipped from the infested area described in WAC 16-478-030 above will be admitted into the state of Washington only provided each lot or shipment is accompanied by an official certificate (see (6) below) signed by an inspector of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture or by the duly authorized official of the state where produced, affirming either that all such plants, products or cut flowers in the accompanying shipment or lot have been inspected and found free from infestation by the European corn borer or have been grown in a greenhouse in which all host plants have been regularly inspected during the growing season and no evidence of European corn borer was found, or that such plants, products or cut flowers have been fumigated with methyl bromide at a rate of 3 pounds per 1000 cubic feet at 60 degrees temperature for 4 hours. No restrictions are placed by this regulation on the entry into this state of such vegetable and ornamental plants and plant products produced in and shipped from any state not listed in WAC 16-478-030 above.

(a) Certification requirements above are waived on individual shipments or lots of certain restricted vegetables, ornamental plants and plant products under and subject to the following conditions:

(i) In lots or shipments of 10 pounds or less, beans in the pod, beets, bell peppers, endive, Swiss chard and rhubarb (cut or plants with roots.)

(ii) During the period November 30 to May 1, divisions without stems of the previous year's growth, rooted cuttings, seedling plants and cut flowers of the aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnia and Japanese hop.

(5) **Manufactured or processed products exempt from restrictions.** No restrictions are placed by this quarantine upon the movement of the restricted products herein defined which are processed or manufactured in such a manner as to eliminate all danger of carrying the pest herein quarantined against.

(6) **Official certificates.** Official certificates must be issued by the duly authorized official, or his agent, of the federal agency, state, or district, as designated, and must be signed or countersigned by him. Each certificate shall set forth, in addition to the specific facts required in (1) to (4)

above, the kind and quantity of the commodity constituting the shipment or lot, method of shipment, the railway car number or license number in the case of trucks, and the names and addresses of the shipper and consignee. Fumigation certificates shall also set forth the materials used, the dosage schedule, temperature, and the period of exposure, and date of treatment.

[Order 1476, § 16-478-050, filed 7/2/76; Order 607, effective 7/23/51.]

WAC 16-478-060 Enforcing powers. All deputies of the director and all state plant quarantine officers are empowered to carry out all of the provisions of quarantine regulations.

[Order 607, effective 7/23/51.]

WAC 16-478-070 Federal shipments exempt. Federal experimental shipments moved into this state by or at the request of the United States Department of Agriculture are exempt from all provisions of any quarantine regulations.

[Order 607, effective 7/23/51.]

WAC 16-478-080 Commodities covered subject to other rules and regulations. The admissibility and movement within the state of Washington of any commodity covered by a quarantine regulation shall be further subject to the provisions of any other rule or regulation now in force or which may hereafter be established.

[Order 607, effective 7/23/51.]

WAC 16-478-090 Disposition of violations and penalties. Any and all lots or shipments of commodities covered by quarantine regulations arriving in the state of Washington in violation of or not in compliance with the restrictions thereof, shall be immediately destroyed unless no detriment can be caused to agriculture in this state by the shipment of such commodities out of the state within the specified time limits at the option and expense of the owner or owners, his or their responsible agent or agents. Any violation or failure to comply with this quarantine shall be subject to penalties in RCW 17.24.100.

[Order 607, effective 7/23/51.]

WAC 16-478-100 Common carrier agents must hold shipments. Any and all lots or shipments of commodities covered by any quarantine regulations must be held and not delivered to consignee or agent until inspected and passed by the director, his deputy or by a state plant quarantine officer.

[Order 607, effective 7/23/51.]

Chapter 16-481 WAC GRAPE PHYLLOXERA

WAC

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| 16-481-010 | Establishing quarantine. |
| 16-481-015 | Definitions. |
| 16-481-020 | Quarantine area. |
| 16-481-025 | Regulated products. |
| 16-481-030 | Conditions governing shipments—External. |

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| 16-481-050 | Equipment cleaning requirements. |
| 16-481-060 | Notification requirements. |
| 16-481-070 | Disposition of products shipped in violation of this quarantine—Violations. |
| 16-481-075 | Violations—Penalties. |

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

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| 16-481-040 | Regulated products. [Order 384, § 4, effective 3/30/43.] Repealed by 91-21-042, filed 10/11/91, effective 11/11/91. Statutory Authority: Chapters 15.13 and 17.24 RCW. |
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WAC 16-481-010 Establishing quarantine. Grape phylloxera (*Daktulosphaira vitifoliae* (Fitch)) is an insect pest injurious to grape plants that can cause severe reductions in grape yield and ultimately the death of the grape plant. This pest is widely distributed throughout the United States and the world. Introductions of the pest into the state of Washington through infested grape plants, rootstock, and plant cuttings or on contaminated grape cultivation or harvesting equipment could have a severe economic impact on the Washington grape industry. To prevent this the director, under the authority provided in chapters 17.24 and 15.13 RCW, has established a quarantine to prevent the introduction of this pest into the state.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-010, filed 10/11/91, effective 11/11/91; Order 384, § 1, effective 3/30/43.]

WAC 16-481-015 Definitions. (1) "Pest" means the insect of the order *Homoptera* and family *Phylloxeridae*, grape phylloxera (*Daktulosphaira vitifoliae* (Fitch)).

(2) "Infested area" means all states and territories of the United States and all areas outside the United States.

(3) "Area known to be free of grape phylloxera" means a specific property of a person or firm or a specific nursery stock growing ground surveyed by the department of agriculture of the shipping state.

(4) "Department" means the Washington state department of agriculture.

(5) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(6) "Hardwood cutting" means a cutting from a grape plant taken during the period of dormancy and not including portions of the trunk of the plant produced during previous growing seasons.

(7) "Softwood cutting" means any cutting taken when the grape plant is not fully dormant.

(8) "Susceptible varieties" means grape plants that may serve as host to grape phylloxera and which show symptoms of decline when infested.

(9) "Nonsusceptible varieties" means grape plants that may serve as host to grape phylloxera but which do not show symptoms of decline when infested. Nonsusceptible varieties include concord varieties and vinifera varieties on resistant rootstock.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-015, filed 10/11/91, effective 11/11/91.]

WAC 16-481-020 Quarantine area. There is established under this chapter, an external quarantine area for

grape phylloxera including all states and territories of the United States and all territories outside the United States.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-020, filed 10/11/91, effective 11/11/91; Order 384, § 2, effective 3/30/43.]

WAC 16-481-025 Regulated products. Products regulated under the grape phylloxera quarantine include:

(1) All grape plants, rootstock, and softwood cuttings, rooted or not. Hardwood cuttings meeting the definition in WAC 16-481-016(6) and dried grape vines used for ornamental purposes are exempt from the requirements in this chapter.

(2) All equipment that has been used for cultivation or harvesting of grapes in a quarantine area.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-025, filed 10/11/91, effective 11/11/91.]

WAC 16-481-030 Conditions governing shipments—External. (1) Each shipment of grape plants, grape rootstock and/or softwood cuttings from an infested area must be accompanied by a certificate signed by a duly authorized inspector of the department of agriculture of the state of origin of the shipment, or by a duly authorized inspector of the United States Department of Agriculture, Animal and Plant Health Inspection Service, stating that:

(a) The grape plants, rootstock and/or softwood cuttings were grown in and shipped from an area known to be free from grape phylloxera; or

(b) The grape plants, rootstock or softwood cuttings were grown under an approved sterile media system; or

(c) For small shipments (five hundred articles or less), softwood cuttings were carefully inspected by an authorized inspector and were found to be free from grape phylloxera; or

(d) The grape plants, rootstock, and/or softwood cuttings were subject to one of the two treatments outlined in subsection (2) of this section or such additional methods as may be determined to be effective and are approved in writing by the director and were stored in a manner after treatment that would prevent reinfestation.

(2) Acceptable treatments shall include:

(a) Hot water treatment. Dormant, rooted grape plants or rootstock shall be washed to remove all soil or other propagative media. Dormant rooted plants or rootstock shall be immersed in a hot water bath for a period of not less than three minutes nor more than five minutes at a temperature of not less than 125 degrees F. (52 degrees C.) nor more than 130 degrees F. (55 degrees C.) at any time during immersion; or

(b) Methyl bromide fumigation. Grape plants, rootstock or softwood cuttings may be treated by methyl bromide fumigation. Fumigation shall be in an approved gastight fumigation chamber, equipped with a heating unit, fan for dispersal of gas and clearing the chamber of gas after fumigation, and interior thermometer readable from the outside. Fumigation shall be with a dosage of two pounds (0.908 kg.) of methyl bromide per one thousand cubic feet (twenty-eight cubic meters) for a period of three hours at a temperature of between 65 degrees F. (18.3 degrees C.) and

70 degrees F. (21.1 degrees C.). The fan shall be operated for a period of ten minutes after the injection of the gas.

(3) All shipments of grape plants, rootstock and/or softwood cuttings from an infested area shall be plainly marked with the contents on the outside of the package or container as "grape plants," "grape rootstock," or "grape cuttings."

(4) Notification requirements of WAC 16-481-060 are met.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-030, filed 10/11/91, effective 11/11/91; Order 384, § 3, effective 3/30/43.]

WAC 16-481-050 Equipment cleaning requirements. (1) All equipment used for cultivation or harvesting of grapes in grape phylloxera quarantine areas outside the state or infested properties within the state must be thoroughly washed or steam cleaned to remove all soil and plant material prior to entry into the state of Washington. Such equipment shall be subject to inspection by authorized inspectors of the department of agriculture.

(2) Any equipment found to be in violation of the sanitation requirement shall be subject to detention by the department until such equipment is thoroughly cleaned at the expense of the owner or shipper or provision made to transport the equipment directly out of the state.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-050, filed 10/11/91, effective 11/11/91; Order 384, § 5, effective 3/30/43.]

WAC 16-481-060 Notification requirements. The plant services division of the department of agriculture shall be notified by United States mail or telefax prior to the shipment of grape plants and/or cuttings under the grape phylloxera quarantine into this state from an infested area. Such notice shall include, but not be limited to, the approximate number of the grape plants, rootstock and/or softwood cuttings; the shipper; the consignee; the method of treatment used, if applicable; and the approximate date of delivery.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-060, filed 10/11/91, effective 11/11/91; Order 384, § 6, effective 3/30/43.]

WAC 16-481-070 Disposition of products shipped in violation of this quarantine—Violations. Any shipment of grape plants, rootstock, and/or softwood shipped into or entering the state of Washington from an infested area and not accompanied by the required certificate and/or not complying with the notice requirement in WAC 16-481-060 shall be returned to point of origin, or destroyed at the option and expense of the owner or owners, or their responsible agent or agents.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-070, filed 10/11/91, effective 11/11/91; Order 384, § 7, effective 3/30/43.]

WAC 16-481-075 Violations—Penalties. Any person who violates the terms of the grape phylloxera quarantine may be subject to a criminal or civil penalty, as determined by the director, in an amount not more than five thousand dollars for each violation. Every person who, through an act

of commission or omission, procures, aids or abets in the violation, shall be considered to have violated this chapter and may be subject to criminal or civil penalty.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-481-075, filed 10/11/91, effective 11/11/91.]

Chapter 16-482 WAC SEED POTATO QUARANTINE

WAC

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| 16-482-001 | Promulgation—Establishing quarantine. |
| 16-482-005 | Regulated articles. |
| 16-482-006 | Quarantine area. |
| 16-482-007 | Regulated area. |
| 16-482-010 | Regulations—Certified seed requirement. |
| 16-482-015 | Regulations—Certified seed—Exceptions. |
| 16-482-016 | Exceptions—Permit requirement. |
| 16-482-017 | Recordkeeping requirement. |
| 16-482-020 | Disposition of material shipped in violation of this quarantine. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-482-030 | Violation and penalty. [Order 1126, § 16-482-030, filed 10/9/69, effective 11/10/69.] Repealed by 91-07-016 (Order 2075), filed 3/13/91, effective 4/13/91. Statutory Authority: Chapter 17.24 RCW. |
| 16-482-040 | Effective date. [Order 1126, § 16-482-040, filed 10/9/69, effective 11/10/69.] Repealed by 91-07-016 (Order 2075), filed 3/13/91, effective 4/13/91. Statutory Authority: Chapter 17.24 RCW. |

WAC 16-482-001 Promulgation—Establishing quarantine. The commercial production of potatoes both for food and for seed in the state of Washington is one of the major agricultural industries. The introduction and spread of serious bacterial, fungal, viral and nematode diseases of potatoes represents a serious economic threat to the industry. A quarantine is established under this chapter requiring the planting of certified seed potatoes in commercial potato production areas to mitigate this threat.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-001, filed 3/13/91, effective 4/13/91; Order 1126, § 16-482-001, filed 10/9/69, effective 11/10/69.]

WAC 16-482-005 Regulated articles. All potatoes used for commercial plantings in excess of one acre or for seed potato production.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-005, filed 3/13/91, effective 4/13/91.]

WAC 16-482-006 Quarantine area. All states and territories of the United States and all counties within the state of Washington.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-006, filed 3/13/91, effective 4/13/91.]

WAC 16-482-007 Regulated area. There is established a regulated area within the state of Washington consisting of the entire counties of Adams, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Grays Harbor, King, Kittitas, Klickitat, Lincoln, Mason, Pend

Oreille, Skagit, Snohomish, Spokane, Stevens, Thurston, Walla Walla, Whatcom, Whitman, and Yakima.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-007, filed 3/13/91, effective 4/13/91.]

WAC 16-482-010 Regulations—Certified seed requirement. (1) Except as provided in WAC 16-482-015, all seed potatoes propagated for commercial or for seed production within the regulated area shall be from certified seed, produced as a part of a certified seed potato program in the state or country of origin and accepted and certified by that program.

(2) The department may sample and test any lot of seed potatoes or conduct field inspections for the purpose of testing and verification of compliance with this chapter.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-010, filed 3/13/91, effective 4/13/91; Order 1126, § 16-482-010, filed 10/9/69, effective 11/10/69.]

WAC 16-482-015 Regulations—Certified seed—Exceptions. The certified seed requirement shall not be applicable to:

- (1) Potatoes planted for personal use or other noncommercial purposes;
- (2) Commercial production, other than for production of seed potatoes, of not more than one acre;
- (3) Experimental or seed trial plots as provided in WAC 16-482-016.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-015, filed 3/13/91, effective 4/13/91.]

WAC 16-482-016 Exceptions—Permit requirement. The director may allow planting of seed potatoes, otherwise prohibited, by special permit. Such permit shall specify the conditions under which planting is allowed and shall be obtained prior to planting. Prior to issuance of a permit, the director shall consult with a committee composed of one member from the Washington state seed potato commission and two members of the Washington state potato commission, appointed by the respective commission chairs, as to the need for and terms of such permit.

[Statutory Authority: Chapter 17.24 RCW. 94-11-069 (Order 5042), § 16-482-016, filed 5/13/94, effective 6/13/94; 91-07-016 (Order 2075), § 16-482-016, filed 3/13/91, effective 4/13/91.]

WAC 16-482-017 Recordkeeping requirement. All commercial potato growers within the regulated area shall be responsible for obtaining certification documents or tags to verify that all seed potatoes used for propagation purposes comply with the terms of this chapter. Such documents shall be retained by the grower for a period of one calendar year and a copy provided to the department of agriculture, plant services division, upon written request to the grower. Such documents shall include the total weight of certified seed potatoes and shall be issued by an official certifying agency in the state or country of origin. Falsification of seed potato documents shall subject the grower to penalties provided in law.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-017, filed 3/13/91, effective 4/13/91.]

WAC 16-482-020 Disposition of material shipped in violation of this quarantine. (1) Seed potatoes shipped in violation of this quarantine may be returned to the point of origin, diverted to nonseed use, or destroyed at the option and expense of the owner or owners or their responsible agents.

(2) Seed potatoes planted and growing in violation of the terms of this quarantine may be destroyed or placed under quarantine, with terms and conditions for that quarantine specified by the director, at the option and expense of the grower or owners or their responsible agents. Potatoes, placed under quarantine for violation of the terms of this chapter and found to be infested or infected with a viral, fungal, bacterial or nematode disease by subsequent inspection or testing shall be destroyed at the expense of the grower, without compensation.

(3) In addition to the actions specified in subsections (1) and (2) of this section, any grower violating the terms of this quarantine shall be subject to civil and/or criminal penalties provided by laws.

[Statutory Authority: Chapter 17.24 RCW. 91-07-016 (Order 2075), § 16-482-020, filed 3/13/91, effective 4/13/91; Order 1126, § 16-482-020, filed 10/9/69, effective 11/10/69.]

Chapter 16-483 WAC GRAPE VIRUS QUARANTINE

WAC

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| 16-483-001 | Grape virus quarantine—Establishing quarantine. |
| 16-483-005 | Grape virus quarantine—Definitions. |
| 16-483-010 | Grape virus quarantine—Quarantine area. |
| 16-483-020 | Grape virus quarantine—Regulated articles. |
| 16-483-030 | Grape virus quarantine—Regulations. |
| 16-483-040 | Grape virus quarantine—Disposition of material shipped in violation. |
| 16-483-050 | Grape virus quarantine—Exemption. |
| 16-483-060 | Grape virus quarantine—Violation and penalty. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-483-070 | Effective date. [Order 1146, § 16-483-070, filed 3/16/70, effective 5/1/70.] Repealed by 91-21-042, filed 10/11/91, effective 11/11/91. Statutory Authority: Chapters 15.13 and 17.24 RCW. |
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WAC 16-483-001 Grape virus quarantine—Establishing quarantine. The production of wine grapes, table grapes, and grape plant nursery stock are important industries in the state of Washington. The director has determined that these industries are threatened by the introduction of the virus diseases known as leafroll, fanleaf, corky bark, and stem pitting that are not established in the state of Washington. The presence of these virus diseases cannot be determined by the most rigorous visual examination of dormant grape plants or propagative parts of grape plants. Introductions of these virus diseases would entail great economic loss to the horticultural industries of the state. To prevent this harm, the director, under the authority provided in chapter 17.24 RCW, has established a quarantine setting forth rules for the importation of grape planting stock into the state of Washington.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-001, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-001, filed 3/16/70, effective 5/1/70.]

WAC 16-483-005 Grape virus quarantine—Definitions. (1) "Department" means the Washington state department of agriculture.

(2) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(3) "Grape plants and propagative parts" means live plants, hardwood cuttings, softwood cuttings, rootstocks, and any other parts of the grape plant (*vitis* species), except fruit, capable of propagation.

(4) "Official certificate" means a document issued by an official inspection agency including but not limited to phytosanitary certificates, inspection certificates, or other letters, tags, stamps, or similar documents certifying plant quality or condition.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-005, filed 10/11/91, effective 11/11/91.]

WAC 16-483-010 Grape virus quarantine—Quarantine area. Areas under quarantine for grape virus include all states and territories of the United States outside of the territorial borders of the state of Washington.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-010, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-010, filed 3/16/70, effective 5/1/70.]

WAC 16-483-020 Grape virus quarantine—Regulated articles. All plants and plant parts capable of propagation (except fruit) of grapes are regulated under the terms of the grape virus quarantine.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-020, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-020, filed 3/16/70, effective 5/1/70.]

WAC 16-483-030 Grape virus quarantine—Regulations. Grape plants and propagative parts will be admitted into the state of Washington provided the following provisions are complied with:

(1) The grape plants or propagative parts have been certified in accordance with the regulations of an official state agency, which certification program includes inspection and testing by indexing on suitable indicator hosts for fanleaf, leafroll, stem pitting, and corky bark virus diseases. All shipments of such grape cuttings shall be accompanied by a certificate issued by an agency of the state of origin certifying that the grape plants or cuttings were produced under official certification regulations and meet official certification standards as to freedom from fanleaf, leafroll, stem pitting, and corky bark virus diseases.

(2) All shipments of grape nursery stock shall be plainly marked with the contents on the outside of the package or container.

(3) Persons shipping or transporting regulated articles, identified in WAC 16-483-020, into this state from areas under quarantine shall notify the department's plant protection branch by United States mail or telefax prior to shipment of the nature and the quantity of each shipment, the

expected date of arrival at destination, the name of the intended receiver and the destination. The person to whom the articles are shipped shall hold the same until they are inspected and/or released by the department.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-030, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-030, filed 3/16/70, effective 5/1/70.]

WAC 16-483-040 Grape virus quarantine—Disposition of material shipped in violation. All grape plants or parts thereof arriving in the state of Washington in violation of the provisions of the grape virus quarantine, shall be refused admittance into the state of Washington, or shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners, or their responsible agents.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-040, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-040, filed 3/16/70, effective 5/1/70.]

WAC 16-483-050 Grape virus quarantine—Exemption. The restrictions on the movement of regulated articles set forth in this chapter shall not apply to grape plants or propagative parts imported for experimental or trial purposes by the United States Department of Agriculture and the state experiment stations in the state of Washington: *Provided*, That a permit to import is issued by the director of agriculture.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-050, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-050, filed 3/16/70, effective 5/1/70.]

WAC 16-483-060 Grape virus quarantine—Violation and penalty. All violations of the grape virus quarantine shall be punishable by the criminal and/or civil penalties provided by law.

[Statutory Authority: Chapters 15.13 and 17.24 RCW. 91-21-042, § 16-483-060, filed 10/11/91, effective 11/11/91; Order 1146, § 16-483-060, filed 3/16/70, effective 5/1/70.]

Chapter 16-484 WAC

NARCISSUS BULB NEMATODE

WAC

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| 16-484-200 | Definitions. |
| 16-484-205 | Penalties. |
| 16-484-210 | Quarantine—Potato virus Y necrotic strain. |
| 16-484-220 | Area under quarantine. |
| 16-484-230 | Regulated articles. |
| 16-484-240 | Conditions governing the movement of regulated articles into Washington state. |
| 16-484-250 | Special permits and compliance agreements. |
| 16-484-260 | Disposition of regulated articles entering in violation or found infected with PVY-N. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-484-010 | Infested territory. [Order 479, § 1, effective 9/30/46.] Repealed by Order 479, filed 4/1/70. |
| 16-484-020 | Establishing quarantine—Promulgation. [Order 479, § 2, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW. |

- 16-484-022 Promulgation—Establishing quarantine. [Order 479, § 16-484-022, filed 4/1/70.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-030 Definitions. [Order 479, § 16-484-030, filed 4/1/70; Order 479, § 3, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-040 Conditions governing shipments. [Order 479, § 16-484-040, filed 4/1/70; Order 479, Regulation 1, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-050 Sanitary requirement on narcissus bulbs grown within the state of Washington. [Order 479, § 16-484-050, filed 4/1/70; Order 479, Regulation 2, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-060 Narcissus bulbs originating outside of the continental United States. [Order 479, Regulation 3, effective 9/30/46.] Repealed by Order 479, filed 4/1/70.
- 16-484-070 Greenhouse bulbs. [Order 479, Regulation 4, effective 9/30/46.] Repealed by Order 479, filed 4/1/70.
- 16-484-080 Conditions applicable to growers. [Order 479, § 16-484-080, filed 4/1/70; Order 479, Regulation 5, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-090 Violations. [Order 479, § 16-484-090, filed 4/1/70; Order 479, Regulation 6, effective 9/30/46.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.
- 16-484-100 Effective date. [Order 479, § 16-484-100, filed 4/1/70.] Repealed by 91-11-053 (Order 2084), filed 5/15/91, effective 6/15/91. Statutory Authority: Chapter 17.24 RCW.

WAC 16-484-200 Definitions. The definitions set forth in this section shall apply to WAC 16-484-205 through 16-484-260 unless the context otherwise requires:

- (1) "Director" means the director of agriculture of this state, or a duly authorized representative.
- (2) "Department" means the Washington state department of agriculture.
- (3) "Seed potatoes" means White or Irish potatoes, *Solanum tuberosum*, intended for the purpose of propagation or reproduction.
- (4) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated pests, life stages, their hosts, and possible carriers from areas identified by the department.
- (5) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated pests, life stages, their hosts, and possible carriers from areas identified by the department.

[Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-200, filed 6/11/91, effective 6/12/91.]

WAC 16-484-205 Penalties. Any person who violates or fails to comply with any rule adopted under chapter 17.24 RCW shall be guilty of a misdemeanor, and for a second and each subsequent violation of the same rule, shall be guilty of a gross misdemeanor.

[Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-205, filed 6/11/91, effective 6/12/91.]

WAC 16-484-210 Quarantine—Potato virus Y necrotic strain. A quarantine is established under this chapter against the disease known as potato virus Y necrotic strain (PVY-N). PVY-N is a serious viral disease of certain species of the family Solanaceae, and is not known to occur in the United States.

[Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-210, filed 6/11/91, effective 6/12/91.]

WAC 16-484-220 Area under quarantine. The following areas are declared to be under quarantine for PVY-N:

- (1) Exterior quarantine. All states and districts of the United States; and
- (2) Interior quarantine. All counties in the state of Washington.

[Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-220, filed 6/11/91, effective 6/12/91.]

WAC 16-484-230 Regulated articles. (1) The following are hereby declared to be hosts or possible carriers of PVY-N and are prohibited entry into the state from any area under exterior quarantine either directly, indirectly, diverted, or reconsigned except as provided in WAC 16-484-240:

- (a) All seed potatoes originating in the Province of Prince Edward Island, Canada, potato inspection districts 1 through 4; and
- (b) All seed potatoes of the Atlantic variety originating in the Province of Prince Edward Island, Canada, potato inspection districts 5 and 6; and
- (c) All seed potatoes originating in the Province of New Brunswick, Canada, that are progeny of potatoes of the Atlantic variety that originated in Prince Edward Island in 1989 or 1990; and
- (d) All other seed potatoes grown on farms where potatoes identified in (b) and (c) of this subsection have been grown; and
- (e) All seed potatoes originating in any other location within Canada, except the Province of Newfoundland and the Land District of South Saanich of Vancouver Island of British Columbia that are the progeny of potatoes of the Atlantic variety that originated in Prince Edward Island in 1989 or 1990.

(2) It is prohibited to cut for seed, plant, move, sell, or transport any regulated article identified in subsection (1)(a) through (e) of this section which arrived in the state of Washington prior to the effective date of this quarantine until inspected and released by the department.

[Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-230, filed 6/11/91, effective 6/12/91.]

WAC 16-484-240 Conditions governing the movement of regulated articles into Washington state. (1) Each shipment of a regulated article shall be accompanied by a certificate issued by the state of origin that clearly identifies each seed lot and shall contain an additional declaration stating that the seed potatoes were tested and found free of PVY-N utilizing a method prescribed by the director.

(2) Persons shipping regulated articles into this state from areas under exterior quarantine shall notify the depart-

ment's plant protection branch prior to arrival of the nature and quantity of each shipment, its expected date of arrival at destination, the name of the intended receiver, and the destination. The person to whom the regulated articles are shipped shall hold the same until they are inspected and released by the department.

[Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-240, filed 6/11/91, effective 6/12/91.]

WAC 16-484-250 Special permits and compliance agreements. The director may issue special permits or enter into compliance agreements allowing the movement of regulated articles covered in WAC 16-484-230 not otherwise eligible for movement from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent the escape or spread of PVY-N.

[Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-250, filed 6/11/91, effective 6/12/91.]

WAC 16-484-260 Disposition of regulated articles entering in violation or found infected with PVY-N. Any regulated article (1) entering the state in violation of this quarantine; or (2) entering the state prior to the effective date of this quarantine which is or may be infected with PVY-N; shall be disposed of in a manner prescribed by the director, returned out-of-state, or destroyed at the option and expense of the owner or the owner's agent.

[Statutory Authority: Chapter 17.24 RCW. 91-13-026 (Order 2087), § 16-484-260, filed 6/11/91, effective 6/12/91.]

Chapter 16-487 WAC

PEACH YELLOW, PEACH ROSETTE AND LITTLE PEACH DISEASE

WAC

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WAC 16-487-005 Definitions. (1) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Mycoplasma-like organism" (MLO) means a submicroscopic infectious agent capable of producing disease symptoms in host plants. MLOs do not have the outer protein coat that characterizes viruses.

(4) "Symptomless carrier" means a plant which may be infected by or capable of hosting a disease agent but which does not show visible disease symptoms.

(5) "Growing ground" means any property within the area under quarantine on which nursery stock (cuttings, budsticks, scions, rootstocks, or finished trees) are produced for distribution or sale.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-005, filed 10/11/91, effective 11/11/91.]

WAC 16-487-010 Disposition of materials moved in violation—Penalties. Regulated articles, shipped in violation of this chapter, will be denied entry into the state, returned to the point of origin or destroyed at the option and expense of the owner(s) or their responsible agent. In addition, any person violating the terms of the quarantines in this chapter shall be subject to the criminal and civil penalties provided in law.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-010, filed 10/11/91, effective 11/11/91; Order 386, § 1, effective 3/30/43.]

WAC 16-487-015 Notification requirement. Persons shipping regulated articles into the state of Washington from areas under quarantine by the provisions of this chapter shall notify the department's plant protection branch of the nature and quantity of each shipment, its destination, its expected date of arrival, and the name of the intended receiver. Such notification shall be by mail or telefax prior to shipment.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-015, filed 10/11/91, effective 11/11/91.]

WAC 16-487-017 Exemption for experimental uses. The provisions of this chapter shall not apply to plants or propagative parts of plants imported for experimental purposes by the United States Department of Agriculture or the Washington State University agricultural experiment

stations: *Provided*, That a permit to import has been issued by the director.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-017, filed 10/11/91, effective 11/11/91.]

WAC 16-487-020 Peach yellows, little peach, and red suture diseases—Establishing quarantine. The director has determined that peach yellows, little peach, and red suture diseases do not exist in the state of Washington and that the introduction of these diseases into the state would cause economic loss to the horticultural industries within the state. To prevent this loss, a quarantine is hereby established against these mycoplasma-like organisms, their host plants, and possible carriers.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-020, filed 10/11/91, effective 11/11/91; Order 386, § 2, effective 3/30/43.]

WAC 16-487-023 Peach yellows, little peach, and red suture disease quarantine—Regulated articles. The following articles are regulated under the terms of the peach yellows, little peach, and red suture disease quarantine:

(1) The pathogens which cause peach yellows, little peach, and red suture diseases on peach. The pathogen is an MLO. All three diseases are considered to be caused by the same pathogen.

(2) Trees and all parts capable of propagation including cuttings, budsticks, scions, and rootstocks, except seeds (fruit pits) of all species of the genus *Prunus* are declared hosts and possible carriers, except those listed in WAC 16-487-025.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-023, filed 10/11/91, effective 11/11/91.]

WAC 16-487-025 Peach yellows, little peach, and red suture disease quarantine—Species not regulated. The following species have been determined not to be hosts of peach yellows, little peach, and red suture diseases and are not regulated under this quarantine:

mazzard cherry, sweet cherry (*Prunus avium*)
 sand cherry, western sand cherry (*Prunus besseyi*)
 sour cherry (*Prunus cerasus*)
 American cherry laurel, Carolina cherry laurel (*Prunus caroliniana*)
 hollyleaf cherry, California cherry (*Prunus ilicifolia*)
 cherry laurel, English laurel (*Prunus laurocerasus*)
 Portugal laurel (*Prunus lusitanica*)
 Catalina cherry (*Prunus lyonii*)

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-025, filed 10/11/91, effective 11/11/91.]

WAC 16-487-030 Peach yellows, little peach, and red suture disease quarantine—Quarantine area. The entire states of Alabama, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia are declared to be quarantined areas for peach yellows, little peach, and red suture diseases.

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[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-030, filed 10/11/91, effective 11/11/91; Order 386, § 3, effective 3/30/43.]

WAC 16-487-040 Peach yellows, little peach, and red suture disease quarantine—Absolute quarantine for symptomless carriers. The following species of plum trees and all parts capable of propagation (including their use as understock for other species) are symptomless carriers of peach yellows, little peach, and red suture diseases and are prohibited entry into Washington state:

American plum (*Prunus americana*)
 myrobalan plum, cherry plum, "Antropurpurea," purple leaf plum (*Prunus cerasifera*)
 European plum, prune (*Prunus domestica*)
 hortulan plum (*Prunus hortulana*)
 wild goose plum (*Prunus munsoniana*)
 Japanese plum (*Prunus salicina*)
 hybrids of any of the above and wild native species of plum.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-040, filed 10/11/91, effective 11/11/91; Order 386, § 4, effective 3/30/43.]

WAC 16-487-050 Peach yellows, little peach, and red suture disease quarantine—Conditions for movement of regulated articles. Plants and propagative plant parts of the restricted *Prunus* species, other than symptomless carriers listed in WAC 16-487-040 or stock budded onto those symptomless carriers, shall be permitted entry into the state provided that all the following requirements have been met:

(1) Each species and variety is properly labeled as to scientific name and state of origin.

(2) Each lot or shipment is accompanied by a certificate issued by the department of agriculture or state university certification program of the state of origin, verifying that these plants or plant parts have been certified in accordance with the regulations of a certification program which includes inspection and indexing on suitable indicator hosts and/or by other official, recognized methods for peach yellows, little peach or red suture disease and certifying that the plants or plant parts meet official certification standards of the shipping state for freedom from peach yellows, little peach or red suture disease.

(3) Peach yellows, little peach, and red suture disease symptoms have not been found during the period when stock was growing or budwood taken either on or within one mile of the growing grounds.

(4) No symptomless plum species or other species on symptomless plum understock existed on the growing grounds during the production of the nursery stock.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-050, filed 10/11/91, effective 11/11/91; Order 386, § 5, effective 3/30/43.]

WAC 16-487-060 Peach yellows, little peach, and red suture disease quarantine—Reshipment permitted under certificate. Certificates may be issued for reshipment of dormant host trees and propagative parts which have been produced outside the areas under quarantine for peach yellows, little peach, and red suture diseases established in WAC 16-487-030 and which have remained dormant while within the area under quarantine. Certificates shall state the name of the state where the material was produced and state

that the material remained dormant while within the quarantine area.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-060, filed 10/11/91, effective 11/11/91; Order 386, § 5, effective 3/30/43.]

WAC 16-487-100 Peach rosette disease quarantine—Establishing quarantine. The director has determined that peach rosette disease is not present in the state of Washington and that the introduction of this disease would cause economic loss to the horticultural industries in the state. To prevent this loss, a quarantine is hereby established against the mycoplasma-like organism, its host plants, and possible carriers.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-100, filed 10/11/91, effective 11/11/91.]

WAC 16-487-110 Peach rosette disease quarantine—Regulated articles. The following articles are regulated under the terms of the peach rosette disease quarantine:

(1) The pathogen which causes peach rosette disease. The pathogen is a mycoplasma-like organism.

(2) Trees and all parts capable of propagation including cuttings, budsticks, scions, and rootstocks, except seed (fruit pits) of all species of the genus *Prunus* are declared possible hosts and carriers of peach rosette disease except those listed in WAC 16-487-120.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-110, filed 10/11/91, effective 11/11/91.]

WAC 16-487-120 Peach rosette disease quarantine—Species not regulated. The following species have been determined not to be carriers of peach rosette disease and are not regulated under the terms of the peach rosette disease quarantine:

American cherry laurel, Carolina cherry laurel (*Prunus caroliniana*)

holly leaf cherry, California cherry (*Prunus ilicifolia*)

cherry laurel, English laurel (*Prunus laurocerasus*)

Portugal laurel (*Prunus lusitana*)

Catalina cherry (*Prunus lyonii*)

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-120, filed 10/11/91, effective 11/11/91.]

WAC 16-487-130 Peach rosette disease quarantine—Quarantine area. The entire states of Alabama, Arkansas, Florida, Georgia, Mississippi, Oklahoma, South Carolina, Tennessee, and West Virginia are declared to be quarantined areas for peach rosette disease.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-130, filed 10/11/91, effective 11/11/91.]

WAC 16-487-140 Peach rosette disease quarantine—Absolute quarantine for symptomless carriers. The following species of plum trees and all parts capable of propagation (including their use as understock for other species), except seed, are symptomless carriers of peach rosette disease and are prohibited entry into Washington state:

the "Wilson" cultivar of apricot (*Prunus armeniaca*)
Mariana plums (*Prunus cerasifera* x *P. Munsoniiana*)
any tree grafted on Mariana plum understock

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-140, filed 10/11/91, effective 11/11/91.]

WAC 16-487-150 Peach rosette disease quarantine—Conditions for movement of regulated articles. Plants and all parts capable of propagation of the restricted *Prunus* species, other than symptomless carriers listed in WAC 16-487-140 or stock budded onto those symptomless carriers, shall be permitted entry into the state provided that all the following requirements have been met:

(1) Each species and variety is properly labeled as to scientific name and state of origin.

(2) Each lot or shipment is accompanied by a certificate issued by the department of agriculture or state university certification program of the state of origin, verifying that these plants or plant parts have been certified in accordance with the regulations of a certification program which includes inspection and indexing on suitable indicator hosts and/or by other official, recognized methods for peach rosette disease and certifying that the plants or plant parts meet official certification standards of the shipping state for freedom from peach rosette disease.

(3) Peach rosette disease symptoms have not been found during the period when stock was growing or budwood taken either on or within one mile of the growing grounds.

(4) No symptomless plum species or other species on symptomless plum understock listed in WAC 16-487-140 existed on the growing grounds during the production of the nursery stock.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-150, filed 10/11/91, effective 11/11/91.]

WAC 16-487-160 Peach rosette disease quarantine—Reshipment permitted under certification. Certificates may be issued for reshipment of dormant host trees and propagative parts which have been produced outside the areas under quarantine for peach rosette disease established in WAC 16-487-130 and which have remained dormant while within the area under quarantine. Certificates shall state the name of the state where the material was produced and state that the material remained dormant while within the quarantine area.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-160, filed 10/11/91, effective 11/11/91.]

WAC 16-487-200 Peach mosaic virus—Establishing quarantine. The director has determined that peach mosaic virus is not present in the state of Washington and that the introduction of this disease would cause economic loss to the horticultural industries in the state. To prevent this loss, a quarantine is hereby established against the virus, its host plants, and possible carriers.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-200, filed 10/11/91, effective 11/11/91.]

WAC 16-487-210 Peach mosaic virus quarantine—Regulated articles. The following articles are regulated under the terms of the peach mosaic virus quarantine:

(1) Peach mosaic virus and any virus capable of causing symptoms identical with those of peach mosaic virus.

(2) All trees and parts of trees capable of propagation including cuttings, budsticks, scions, and rootstock, except seeds (fruit pits), of all species, varieties, and hybrids of almond, apricot, peach, plum, prune, and nectarine and Manchu cherry (*Prunus tomentosa*) and western sand cherry (*Prunus besseyi*).

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-210, filed 10/11/91, effective 11/11/91.]

WAC 16-487-220 Peach mosaic virus quarantine—Regulated area. The following are declared to be areas under quarantine for peach mosaic virus:

(1) The entire states of Arizona and New Mexico.

(2) In Colorado, the counties of Delta, Garfield, Mesa, Montezuma, and Montrose.

(3) In Oklahoma, the counties of Alfalfa, Bryan, Johnson, and Woods.

(4) In Texas, the counties of Brown, Callahan, Camp, Cherokee, Comanche, Dallas, Eastland, El Paso, Erath, Fisher, Floyd, Freestone, Hale, Harrison, Hudspeth, Jones, Limestone, Palo Pinto, Runnels, San Saba, Smith, Tarrant, Taylor, Upshur, and Young.

(5) In California, the counties of Los Angeles, Riverside, San Bernardino, and San Diego.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-220, filed 10/11/91, effective 11/11/91.]

WAC 16-487-230 Peach mosaic virus quarantine—Requirements. All articles and commodities listed in WAC 16-487-210 from areas under quarantine, as listed in WAC 16-487-220, are prohibited entry into Washington state.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-230, filed 10/11/91, effective 11/11/91.]

WAC 16-487-240 Peach mosaic virus quarantine—Special permits. The director may issue special permits allowing entry of articles or commodities otherwise prohibited in WAC 16-487-210. The permit shall state all mandatory provisions or conditions under which entry is allowed.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-240, filed 10/11/91, effective 11/11/91.]

WAC 16-487-250 Peach mosaic virus—Reshipment permitted under certificate. Certificates may be issued for reshipment of dormant host trees and propagative parts which have been produced outside the areas under quarantine for peach mosaic virus as established in WAC 16-487-220 and which have remained dormant while within the area under quarantine. Certificates shall state the name of the state where the material was produced and state that the material remained dormant while within the quarantine area.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-250, filed 10/11/91, effective 11/11/91.]

WAC 16-487-300 Peach rosette mosaic virus—Establishing quarantine. The director has determined that peach rosette mosaic virus is not present in the state of Washington and that the introduction of the disease would cause economic loss to the horticultural industries in the state. To prevent this loss, a quarantine is hereby established against the virus (pest), its host plants, and possible carriers.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-300, filed 10/11/91, effective 11/11/91.]

WAC 16-487-310 Peach rosette mosaic virus quarantine—Regulated articles. The following articles are regulated under the terms of the peach rosette mosaic virus disease quarantine:

(1) Peach rosette mosaic virus (PRMV).

(2) All plants and parts of plants capable of propagation including cuttings, budsticks, scions, and rootstock, except seeds, of peach trees and blueberry plants.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-310, filed 10/11/91, effective 11/11/91.]

WAC 16-487-320 Peach rosette mosaic virus quarantine—Regulated area. The counties of Berrien, Kalamazoo, and Van Buren in the state of Michigan are declared to be areas under quarantine for peach rosette mosaic virus disease.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-320, filed 10/11/91, effective 11/11/91.]

WAC 16-487-330 Peach rosette mosaic virus quarantine—Requirements. All articles and commodities listed in WAC 16-487-310 from areas under quarantine, as listed in WAC 16-487-320, are prohibited entry into Washington state.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-330, filed 10/11/91, effective 11/11/91.]

WAC 16-487-335 Peach rosette mosaic virus quarantine—Special permits. The director may issue special permits allowing entry of articles or commodities otherwise prohibited in WAC 16-487-310. The permit shall state all mandatory provisions or conditions under which entry is allowed.

[Statutory Authority: Chapter 17.24 RCW. 91-21-041, § 16-487-335, filed 10/11/91, effective 11/11/91.]

Chapter 16-488 WAC

FRESH FRUIT OF BLUEBERRY QUARANTINE

WAC

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| 16-488-002 | Definitions. |
| 16-488-006 | Blueberry maggot—Establishing quarantine. |
| 16-488-010 | Blueberry quarantine—Commodity covered. |
| 16-488-015 | Blueberry quarantine—Areas under quarantine. |
| 16-488-025 | Blueberry quarantine exemptions. |
| 16-488-030 | Blueberry quarantine disposition of material shipped in violation of this quarantine. |
| 16-488-990 | Permits. |
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DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

- 16-488-001 Promulgation. Establishing quarantine. [Order 1327, § 16-488-001, filed 10/10/73.] Repealed by 86-19-002 (Order 1906), filed 9/5/86. Statutory Authority: Chapter 17.24 RCW.
- 16-488-005 Pest. [Order 1327, § 16-488-005, filed 10/10/73.] Repealed by 86-19-002 (Order 1906), filed 9/5/86. Statutory Authority: Chapter 17.24 RCW.
- 16-488-020 Areas not infested. [Order 1327, § 16-488-020, filed 10/10/73.] Repealed by 86-19-002 (Order 1906), filed 9/5/86. Statutory Authority: Chapter 17.24 RCW.
- 16-488-035 Violation and penalty. [Order 1327, § 16-488-035, filed 10/10/73.] Repealed by 86-19-002 (Order 1906), filed 9/5/86. Statutory Authority: Chapter 17.24 RCW.
- 16-488-040 Effective date. [Order 1327, § 16-488-040, filed 10/10/73.] Repealed by 86-19-002 (Order 1906), filed 9/5/86. Statutory Authority: Chapter 17.24 RCW.

WAC 16-488-002 Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(5) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

(6) "Commercial fruit" means fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled;

(b) Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant.

[Statutory Authority: Chapter 17.24 RCW. 86-19-002 (Order 1906), § 16-488-002, filed 9/5/86.]

WAC 16-488-006 Blueberry maggot—Establishing quarantine. Blueberry maggot (*Rhagoletis mendax*) is known to infest blueberries in various states situated in the eastern part of the United States, and blueberries produced in this state are susceptible to infestation by blueberry maggot (*Rhagoletis mendax*); therefore, a quarantine is established to prevent shipments or receipt of blueberries from such eastern states which may constitute a direct threat or hazard to blueberry production in Washington state.

[Statutory Authority: Chapter 17.24 RCW. 86-19-002 (Order 1906), § 16-488-006, filed 9/5/86.]

WAC 16-488-010 Blueberry quarantine—Commodity covered. The movement or shipment into Washington

state of all fresh fruit of blueberry from areas under quarantine (see WAC 16-488-015) shall be prohibited except as provided for in WAC 16-488-025.

[Statutory Authority: Chapter 17.24 RCW. 86-19-002 (Order 1906), § 16-488-010, filed 9/5/86; Order 1327, § 16-488-010, filed 10/10/73.]

WAC 16-488-015 Blueberry quarantine—Areas under quarantine. The following areas are declared by the director to be under quarantine for blueberry maggot: All states and districts of the United States east of and including the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

[Statutory Authority: Chapter 17.24 RCW. 86-19-002 (Order 1906), § 16-488-015, filed 9/5/86; Order 1327, § 16-488-015, filed 10/10/73.]

WAC 16-488-025 Blueberry quarantine exemptions. Fresh fruit of blueberry may be moved or shipped from quarantined areas into Washington state under the following conditions:

(1) No restrictions are placed by this section on the entry into this state of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state.

(2) Commodities covered which are held in cold storage for a continuous period of forty days or more, during which period the temperature within the storage room is maintained at thirty-two degrees fahrenheit or less, may be admitted: *Provided*, That a lot or shipment is accompanied by a certificate issued by an official governmental agency from the state of origin evidencing compliance with the minimum requirements of this section.

(3) Each shipment of blueberries that have been fumigated with methylbromide at atmospheric pressure by one of the following schedules may be permitted entry into Washington state: *Provided*, That residues on fresh fruit of blueberries do not exceed the Federal Food and Drug Administration's allowable tolerances.

32 g/m³ (2 lbs./1,000 ft.³) for 2 hours at 27.7°C (82°F) or above; or

32 g/m³ (2 lbs./1,000 ft.³) for 2 1/2 hours at 22.2°C - 27.2°C (72°F-81°F); or

32 g/m³ (2 lbs./1,000 ft.³) for 3 hours at 16.6°C - 21.6°C (62°F-71°F); or

32 g/m³ (2 lbs./1,000 ft.³) for 3 1/2 hours at 10°C - 16.1°C (50°F-61°F).

(a) The fumigation shall be done by applicators who are registered or certified in fumigation pest control in the state of origin;

(b) Each fumigation shall be monitored and supervised by an authorized representative of the origin state department of agriculture;

(c) Each shipment of blueberries shall be accompanied by a phyto-sanitary certificate issued by an authorized representative of the origin state department of agriculture evidencing compliance with the fumigation requirements. The certificate shall state the number of cartons in the shipment and the name and address of the consignee. In addition, a copy of the phyto-sanitary certificate and the estimated date of arrival shall be sent, by mail or electronically, to the Washington state department of agriculture,

plant services division, prior to the shipment of the blueberries; and

(d) All shipping containers (flats) shall be stamped or tagged indicating the fresh fruit of blueberries have undergone fumigation.

[Statutory Authority: Chapter 17.24 RCW. 90-12-123 (Order 2040), § 16-488-025, filed 6/6/90, effective 7/7/90; 88-17-014 (Order 1985), § 16-488-025, filed 8/9/88; 86-19-002 (Order 1906), § 16-488-025, filed 9/5/86; Order 1327, § 16-488-025, filed 10/10/73.]

WAC 16-488-030 Blueberry quarantine disposition of material shipped in violation of this quarantine. All fresh fruit of blueberry not meeting the requirements of this chapter shall be returned to the point of origin, or destroyed at the option and expense of the owner(s) or the owner(s) responsible agent(s).

[Statutory Authority: Chapter 17.24 RCW. 86-19-002 (Order 1906), § 16-488-030, filed 9/5/86; Order 1327, § 16-488-030, filed 10/10/73.]

WAC 16-488-990 Permits. The director may issue special permits admitting commodities under quarantine not otherwise eligible for entry from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent introduction, escape, or spread of the quarantined pests.

[Statutory Authority: Chapter 17.24 RCW. 86-19-002 (Order 1906), § 16-488-990, filed 9/5/86.]

WAC 16-488-995 Penalty and violation. All violations of this chapter shall be dealt with according to the provisions of RCW 17.24.100.

[Statutory Authority: Chapter 17.24 RCW. 86-19-002 (Order 1906), § 16-488-995, filed 9/5/86.]

Chapter 16-493 WAC ROUGH BLUEGRASS QUARANTINE

WAC

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| 16-493-001 | Rough bluegrass quarantine—Establishing quarantine. |
| 16-493-005 | Rough bluegrass quarantine—Definitions. |
| 16-493-010 | Rough bluegrass quarantine—Regulated area. |
| 16-493-015 | Rough bluegrass quarantine—Quarantine area. |
| 16-493-020 | Rough bluegrass quarantine—Regulated articles. |
| 16-493-025 | Rough bluegrass quarantine—Conditions governing movement of regulated articles. |
| 16-493-030 | Rough bluegrass quarantine—Procedure for clearing seed stocks. |
| 16-493-035 | Rough bluegrass quarantine—Seed stock containing rough bluegrass. |
| 16-493-040 | Rough bluegrass quarantine—Application for nursery inspection. |
| 16-493-045 | Rough bluegrass quarantine—Fees. |
| 16-493-050 | Rough bluegrass quarantine—Violation and procedures. |

WAC 16-493-001 Rough bluegrass quarantine—Establishing quarantine. The seeds of the crop known as rough bluegrass, *Poa trivialis* and its known strains, hereinafter referred to as rough bluegrass, is a threat to Kentucky bluegrass grass seed production; therefore, a rough bluegrass quarantine is established to prevent the introduction of rough bluegrass into major Kentucky bluegrass grass seed production areas, to control seed stocks to be planted for further

seed increase, and to assure Kentucky bluegrass seed growers of a source of seed stock for planting purposes which is tested for presence of rough bluegrass. If Kentucky bluegrass seed becomes contaminated with rough bluegrass grass seed there would be a significant economic loss to Kentucky bluegrass growers in the state.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-001, filed 8/22/95, effective 9/22/95.]

WAC 16-493-005 Rough bluegrass quarantine—Definitions. (1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association, and every officer, agent, or employee thereof. This term shall import either the singular or the plural as the case may be.

(2) "Department" means the Washington state department of agriculture.

(3) "Director" means the director of the department of agriculture or his/her duly authorized representative.

(4) "Rough bluegrass" means *Poa trivialis* and all related subspecies.

(5) "Nursery" means an area of two acres or less in which Kentucky bluegrass for seed production is seeded in rows with twenty-four-inch minimum spacings to facilitate roguing.

(6) "Seed stock" means those seeds of Kentucky bluegrass which are to be planted for seed increase or with intent of seed increase, except this definition does not include: Big Bluegrass, Upland Bluegrass, Brome, Meadow Fescue, Tall Fescue, Oatgrass, Orchardgrass, Timothy, or Wheatgrass.

(7) "Official seed laboratory" means a seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Laboratory, 2015 South First Street, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

(8) "Representative sample" means a sample drawn in accordance with sampling procedures adopted by the director, as found in WAC 16-304-020 and 16-304-040.

(9) "Rough bluegrass analysis certificate" means a test report from an official seed laboratory showing freedom from rough bluegrass based on a 25 gram sample.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-005, filed 8/22/95, effective 9/22/95.]

WAC 16-493-010 Rough bluegrass quarantine—Regulated area. Areas regulated under the rough bluegrass quarantine include all counties in the state of Washington lying east of the Cascade Crest.

(1) This quarantine shall not apply: To experiments or trial grounds of the United States Department of Agriculture; to experiments or trial grounds of Washington State University experiment station; or to trial grounds of any person, firm, or corporation: *Provided*, That said trial ground plantings are approved by the director and under supervision of trained personnel familiar with rough bluegrass control.

(2) This quarantine shall not apply to seed production fields of rough bluegrass grown in Benton, Klickitat, or Yakima counties.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-010, filed 8/22/95, effective 9/22/95.]

WAC 16-493-015 Rough bluegrass quarantine—Quarantine area. Areas quarantined under the rough bluegrass quarantine include all counties in the state of Washington lying west of the Cascade Crest and all areas outside of the state of Washington.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-015, filed 8/22/95, effective 9/22/95.]

WAC 16-493-020 Rough bluegrass quarantine—Regulated articles. Articles regulated under the requirements of the rough bluegrass quarantine include:

- (1) Seed stocks of all varieties of Kentucky bluegrass.
- (2) Seed production fields of rough bluegrass.
- (3) This quarantine shall not apply to seed sown for forage or turf.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-020, filed 8/22/95, effective 9/22/95.]

WAC 16-493-025 Rough bluegrass quarantine—Conditions governing movement of regulated articles. No seed stock shall be shipped, transported, moved in, or into the rough bluegrass quarantine regulated area unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of rough bluegrass on the basis of a minimum 25 gram analysis: *Provided*, That seed stock found to contain rough bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the Washington state department of agriculture.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-025, filed 8/22/95, effective 9/22/95.]

WAC 16-493-030 Rough bluegrass quarantine—Procedure for clearing seed stocks. Each person moving, shipping or transporting seed stock in or into the rough bluegrass quarantine regulated area shall:

- (1) Submit an official laboratory analysis of a representative sample showing freedom from rough bluegrass; or
- (2) Have a representative sample submitted for testing.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-030, filed 8/22/95, effective 9/22/95.]

WAC 16-493-035 Rough bluegrass quarantine—Seed stock containing rough bluegrass. Each lot of seed stock found to contain rough bluegrass shall be placed under "stop sale" to be released only for shipment out of the quarantine area or for planting in nurseries of two acres or less under supervision of, and approved by, an agent of the department of agriculture. The nursery shall be seeded in rows. It shall be the duty of the person receiving such seed to rogue this increase area or chemically treat to eradicate the rough bluegrass thus assuring production of seed that is free of rough bluegrass. Seed increase areas shall be inspected by the department at least three times during the seedling year. Any areas not passing inspection shall not be harvested, but instead shall be destroyed by the person who planted the increase area upon order of the director of the Washington state department of agriculture or his/her agent. If not destroyed as directed, the department of agriculture

shall have the plot destroyed and the grower shall be liable for all expenses.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-035, filed 8/22/95, effective 9/22/95.]

WAC 16-493-040 Rough bluegrass quarantine—Application for nursery inspection. A person shall make application for nursery inspection for rough bluegrass to the department of agriculture not later than fourteen days prior to planting.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-040, filed 8/22/95, effective 9/22/95.]

WAC 16-493-045 Rough bluegrass quarantine—Fees. (1) Fees for sampling and analysis for the presence of rough bluegrass shall be that fee established by the director in WAC 16-304-039 through 16-304-050.

(2) Inspection fee for nursery plantings shall be fifty dollars per acre or portion thereof.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-045, filed 8/22/95, effective 9/22/95.]

WAC 16-493-050 Rough bluegrass quarantine—Violation and procedures. (1) A person who is alleged to have violated the rough bluegrass quarantine shall meet with a representative of the department to discuss the allegation and determine:

- (a) How it did occur;
- (b) How much acreage is involved and location of all plantings;
- (c) Corrective procedures, such as roguing, chemical treatment, etc., and the time frame for such work, or agreement for voluntary destruction of all acreage involved to avoid recurrence and minimize economic loss.

(2) Treated and rogued acreage shall be inspected by the department of agriculture three times during the seedling stages to assure freedom from rough bluegrass. The violator will be assessed an hourly inspection fee and a mileage fee where additional mileage is involved.

(3) Any person who violates the terms of this quarantine may be subject to the criminal and civil penalties provided in chapters 15.49 and/or 17.24 RCW.

[Statutory Authority: Chapters 15.49 and 17.24 RCW. 95-17-098, § 16-493-050, filed 8/22/95, effective 9/22/95.]

Chapter 16-494 WAC BACTERIAL DISEASES OF BEANS

WAC

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| 16-494-012 | Regulated articles. |
| 16-494-013 | Regulated diseases. |
| 16-494-020 | Bean seed—Quarantined area. |
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| 16-494-042 | General requirements for planting bean seed in the regulated area. |
| 16-494-043 | Additional requirements for planting bean seed grown in the regulated area. |
| 16-494-044 | Additional requirements for planting bean seed grown in quarantine Area I. |

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| 16-494-045 | Additional requirements for planting bean seed grown in quarantine Area II. |
| 16-494-046 | Quarantine—Exceptions and exemptions. |
| 16-494-047 | Inspection procedures for trial grounds. |
| 16-494-062 | Identification and disposition of diseased bean seed and infected bean fields. |
| 16-494-063 | Notice of destruction. |
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BEAN SEEDBORNE VIRAL DISEASE QUARANTINE

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| 16-494-100 | Bean seedborne viral disease quarantine—Establishing the quarantine. |
| 16-494-110 | Bean seedborne viral disease quarantine—Regulated articles. |
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| 16-494-130 | Bean seedborne viral disease quarantine—Quarantined area. |
| 16-494-140 | Bean seedborne viral disease quarantine—Regulated area. |
| 16-494-150 | Bean seedborne viral disease quarantine—Requirements for planting bean seed in the regulated area. |
| 16-494-160 | Bean seedborne viral disease quarantine—Identification and disposition of diseased bean seed. |
| 16-494-170 | Bean seedborne viral disease quarantine—Penalties. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-494-015 | Violations and penalty. [Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-015, filed 12/31/84.] Repealed by 91-08-017 (Order 2078), filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 15.49 RCW. |
| 16-494-040 | Conditions. [Statutory Authority: Chapter 15.49 RCW. 80-06-114 (Order 1702), § 16-494-040, filed 5/30/80; 79-09-099 (Order 1651), § 16-494-040, filed 8/31/79; 79-05-063 (Order 1614), § 16-494-040, filed 4/30/79. Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-104 (Order 1555), § 16-494-040, filed 3/1/78, effective 4/1/78; Order 1309, § 16-494-040, filed 4/24/73; Order 1196, § 16-494-040, filed 4/16/71; Order 1077, § 16-494-040, filed 2/7/68; Order 1013 (part), filed 4/1/66; Order 1004 (part), filed 2/11/66.] Repealed by 85-02-050 (Order 1846), filed 12/31/84. Statutory Authority: Chapters 15.49 and 17.24 RCW. |
| 16-494-050 | Violations and penalty. [Quarantine Order 1013 (part), filed 4/1/66; Quarantine Order 1004 (part), filed 2/11/66.] Repealed by 85-02-050 (Order 1846), filed 12/31/84. Statutory Authority: Chapters 15.49 and 17.24 RCW. |
| 16-494-060 | Effective date. [Order 1309, § 16-494-060, filed 4/24/73; Order 1196, § 16-494-060, filed 4/16/71; Order 1077, § 16-494-060, filed 2/7/68; Order 1013 (part), filed 4/1/66; Order 1004 (part), filed 2/11/66.] Repealed by 79-09-099 (Order 1651), filed 8/31/79. Statutory Authority: Chapter 15.49 RCW. |

WAC 16-494-001 Establishing quarantine. The production of edible beans and bean seed is an important industry in the state of Washington. The economic well-being of that industry is threatened by the introduction of bean seed contaminated with viral, bacterial and fungal diseases not established in the commercial production areas in Washington. The director has determined that a quarantine will be effective in preventing the introduction of these viral, bacterial and fungal diseases of beans, and that control of these diseases of beans will provide the bean growers of the state of Washington with a source of seed beans for planting purposes which are tested for the presence of these diseases.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-001, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-001, filed 12/31/84. Statutory Authority: Chapter 15.49 RCW. 79-09-099 (Order 1651), § 16-494-001, filed 8/31/79. Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-104 (Order 1555), § 16-494-001, filed 3/1/78, effective 4/1/78; Order 1309, § 16-494-001, filed 4/24/73; Order 1196, § 16-494-001, filed 4/16/71; Order 1077, § 16-494-001, filed 2/7/68; Order 1013 (part), filed 4/1/66; Order 1004 (part), filed 2/11/66.]

WAC 16-494-010 Definitions. The following definitions apply to the entire chapter.

(1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof.

(2) "Department" means the Washington state department of agriculture.

(3) "Director" means the director of the department of agriculture or the director's duly authorized representative.

(4) "Common bean" means *Phaseolus vulgaris* L.

(5) "Adzuki bean" means *Vigna angularis*.

(6) "Bean" means common beans and adzuki beans.

(7) "Origin" means the county within the state of Washington, or the state, territory or country where a specific seed lot was grown.

(8) "Approved trial grounds" means a specific parcel of land approved by the director for experimental or limited production or increase of bean seed.

(9) "University" means the Washington State University, college of agriculture and home economics.

(10) "Dominant I-gene cultivar" means a cultivar which has resistance to all known strains of bean common mosaic virus (B.C.M.V.) due to the presence of the dominant I-gene. Dominant I-gene cultivars will not show mosaic mottle symptoms or transmit the virus through seed when inoculated with any strain of B.C.M.V.

(11) "Recessive I-gene cultivar" means a cultivar which may be susceptible to some strains of bean common mosaic virus and may show mosaic mottle symptoms.

(12) "Diseases" means those viral, fungal and bacterial diseases of beans enumerated in WAC 16-494-013 and any new variations or strains of these identified in the future.

(13) "Serology" means precipitation, agglutination, immunodiffusion, or labeled antibody test methods (such as ELISA) that use the specificity of antigen-antibody reactions to detect and identify antigenic substances and the organisms such as viruses and bacteria that carry them.

(14) "Official certificate" means a document issued by an official testing agency including but not limited to seed certification tags, bulk seed certification certificates, phytosanitary certificates, laboratory sanitary certificates, and other letters, tags, stamps or similar documents certifying seed quality or condition.

(15) "Quarantine Area I" means all areas west of the Continental Divide except those counties within the state of Washington subject to internal quarantine and the states of Alaska and Hawaii.

(16) "Quarantine Area II" means areas east of the Continental Divide, the counties in the state of Washington subject to internal quarantine, the states of Alaska and Hawaii and foreign countries.

(17) "Seedborne viral diseases" includes bean common mosaic virus, adzuki mosaic virus, and other similar viral

diseases causing mosaic mottle and other symptoms similar to those of bean common mosaic virus.

[Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-010, filed 5/27/92, effective 5/27/92; 91-08-017 (Order 2078), § 16-494-010, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-010, filed 12/31/84; Order 1077, § 16-494-010, filed 2/7/68; Order 1013 (part), filed 4/1/66; Order 1004 (part), filed 2/11/66.]

WAC 16-494-012 Regulated articles. Seeds of common beans and adzuki beans intended for planting purposes, bean plants and parts of plants, and crop residue from the harvest of infected beans are regulated under the provisions of this chapter.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-012, filed 3/27/91, effective 4/27/91.]

WAC 16-494-013 Regulated diseases. The following viral, bacterial and fungal diseases of beans, and any new strains or variations of these identified in the future, of beans are regulated under the provisions of this chapter:

Halo blight (*Pseudomonas Syringae* pv. *phaseolicola* (Young et. al.))

Common bean blight (*Xanthomonas Campestris* pv. *phaseoli* (Smith) Dye)

Fuscous blight (*Xanthomonas phaseoli* var. *fuscans* (Burk.))

Bean anthracnose disease (*Colletotrichum lindemuthianum* (Sacc. & Magn.) Scrib.)

Brown spot disease (*Pseudomonas syringae* pv. *syringae* (Van Hall)) strains virulently pathogenic to *Phaseolus*

Bean bacterial wilt (*Corynebacterium flaccumfaciens* ssp. *flaccumfaciens* (Hedg.) Dows.)

[Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-013, filed 5/27/92, effective 5/27/92; 91-08-017 (Order 2078), § 16-494-013, filed 3/27/91, effective 4/27/91.]

WAC 16-494-020 Bean seed—Quarantined area. The entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom in the state of Washington, and all areas outside the state of Washington are established as a quarantine area. The quarantine area is further divided into two portions defined in WAC 16-494-010 (15) and (16) for the purposes of regulation.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-020, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-020, filed 12/31/84; Order 1196, § 16-494-020, filed 4/16/71; Quarantine Order 1013 (part), filed 4/1/66; Quarantine Order 1004 (part), filed 2/11/66.]

WAC 16-494-030 Bean seed—Regulated area. The entire counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima in the state of Washington are established as a protected area within the state.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-030, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-030, filed

12/31/84; Order 1196, § 16-494-030, filed 4/16/71; Quarantine Order 1013 (part), filed 4/1/66; Quarantine Order 1004 (part), filed 2/11/66.]

WAC 16-494-042 General requirements for planting bean seed in the regulated area. (1) No beans shall be planted, or sold, shipped, or transported for seed purposes in the regulated area which are found to be or are known to be contaminated with any disease listed in WAC 16-494-013.

(2) The department shall be notified in writing, prior to shipping, of any person's intent to ship, move, or transport any bean seed into the regulated area. This notice of intent shall be accompanied by a copy of the official certificate issued for that bean seed.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-042, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-042, filed 12/31/84.]

WAC 16-494-043 Additional requirements for planting bean seed grown in the regulated area. (1) Bean seed shall have been entered into the Washington state bean phyto-sanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-316-270 and 16-316-327.

(2) When the director determines that an emergency condition exists because of a shortage of seed for planting purposes, beans grown for processing as edible beans may be accepted for planting purposes: *Provided*, That the lot has been tested by means recommended by the university and approved by the director and found to be apparently free of regulated diseases.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-043, filed 3/27/91, effective 4/27/91.]

WAC 16-494-044 Additional requirements for planting bean seed grown in quarantine Area I. (1) Bean seed from quarantine Area I shall not be shipped, transported, or moved into the regulated area for planting unless the beans are accompanied by an origin official certificate showing that the beans are apparently free from the regulated diseases. Such certification shall be on the basis of at least one growing season field inspection and one windrow inspection or on an approved laboratory/greenhouse test.

(2) Bean seed planted for seed increase or with intention of seed increase shall be planted in fields entered into either the Washington state bean seed phyto-sanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-316-270 and 16-316-327.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-044, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-044, filed 12/31/84.]

WAC 16-494-045 Additional requirements for planting bean seed grown in quarantine Area II. (1) Bean seed shall first be planted into an approved trial ground that meets the requirements of the department.

(2) Bean seed, up to a maximum of one pound per variety, may be planted in an approved trial ground intended for research purposes, with notification to the department, plant certification program, of intent to plant and adherence

to the inspection procedures in WAC 16-494-047 and such isolation and other requirements as the director may prescribe.

(3) Bean seed over one pound, intended for introduction or seed increase, shall first be planted in an approved trial ground not to exceed five acres for each variety. In addition, prior to planting, this bean seed shall have passed a laboratory/greenhouse test as recommended by the university, notification shall have been given the department, plant certification program, of intent to plant and inspection procedures in WAC 16-494-047 shall have been complied with for trial grounds.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-045, filed 3/27/91, effective 4/27/91.]

WAC 16-494-046 Quarantine—Exceptions and exemptions. (1) Bean seed planted for harvest as green beans for cannery or freezing, otherwise in compliance with this quarantine, is not required to be entered into an inspection program: *Provided*, That the department reserves the right to request complete listing and location of all the plantings and other information the department may deem necessary. Further, if at any time prior to harvest, the grower decides that the plantings are not to be harvested as green beans, the department shall be notified and the plantings placed under an inspection program.

(2) This quarantine shall not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the regulated area if the beans are free of diseases.

[Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-046, filed 5/27/92, effective 5/27/92; 91-08-017 (Order 2078), § 16-494-046, filed 3/27/91, effective 4/27/91.]

WAC 16-494-047 Inspection procedures for trial grounds. (1) Applications for planting in a trial ground must be submitted to the department prior to May 15 of the growing year, and must include a detailed varietal planting plan, a description of the exact location of the trial ground, and a description of any bean plantings within one quarter mile of the trial ground.

(2) A minimum of three field inspections shall be made during the growing season and one windrow inspection.

(3) A disinfectant shall be applied to machinery used in the production of bean seed and to footwear of personnel performing inspections prior to movement to other bean fields.

(4) If any regulated diseases are detected by field inspections or subsequent laboratory/greenhouse tests, none of the seed shall be released for general planting but shall again be planted in an approved trial ground for one additional year and undergo inspection procedures by the department.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-047, filed 3/27/91, effective 4/27/91.]

WAC 16-494-062 Identification and disposition of diseased bean seed and infected bean fields. (1) Any bean field planted with seed in violation of the requirements of this quarantine shall be subject to destruction, in full or in part, or quarantined, as determined necessary by the director,

to prevent the spread of regulated diseases at the option and the expense of the grower or their responsible agents.

(a) Fields that are placed under a quarantine order shall be entered into the Washington state bean seed phytosanitary inspection program as provided in WAC 16-316-327 with all costs of inspection to be borne by the grower or the grower's agent.

(b) Fields that are placed under a quarantine order may be subject to additional requirements for inspection, control or isolation, as deemed necessary by the director, to prevent the spread of regulated diseases.

(2) Any bean field determined to be infected with a regulated disease shall be reported within seventy-two hours after discovery to the department, plant certification program.

(3) The department encourages the aid of all interested parties, including growers and seed company representatives, in the prompt reporting of suspected infected bean fields in order that timely investigation may be made.

(4) Any bean fields within the boundaries of the regulated area which show contamination by a regulated disease, as provided in subsection (5) of this section, shall be destroyed in part or in total as may be required to eliminate the disease, by or at the expense of the grower and/or landlord: *Provided*, That the director may authorize any other method of control at the director's discretion. The director shall notify the grower, seed company representatives and/or the grower's landlord of the method and extent of the destruction and safeguards against disease spread in order for the parties to comply.

(5) The identity of a regulated disease on growing plants or plants in windrow will be based on the observance of the visual symptoms of the disease. If the department deems it necessary to establish true identity or pathogenicity, a laboratory and/or greenhouse test may be conducted by the department in cooperation with the university.

(a) In cases of disagreement concerning the presence of a regulated disease between the department plant pathologist and a qualified plant pathologist representing the commercial company or grower, the definitive verification of identity or pathogenicity shall be determined by isolation of the suspected pathogen and inoculation of seedlings of a known susceptible host using accepted scientific and professional techniques.

(b) Until verification of the suspected pathogen as specified in this section is completed, the involved planting shall be placed under quarantine for a period of thirty days subject to conditions and review or extension as determined by the director. Entry into the quarantined area is to be restricted to the grower or grower's agents, department employees, and/or persons authorized in writing by the director. Persons granted entry into the quarantined area will be required to take all necessary sanitary precautions as prescribed by the director to safeguard against the possible spread of the suspected regulated disease.

(6) The true identity of the regulated disease when found in or on seed will be based on testing methods recommended by the university results of which, when positive, will be evidence to identify the disease as being subject to the department's requirements. The owner of the seed, at owner's expense, may request verification of pathogenicity. Such verification shall be made using accepted scientific and professional techniques.

(7) Exemptions and special situations:

(a) Any field of beans first found infected during windrow inspection, is exempt from total destruction if the diseased portion and an area (not less than a fifty-foot radius) surrounding the infected site is promptly destroyed or harvested with the beans from the infected area directed, under department supervision, to processing. Seed from the remainder of the field shall be tested by a serology test. Only seed apparently free from regulated diseases may be used for seed purposes in the regulated area.

(b) Any field of beans to be used only for dry edible purposes are exempt from destruction if the diseased portion of the field is destroyed and all the crop residue is promptly and completely destroyed after harvest.

(c) Beans for processing or fresh consumption are exempt from destruction if the diseased portion of the field is destroyed or harvested within ten days after first detection and/or verification as provided in subsection (4) of this section and the crop residue is promptly and completely destroyed after harvest.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-062, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 85-02-050 (Order 1846), § 16-494-062, filed 12/31/84.]

WAC 16-494-063 Notice of destruction. When the director finds personal property planted in violation of the terms of this quarantine or infected as described in WAC 16-494-062, the director shall issue a written notice of quarantine or destruction to the owners and occupants thereof. The notice shall identify the property under quarantine, order the destruction of infested plants or prescribe the terms of entry, inspection, partial destruction and/or treatment of regulated articles.

[Statutory Authority: Chapter 15.49 RCW. 91-08-017 (Order 2078), § 16-494-063, filed 3/27/91, effective 4/27/91.]

WAC 16-494-064 Penalties. In addition to actions specified in WAC 16-494-062, any grower violating the terms of this chapter, shall be subject to civil and/or criminal penalties provided in law.

[Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-064, filed 5/27/92, effective 5/27/92; 91-08-017 (Order 2078), § 16-494-064, filed 3/27/91, effective 4/27/91.]

BEAN SEEDBORNE VIRAL DISEASE QUARANTINE

WAC 16-494-100 Bean seedborne viral disease quarantine—Establishing the quarantine. The production of dry edible beans and bean seed is an important industry in the state of Washington. The economic well being of that industry is threatened by the introduction of bean seed infected with bean seedborne viral diseases. The director has determined that a quarantine is needed to protect the Washington dry bean industry and to provide the bean growers of this state a source of bean seed for planting purposes that is tested for the presence of these diseases and that bean seedborne viral diseases cannot be effectively regulated under the terms of the existing bean seed quarantine.

(1997 Ed.)

[Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-100, filed 5/27/92, effective 5/27/92.]

WAC 16-494-110 Bean seedborne viral disease quarantine—Regulated articles. Seeds of common beans intended for planting purposes, bean plants and parts of plants, and crop residue from the harvest of beans are regulated under the terms of the bean seedborne viral disease quarantine.

[Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-110, filed 5/27/92, effective 5/27/92.]

WAC 16-494-120 Bean seedborne viral disease quarantine—Regulated disease. Seedborne viral diseases of beans, such as but not limited to bean common mosaic virus, and adzuki mosaic virus are regulated under the terms of the bean seedborne viral disease quarantine.

[Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-120, filed 5/27/92, effective 5/27/92.]

WAC 16-494-130 Bean seedborne viral disease quarantine—Quarantined area. The entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom in the state of Washington and all areas outside the state of Washington are established as a quarantine area for the bean seedborne viral disease.

[Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-130, filed 5/27/92, effective 5/27/92.]

WAC 16-494-140 Bean seedborne viral disease quarantine—Regulated area. The entire counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Walla Walla, Whitman, and Yakima are established as a protected area for bean seedborne viral diseases in Washington.

[Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-140, filed 5/27/92, effective 5/27/92.]

WAC 16-494-150 Bean seedborne viral disease quarantine—Requirements for planting bean seed in the regulated area. No bean seed shall be planted, or sold, shipped, or transported for seed purposes, or knowingly received, into the regulated area which are known to be contaminated with bean seedborne viral diseases and which do not comply with the requirements of the bean seed quarantine in WAC 16-494-001 through 16-494-064.

Bean seed, that otherwise qualifies, may be received for planting purposes, planted, sold, shipped, or transported if that seed meets one of the following criteria:

(1) The bean variety (cultivar) is known to be uniform for the dominant I-gene. Documentation of evidence of uniformity must accompany the seed shipment. Undocumented cultivars are subject to serology and/or grow out testing to determine freedom from bean seedborne viral diseases.

(2) The bean seed has been tested by the serology method (ELISA) and has been found to be free from bean seedborne viral diseases.

(3) The bean seed has been tested by the serology method and has been found to be positive for seedborne viral diseases and on a subsequent grow out test, the sample is found free from bean seedborne viral diseases.

(4) All serology tests shall be based on an official one pound sample of untreated bean seed for each fifty thousand pounds of bean seed or fraction thereof.

(5) All bean seed from outside the regulated area shall be accompanied by an official certificate documenting compliance with this section.

[Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-150, filed 5/27/92, effective 5/27/92.]

WAC 16-494-160 Bean seedborne viral disease quarantine—Identification and disposition of diseased bean seed. All bean seed that is determined to be contaminated by bean seedborne viral diseases and which does not meet the requirements of WAC 16-494-150 shall be destroyed or diverted to dry edible or other nonseed purposes. For seed that is diverted to dry edible or other nonseed purposes, documentation of disposition of the seed shall be provided to the department of agriculture upon request.

(1) Seed fields entered in the Washington state bean seed phyto-sanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-316-270 and 16-316-327 that display symptoms of bean seedborne viral diseases during the growing season shall be subject to testing provided in WAC 16-494-150 (3) and (4) to determine final disposition.

(2) When the director determines that it is probable, based on visual symptoms and serological analysis, that a seed field may be infected with bean seedborne viral diseases and determines that a threat of infection of other fields exists, the director may prescribe aphid control or other requirements, through a notice of destruction as provided in WAC 16-494-063, deemed necessary to prevent infection of adjacent properties.

(3) The true identity of bean seedborne viral diseases shall be based on testing methods recommended by the university results of which, when positive, will be evidence to identify the disease as being subject to the department's requirements. The owner of the seed, at owner's expense, may request verification of pathogenicity. Such verification shall be made using accepted scientific and professional techniques.

[Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-160, filed 5/27/92, effective 5/27/92.]

WAC 16-494-170 Bean seedborne viral disease quarantine—Penalties. (1) Any bean field planted with seed in violation of the requirements of this quarantine shall be subject to destruction, in full or in part, or quarantined, as determined necessary by the director, to prevent the spread of bean seedborne viral diseases, at the option and the expense of the grower or their responsible agent.

(2) Any grower violating the terms of this quarantine, shall be subject to the criminal and/or civil penalties provided in chapter 17.24 RCW.

[Statutory Authority: Chapter 15.49 RCW. 92-12-025 (Order 2092), § 16-494-170, filed 5/27/92, effective 5/27/92.]

Chapter 16-495 WAC ANNUAL BLUEGRASS QUARANTINE

WAC

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| 16-495-004 | Annual bluegrass quarantine—Establishing quarantine. |
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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|------------|---|
| 16-495-001 | Promulgation—Establishing quarantine. [Order 1310, § 16-495-001, filed 4/24/73; Order 1197, § 16-495-001, filed 4/16/71.] Repealed by 79-05-086 (Order 1607), filed 5/1/79. Statutory Authority: Chapter 15.49 RCW. |
| 16-495-002 | Promulgation. [Order 1308, § 16-495-002, filed 4/24/73; Order 1248, § 16-495-002, filed 4/13/72, effective 5/14/72.] Repealed by 79-05-086 (Order 1607), filed 5/1/79. Statutory Authority: Chapter 15.49 RCW. |
| 16-495-003 | Promulgation. [Order 1364, § 16-495-003, filed 6/12/74.] Repealed by 79-05-086 (Order 1607), filed 5/1/79. Statutory Authority: Chapter 15.49 RCW. |
| 16-495-005 | Promulgation. [Order 1468, § 16-495-005, filed 5/13/76.] Repealed by 79-05-086 (Order 1607), filed 5/1/79. Statutory Authority: Chapter 15.49 RCW. |
| 16-495-070 | Effective date. [Order 1467, § 16-495-070, filed 5/13/76; Order 1310, § 16-495-070, filed 4/24/73; Order 1197, § 16-495-070, filed 4/16/71.] Repealed by 79-09-103 (Order 1654), filed 8/31/79. Statutory Authority: Chapter 15.49 RCW. |
| 16-495-080 | Annual bluegrass quarantine procedures. [Statutory Authority: Chapter 15.49 RCW. 79-05-086 (Order 1607), § 16-495-080, filed 5/1/79; Order 1468, § 16-495-080, filed 5/13/76; Order 1308, § 16-495-080, filed 4/24/73; Order 1248, § 16-495-080, filed 4/13/72, effective 5/14/72.] Repealed by 91-13-087 (Order 2088), filed 6/19/91, effective 7/20/91. Statutory Authority: Chapter 15.49 RCW. |
| 16-495-085 | Definitions. [Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-495-085, filed 5/13/88; 80-06-116 (Order 1703), § 16-495-085, filed 5/30/80; 79-05-086 (Order 1607), § 16-495-085, filed 5/1/79. Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-105 (Order 1556), § 16-495-085, filed 3/1/78, effective 4/1/78; Order 1468, § 16-495-085, filed 5/13/76; Order 1364, § 16-495-085, filed 6/12/74; Order 1248, § 16-495-085, filed 4/13/72, effective 5/14/72.] Repealed by 91-13-087 (Order 2088), filed 6/19/91, effective 7/20/91. Statutory Authority: Chapter 15.49 RCW. |

WAC 16-495-004 Annual bluegrass quarantine—Establishing quarantine. The seeds of the weed known as annual bluegrass, *Poa annua* and its known strains, hereinafter referred to as annual bluegrass, are objectionable in grass seed; therefore, an annual blue grass quarantine is established to prevent the introduction of annual bluegrass into grass seed production areas, to control seed stocks to be planted for further seed increase, and to assure grass seed growers of a source of seed stock for planting purposes which is tested for presence of annual bluegrass.

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-495-004, filed 6/9/92, effective 7/10/92; 91-13-087 (Order 2088), § 16-495-004, filed 6/19/91, effective 7/20/91; 79-09-103 (Order 1654), § 16-495-004, filed 8/31/79; Order 1467, § 16-495-004, filed 5/13/76.]

WAC 16-495-010 Annual bluegrass quarantine—

Definitions. (1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof. This term shall import either the singular or the plural as the case may be.

(2) "Department" means the Washington state department of agriculture.

(3) "Director" means the director of the department of agriculture or his duly authorized representative.

(4) "Annual bluegrass" means *Poa annua* and all related subspecies.

(5) "Nursery" means an area of two acres or less in which grass for seed production is seeded in rows with twenty-four inch minimum spacings to facilitate roguing.

(6) "Seed stock" means those seeds of grasses which are to be planted for seed increase or with intent of seed increase; except this definition does not include: Big bluegrass, upland bluegrass, brome, meadow fescue, tall fescue, oatgrass, orchardgrass, timothy, or wheatgrass.

(7) "Official seed laboratory" means a seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Laboratory, 2015 South First Street, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

(8) "Representative sample" means a sample drawn in accordance with sampling procedures adopted by the director.

(9) "Annual bluegrass analysis certificate" means a test report from an official seed laboratory showing freedom from annual bluegrass based on a 10 gram sample for bentgrass or redtop; and a 25 gram sample for other grasses.

(10) "Quarantine tag" means a tag issued by Washington state department of agriculture to be sealed to each bag showing said seed has met quarantine requirements.

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-495-010, filed 6/9/92, effective 7/10/92; 91-13-087 (Order 2088), § 16-495-010, filed 6/19/91, effective 7/20/91; Order 1467, § 16-495-010, filed 5/13/76; Order 1197, § 16-495-010, filed 4/16/71.]

WAC 16-495-020 Annual bluegrass quarantine—

Regulated area. Areas regulated under the annual bluegrass quarantine include all areas of the state of Washington lying east of the Cascade Crest.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-020, filed 6/19/91, effective 7/20/91; Order 1467, § 16-495-020, filed 5/13/76; Order 1197, § 16-495-020, filed 4/16/71.]

WAC 16-495-030 Annual bluegrass quarantine—

Quarantine area. Areas quarantined under the annual bluegrass quarantine include all areas of the state of Washington lying west of the Cascade Crest and all areas outside of the state of Washington.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-030, filed 6/19/91, effective 7/20/91; Order 1467, § 16-495-030, filed 5/13/76; Order 1197, § 16-495-030, filed 4/16/71.]

WAC 16-495-040 Annual bluegrass quarantine—
Regulated articles. Articles regulated under the requirements of the annual bluegrass quarantine include seed stocks of all grass species except those kinds listed in WAC 16-495-010(8) of these quarantine procedures as exceptions.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-040, filed 6/19/91, effective 7/20/91; Order 1467, § 16-495-040, filed 5/13/76; Order 1197, § 16-495-040, filed 4/16/71.]

WAC 16-495-050 Annual bluegrass quarantine—

Conditions governing movement of regulated articles. (1) No seed stock shall be shipped, transported, moved in, or into the annual bluegrass quarantine regulated area unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of annual bluegrass on the basis of a minimum 10 gram analysis for bentgrass and a minimum of 25 gram analysis for other grasses: *Provided*, That seed stock found to contain annual bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the state department of agriculture.

(2) This quarantine shall not apply to seed sown for forage or turf.

(3) This quarantine shall not apply: To experiments or trial grounds of the United States Department of Agriculture; to experiments or trial grounds of Washington State University experiment station; or to trial grounds of any person, firm, or corporation; provided said trial ground plantings are approved by the director and under supervision of technically trained personnel familiar with annual bluegrass control.

(4) Any person shipping, moving or transporting any seed stock for planting purposes in or into the regulated area that is not tagged with official "annual bluegrass quarantine" tags shall:

(a) State where and when seed stock can be sampled for the required annual bluegrass test; or

(b) Have attached a copy of the official laboratory analysis showing freedom from annual bluegrass; or

(c) Have representative sample submitted for testing.

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-495-050, filed 6/9/92, effective 7/10/92; 91-13-087 (Order 2088), § 16-495-050, filed 6/19/91, effective 7/20/91; 79-05-085 (Order 1620), § 16-495-050, filed 5/1/79; Order 1467, § 16-495-050, filed 5/13/76; Order 1310, § 16-495-050, filed 4/24/73; Order 1197, § 16-495-050, filed 4/16/71.]

WAC 16-495-060 Violations and penalty.

Any person who violates the terms of this quarantine may be subject to the criminal and civil penalties provided in chapters 15.49 and/or 17.24 RCW.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-060, filed 6/19/91, effective 7/20/91; Order 1467, § 16-495-060, filed 5/13/76; Order 1197, § 16-495-060, filed 4/16/71.]

WAC 16-495-090 Annual bluegrass quarantine—

Procedure for clearing. (1) Each person moving, shipping or transporting seed stock in or into the annual bluegrass quarantine regulated area shall:

(a) Submit an official laboratory analysis of a representative sample showing freedom from annual bluegrass; or

(b) Have a representative sample submitted for testing.

(2) Upon receipt of an official laboratory analysis showing freedom from annual bluegrass, the department of

agriculture shall tag each bag of those lots found free of annual bluegrass by the required test with "annual bluegrass quarantine" tag, stating said seed is eligible for planting in Eastern Washington.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-090, filed 6/19/91, effective 7/20/91; 79-05-086 (Order 1607), § 16-495-090, filed 5/1/79; Order 1468, § 16-495-090, filed 5/13/76; Order 1364, § 16-495-090, filed 6/12/74; Order 1308, § 16-495-090, filed 4/24/73; Order 1248, § 16-495-090, filed 4/13/72, effective 5/14/72.]

WAC 16-495-095 Annual bluegrass quarantine—Seed stock containing annual bluegrass. Each lot of seed stock found to contain annual bluegrass shall be placed under "stop sale" to be released only for shipment out of the quarantine area or for planting in nurseries of two acres or less under the supervision of, and approved by, an agent of the department of agriculture. The nursery shall be seeded in rows. It shall be the duty of the person receiving such seed to rogue this increase area or chemically treat to eradicate the annual bluegrass thus assuring production of seed that is free of annual bluegrass. Seed increase areas shall be inspected by the department at least three times during the seedling year. Any areas not passing inspection shall not be harvested, but instead shall be destroyed by the person who planted the increase area upon order of the director of the Washington state department of agriculture or his agent. If not destroyed as directed, the department of agriculture shall have the plot destroyed and the grower shall be liable for all expenses.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-095, filed 6/19/91, effective 7/20/91; 79-05-086 (Order 1607), § 16-495-095, filed 5/1/79; Order 1468, § 16-495-095, filed 5/13/76; Order 1248, § 16-495-095, filed 4/13/72, effective 5/14/72.]

WAC 16-495-100 Annual bluegrass quarantine—Application for nursery inspection. A person shall make application for nursery inspection for annual bluegrass to the department of agriculture not later than 14 days prior to planting.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-100, filed 6/19/91, effective 7/20/91; Order 1468, § 16-495-100, filed 5/13/76; Order 1248, § 16-495-100, filed 4/13/72, effective 5/14/72.]

WAC 16-495-105 Annual bluegrass quarantine—Fees. (1) Fees for sampling and analysis for the presence of annual bluegrass shall be that fee established by the director. (2) Inspection fee for nursery plantings shall be \$50.00 per acre or portion thereof. (3) The tagging fee shall be 50¢ cwt with a minimum fee of \$10.00.

[Statutory Authority: Chapter 15.49 RCW. 91-13-087 (Order 2088), § 16-495-105, filed 6/19/91, effective 7/20/91; 79-05-086 (Order 1607), § 16-495-105, filed 5/1/79; Order 1468, § 16-495-105, filed 5/13/76; Order 1364, § 16-495-105, filed 6/12/74; Order 1248, § 16-495-105, filed 4/13/72, effective 5/14/72.]

WAC 16-495-110 Annual bluegrass quarantine—Violation procedures. (1) A person who is alleged to have violated the annual bluegrass quarantine shall meet with a representative of the department to determine:

- (a) If a violation actually occurred;

(b) How it did occur, and what corrective measures can be taken to avoid reoccurrence;

(c) How much acreage is involved and location of all plantings.

(2) Corrective procedures shall be agreed upon, such as roguing, chemical treatment, etc., and the time frame for such work, or agreement for voluntary destruction of all acreage involved.

(3) Treated and rogued acreage shall be inspected by department of agriculture three times during the seedling stages to assure freedom from annual bluegrass. The violator will be assessed an hourly inspection fee and a mileage fee where additional mileage is involved.

(4) Failure to mutually agree, or failure to comply with these procedures, or if it is determined the violation was willful, will be referred to the attorney general for criminal and/or civil penalty action.

[Statutory Authority: Chapter 15.49 RCW. 92-13-027 (Order 2093), § 16-495-110, filed 6/9/92, effective 7/10/92; 91-13-087 (Order 2088), § 16-495-110, filed 6/19/91, effective 7/20/91. Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-105 (Order 1556), § 16-495-110, filed 3/1/78, effective 4/1/78.]

Chapter 16-497 WAC HOP DISEASE QUARANTINE

WAC

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| 16-497-001 | Establishing quarantine. |
| 16-497-005 | Hop disease quarantine—Definitions. |
| 16-497-010 | Quarantine area. |
| 16-497-020 | Regulated articles. |
| 16-497-030 | Regulations—Conditions governing the movement of regulated articles. |
| 16-497-040 | Disposition of material shipped in violation of this quarantine. |
| 16-497-050 | Exemption. |
| 16-497-060 | Violation and penalty. |

WAC 16-497-001 Establishing quarantine. The introduction of dangerous diseases of hops into the state of Washington would entail great losses to the horticultural interests of the state, and the most rigid examinations cannot determine the presence of disease on dormant hop plants or parts of plants; therefore this quarantine is established by the director of agriculture, pursuant to the authority provided in chapter 17.24 RCW, setting forth the rules for the importation of hop plants into the state of Washington.

[Statutory Authority: Chapters 15.14 and 17.24 RCW. 91-08-016 (Order 2077), § 16-497-001, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW. 80-01-093 (Order 1663), § 16-497-001, filed 12/31/79, effective 6/1/80.]

WAC 16-497-005 Hop disease quarantine—Definitions. (1) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Iilar viruses" means a grouping of viruses, including Apple Mosaic Virus and Prunus Necrotic Ringspot, which share common characteristics including spherical in shape, with genetic material in three different particles and commonly inducing ring spots in hosts.

(4) "Verticillium wilt" means the disease caused by *Verticillium albo-atrum* Reinke & Berth, or hop strains of this organism.

(5) "Powdery mildew" means the disease caused by *Sphaerotheca macularis* (WALLR.: FR) Lind = *Sphaerotheca humuli* (DC) Burrill.

[Statutory Authority: RCW 17.24.041, 95-18-033 (Order 5082), § 16-497-005, filed 8/28/95, effective 9/28/95. Statutory Authority: Chapters 15.14 and 17.24 RCW, 91-08-016 (Order 2077), § 16-497-005, filed 3/27/91, effective 4/27/91.]

WAC 16-497-010 Quarantine area. All areas outside of the territorial borders of the state of Washington.

[Statutory Authority: Chapter 17.24 RCW, 80-01-093 (Order 1663), § 16-497-010, filed 12/31/79, effective 6/1/80.]

WAC 16-497-020 Regulated articles. Plants and all parts thereof (except the kiln dried cone) of hops (*Humulus Lupulus* L.)

[Statutory Authority: Chapters 15.14 and 17.24 RCW, 91-08-016 (Order 2077), § 16-497-020, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW, 80-01-093 (Order 1663), § 16-497-020, filed 12/31/79, effective 6/1/80.]

WAC 16-497-030 Regulations—Conditions governing the movement of regulated articles. Hop plants and all parts thereof will be admitted into the state of Washington: *Provided*, That the following provisions are complied with.

(1) The hop plant or parts thereof have been certified in accordance with the regulations of an official state agency, which certification program requires at least two field inspections during the growing season, and requires that certification tolerances shall not exceed: Powdery mildew, *Verticillium wilt* (*albo atrum* (dm)), and Iilar viruses, zero percent: *And provided further*, That all shipments of such hop planting stock shall be apparently free of insect pests and shall be accompanied by a certificate issued by an official agency of the state of origin certifying that the hop planting stock was produced under official certification regulations and meets official standards.

(2) All shipments of hop planting stock shall be plainly marked with the contents on the outside of the package or container.

(3) Persons shipping or transporting regulated articles into this state from areas under quarantine shall notify the department's plant certification branch of the nature and quantity of each shipment, the expected date of arrival at destination, the name of the intended receiver and the destination. The person to whom the articles are shipped shall hold the same until they are inspected and/or released by the department.

[Statutory Authority: RCW 17.24.041, 95-18-033 (Order 5082), § 16-497-030, filed 8/28/95, effective 9/28/95. Statutory Authority: Chapters 15.14 and 17.24 RCW, 91-08-016 (Order 2077), § 16-497-030, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW, 80-01-093 (Order 1663), § 16-497-030, filed 12/31/79, effective 6/1/80.]

WAC 16-497-040 Disposition of material shipped in violation of this quarantine. All regulated articles arriving in the state of Washington in violation of this quarantine shall be immediately sent out of the state or destroyed at the

option and expense of the owner or owners, or their responsible agents.

[Statutory Authority: Chapters 15.14 and 17.24 RCW, 91-08-016 (Order 2077), § 16-497-040, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW, 80-01-093 (Order 1663), § 16-497-040, filed 12/31/79, effective 6/1/80.]

WAC 16-497-050 Exemption. The restrictions on the movement of regulated articles set forth in this chapter shall not apply to hop plants or parts of plants imported for experimental or trial purposes by the United States Department of Agriculture or the state experiment stations in the state of Washington.

[Statutory Authority: Chapters 15.14 and 17.24 RCW, 91-08-016 (Order 2077), § 16-497-050, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW, 80-01-093 (Order 1663), § 16-497-050, filed 12/31/79, effective 6/1/80.]

WAC 16-497-060 Violation and penalty. Violations of this quarantine shall be punishable by the criminal and/or civil penalties provided by law in addition to any other inspection costs that may be assessed.

[Statutory Authority: Chapters 15.14 and 17.24 RCW, 91-08-016 (Order 2077), § 16-497-060, filed 3/27/91, effective 4/27/91. Statutory Authority: Chapter 17.24 RCW, 80-01-093 (Order 1663), § 16-497-060, filed 12/31/79, effective 6/1/80.]

Chapter 16-512 WAC FRYERS, BROILERS AND ROASTERS

WAC

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| 16-512-002 | Director's findings and decision approving a marketing order. |
| 16-512-005 | Marketing order—Policy and purpose. |
| 16-512-010 | Definitions. |
| 16-512-020 | Fryer commission—Structure, powers, duties, and procedure. |
| 16-512-030 | Marketing order purposes. |
| 16-512-040 | Assessments and assessment funds. |
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| 16-512-060 | Separability. |
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RULES OF THE WASHINGTON FRYER COMMISSION

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| 16-512-101 | Promulgation. |
| 16-512-110 | Labeling. |
| 16-512-120 | Fryer processor and grower report form. |

WAC 16-512-002 Director's findings and decision approving a marketing order. Whereas, it is provided in RCW 15.66.020, as follows:

(1) "The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of this act to promote the general welfare of the state by enabling producers of agricultural commodities to help themselves in establishing orderly, fair, sound, efficient and unhampered marketing, grading and standardizing of the commodities they produce, and in promoting and increasing the sale of such commodities;" and

(2) Whereas, it is further provided in RCW 15.66.040, that marketing orders and orders modifying or terminating existing marketing orders shall be promulgated by the director; and

(3) Whereas, the director of agriculture having reason to believe that the issuance of a marketing order would tend to effectuate the declared policy of the act with respect to fryers, broilers and roasters, did upon receipt of the industry petition signed by five percent of the fryer, broiler and roaster producers of the state of Washington, and pursuant to the provisions of the act, issued on the 27th day of December, 1956 notice of public hearing to be held in Seattle, Washington on the 8th day of January, 1957, upon a proposed marketing order for fryers, broilers and roasters produced in the state of Washington providing for the creation of a Washington fryer commission and did upon said date and at said place, through his duly authorized representative, Phyllis Dolvin Schoedel, marketing act administrator, state department of agriculture, conduct a public hearing thereon and did give due notice of such hearing and opportunity to be heard to all persons directly affected by any action of the director pursuant to the provisions of said act whose names appeared on the official affected producer list for the fryer, broiler and roaster producers in the state of Washington on file in the office of the director of agriculture; and

(4) Whereas, the director of agriculture has reviewed the provisions of such marketing order which authorizes the purposes set forth in RCW 15.66.030 with provisions relating to the advertising and sales promotion; research; improving standards and grades by labeling requirements; and investigating and preventing unfair trade practices, hereby finds that:

(a) The proposed issuance of said marketing order is reasonably calculated to attain the objective sought in such marketing order;

(b) The proposed issuance is in conformity with the provisions of chapter 15.66 RCW, known as the Washington Agricultural Enabling Act, and within the applicable limitations and restrictions set forth therein will tend to effectuate the declared purposes and policies of said act;

(c) Said marketing order will protect the interests of consumers of fryers, broilers and roasters by exercising the powers of said chapter of the laws of the state of Washington only to such extent as is necessary to attain the objectives sought in the act; and

(5) Whereas, this marketing order embraces all producers who are engaged in the production of fryers, broilers and roasters in the state of Washington.

(6) Whereas, the director of agriculture did execute and issue his findings and recommended decision of issuance of the marketing order for Washington fryers, broilers and roasters on the 5th day of February, 1957 and did cause copies of said findings and recommended decision to be mailed to all parties of record appearing at the public hearing, or their attorneys of record, all as required by the act, and having received no objections to the provisions contained therein;

(7) Now therefore, I, J.D. Dwyer, director of agriculture of the state of Washington, do hereby execute and issue this final decision, approving a marketing order for Washington fryers, broilers and roasters providing for the creation of a Washington fryer commission and herewith submit the order for the referendum assent of the affected fryer, broiler and roaster producers on the official affected producer list of the state department of agriculture.

[Director's Finding and Decision, effective 3/4/57.]

WAC 16-512-005 Marketing order—Policy and purpose. The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of the "act" and of this "fryer, broiler and roaster marketing order" to promote the general welfare of the state by enabling fryer, broiler and roaster producers to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading and standardizing of the fryers, broilers and roasters they produce, and in promoting and increasing the sale of such fryers, broilers and roasters.

[Marketing Order for Washington Fryers, Broilers and Roasters, effective 4/15/57.]

WAC 16-512-010 Definitions. As used in this marketing order, the following terms shall have the following meanings:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative;

(2) "Act" means the Washington Agricultural Enabling Act, being chapter 15.66 RCW;

(3) "Person" includes any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals;

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market in commercial quantities fryers as herein defined;

(5) "Commercial quantities" shall mean and include one or more pound;

(6) "Pound" or "affected unit" are synonymous and mean and include each pound unit or any combination of packages making a one-pound unit of fryers;

(7) "Fryers" means and includes any and all breeds or varieties of chickens under the age of six months marketed for human consumption as fryers, broilers or fryer-roasters;

(8) "Fryer commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-512-020;

(9) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning January 1 of any year and ending upon the last day of December, both dates inclusive;

(10) "Handler" means any person who handles, sells, processes, stores, ships, or distributes fryers whether for himself or which he has purchased or acquired from a producer, or which he is shipping for or on behalf of a producer, or who acts as a sales or purchasing agent, broker or factor of fryers, and shall include any lending agencies for commodity credit corporation loan to producers;

(11) "Sale" means a transaction wherein the property in or to fryers is transferred from the producer to a purchaser for consideration. "Sale" shall also include an agreement to acquire such property for a consideration;

(12) "Affected area" or "area of production" are synonymous and mean and include all of the state of Washington;

(13) "District" means the geographical divisions of the affected area of fryer production established pursuant to the provisions of WAC 16-512-020 of this order.

[Marketing Order, Article I, effective 4/15/57.]

WAC 16-512-020 Fryer commission—Structure, powers, duties, and procedure. (1) **Establishment and membership.** A fryer commission is hereby established to administer this marketing order which shall be composed of six members who shall be producers elected at large as provided in subsection (2) of this section and two members who shall be appointed by the elected producer members. In addition, the director shall be an ex officio member of the commission.

(2) **Representative membership.** For the purpose of nomination and election of producer members of the commission, the affected area of the state of Washington shall be one representative district. Each elected producer position shall be elected at large and shall be numbered one through six. Positions appointed by the elected producer members shall be numbered seven and eight.

(3) **Membership qualifications.** Commission members shall be citizens and residents of this state, over the age of twenty-five years. Producer members of the commission shall be producers of fryers in this state. The qualifications of producer members of the commission as herein set forth must continue during their term of office. Members appointed by the elected producers shall be either fryer producers, others active in matters relating to fryers, or persons not so related.

(4) **Term of office.** The term of office of the commission members shall be three years from the date of their election and until their successors are elected and qualified: *Provided, however,* That the initial members of the commission shall serve from the effective date of this marketing order in terms terminating as follows: Positions 3 and 6 shall terminate December 31, 1957; positions 1 and 5 shall terminate December 31, 1958; and positions 2 and 4 shall terminate December 31, 1959. One appointed member's term, being position 7, shall terminate December 31, 1958, and the second appointed member's term, being position 8, shall terminate December 31, 1959.

(a) The appointed members of the initial commission shall be elected by a majority of the elected commissioners at the first meeting of said commission.

(b) With respect to the establishment of positions at large, commission members in office shall serve out their terms.

(5) Nomination and election of commission members.

(a) Not earlier than September 17 and not later than October 2 of each year, the director shall give notice by mail to all producers of such vacancy or vacancies and call for nominations. Nominating petitions shall be signed by five persons qualified to vote for such candidates. Such notice shall state the final date for filing said petitions which shall be not earlier than October 8 and not later than October 13 of each year.

(b) The director shall submit ballots by mail to all producers not earlier than October 18 and not later than November 2 of each year. Ballots shall be returned not later than December 2 of each year. Such mailed ballot shall be conducted in a manner so that it shall be a secret ballot in accordance with rules and regulations to be promulgated by the director.

(c) With respect to the initial fryer commission, the director shall call for nominations in the notice of his decision following the hearing designated in the act. The

ballot specified herein shall be forwarded to the producer at the time the director's proposed marketing order is mailed to the producers for their referendum assent.

(d) Except with respect to the initial fryer commission, the members of the commission not elected by the producers shall be elected by a majority of the commission within ninety days prior to the expiration of the term.

(6) Vacancies.

(a) To fill any vacancy occasioned by the failure to qualify of any person elected by the producers as a member of the commission, or in the event of the death, removal, resignation or disqualification of any member, the director shall call for nominations and conduct such election in the manner provided in subsection (5) of this section.

(b) To fill nonelective vacancies caused by reasons other than the expiration of the term, the new members shall be elected by the commission at its first meeting after the occurrence of the vacancy.

(7) Powers and duties of commission. The commission shall have the following powers and duties:

(a) To administer, enforce, direct and control the provisions of this marketing order and of the act relating thereto;

(b) To elect a chairman and such other officers as the commission may deem advisable;

(c) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order;

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings, before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order;

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor.

(h) To borrow money and incur indebtedness;

(i) To make necessary disbursements for routine operating expenses;

(j) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with and to effectuate the purposes of the act and this order;

(k) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year;

(l) To accept and receive gifts, grants, and contributions and expend the same to effectuate the purposes of the act and this order;

(m) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this order.

(8) Procedure for commission.

(a) The commission may by resolution establish a headquarters which shall continue as such unless and until so changed by the commission, at which headquarters shall be kept the books, records, and minutes of the commission meetings.

(b) The commission shall hold regular meetings at least quarterly, with the time and date thereof to be fixed by the resolution of the commission.

(c) The commission may hold such special meetings as it may deem advisable and shall establish by resolution the time, place, and manner of calling such special meetings with reasonable notice to the members: *Provided, however*, That the notice of any special meeting may be waived by a waiver thereof signed by not less than a quorum of the membership.

(d) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(e) A quorum of the commission shall consist of at least five members.

(f) No member of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid a specified sum to be determined by resolution of the commission not to exceed \$20.00 per day for each day spent in the actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expenses at the rate allowed by law to state employees.

(9) Limitation of liability of commission members and employees. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee, or agent of the commission in his individual capacity. The members of the commission, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint and no member shall be liable for the default of any other member.

[Order 1405, § 16-512-020, filed 7/7/75; Marketing Order, Article II, effective 4/15/57.]

WAC 16-512-030 Marketing order purposes. (1) Advertising and sales promotion plans.

(a) The fryer commission, subject to the provisions of the act, is hereby authorized to prepare plans, administer and conduct programs and expend moneys for advertising and sales promotion for promoting the sale of fryers for the purpose of maintaining existing markets or creating new and/

or larger markets for fryers grown in the state of Washington including but not necessarily limited to the following:

(i) Increasing the sale and consumption of Washington produced fryers through the use of the press, radio, television and all other advertising media;

(ii) Dealer service work, trade promotion, publicity, market development and expansion activities;

(iii) Prevention, modification, or elimination of trade barriers which restrict the free flow of fryers produced in this state;

(iv) Presentation of facts to and negotiations with state, federal, or foreign governmental agencies on matters which affect the marketing of fryers produced in this state, including cooperation with any agency or group in efforts to increase per capita consumption of fryers, and such other activities and programs which are consistent with the objectives of this marketing order and the act.

(b) In carrying out any advertising and sales promotion plans or programs, the commission may engage or hire such advertising medias as may be necessary to accomplish the purposes of the act and this order, arrange for advertising space, display material and other advertising material, conduct dealer service work or may use any other methods consistent with the act and this marketing order which the commission considers appropriate in promoting or creating new and larger domestic or foreign markets for fryers, or in maintaining existing markets.

(c) Programs and plans adopted by the commission under this marketing order shall be directed towards promoting the sale of fryers without reference to any particular private brand or trade name and sales promotion and advertising programs so conducted shall not disparage the value, quality, sale or use of any other agricultural commodity or make use of any unwarranted or false claims on behalf of fryers.

(2) Research.

(a) The fryer commission, subject to the provisions of the act, is hereby authorized to carry on or cause to be carried on any necessary and proper marketing, production, processing, or handling research or survey studies relating to fryers and to expend moneys for such purposes.

(b) Such research and survey studies may include, but shall not necessarily be limited to the following:

(i) Production problems.

(ii) Developing objective quality factors for fryers.

(iii) Disease control.

(iv) Developing and improving methods of processing fryers for the purpose of increasing and expanding their use for food purposes.

(v) Improving packaging and handling techniques which promote more efficient operation in the marketing and distribution of fryers.

(vi) Investigating transportation rates and service costs.

(c) The commission may, in addition to the activities enumerated above, carry on any other proper and necessary research and/or survey programs and activities consistent with, and subject to, the limitations of the act. Such research and/or survey studies may include the collection of data and information relating to fryers; the analysis of such data and information; the dissemination of such data, information and analysis; and such other investigation that

falls within the scope of the marketing, producing, processing or handling of fryers.

(3) Labeling.

(a) The fryer commission, subject to the provisions of the act, is hereby authorized to provide for the improving of standards and grades for fryers by defining, establishing and providing labeling requirements, as provided in the act, and not inconsistent with the laws of this state, with respect to the same, and to expend moneys for such purposes.

(b) The commission shall give reasonable written notice to all producers, handlers, and persons directly affected by the labeling requirements issued pursuant to this section, not less than ten days prior to the effective time of such requirements.

(c) The commission shall be authorized to cooperate with state and federal agencies or departments responsible for revising and modernizing grades and standards and labeling of fryers.

(d) All chickens commonly referred to as fryers, broilers, or fryer-roasters and including any and all breeds or varieties of chicken under the age of six months, sold or offered for sale in the state of Washington, must be labeled as to the state of origin at the point of retail sale. The state of origin is defined as the state wherein the bird has been raised to market weight. Specific requirements for such labeling shall be made by the fryer commission pursuant to rules promulgated in accordance with the provisions of chapter 34.04 RCW.

(4) Unfair trade practices. The fryer commission, subject to the provisions of the act, is hereby to investigate and take necessary action to prevent unfair trade practices and to correct, where possible, trade practices which hinder marketing of Washington produced fryers. Information acquired in such investigation shall be confidential and shall be released only to the extent necessary to effectuate the purposes of the act.

(5) Standards, grades, labels and trade practices. The provisions covering standards, grades, labels and trade practices shall apply with respect to fryers marketed or sold within the affected area regardless of where produced.

[Statutory Authority: Chapter 15.66 RCW. 80-03-019 (Order 1664), § 16-512-030, filed 2/15/80; Marketing Order, Article III, effective 4/15/57.]

WAC 16-512-040 Assessments and assessment funds. (1) **Assessments levied.** On and after the effective date of this amendment, there is hereby levied and there shall be collected by the commission as provided in the act, upon all fryers, roasters and broilers under the age of 6 months, an assessment of .35 of one cent per lb. live weight. Such assessment shall be paid by the producer thereof upon each and every pound of fryers, roasters, or broilers sold, delivered for sale or processed by him: *Provided however*, That no assessment shall be collected on the following:

(a) Sales on a producer's premises by a producer direct to a consumer of thirty pounds or less of fryers from a producer's own production;

(b) Fryers of a producer's own production used by him for personal consumption; or

(c) Fryers donated or shipped for relief or charitable purposes.

No assessment levied or made collectable by the act under this order shall exceed three percent of the total market value of all such fryers sold, processed or delivered for sale or processing by all producers of fryers for the fiscal year to which the assessment applies.

(2) Collection of assessment.

(a) All assessments made and levied pursuant to the provisions of the act under this marketing order shall apply to the respective producer who shall be primarily liable therefor. To collect such assessments, the commission may require:

(i) Stamps to be known as "Washington fryer commission stamps" to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases or receiving receipts or tickets. Any such stamps shall be cancelled immediately upon being attached or fixed and the date of such cancellation shall be placed thereon;

(ii) Payment of producer assessments before the fryers are shipped off the farm or payment of assessments at different or later times and in such event, any person subject to the assessments shall give such adequate assurance or security for its payment as the commission shall require.

(iii) Every producer subject to the assessment under this order to deposit with the commission in advance an amount based on the estimated number of affected units upon which such person will be subject to such assessments in any one year during which this marketing order is in force, but in no event shall such deposit exceed twenty-five percent of the estimated total annual assessment payable by such person. At the close of such marketing season the sums so deposited shall be adjusted to the total of such assessments payable by such person.

(iv) Handlers receiving fryers from the producer, including warehousemen and processors, to collect producer assessments from producers whose production they handle and all moneys so collected shall be paid to the commission on or before the twentieth day of the succeeding month for the previous month's collections. Each handler shall at such times as by rule and regulation required, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of fryers handled, processed, delivered and/or shipped during the period prescribed by the commission.

(b) The commission is authorized to make reasonable rules and regulations in accordance and conformity with the act and with this section to effectuate the collection of assessments. On or before the beginning of each marketing season, the commission shall give reasonable notice to all producers, handlers and other affected persons of the method or methods of collection to be used for that marketing season.

(c) No affected units of fryers shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued or stamp cancelled, but no liability hereunder shall attach to common carriers in the regular course of their business. When any fryers for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading,

shipping document, container or invoice, the reasons for such exemptions.

(d) Any producer or handler who fails to comply with the provisions of this section as herein provided shall be guilty of a violation of this order.

(3) **Funds.**

(a) Moneys collected by the fryer commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and this marketing order.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by such producer in excess of three percent of the total market value of all fryers sold, processed, delivered for sale or processing during that period. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

[Statutory Authority: Chapter 15.66 RCW. 80-14-020 (Order 1714), § 16-512-040, filed 9/24/80, effective 11/1/80; Marketing Order, Article IV, effective 4/15/57.]

WAC 16-512-050 Information reports. All persons subject to the provisions of this order shall make and render such reports and furnish such information to the director or the commission as may be necessary or required under the act or this order to effectuate the purposes thereof. Any information obtained by any person pursuant to the provisions of this article shall be confidential and shall not be by him disclosed to any person save to a person with like right to obtain the same or any attorney employed by the director or the commission to give legal advice thereon or by court order.

[Marketing Order, Article V, effective 4/15/57.]

WAC 16-512-060 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any person, circumstances, or thing shall not be affected thereby.

[Marketing Order, Article VI, effective 4/15/57.]

WAC 16-512-070 Effective time. The provisions hereof shall become effective at such time as the director may declare above his signature attached hereto and shall continue in force until terminated as specified in the act.

[Marketing Order, Article VII, effective 4/15/57.]

RULES OF THE WASHINGTON FRYER COMMISSION

WAC 16-512-101 Promulgation. The Washington fryer commission, by virtue of the authority vested in it by chapter 15.66 RCW, and the marketing order issued by J.D. Dwyer, the Washington state director of agriculture, effective April 15, 1957, does hereby make and promulgate the following regulation; (WAC 16-512-110).

[Regulation I, Promulgation, effective 8/20/57.]

[Title 16 WAC—page 490]

WAC 16-512-110 Labeling. (1) All chickens commonly referred to as fryers, broilers or fryer roasters and including any and all breeds or varieties of chicken under the age of six months, sold or offered for sale in the state of Washington, must be labeled as to state of origin, regardless of where produced. Such labeling is mandatory on and after August 20, 1957.

(2) "State of origin" is defined as that state where the bird has been raised to market weight.

(3) To effect this marketing step being taken under authority of WAC 16-512-030(3), the following points are mandatory:

(a) Each fryer, whole, half, cut-up or packaged parts thereof, sold at retail, must bear the state of origin label. (The identifying phrase must include "grown in (state)," or "(state) grown.")

(b) Such label must appear, plainly visible on the top face of the package, at the point of retail so as to provide ready identification by the consumer.

(c) Each shipping carton, container or box must also bear the state of origin label either imprinted or by a specially attached tag or label.

(d) The state of origin identification may be as large as desired, but must be no less than 1" x 1 3/4" in area and identifying phrases must be legible and printed in not less than a 14 point san serif bold type face with the state name to appear in 14 point san serif bold upper case letters.

(e) The actual label medium is not designated. It may be imprinted on any form of paper, tag or card stock meeting with normal food packaging standards. The labeling may be included as one element of an overwrap, bag, tag or carton design provided it is plainly visible. Furthermore, it must be (as stated in requirement no. 1) affixed to each individual fryer or package thereof however presented to the consumer at retail.

(f) In the case of institutional or bulk pack, each whole or half fryer must be individually labeled at wholesale with the exception that a pack of parts (consisting of smaller pieces than 1/2 chicken in size) may bear the label affixed to the shipping carton or box.

(g) In meat case display where fryer parts are displayed of less than 1/2 chicken in size, each display utensil must show an identification 5" x 7" in size with the state of origin shown in letters not less than 3/4" high.

(4) As a further guide the Washington fryer commission suggests that each state of origin label bear the outline or facsimile of the state's geographic shape with the phrase "this fryer grown in"

For example: Washington grown fryers may bear such a label as this:



(This label as reproduced requires a space approximately 1" x 1 3/4".) This regulation shall be effective August 20, 1957.

[Regulation I, effective 8/20/57.]

WAC 16-512-120 Fryer processor and grower report form.

(1) Front.

JUNE 1959 - 11 -

WASHINGTON FRYER COMMISSION

FRYER PROCESSOR & GROWER REPORT FORM (Month)

FRYER PROCESSOR, submit report to commission on or before 10th of each month

FRYER GROWER: Growers who sell fryers out of the state of Washington must submit report & assessment 10 days after sale of fryers.

SEND REPORT TO:

Washington Fryer Commission
1019 Securities Building
Seattle 1, Washington

(See instruction on reverse side)

| (Rate of assessment is .0017¢ per lb live weight) | | No. of Head | Total Weight | Amount Collected | Do Not Use |
|---|---|-------------|--------------|------------------|------------|
| Grower's Name and Address | | | | | |
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| Enter No. of pages in this report ----- | Total assess-ment due this page | | | | |
| Including continuation sheets attached. | Total assess-ment due con-tinuing sheets attached | | | | |
| Adjustments | | | | | |
| TOTAL ASSESSMENT SUBMITTED | | | | | |

I DECLARE, under the penalties of perjury that this return, including any and all accompanying schedules and statements, have been examined by me and to the best of my knowledge and belief is a true, correct, and complete return.

Signature _____ Title _____ Firm _____ Date _____

(2) Reverse side.

REPORTING INSTRUCTIONS

1. Assessment rate of .0017¢ per lb. live weight.
EXAMPLE: 1000 head — 3300 lbs @ .0017¢ equals \$5.61.
2. File this report by 10th of each month whether or not money is due.
3. If no money is due, print across face of return —
NO ACTIVITY.
4. Pay assessment by check, draft, or money order only. Make payable to the Washington fryer commission.
5. Attach completed return to assessment check.
6. Growers who sell fryers out of the state of Washington will make reports not later than 10 days following the marketing of such fryers, but will not be required to report each month unless they market each month.
7. Be sure return is COMPLETE and PROPERLY SIGNED.
8. If birds are sold dressed weight, assessment rate is .0022¢ per lb.
9. Address all correspondence to:

WASHINGTON FRYER COMMISSION
1019 Securities Building
Seattle 1, Washington
Phone No: MUtual 2-8877

[Form, (codified as WAC 16-512-120), filed 3/21/60.]

Chapter 16-514 WAC
WASHINGTON EGG COMMISSION

WAC

| | |
|------------|--|
| 16-514-010 | Definition of terms. |
| 16-514-020 | Egg commodity board. |
| 16-514-030 | Marketing order purposes. |
| 16-514-040 | Assessments and collections. |
| 16-514-041 | Time—Place—Method for payment and collection of assessments. |
| 16-514-050 | Obligations of the board. |
| 16-514-060 | Termination of the order. |
| 16-514-070 | Effective time. |
| 16-514-080 | Separability. |

WAC 16-514-010 Definition of terms. For the purpose of this marketing order:

- (1) "Director" means the director of agriculture of the state of Washington or the duly appointed representative.
- (2) "Department" means the department of agriculture of the state of Washington.
- (3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.
- (4) "Person" means any person, firm, association, or corporation.
- (5) "Affected producer" means any person who produces eggs in commercial quantities for fresh shell egg market, for further processing, or for sale to processors in the state of Washington.

(6) "Commercial quantity" means any eggs produced for a market in quantities of sixty-seven thousand five hundred dozen or more, by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing eggs not produced by him/her.

(8) "Egg commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-514-020.

(9) "Eggs" means eggs from domesticated chickens which are sold for human consumption either in shell egg form or for further processing into egg products. This excludes hatching eggs intended for use by hatcheries for production of baby chicks.

(10) "Fiscal year" means the twelve-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to eggs. A producer-handler shall be deemed to be a producer with respect to the eggs which he/she produces and a handler with respect to the eggs which he/she handles, including those produced by himself/herself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means one dozen eggs.

(15) "Order" means marketing order.

[Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-010, filed 9/25/85, effective 11/1/85.]

WAC 16-514-020 Egg commodity board. (1) **Administration.** The provisions of this marketing order and the applicable provisions of chapter 15.65 RCW shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of eight members. Seven members shall be affected producers or their representatives elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the state of Washington, and members shall be elected members at large.

(3) **Board membership qualifications.** The affected producer members of the board or their representatives shall be producers of eggs and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing eggs within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) **Term of office.**

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six and the member appointed by the director, position seven.

(c) The term of office for the initial board members shall be as follows:

Positions one and two - one year;

Positions three and four - two years;

Positions five, six, and seven - three years.

(5) **Nomination and election of board members.** Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

(6) **Election of board members.**

(a) Members of the board shall be elected by secret mail ballot within the month of October under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date

of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining elected members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish an "egg board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not-to-exceed one hundred dollars, shall be deposited weekly.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected.

Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

[Statutory Authority: RCW 15.65.280. 94-08-091 (Order 5034), § 16-514-020, filed 4/5/94, effective 5/6/94. Statutory Authority: RCW 15.65.180. 87-23-033 (Order 1957), § 16-514-020, filed 11/13/87. Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-020, filed 9/25/85, effective 11/1/85.]

WAC 16-514-030 Marketing order purposes. The marketing order is to promote the general welfare of the state, to enable producers of eggs to help themselves establish orderly, fair, sound, efficient, unhampered marketing. To carry out the purposes of the marketing order, the board may provide for programs in the following areas:

(1) Establish plans and conduct programs for advertising, labeling, sales, promotion, and consumer education, and/or other programs for maintaining present markets and/or creating new or larger markets for eggs. Such programs

shall be directed toward increasing the sale of eggs without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of eggs nor disparage the quality, value, sale, or use of any other agricultural commodity.

(2) Provide for research in the production, processing, and/or marketing of eggs and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefore, the project may be carried out by other research agencies selected by the board.

(3) Provide for marketing information and services to affected producers.

(4) Investigate and take necessary action to prevent unfair trade practices and to correct where possible, trade practices which hinder marketing of Washington produced eggs.

(5) Prohibit making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons.

(6) The board may authorize use of any money received and of any persons employed thereunder for legal proceedings, of any type and in the name of any person, directed to the enforcement of this or any other law in force in the state of Washington relating to the prevention of unfair trade practices.

[Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-030, filed 9/25/85, effective 11/1/85.]

WAC 16-514-040 Assessments and collections. (1) Assessments.

(a) The assessment on all eggs shall be one-half cent per affected unit (one dozen).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(iii) For the purpose of assuring compliance with the recordkeeping requirements and verifying reports filed by producers or handlers, the director and the board through its duly authorized employees, shall have access to and the authority to audit such records.

(iv) All reports and records furnished or submitted by producers or handlers to, or obtained by the employees of, the board which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular producer or handler from whom received, shall be treated as confidential, and the reports and all information obtained from records shall not be disclosed to board members and shall at all times be kept in the custody and under the control of one or more employees of the board who shall not disclose such information to any person other than the director, or his authorized agents. Compilations of general reports from data

and information submitted by producers or handlers is authorized subject to the prohibition of disclosure of individual producers' or handlers' identity or operations.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the marketing order during or with respect to any year, may be refunded on a pro rata basis at the close of such year or at the close of such period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the marketing order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-040, filed 9/25/85, effective 11/1/85.]

WAC 16-514-041 Time—Place—Method for payment and collection of assessments. The following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-514-040:

(1) All first handlers of eggs for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. All such assessments accumulated in one calendar month will be due and payable to the commission on or before the end of the following calendar month. First handlers shall submit to the commission on or before December 31 of each year, a report listing the name, address, cases handled or purchased, and amount deducted or collected for each producer on forms provided by the commission.

(2) All affected producers selling eggs other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, shall pay the assessment directly to the commission, on or before the end of the following calendar month.

(3) Any assessments paid after the above deadlines shall be accompanied by a penalty fee of ten percent as provided in RCW 15.65.440 of the act.

(4) All hatching eggs are exempt from this order.

[Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-041, filed 9/25/85, effective 11/1/85.]

WAC 16-514-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-050, filed 9/25/85, effective 11/1/85.]

WAC 16-514-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with the director for such termination. The termination shall not, however, become effective until the expiration of the fiscal year.

[Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-060, filed 9/25/85, effective 11/1/85.]

WAC 16-514-070 Effective time. (1) This marketing order for eggs shall become effective on or after November 1, 1985.

(2) This order shall remain in full force and effect, unless terminated prior thereto under the provisions of chapter 15.65 RCW as set forth in WAC 16-514-060.

[Statutory Authority: Chapter 15.65 RCW. 90-24-016, § 16-514-070, filed 11/27/90, effective 12/28/90; 85-20-042 (Order 1872), § 16-514-070, filed 9/25/85, effective 11/1/85.]

WAC 16-514-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any

other person, circumstances, or thing shall not be affected thereby.

[Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-080, filed 9/25/85, effective 11/1/85.]

Chapter 16-516 WAC WASHINGTON POTATOES

WAC

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| 16-516-002 | Director's findings and decision approving a marketing order. |
| 16-516-003 | Director's order making marketing order effective and creating a potato commission. |
| 16-516-005 | Marketing order for Washington potatoes—Policy and purpose. |
| 16-516-010 | Definitions. |
| 16-516-020 | Potato commission. |
| 16-516-030 | Marketing order purposes. |
| 16-516-040 | Assessments and assessment funds. |
| 16-516-050 | Information reports. |
| 16-516-060 | Separability. |
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RULES OF THE WASHINGTON STATE POTATO COMMISSION

| | |
|------------|---|
| 16-516-110 | Commission rules—Reporting and paying assessments. |
| 16-516-125 | Commission rules—Penalty assessments. |
| 16-516-130 | Commission rules—Assessments on field run or ungraded potatoes. |
| 16-516-140 | Conditions for prepayment of assessments and maximum payable. |
| 16-516-150 | Notice to director. |
| 16-516-160 | Exemption from prepayment. |

WAC 16-516-002 Director's findings and decision approving a marketing order. Whereas, it is provided in RCW 15.66.020, as follows:

(1) "The marketing of agriculture products within this state is affected with a public interest. It is declared to be the policy and purpose of this act to promote the general welfare of the state by enabling producers of agricultural commodities to help themselves in establishing orderly, fair, sound, efficient and unhampered marketing, grading and standardizing of the commodities they produce, and in promoting and increasing the sale of such commodities": and

(2) Whereas, it is further provided in RCW 15.66.040, that marketing orders and orders modifying or terminating existing marketing orders shall be promulgated by the director; and

(3) Whereas, the director of agriculture having reason to believe that the issuance of a marketing order would tend to effectuate the declared policy of the act with respect to potatoes, did upon receipt of the industry petition signed by two hundred ninety potato producers of the state of Washington, and pursuant to the provisions of the act, issue on the 20th day of April, 1956, notice of public hearing to be held in Yakima, Washington on the 2nd day of May, 1956, upon a proposed marketing order for potatoes grown in the state of Washington providing for the creation of a Washington potato commission and did upon said date and at said place, personally, and through his duly authorized representative, Phyllis Dolvin Schoedel, marketing act administrator, state department of agriculture, conduct a public hearing thereon and did give due notice of such hearing and opportunity to be heard to all persons directly affected by any action of the

director pursuant to the provisions of said act whose names appear upon the official affected producer list for the potato producers in the state of Washington, whose names are on file in the office of the director of agriculture; and

(4) Whereas, the director of agriculture has reviewed the provisions of such marketing order which authorizes the purposes set forth in RCW 15.66.030 with provisions relating to the advertising and sales promotion; research; improving standards and grades; and investigating and preventing unfair trade practices, hereby finds that:

(a) The proposed issuance of said marketing order is reasonably calculated to attain the objective sought in such marketing order;

(b) The proposed issuance is in conformity with the provisions of chapter 15.66 RCW, known as the Washington Agricultural Enabling Act, and within the applicable limitations and restrictions set forth therein will tend to effectuate the declared purposes and policies of said act;

(c) Said marketing order will protect the interests of consumers of potatoes by exercising the powers of said chapter of the laws of the state of Washington only to such extent as is necessary to attain the objectives sought in the act; and

(5) Whereas, this marketing order embraces all producers who are engaged in the production of potatoes in the state of Washington;

(6) Whereas, the director of agriculture did execute and issue his findings and recommended decision of issuance of the marketing order for Washington potatoes on the 18th day of May, 1956 and did cause copies of said findings and recommended decision to be mailed to all parties of record appearing at the public hearing, or their attorneys of record, and did give proper and due consideration to such objections as were duly filed with the director, all as required by the act;

(7) Now therefore, I, Sverre N. Omdahl, director of agriculture of the state of Washington, do hereby execute and issue this final decision approving a marketing order for Washington potatoes which provides for the creation of a Washington potato commission and herewith submit the order for the referendum assent of the affected potato producers on the official affected potato producer list of the state department of agriculture.

[Director's Findings and Final Decision, effective 6/6/56.]

WAC 16-516-003 Director's order making marketing order effective and creating a potato commission. (1) Whereas, the director of agriculture of the state of Washington acting pursuant to and by virtue of the authority vested in him by the provisions of the Washington Agricultural Enabling Act, being chapter 15.66 RCW, issued on June 6, 1956, that certain marketing order entitled, "Marketing Order for Washington Potatoes Providing for the Creation of a Washington Potato Commission," for the written referendum assent of the affected producers in accordance with RCW 15.66.090 and,

(2) Whereas, the director of agriculture has found that more than fifty-one percent of the affected producers have replied to the written referendum within the time specified by the director and that said marketing order for Washington potatoes has been assented to in writing by more than sixty-

five percent of the producers who produced more than fifty-one percent by volume of the said potatoes reported produced in the state of Washington during the past five years; said determination being based upon the official affected producer list of potato producers established by the director pursuant to the provisions of RCW 15.66.060, which list is now on file in the department; said affected producers being qualified to assent to said marketing order;

(3) Now therefore, I, Sverre N. Omdahl, director of the department of agriculture of the state of Washington, acting pursuant to and by virtue of the authority vested in me by said act, do hereby make effective the said marketing order for Washington potatoes providing for the creation of a Washington potato commission, said order to be effective at 12:01 a.m. July 23, 1956.

[Order and Findings, effective 7/23/56.]

WAC 16-516-005 Marketing order for Washington potatoes—Policy and purpose. The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of the "act" and of this "potato marketing order" to promote the general welfare of the state by enabling potato producers to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing and labeling of the potatoes they produce, and in promoting and increasing the sale of such potatoes.

[Marketing Order for Washington Potatoes, effective 7/23/56.]

WAC 16-516-010 Definitions. As used in this marketing order, the following terms shall have the following meanings:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative;

(2) "Act" means the Washington Agricultural Enabling Act, being chapter 15.66 RCW;

(3) "Person" includes any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals;

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market in commercial quantities potatoes as herein defined grown in the state of Washington;

(5) "Commercial quantities" shall mean and include five hundredweight or more;

(6) "Hundredweight" or "affected unit" are synonymous and mean and include each one hundred pound unit or any combination of packages making a one hundred pound unit of potatoes;

(7) "Potatoes" means and includes all kinds and varieties of Irish potatoes grown in the state of Washington and marketed, sold or intended for use for human consumption;

(8) "Potato commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-516-020;

(9) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning June 1 of any year and ending upon the last day of May, both dates inclusive;

(10) "Handler" means any person engaged in the business of handling, selling, processing, storing, shipping,

or distributing potatoes which he has purchased or acquired from a producer, or which he is shipping for or on behalf of a producer, and shall include any lending agencies for commodity credit corporation loan to producers, but shall not include a producer engaged in transporting potatoes produced by him for grading, washing, sorting, sacking, or otherwise preparing for marketing or market;

(11) "Sale" means a transaction wherein the property in or to potatoes is transferred from the producer to a purchaser for consideration. "Sale" shall also include an agreement to acquire such property for a consideration;

(12) "Affected area" or "area of production" are synonymous and mean and include all of the state of Washington.

(13) "District" means the geographical divisions of the area of potato production established pursuant to the provisions of WAC 16-516-020.

[Marketing Order, Article I, effective 7/23/56.]

WAC 16-516-020 Potato commission. (1) Establishment and membership. A potato commission is hereby established to administer this marketing order which shall be composed of nine members who shall be producers elected from districts as provided in subsection (2) of this section and four members who shall be appointed by the elected producer members. In addition, the director shall be an ex officio member of the commission.

(2) Representative districts. For the purpose of nomination and selection of producer members of the commission, the affected area of the state of Washington shall be divided into five representative districts as follows:

(a) "District No. 1" shall be the east irrigation district of the Columbia project, plus the area of Grant County not included in either the Quincy or south irrigation districts and lies east of R27E, plus the area of Adams County not included in either the south or Quincy irrigation districts, plus the counties of Ferry, Stevens, Pend Oreille, Spokane, Whitman and Lincoln.

(b) "District No. 2" shall be the Quincy irrigation district of the Columbia Basin project, plus the area of Grant County not included in the east or south irrigation districts and lies west of R28E, and the counties of Kittitas, Douglas, Chelan and Okanogan.

(c) "District No. 3" shall be and include the counties of Benton, Yakima and Klickitat.

(d) "District No. 4" shall be the south irrigation district of the Columbia Basin project, plus the areas of Franklin County not included in the south district, plus the counties of Walla Walla, Columbia, Garfield and Asotin.

(e) "District No. 5" shall be and include all other counties in the state of Washington.

(3) Membership. Producer members shall be elected from the districts as follows:

(a) Two of the producer members, being positions 1 and 2 shall be elected from District No. 1.

(b) Two of the producer members, being positions 3 and 4, shall be elected from District No. 2.

(c) Two of the producer members, being positions 5 and 6, shall be elected from District No. 3.

(d) Two of the producer members, being positions 7 and 8, shall be elected from District No. 4.

(e) One of the producer members, being position 9, shall be elected from District No. 5.

Members appointed by the elected producers shall be appointed for positions 10, 11, 12 and 13.

(4) Membership qualifications. Commission members shall be citizens and residents of this state, over the age of twenty-five years. Producer members of the commission shall be producers of potatoes in the district in and for which they are nominated and elected. The qualifications of producer members of the commission as herein set forth must continue during their term of office. Members appointed by the elected producers shall be either potato producers, others active in matters relating to potatoes or persons not so related.

(5) Term of office; initial commission. The term of office of the commission members shall be three years from the date of their election and until their successors are elected and qualified: *Provided*, That the initial members of the commission shall serve from the effective date of this marketing order in terms terminating as follows: Positions 1, 5 and 7 shall terminate May 31, 1957; positions 2, 4 and 6 shall terminate May 31, 1958; and positions 3, 8 and 9 shall terminate May 31, 1959. Appointed members for positions 10 and 11 shall terminate their terms May 31, 1957; position 12 shall terminate May 31, 1958; and position 13 shall terminate May 31, 1959. The appointed members of the initial commission shall be elected by a majority of the elected commissioners at the first meeting of said commission.

(6) Nomination and election of commission members.

(a) Not earlier than February 16 and not later than March 2 of each year, the director shall give notice by mail to all producers, in a district wherein a vacancy will occur in the commission of such vacancy or such vacancies and call for nominations. Nominating petitions shall be signed by ten persons qualified to vote for such candidates. Such notice shall state the final date for filing said petitions which shall be not earlier than March 7 and not later than March 12 of each year.

(b) The director shall submit ballots by mail to all producers in the district wherein the vacancy will occur not earlier than March 17 and not later than April 1 of each year. Ballots shall be returned not later than May 1 of such year. Such mailed ballot shall be conducted in a manner so that it shall be a secret ballot in accordance with rules and regulations to be promulgated by the director.

(c) With respect to the initial potato commission, the director shall call for nominations in the notice of his decision following the hearing designated in the act. The ballot specified herein shall be forwarded to the producer at the time the director's proposed marketing order is mailed to the producers for their referendum assent.

(d) Except with respect to the initial potato commission, the members of the commission not elected by the producers shall be elected by a majority of the commission within ninety days prior to the expiration of the term.

(7) Vacancies.

(a) To fill any vacancy occasioned by the failure to qualify of any person elected by the producers as a member of the commission, or in the event of the death, removal, resignation or disqualification of any member, the director shall call for nominations and conduct such election within

the district wherein the vacancy occurred in the manner provided in subsection (6) of this section.

(b) To fill nonelective vacancies caused by other reasons than the expiration of the term, the new members shall be elected by the commission at its first meeting after the occurrence of the vacancy.

(8) Powers and duties of commission. The commission shall have the following powers and duties:

(a) To administer, enforce, direct and control the provisions of this marketing order and of the act relating thereto;

(b) To elect a chairman and such other officers as the commission may deem advisable; and to select subcommittees of commission members;

(c) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order;

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order;

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor;

(h) To borrow money and incur indebtedness;

(i) To make necessary disbursements for routine operating expenses;

(j) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with and to effectuate the purposes of the act and this marketing order;

(k) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year;

(l) To accept and receive gifts and grants and expend the same to effectuate the purposes of the act and this order;

(m) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this order.

(9) Procedure for commission.

(a) The commission shall by resolution establish a headquarters which shall continue as such unless and until so changed by the commission, at which headquarters shall be kept the books, records and minutes of the commission meetings.

(b) The commission shall hold regular meetings at least quarterly, with the time and date thereof to be fixed by the resolution of the commission.

(c) The commission may hold such special meetings as it may deem advisable and shall establish by resolution the time, place and manner of calling such special meetings with

reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof signed by not less than a quorum of the membership.

(d) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(e) A quorum of the commission shall consist of at least eight members.

(f) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid a specified sum to be determined by resolution of the commission, which rate shall not exceed per day rate set by chapter 15.66 RCW for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expense of the rate allowed by law to state employees.

(10) Limitation of liability of commission members and employees. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee or agent of the commission in his individual capacity. The members of the commission, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: RCW 15.66.090, 80-05-073 (Order 1684), § 16-516-020, filed 4/28/80, effective 6/1/80; Marketing Order, Article II, effective 7/23/56.]

WAC 16-516-030 Marketing order purposes. (1) Advertising and sales promotion plans.

(a) The potato commission, subject to the provisions of the act, is hereby authorized to prepare plans, administer and conduct programs and expend monies for advertising and sales promotion for promoting the sale of potatoes for the purpose of maintaining existing markets or creating new and/or larger markets for potatoes grown in the state of Washington, including but not necessarily limited to the following:

(i) Increasing the sale and consumption of Washington produced potatoes through the use of the press, radio, television and all other advertising media.

(ii) Dealer service work, trade promotion, publicity, market development and expansion activities.

(iii) Prevention, modification, or elimination of trade barriers which restrict the free flow of potatoes produced in this state.

(iv) Presentation of facts to and negotiations with state, federal, or foreign governmental agencies on matters which

effect the marketing of potatoes produced in this state, including cooperation with any agency or group in efforts to increase per capita consumption of potatoes, and such other activities and programs which are consistent with the objectives of this marketing order and the act.

(b) In carrying out any advertising and sales promotion plans or programs, the commission may engage or hire such advertising medias as may be necessary to accomplish the purposes of the act and this order, arrange for advertising space, display material and other advertising material, conduct dealer service work or may use any other methods consistent with the act and this marketing order which the commission considers appropriate in promoting or creating new and larger domestic or foreign markets for potatoes, or in maintaining existing markets.

(c) Programs and plans adopted by the commission under this marketing order shall be directed towards promoting the sale of potatoes without reference to any particular private brand or trade name and sales promotion and advertising programs so conducted shall not disparage the value, quality, sale or use of any other agricultural commodity or make use of any unwarranted or false claims on behalf of potatoes.

(2) Research.

(a) The potato commission, subject to the provisions of the act, is hereby authorized to carry on or cause to be carried on any necessary and proper marketing, production, processing or handling research or survey studies relating to potatoes and to expend monies for such purposes.

(b) Such research and survey studies may include, but shall not necessarily be limited to the following:

(i) Production problems, such as soil, seed, fertilizers, irrigation, insecticides and the like.

(ii) Developing objective maturity and quality factors for potatoes; more disease-resistant potatoes for marketing, and determining any special nutritive qualities of potatoes produced in Washington.

(iii) Improving techniques and methods of harvesting potatoes.

(iv) Developing and improving methods of processing potatoes and potato by-products for the purpose of increasing and expanding their use for food and industrial purposes.

(v) Improving packing and handling techniques which promote more efficient operation in the marketing and distribution of potatoes.

(vi) Investigating transportation rates and service costs, and if the commission after such investigation finds transportation rates and service costs are restricting the free flow of potatoes produced in this state the commission is authorized to institute proper action before the interstate commerce commission or such other agency or body deemed necessary to correct the situation.

(c) The commission, may, in addition to the activities enumerated above, carry on any other proper and necessary research and/or survey programs and activities consistent with, and subject to the limitations of the act. Such research and/or survey studies may include the collection of data and information relating to potatoes; the analysis of such data and information; the dissemination of such data, information and analysis; and such other investigation that falls within the scope of the marketing, producing, processing or handling of potatoes.

(3) Standards and grades.

(a) The potato commission, subject to the provisions of the act, is hereby authorized to define, establish and provide labeling requirements for improving standards and grades for potatoes, as provided in the act, not inconsistent with the horticultural laws of this state with respect to the same, and to expend monies for such purposes.

(b) The commission shall give reasonable written notice to all producers, handlers and persons directly affected by the labeling requirements issued pursuant to this section, not less than ten days prior to the effective time of such requirements.

(c) The commission shall be authorized to cooperate with state and federal agencies or departments responsible for revising and modernizing grades and standards and labeling of potatoes.

(d) Nothing in this section shall be construed as authorizing the commission to set minimum grades, sizes or maturity of potatoes which a producer may sell, offer for sale or ship.

(4) Unfair trade practices. The potato commission, subject to the provisions of the act, is hereby authorized to investigate and take necessary action to prevent unfair trade practices and to correct, where possible, trade practices which hinder marketing of Washington produced potatoes or potato products. Information acquired in such investigation shall be confidential and shall be released only to the extent necessary to effectuate the purposes of the act.

(5) Standards, grades, labels and trade practices. The provisions covering standards, grades, labels and trade practices shall apply with respect to potatoes marketed or sold within this state regardless of where produced.

[Marketing Order, Article III, effective 7/23/56.]

WAC 16-516-040 Assessments and assessment funds. (1) Assessments levied.

(a) On and after the effective date of this order, there is hereby levied and there shall be collected by the commission, as provided in the act, upon all potatoes grown in the state an annual assessment of four cents per hundredweight which shall be paid by the producer thereof upon each and every hundredweight of potatoes sold, processed, delivered for sale or processing by him or stored or delivered for storage when such storage or delivery for storage shall be outside the boundaries of this state: *Provided*, That no assessment shall be collected on the following:

(i) Potatoes grown and sold for seed under an established seed certification program;

(ii) Potatoes sold for livestock feed, regardless of grade;

(iii) Potatoes sold for nonfood products, such as industrial starch;

(iv) Potatoes of a producer's own production used by him on his own premises for seed, feed or personal consumption;

(v) Potatoes donated or shipped for relief or charitable purposes; or

(vi) Sales on a producer's premises by a producer direct to a consumer of five hundred pounds or less of potatoes from a producer's own production.

(b) The commission is authorized to provide by rule and regulation for an assessment discount not to exceed twenty-

five percent of the total hundredweight on field run or ungraded potatoes to allow for cull potatoes not used or intended for use for human consumption.

(c) No assessment levied or made collectable by the act under this order shall exceed three percent of the total market value of all such potatoes sold, processed or delivered for sale or processing by all producers of potatoes for the fiscal year to which the assessment applies.

(2) Collection of assessment.

(a) All assessments made and levied pursuant to the provisions of the act under this marketing order shall apply to the respective producer who shall be primarily liable therefore. To collect such assessments, the commission may require:

(i) Stamps to be known as "Washington potato commission stamps" to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases or receiving receipts or tickets. Any such stamps shall be canceled immediately upon being attached or fixed and the date of such cancellation shall be placed thereon;

(ii) Handlers receiving potatoes from the producer, including warehousemen and processors to collect producer assessments from producers whose production they handle and all moneys so collected shall be paid to the commission on or before the twentieth day of the succeeding month for the previous month's collections. Each handler shall at such times as by rule and regulation required, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of potatoes handled, processed, delivered and/or shipped during the period prescribed by the commission;

(iii) Payment of producer assessments before the potatoes are shipped off the farm or payments of assessments at different or later times and in such event, any person subject to the assessment shall give such adequate assurance or security for its payments as the commission shall require.

(b) The commission is authorized to make reasonable rules and regulations in accordance and conformity with the act and with this section to effectuate the collection of assessments. On or before the beginning of each marketing season, the commission shall give reasonable notice to all producers, handlers and other affected persons of the method or methods of collection to be used for that marketing season and of the assessment discount, if any, allowable on field run or ungraded potatoes.

(c) No affected units of potatoes shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued or stamp canceled, but no liability hereunder shall attach to common carriers in the regular course of their business. When any potatoes for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for such exemptions.

(d) Any producer or handler who fails to comply with the provisions of this subsection as herein provided shall be guilty of a violation of this order.

(3) Funds.

(a) Moneys collected by the potato commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and this marketing order.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by such producer in excess of three percent of the total market value of all potatoes sold, processed, delivered for sale or processing during that period. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

[Statutory Authority: RCW 15.66.040, 90-09-068, § 16-516-040, filed 4/18/90, effective 7/1/90. Statutory Authority: RCW 15.66.090, 80-05-073 (Order 1684), § 16-516-040, filed 4/28/80, effective 6/1/80; Marketing Order, Article IV, effective 7/23/56.]

WAC 16-516-050 Information reports. All persons subject to the provisions of this order shall make and render such reports and furnish such information to the director or the commission as may be necessary or required under the act or this order to effectuate the purposes thereof. Any information obtained by any person pursuant to the provisions of this article shall be confidential and shall not be by him disclosed to any other person save to a person with like right to obtain the same or any attorney employed by the director of the commission to give legal advice thereon or by court order.

[Marketing Order, Article V, effective 7/23/56.]

WAC 16-516-060 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

[Marketing Order, Article VI, effective 7/23/56.]

WAC 16-516-070 Effective time. The provisions hereof shall become effective at such time as the director may declare above his signature attached hereto and shall continue in force until terminated as specified in the act.

[Marketing Order, Article VII, effective 7/23/56.]

RULES OF THE WASHINGTON STATE POTATO COMMISSION

WAC 16-516-110 Commission rules—Reporting and paying assessments. Effective with the growing season of 1962, the following procedure is established for the reporting and paying assessments levied pursuant to RCW 15.66.150 and WAC 16-516-040:

(1) The commission shall have the discretion to determine which one or more of the methods hereinafter set forth shall be respectively followed by each respective affected producer and or handler in reporting and paying assessments.

(2) Assessments shall be paid in accordance with one or more of the following methods as prescribed by the commis-

sion, in its discretion, for each respective affected producer and or handler:

(a) By means of the purchase of stamps, to be known as "Washington potato commission stamps," from the Washington state potato commission

(i) The said stamps shall be in denominations of 1¢, 2¢, 10¢, 50¢, \$1.00, \$2.00, \$4.00, \$6.00, and \$8.00 respectively and shall be in such form as may from time to time be determined by the commission.

(ii) The stamps shall be printed in serially numbered sheets of ten stamps of like denomination per sheet, the individual stamps on each sheet to bear the same number as the sheet of which they are a part.

(iii) Such stamps shall be purchased from the Washington state potato commission by handlers, including producers who handle their own potatoes, and shall be affixed, in an amount equal to 2¢ per hundred weight of potatoes listed on the document, to such shipping or other document as the commission may from time to time designate, at or prior to the time the shipping permit for such potatoes is issued by the inspector of the horticultural division of the Washington state department of agriculture: *Provided, however,* That nothing herein contained shall prevent the handler from paying the amount of assessment due upon such potatoes in cash or by check at or prior to the issuance of the shipping permit in lieu of affixing such stamps to such document. Such document shall, however, in either event, be prepared by the inspector issuing the shipping permit and shall be forwarded by him, together with stamps affixed or accompanying payment in lieu of stamps, to the office of the commission at such intervals as the manager of the commission may from time to time designate for each respective handler. Stamps shall be deemed cancelled when affixed to such document.

(iv) In order to pay for such stamps, or to provide funds for the payment made in lieu thereof, handlers, including warehousemen and processors, receiving potatoes from a producer, shall collect the assessment of 2¢ per hundred weight of potatoes handled from the respective producer thereof at the time the potatoes are first handled. Producers handling their own potatoes shall pay the assessment either through the purchase of stamps directly from the commission or through payment in lieu of stamps as provided in subsection (b) below.

(v) In providing stamps, the commission may extend credit to the handler ordering them for a period not to exceed 30 days from date stamps are forwarded from the office of the commission to the handler, or may require payment for the stamps prior to forwarding. The commission shall provide no additional stamps to any handler until all stamps previously provided have been paid for. All stamps shall remain the property of the commission until paid for and the commission may at any time reclaim any stamps not paid for, from the handler in possession thereof.

(vi) If stamps are issued on credit, the handler to whom issued shall be invoiced for the amount thereof, at the time of issue, which invoice will be considered as a statement, and the handler's account charged with the amount of stamps issued. Payments for stamps will be credited as received. Unused stamps may be returned for credit or, if the account has been paid in full, for cash refund.

(vii) The party to whom stamps are issued shall be primarily liable for payment for them; if stamps are used by a party other than to whom issued, both parties shall be jointly and severally liable for payment therefor.

(viii) If stamps are issued on credit and not paid for within the period for which credit was extended by the commission, a penalty of 10% of the unpaid balance of the account for such stamps shall be added thereto.

(b) By means of collection from producers by handlers, including warehousemen and processors receiving potatoes from producers, at the time the potatoes are first handled, and payment by said handlers to the commission of the assessments so collected.

(i) The commission shall bill each handler at such intervals, not less frequently than monthly, as the commission may from time to time determine, for the assessments due upon potatoes handled in the preceding period for which billing has not previously been made, and upon which assessments have not been paid, computed on the basis of the quantity of potatoes so handled as recorded on potato shipping pertaining to each handler prepared by the state of Washington department of agriculture in behalf of the commission, and filed with the commission, or, with respect to handlers who are processors, on the basis of the quantity of potatoes so handled as recorded on potato shipping records pertaining to such processor prepared by such processor and filed with the commission.

(ii) As used in subsection (b)(i) immediately preceding, the term "handler" shall be deemed to be the person, firm, or corporation designated as "shipper" on the potato shipping record form.

(iii) In the event potatoes subject to assessment are handled by processors or other handlers under circumstances in which no potato shipping record is filed with the commission with respect to the potatoes so handled the handler shall, at the time of submitting the report required by subsection (b)(iv) immediately following, pay in full the assessment on the potatoes so reported.

(iv) Each handler shall, in any event, file a monthly report, under oath, on forms provided by the commission, showing the name and address of the handler making the report, the quantity of potatoes handled during the preceding calendar month, the name, address, handler's lot number, and quantity of potatoes handled, for each respective producer, and the representative district as defined in WAC 16-516-020, within which the potatoes were grown. The report shall be filed with the commission not later than the 20th day of the month following that in which the potatoes were handled.

(c) By means of payment in cash by the producer, or handler, as determined by the commission in each respective instance, prior to the time the potatoes are shipped in either interstate or intrastate commerce.

[Rule XII, filed 6/25/62; Rule XII, § 1, filed 4/7/61; Rule XII, filed 3/3/60.]

WAC 16-516-125 Commission rules—Penalty assessments. Pursuant to authority granted by RCW 15.66.170 and by WAC 16-516-020(8), in the event that any assessment is not paid within 90 days after the date of the billing therefore by the commission, or within 90 days after the due date of the report required by WAC 16-516-110 (b)(iii) and (iv) a sum equal to 10% of such unpaid assess-

ment of unpaid portion thereof shall be added thereto and be due and owing to the commission.

[Commission Rule XI, § 16-516-125, filed 6/26/72; Rule XI, filed 6/25/62; Rule XI, filed 3/3/60.]

WAC 16-516-130 Commission rules—Assessments on field run or ungraded potatoes. Assessments shall be levied upon potatoes sold on a field run or ungraded basis as follows:

(1) If payment to the grower for said potatoes is based upon the gross weight of potatoes sold and not upon the yield of any particular grade of potatoes as determined by any type of sorting or inspection, then upon 90% of the gross hundred weight of potatoes so sold.

(2) If payment to the grower for said potatoes is based upon the net weight of potatoes intended for human consumption derived from the potatoes so sold as determined by any type of sorting or inspection, then upon the total net weight of such potatoes intended for human consumption.

[Order XII, § 16-516-130, filed 7/2/73; Rule XIII, filed 3/3/60.]

WAC 16-516-140 Conditions for prepayment of assessments and maximum payable. (1) Any handler, as defined in WAC 16-516-010(10) handling potatoes for fresh market and who has not established a record of prompt payment of assessments due on fresh market potatoes in accordance with WAC 16-516-125, shall prepay the assessments due the commission.

(2) The sum of such prepayment shall be determined on the estimated basis of the potatoes the handler will handle during the first thirty days of the potato shipping season, or if the handler has shipped in the immediately prior potato shipping season the prepayment shall be based on the highest thirty day assessment due the commission during such shipping season: *Provided*, That such prepayment shall not exceed twenty-five percent of the total estimated annual assessment payable by such handler.

[Order XII, § 16-516-140, filed 7/2/73.]

WAC 16-516-150 Notice to director. The commission shall notify the director in writing of any handler who has not established a record of prompt payment as set forth in WAC 16-516-140, and such handler shall be subject to the provisions of WAC 16-516-040 (2)(c) which states as follows: No affected units of potatoes shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued or stamp cancelled, but no liability hereunder shall attach to common carriers in the regular course of their business. When any potatoes for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for such exemptions.

[Order XII, § 16-516-150, filed 7/2/73.]

WAC 16-516-160 Exemption from prepayment. Any handler who has established a record of prompt payment during the entire previous potato shipping season and

continues to maintain such record of prompt payment shall not be subject to the prepayment requirements set forth in WAC 16-516-140, such handler shall however at all times be subject to WAC 16-516-125.

[Order XII, § 16-516-160, filed 7/2/73.]

**Chapter 16-520 WAC
SEED POTATOES**

WAC

- 16-520-002 Director's findings and final decision approving a marketing order.
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RULES OF THE WASHINGTON STATE SEED POTATO COMMISSION

- 16-520-110 Collection of assessments.

WAC 16-520-002 Director's findings and final decision approving a marketing order. Whereas, it is provided in RCW 15.66.020, as follows:

(1) "The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of this act to promote the general welfare of the state by enabling producers of agricultural commodities to help themselves in establishing orderly, fair, sound, efficient and unhampered marketing, grading and standardizing of the commodities they produce, and in promoting and increasing the sale of such commodities;" and

(2) Whereas, it is further provided in RCW 15.66.040, that marketing orders and orders modifying or terminating existing marketing orders shall be promulgated by the director; and

(3) Whereas, the director of agriculture having reason to believe that the issuance of a marketing order would tend to effectuate the declared policy of the act with respect to seed potatoes, did upon receipt of the industry petition signed by five percent of the seed potato producers of the state of Washington, and pursuant to the provisions of the act, issue on the 10th day of July, 1956 notice of public hearing to be held in Lynden, Washington on the 23rd of July, 1956, upon a proposed marketing order for seed potatoes grown in the state of Washington providing for the creation of a Washington seed potato commission and did upon said date and at said place, personally, and through his duly authorized representative, Phyllis Dolvin Schoedel, marketing act administrator, state department of agriculture, conduct a public hearing thereon and did give due notice of such hearing and opportunity to be heard to all persons directly affected by any action of the director pursuant to the provisions of said act whose names appear on the official affected producer list for the seed potato producers in the

state of Washington, whose names are on file in the office of the director of agriculture; and

(4) Whereas, the director of agriculture has reviewed the provisions of such marketing order which authorizes the purposes set forth in RCW 15.66.030 with provisions relating to the advertising and sales promotion; research; improving standards and grades; and investigating and preventing unfair trade practices, hereby finds that:

(a) The proposed issuance of said marketing order is reasonably calculated to attain the objective sought in such marketing order;

(b) The proposed issuance is in conformity with the provisions of chapter 15.66 RCW, known as the Washington Agricultural Enabling Act, and within the applicable limitations and restrictions set forth therein will tend to effectuate the declared purposes and policies of said act;

(c) Said marketing order will protect the interests of consumers of seed potatoes by exercising the powers of said chapter of the laws of the state of Washington only to such extent as is necessary to attain the objectives sought in the act; and

(5) Whereas, this marketing order embraces all producers who are engaged in the production of seed potatoes in the state of Washington; and

(6) Whereas, the director of agriculture did execute and issue his findings and recommended decision of issuance of the marketing order for Washington seed potatoes on the 2nd day of August, 1956 and did cause copies of said findings and recommended decision to be mailed to all parties of record appearing at the public hearing, or their attorneys of record, and did give proper and due consideration to such objections as were duly filed with the director, all as required by the act;

(7) Now therefore, I Sverre N. Omdahl, director of agriculture of the state of Washington, do hereby execute and issue this final decision approving a Washington seed potato marketing order providing for the creation of a Washington seed potato commission and herewith submit this order for the referendum assent of the affected seed potato producers on the official affected seed potato producer list of the state department of agriculture.

[Director's Findings and Decision, effective 8/17/56.]

WAC 16-520-003 Director's order creating seed potato commission and making marketing order effective.

(1) Whereas, the director of agriculture of the state of Washington acting pursuant to and by virtue of the authority vested in him by the provisions of the Washington Agricultural Enabling Act, being chapter 15.66 RCW, issued on August 17, 1956, that certain marketing order entitled, "Marketing order for Washington seed potatoes providing for the creation of a Washington seed potato commission," for the written referendum assent of the affected producers in accordance with RCW 15.66.090 and,

(2) Whereas, the director of agriculture has found that more than fifty-one percent of the affected producers have replied to the written referendum within the time specified by the director and that said marketing order for Washington seed potatoes has been assented to in writing by more than sixty-five percent of the producers who produced more than fifty-one percent by volume of the said seed potatoes

reported produced in the state of Washington during the past five years; said determination being based upon the official affected producer list of seed potato producers established by the director pursuant to the provisions of RCW 15.66.060, which list is now on file in the department; said affected producers being qualified to assent to said marketing order;

(3) Now therefore, I, Sverre N. Omdahl, director of the department of agriculture of the state of Washington, acting pursuant to and by virtue of the authority vested in me by said act, do hereby make effective the said act, do hereby make effective the said marketing order for Washington seed potatoes providing for the creation of a Washington seed potato commission, said order to be effective at 12:01 a.m. October 1, 1956.

[Order and Findings, issued 9/18/56.]

WAC 16-520-005 Marketing order—Policy and purpose. The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of the "act" and of this "Washington seed potato marketing order" to promote the general welfare of the state by enabling seed potato producers to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing and standardizing of the seed potatoes they produce, and in promoting and increasing the sale of such seed potatoes.

[Marketing Order for Washington Seed Potatoes, effective 10/1/56.]

WAC 16-520-010 Definitions. As used in this marketing order, the following terms shall have the following meanings:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative;

(2) "Act" means the Washington Agricultural Enabling Act, being chapter 15.66 RCW;

(3) "Person" includes any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals;

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market in commercial quantities seed potatoes as herein defined grown in the state of Washington;

(5) "Commercial quantities" shall mean and include five hundred weight or more;

(6) "Hundredweight" or "affected unit" are synonymous and mean and include each one hundred pound unit or any combination of packages making a one hundred pound unit of seed potatoes;

(7) "Seed potatoes" means and include all kinds and varieties of Irish seed potatoes grown in the state of Washington and marketed, sold or intended for use for seed purposes;

(8) "Seed potato commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-520-020;

(9) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning July 1 of any year and ending upon the last day of June, both dates inclusive;

(10) "Handler" means any person engaged in the business of handling, selling, processing, storing, shipping,

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or distributing seed potatoes which he has purchased or acquired from a producer, or which he is shipping for or on behalf of a producer, and shall include any lending agencies for commodity credit corporation loan to producers, but shall not include a producer engaged in transporting seed potatoes produced by him for grading, washing, sorting, sacking, or otherwise preparing for marketing or market;

(11) "Sale" means a transaction wherein the property in or to seed potatoes is transferred from the producer to a purchaser for consideration. "Sale" shall also include an agreement to acquire such property for a consideration;

(12) "Affected area" or "area of production" are synonymous and mean and include all of the state of Washington.

[Marketing Order, Article I, effective 10/1/56.]

WAC 16-520-020 Seed potato commission—Structure, powers, duties, and procedure. (1) **Establishment and membership.** A seed potato commission is hereby established to administer this marketing order which shall be composed of five members who shall be producers elected by the producers as provided in the act, and two members who shall be appointed by the elected producer members. In addition, the director shall be an ex officio member of the commission.

(2) **Membership qualifications.** Commission members shall be citizens and residents of this state, over the age of twenty-five years and producer members of the commission shall be producers of seed potatoes in the state of Washington. The qualifications of producer members of the commission as herein set forth must continue during their term of office. Members appointed by the elected producers shall be either seed potato producers, others active in matters relating to seed potatoes or persons not so related.

(3) **Term of office; initial commission.** The term of office of commission members shall be three years from the date of their election and until their successors are elected and qualified so that one-third of the terms will commence as nearly as practicable each year provided, however, that the initial members of the commission shall serve from the effective date of this marketing order in terms terminating as follows: Two producer members, being positions 1 and 2 shall be elected for one year terms terminating June 30, 1957; two producer members, being positions 3 and 4 shall be elected for 2 year terms terminating June 30, 1958; and one producer member, being position 5 shall be elected for a 3 year term terminating June 30, 1959.

The appointed members of the initial commission shall be elected by a majority of the elected commissioners at the first meeting of said commission. One appointed member being position 6, shall be appointed for a two year term expiring June 30, 1958, and one appointed member, being position 7, shall be appointed for a three year term, expiring June 30, 1959.

(4) **Nomination and election of commission members.**

(a) Not earlier than March 19 and not later than April 3 of each year, the director shall give notice by mail to all producers that a vacancy or vacancies will occur in the commission and call for nominations. Nominating petitions shall be signed by five persons qualified to vote for such candidates. Such notice shall state the final date for filing

said petitions which shall be not earlier than April 7 and not later than April 12 of such year.

(b) The director shall submit ballots by mail to all producers in the district wherein the vacancy will occur not earlier than April 17 and not later than May 2 of each year. Ballots shall be returned not later than June 1 of such year. Such mailed ballot shall be conducted in a manner so that it shall be a secret ballot in accordance with rules and regulations to be promulgated by the director.

(c) With respect to the initial seed potato commission, the director shall call for nominations in the notice of his decision following the hearing designated in the act. The ballot specified herein shall be forwarded to the producers at the time the director's proposed marketing order is mailed to the producers for their referendum assent.

(d) Except with respect to the initial seed potato commission, the members of the commission not elected by the producers shall be elected by a majority of the commission within ninety days prior to the expiration of the term.

(5) Vacancies.

(a) To fill any vacancy occasioned by the failure to qualify of any person elected by the producers as a member of the commission, or in the event of the death, removal, resignation or disqualification of any member, the director shall call for nominations and conduct such election in the manner provided in subsection (4) of this section.

(b) To fill nonelective vacancies caused by other reasons than the expiration of the term, the new members shall be elected by the commission at its first meeting after the occurrence of the vacancy.

(6) Powers and duties of commission. The commission shall have the following powers and duties:

(a) To administer, enforce, direct and control the provisions of this marketing order and of the act relating thereto;

(b) To elect a chairman and such other officers as the commission may deem advisable; and to select subcommittees of commission members;

(c) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order;

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order;

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor;

(h) To borrow money and incur indebtedness;

(i) To make necessary disbursements for routine operating expenses;

(j) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with and to effectuate the purposes of the act and this marketing order.

(k) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year;

(l) To accept and receive gifts and grants and expend the same to effectuate the purposes of the act and this order;

(m) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this order.

(7) Procedure for commission.

(a) The commission may by resolution establish a headquarters which shall continue as such unless and until so changed by the commission, at which headquarters shall be kept the books, records and minutes of the commission meetings.

(b) The commission shall hold at least two regular meetings during each fiscal year with the time and date thereof to be fixed by the resolution of the commission.

(c) The commission may hold such special meetings as it may deem advisable and shall establish by resolution the time, place and manner of calling such special meetings with reasonable notice to the members, provided, however, that the notice of any special meeting may be waived by a waiver thereof signed by not less than a quorum of the membership.

(d) Any action taken by the commission shall require the majority vote of the members present provided a quorum is present.

(e) A quorum of the commission shall consist of at least four members.

(f) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid a specified sum to be determined by resolution of the commission, which rate shall not exceed \$20.00 per day for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expense of the rate allowed by law to state employees.

(8) Limitation of liability of commission members and employees. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee or agent of the commission in his individual capacity. The members of the commission, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be

several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: Chapter 15.66 RCW. 83-22-019 (Order 1808), § 16-520-020, filed 10/25/83, effective 12/1/83; Marketing Order, Article II, effective 10/1/56.]

WAC 16-520-030 Marketing order purposes. (1) Research.

(a) The seed potato commission, subject to the provisions of the act, is hereby authorized to carry on or cause to be carried on any necessary and proper marketing, production, processing or handling research or survey studies relating to seed potatoes and to expend monies for such purposes.

(b) Such research and survey studies may include, but shall not necessarily be limited to the following:

(i) Production problems, such as soil, fertilizers, irrigation, insecticides and the like.

(ii) Investigating and developing more disease-resistant seed potatoes for marketing.

(iii) Improving techniques and methods of harvesting and storing seed potatoes.

(iv) Improving packing and handling techniques which promote more efficient operation in the marketing and distribution of seed potatoes.

(v) Investigating transportation rates and service costs, and if the commission after such investigation finds transportation rates and service costs are restricting the free flow of seed potatoes produced in this state the commission is authorized to institute proper action before the interstate commerce commission or such other agency or body deemed necessary to correct the situation.

(c) The commission may, in addition to the activities enumerated above, carry on any other proper and necessary research and/or survey programs and activities consistent with, and subject to the limitations of the act. Such research and/or survey studies may include the collection of data and information relating to seed potatoes; the analysis of such data and information; the dissemination of such data, information and analysis; and such other investigation that falls within the scope of the marketing, producing, or handling of seed potatoes.

(2) Advertising and sales promotion plans.

(a) The seed potato commission, subject to the provisions of the act, is hereby authorized to prepare plans, administer and conduct programs and expend monies for advertising and sales promotion for promoting the sale of seed potatoes for the purpose of maintaining existing markets or creating new and/or larger markets for seed potatoes grown in the state of Washington, including but not necessarily limited to the following:

(i) Increasing the sale of Washington produced seed potatoes through the use of the press, radio, television and all other advertising media.

(ii) Trade promotion, publicity, market development and expansion activities.

(iii) Prevention, modification, or elimination of trade barriers which restrict the free flow of seed potatoes produced in this state.

(iv) Presentation of facts to and negotiations with state, federal, or foreign governmental agencies on matters which

affect the marketing of seed potatoes produced in this state, and such other activities and programs which are consistent with the objectives of this marketing order and the act.

(b) In carrying out any advertising and sales promotion plans or programs, the commission may engage or hire such advertising medias as may be necessary to accomplish the purposes of the act and this order, arrange for advertising space, display material and other advertising material, or may use any other methods consistent with the act and this marketing order which the commission considers appropriate in promoting or creating new and larger domestic or foreign markets for seed potatoes, or in maintaining existing markets.

(c) Programs and plans adopted by the commission under this marketing order shall be directed towards promoting the sale of seed potatoes without reference to any particular private brand or trade name and sales promotion and advertising programs so conducted shall not disparage the value, quality, sale or use of any other agricultural commodity or make use of any unwarranted or false claims on behalf of seed potatoes.

(3) Labeling.

(a) The seed potato commission, subject to the provisions of the act, is hereby authorized to define, establish and provide labeling requirements for improving standards and grades for seed potatoes, as provided in the act, not inconsistent with the horticultural laws of this state with respect to the same, and to expend monies for such purposes.

(b) The commission shall give reasonable written notice to all producer, handlers, and persons directly affected by the labeling requirements issued pursuant to this section, not less than ten days prior to the effective time of such requirements.

(c) The commission shall be authorized to cooperate with state and federal agencies or departments responsible for revising and modernizing grades and standards and labeling of seed potatoes.

(d) Nothing in this section shall be construed as authorizing the commission to set minimum grades, sizes or maturity of seed potatoes which a producer may sell, offer for sale or ship.

(4) **Unfair trade practices.** The seed potato commission, subject to the provisions of the act, is hereby authorized to investigate and take necessary action to prevent unfair trade practices and to correct, where possible, trade practices which hinder marketing of Washington produced seed potatoes. Information acquired in such investigation shall be confidential and shall be released only to the extent necessary to effectuate the purposes of the act.

(5) **Standards, grades, labels, trade practices.** The provisions covering standards, grades, labels and trade practices shall apply with respect to seed potatoes marketed or sold within this state regardless of where produced.

[Marketing Order, Article III, effective 10/1/56.]

WAC 16-520-040 Assessments and assessment funds. (1) Assessments levied. Beginning December 1, 1983, there is hereby levied and there shall be collected by the commission, as provided in chapter 15.66 RCW, upon all seed potatoes grown in the state an annual assessment which shall be paid by the producer thereof upon each and every

hundredweight of seed potatoes sold, processed, delivered for sale or processing by him or stored or delivered for storage when such storage or delivery for storage is outside the boundaries of this state. The assessment shall be three cents per hundredweight from December 1, 1983, until August 31, 1984. The assessment shall then be set by the seed potato commission at a regular meeting before July 15th of each year, to become effective from September 1st of the same year to August connote of the following year. The assessment shall not be less than one cent or more than five cents per hundredweight. No assessment may be collected on the following:

(a) Seed potatoes of a producer's own production used by him on his own premises for seed, feed or personal consumption;

(b) Seed potatoes donated or shipped for relief or charitable purposes; or

(c) Sales on a producer's premises by a producer direct to a consumer of five hundred pounds or less of seed potatoes from a producer's own production.

No assessment levied or made collectable by the act under this order shall exceed three percent of the total market value of all such seed potatoes sold, processed or delivered for sale or processing by all producers of seed potatoes for the fiscal year to which the assessment applies.

(2) Collection of assessment.

(a) All assessments made and levied pursuant to the provisions of the act under this marketing order shall apply to the respective producer who shall be primarily liable therefore. To collect such assessments, the commission may require:

(i) Stamps to be known as "Washington seed potato commission stamps" to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases or receiving receipts or tickets. Any such stamps shall be canceled immediately upon being attached or fixed and the date of such cancellation shall be placed thereon;

(ii) Handlers receiving seed potatoes from the producer, including warehousemen and processors, to collect producer assessments from producers whose production they handle and all monies so collected shall be paid to the commission on or before the twentieth day of the succeeding month for the previous month's collections. Each handler shall at such times as by rule and regulation required, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of seed potatoes handled, processed, delivered and/or shipped during the period prescribed by the commission.

(iii) Payment of producer assessments before the seed potatoes are shipped off the farm or payments of assessments at different or later times and in such event, any person subject to the assessment shall give such adequate assurance or security for its payment as the commission shall require.

(b) The commission is authorized to make reasonable rules and regulations in accordance and conformity with the act and with this section to effectuate the collection of assessment. On or before the beginning of each marketing season, the commission shall give reasonable notice to all producers, handlers and other affected persons of the method

or methods of collection to be used for that marketing season.

(c) No affected units of seed potatoes shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued or stamp canceled, but no liability hereunder shall attach to common carriers in the regular course of their business. When any seed potatoes for which exemption as provided in subsection (1) of this section is claimed are shipped either by railroad or truck, there shall be plainly noted on the bill of lading, shipping document, container or invoice, the reasons for such exemptions.

(d) Any producer or handler who fails to comply with the provisions of this section as herein provided shall be guilty of a violation of this order.

(3) Funds.

(a) Monies collected by the seed potato commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and this marketing order.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by such producer in excess of three percent of the total market value of all seed potatoes sold, processed, delivered for sale or processing or delivered for storage or stored when such storage or delivery for storage was outside the boundaries of this state during that period. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

[Statutory Authority: RCW 15.66.050. 92-22-007, § 16-520-040, filed 10/21/92, effective 12/1/92. Statutory Authority: Chapter 15.66 RCW. 83-22-019 (Order 1808), § 16-520-040, filed 10/25/83, effective 12/1/83; Marketing Order, Article IV, effective 10/1/56.]

WAC 16-520-050 Information reports. All persons subject to the provisions of this order shall make and render such reports and furnish such information to the director or the commission as may be necessary or required under the act or this order to effectuate the purposes thereof. Any information obtained by any persons pursuant to the provisions of this section shall be confidential and shall not be by him disclosed to any other person save to a person with like right to obtain the same or any attorney employed by the director or the commission to give legal advice thereon or by court order.

[Marketing Order, Article V, effective 10/1/56.]

WAC 16-520-060 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

[Marketing Order, Article VI, effective 10/1/56.]

WAC 16-520-070 Effective time. The provisions hereof shall become effective at such time as the director

may declare above his signature attached hereto and shall continue in force until terminated as specified in the act.

[Marketing Order, Article VII, effective 10/1/56.]

RULES OF THE WASHINGTON STATE SEED POTATO COMMISSION

WAC 16-520-110 Collection of assessments. Such assessments shall become due and payable within thirty days after levy of same and, if such fees are not paid within the prescribed time, the state department of agriculture, division of horticulture, may withdraw inspection or refuse to perform any inspection or certification service for the person in arrears: *Provided*, Such horticultural inspector in behalf of the commission may demand and collect the assessment prior to inspecting and certifying any seed potatoes for such person.

[Rule, filed 12/8/64; Emergency Rule, filed 9/16/64.]

Chapter 16-524 WAC TULIP, IRIS AND NARCISSUS BULBS

WAC

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| 16-524-002 | Director's findings and decision approving a marketing order. |
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| 16-524-070 | Effective time. |
| 16-524-110 | Producer's annual sales report—Form. |

WAC 16-524-002 Director's findings and decision approving a marketing order. Whereas, it is provided in RCW 15.66.020, as follows:

(1) "The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of this act to promote the general welfare of the state by enabling producers of agricultural commodities to help themselves in establishing orderly, fair, sound, efficient and unhampered marketing, grading and standardizing of the commodities they produce, and in promoting and increasing the sale of such commodities"; and

(2) Whereas, it is further provided in RCW 15.66.040, that marketing orders and orders modifying or terminating existing marketing orders shall be promulgated by the director; and

(3) Whereas, the director of agriculture having reason to believe that the issuance of a marketing order would tend to effectuate the declared policy of the act with respect to bulbs, did upon receipt of the industry petition signed by five percent of the bulb industry, and pursuant to the provisions of the act, issue on the 31st day of August, 1955 notice of public hearing to be held in Seattle, Washington on the 14th day of September, 1955, upon a proposed marketing order for tulip, iris and narcissus bulbs grown in the state of Washington, and did upon said date and at said place, personally, and through his duly authorized representative, Phyllis Dolvin Schoedel, marketing act administrator, state

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department of agriculture, conduct a public hearing thereon and did give due notice of such hearing and opportunity to be heard to all persons directly affected by any action of the director pursuant to the provisions of said act whose names appear upon the official affected producer list for the tulip, iris and narcissus bulb producers in the state of Washington, whose names are on file in the office of the director of agriculture; and

(4) Whereas, the director of agriculture has reviewed the provisions of such marketing order which authorizes the purposes set forth in RCW 15.66.030 with provisions relating to the advertising and sales promotion; research; improving standards and grades; and investigating and preventing unfair trade practices, hereby finds that:

(a) The proposed issuance of said marketing order is reasonably calculated to attain the objectives sought in such marketing order;

(b) The proposed issuance is in conformity with the provisions of chapter 15.66 RCW, known as the Washington Agricultural Enabling Act, and within the applicable limitations and restrictions set forth therein will tend to effectuate the declared purposes and policies of said act;

(c) Said marketing order will protect the interests of consumers of tulip, iris and narcissus bulbs by exercising the powers of said chapter of the laws of the state of Washington only to such extent as is necessary to attain the objectives sought in the act; and

(5) Whereas, this marketing order embraces all persons who are engaged in the specific and distinct agricultural industry within the state and to be regulated by said marketing order; and

(6) Whereas, the director of agriculture did execute and issue his findings and recommended decision of issuance of the marketing order for Washington tulip, iris and narcissus bulbs on the 29th day of November, 1955 and did cause copies of said findings and recommended decision to be mailed to all affected producers on the official affected producer list of tulip, iris and narcissus bulb producers and did give proper and due consideration to such objections as were duly filed with the director, all as required by the act;

(7) Now, therefore, I, Sverre N. Omdahl, director of agriculture of the state of Washington, do hereby execute and issue this final decision approving a marketing order for Washington tulip, iris and narcissus bulbs, and herewith submit the same for the referendum assent of the affected tulip, iris and narcissus bulb producers on the official affected producer list of the state department of agriculture.

[Director's Findings and Final Decision, effective 1/26/56.]

WAC 16-524-003 Director's order making marketing order effective. (1) Whereas, the director of agriculture of the state of Washington acting pursuant to and by virtue of the authority vested in him by the provisions of the Washington Agricultural Enabling Act, being chapter 15.66 RCW, issued on January 26, 1956, that certain marketing order entitled, "marketing order for Washington tulip, iris and narcissus bulbs," for the written referendum assent of the affected producers in accordance with RCW 15.66.090 and,

(2) Whereas, the director of agriculture has found that more than fifty-one percent of the affected producers have replied to the written referendum within the time specified

by the director and that said marketing order for Washington tulip, iris and narcissus bulbs has been assented to in writing by more than sixty-five percent of the producers who produced more than fifty-one percent by volume of the said tulip, iris and narcissus bulbs in the state of Washington during the past five years. Said determination is based upon the official affected producer list of tulip, iris and narcissus bulb producers established by the director pursuant to the provisions of RCW 15.66.060, which list is now on file with the department; said affected producers being qualified to assent to said marketing order;

(3) Now therefore, I, Sverre N. Omdahl, director of the department of agriculture of the state of Washington, acting pursuant to and by virtue of the authority vested in me by said act, do hereby make effective the said marketing order for Washington tulip, iris and narcissus bulbs; said order to be effective at 12:01 a.m., April 16, 1956.

[Order and Findings, effective 4/16/56.]

WAC 16-524-010 Definitions. As used in this marketing order, the following terms shall have the following meanings:

- (1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative;
- (2) "Act" means the Washington Agricultural Enabling Act, being chapter 15.66 RCW;
- (3) "Person" includes any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals;
- (4) "Bulbs" for the purposes of this marketing order means and includes tulip, iris and narcissus bulbs of any kind and variety grown in the state of Washington;
- (5) "Producer" means any person engaged in the business of producing or causing to be produced for market in commercial quantities, bulbs as defined herein;
- (6) "Bulb commission" or "commission" are synonymous and mean the commission established pursuant to WAC 16-524-020;
- (7) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning with January 1 of any year and ending upon the last day of December, both dates inclusive;
- (8) "Sell" means a transaction wherein the property in or to bulbs is transferred from the producer to a purchaser for consideration. "Sell" shall also include an agreement to acquire such property for a consideration;
- (9) "Affected area" shall mean and include all of the state of Washington.

[Marketing Order, Article I, effective 4/16/56.]

WAC 16-524-020 Bulb commission. (1) **Establishment and membership.** A bulb commission is hereby established to administer this marketing order which shall be composed of five members who shall be producers elected as provided in subsection (2) of this section and two members who shall be appointed by the elected producer members. In addition, the director shall be an ex officio member of the commission.

(2) **Representative districts.** For the purpose of nomination and election of producer members of the com-

mission, the state of Washington shall be divided into representative districts, as follows:

(a) District No. 1 shall be and include the counties of Snohomish, Skagit, Whatcom and Island.

(b) District No. 2 shall be and include all other counties in the state of Washington.

(c) District No. 3 shall be the entire state of Washington and shall include the areas defined in districts 1 and 2.

Two of the producer members, being positions 1 and 2, shall be elected from District No. 1; two of the producer members, being positions 3 and 4, shall be elected from District No. 2; and one producer member, being position 5 shall be elected from District No. 3. The producer member elected for position 5 shall be known as the commissioner-at-large and shall be elected by all of the producers.

(3) **Membership qualifications.** Commission members shall be citizens and residents of this state, over the age of twenty-five years. Producer members of the commission elected for positions 1 through 4 inclusive shall be producers of bulbs in the district in and for which they are nominated and elected. The qualifications of members of the commission as herein set forth shall continue during their term of office.

(4) **Term of office; initial commission.** The term of office of commission members shall be three years from the date of their election and until their successors are elected and qualified provided, however, that the initial members of the commission shall serve from the effective date of this marketing order as follows: Positions 1 and 3 shall terminate December 31, 1956, positions 2 and 4 shall terminate December 31, 1957 and position 5 shall terminate December 31, 1958; the term of one appointed member, being position 6, shall terminate December 31, 1957; the term of the second appointed member, being position 7, shall terminate December 31, 1958. The appointed members of the initial commission shall be elected by a majority of the commissioners at the first meeting of said commission.

(5) **Nomination and election of commission members.**

(a) Not earlier than September 18 nor later than October 2 of each year, the director shall give notice by mail to all producers in a district wherein a vacancy or vacancies will occur in the commission of such vacancy or vacancies and call for nominations. Nominating petitions shall be signed by five persons qualified to vote for such candidates. Such notice shall state the final date for filing said petitions which shall be not earlier than October 8 and not later than October 13 of each year.

(b) The director shall submit ballots by mail to all producers in the district wherein the vacancy or vacancies will occur not earlier than October 18 and not later than November 2 of each year. Ballots shall be returned not later than December 2 of such year. Such mailed ballot shall be conducted in a manner so that it shall be a secret ballot in accordance with rules and regulations to be promulgated by the director.

(c) With respect to the initial bulb commission, the director shall call for nominations in the notice of his decision following the hearing designated in the act. The ballot specified herein shall be forwarded to the producer at the time the director's proposed marketing order is mailed to the producers for their assent.

(d) The two appointed members of the commission, being positions 6 and 7, shall be elected by a majority of the commission within ninety days prior to the expiration of the term.

(6) Vacancies.

(a) To fill any vacancy occasioned by the failure to qualify of any person elected by the producers as a member of the commission, or in the event of the death, removal, resignation or disqualification of any member, the director shall call for nominations and conduct such election within the district wherein the vacancy occurred in the manner as provided in subsection (5) of this section.

(b) To fill nonelective vacancies caused by other reasons than the expiration of the term, the new members shall be elected by the commission at its first meeting after the occurrence of the vacancy.

(7) Powers and duties of commission. The commission shall have the following duties and powers:

(a) To administer, enforce, direct and control the provisions of this marketing order and of the act relating thereto;

(b) To elect a chairman from its membership, and to elect such other officers as the commission may deem advisable;

(c) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this marketing order;

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of the act and of this marketing order;

(g) To keep accurate records of all receipts and disbursements, which records shall be open to inspection and audit by the department and other legal agencies of the state and make annual reports therefrom to the state auditor;

(h) To borrow money and incur indebtedness;

(i) To make necessary disbursements for routine operating expenses;

(j) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with and to effectuate the purposes of the act and this marketing order;

(k) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year;

(l) To accept and receive gifts and grants and to expend the same to effectuate the provisions of the act and this order;

(m) To exercise such other powers and perform such other duties as are necessary and proper to effectuate the purposes of the act and of this order.

(8) Procedure for commission.

(a) The commission shall hold at least two regular meetings during each fiscal year and such other special meetings as may be called in accordance with rules and regulations to be prescribed by the commission.

(b) A quorum of the commission shall consist of at least five members. Any action taken by the commission shall require the concurring vote of the majority of the members present; provided, that in no event shall any action be taken unless a quorum is present.

(c) No member of the commission shall receive any salary or other compensation from the commission, except that each member shall be paid not to exceed \$20.00 per day for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and traveling expense at the rate allowed by law to state employees.

(9) Limitation of liability of commission members and employees. Obligations incurred by the commission and any other liabilities or claims against the commission shall be enforced only against the assets of the commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to the act or the assets thereof or against any member officer, employee or agent of the commission in his individual capacity. The members of the commission, including employees thereof, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of the commission. The liability of the members of the commission shall be several and not joint and no member shall be liable for the default of any other member.

[Marketing Order, Article II, effective 4/16/56.]

WAC 16-524-030 Marketing order purposes. (1) **Advertising and sales promotion plans.** The bulb commission, subject to the provisions of the act, is hereby authorized to prepare plans and administer programs and expend moneys for promoting the sale of bulbs for the purpose of maintaining existing markets or creating new and larger markets for bulbs; provided, that any such plans so developed and conducted shall be directed toward promoting the sale of bulbs without reference to a particular private brand or trade name, and, provided, further, that such plans or programs make no false or unwarranted claims on behalf of bulbs.

In carrying out any advertising and sales promotion plans or programs, the commission may arrange for advertising space, display material and other advertising material, conduct dealer service work or may use any other methods consistent with the act and this marketing order which the commission considers appropriate in promoting or creating new and larger domestic or foreign markets for bulbs, or in maintaining existing markets. Advertising and sales promotion activities of the commission may include the presentation of facts to and negotiations with state, federal or foreign

governmental agencies on matters which affect the marketing of bulbs produced in Washington.

(2) **Research.** The bulb commission, subject to the provisions of the act, is hereby authorized to carry on or cause to be carried on any necessary and proper marketing, production, processing or handling research or survey studies relating to bulbs, and to expend moneys for such purposes. Such research and/or survey studies may include the collection of data and information relating to bulbs; the analysis of such data and information; the dissemination of such data information and analysis; and such other investigation that falls within the scope of the marketing, producing, processing or handling of bulbs.

(3) **Standards and grades.** The bulb commission, subject to the provisions of the act, is hereby authorized to provide for the improving of standards and grades for bulbs by defining, establishing and providing labeling requirements, not inconsistent with the agricultural and horticultural laws of the state, with respect to the same, and to expend moneys for such purposes.

(4) **Unfair trade practices.** The bulb commission, subject to the provisions of the act, is hereby authorized to investigate and take necessary action to prevent any unfair trade practices. Information acquired in any such investigation shall be confidential and shall be released only to the extent necessary to effectuate the purposes of the act.

[Marketing Order, Article III, effective 4/16/56.]

WAC 16-524-040 Assessments and assessment funds. (1) **Rate of assessment.** There is hereby levied, and shall be collected by the commission, upon each and every one thousand bulbs or part thereof in excess of five hundred bulbs, an assessment as provided in the act which shall be paid by the producer thereof upon each and every one thousand bulbs or part thereof in excess of five hundred bulbs, sold, processed, stored or delivered for sale, processing or storage by him, as follows: Twenty-five cents per thousand narcissus bulbs; twenty cents per thousand iris and tulip bulbs if sold by count. For bulbs sold by weight, the assessment shall be set at one and one-quarter percent of the receipts to the grower at the first sale. No assessment levied or made collectible by the act under this order shall exceed three percent of the total market value of all such bulbs sold, processed, stored or delivered for sale, processing or storage, by all producers of bulbs for the fiscal year to which the assessment applies.

(2) **Collection of assessment.** All assessments made and levied pursuant to the provisions of the act under this marketing order shall be paid by the respective producers, who shall be primarily liable therefore. Such assessments shall be collected by stamps to be known as "bulb commission stamps" to be purchased from the commission and fixed or attached to the containers, invoices, shipping documents, inspection certificates, releases, receiving receipts or tickets. Any such stamps shall be canceled immediately upon being attached or fixed and the date of cancellation shall be placed on such stamps. The commission is authorized to make such reasonable rules and regulations in accordance and conformity with the act and with this section to effectuate the collection of this assessment.

(3) **Funds.**

(a) Moneys collected by the bulb commission pursuant to the act and this marketing order as assessments shall be used by the commission only for the purpose of paying for the cost or expenses arising in connection with carrying out the purposes and provisions of the act and of this marketing order.

(b) At the end of each fiscal year the commission shall credit each producer with any amount paid by such producer in excess of three percent of the total market value of all bulbs sold, processed, stored or delivered for sale, processing or storage during that period. Refund shall be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

[Statutory Authority: Chapter 15.66 RCW. 86-13-057 (Order 1891), § 16-524-040, filed 6/16/86, effective 7/18/86; Marketing Order, Article IV, effective 4/16/56.]

WAC 16-524-050 Information reports. All persons subject to the provisions of this order shall make and render such reports and furnish such information to the director or the commission as may be necessary or required under the act or this order to effectuate the purposes thereof. Any information obtained by any person pursuant to the provisions of this article shall be confidential and shall not be by him disclosed to any other person save to a person with like right to obtain the same or any attorney employed by the director or the commission to give legal advice thereon or by court order.

[Marketing Order, Article V, effective 4/16/56.]

WAC 16-524-060 Separability. If any provision hereof is declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

[Marketing Order, Article VI, effective 4/16/56.]

WAC 16-524-070 Effective time. The provisions hereof shall become effective at such time as the director may declare above his signature attached hereto and shall continue in force until terminated as specified in the act.

[Marketing Order, Article VII, effective 4/16/56.]

WAC 16-524-110 Producer's annual sales report—Form.

Washington State Bulb Commission

P.O. Box 215

Sumner, Washington

PRODUCER'S ANNUAL SALES REPORT

Date.....

Name.....Address.....

NARCISSUS

Assessment

Number acres planted.....

Number bulbs sold by count..... @ 20c per 1000..... \$

Value of bulbs sold by weight \$..... @ 1% of value.....

IRIS

Number acres planted.....

Number bulbs sold by count..... @ 15c per 1000..... \$

Value of bulbs sold by weight \$..... @ 1% of value.....

TULIPS

Number acres planted.....

Number bulbs sold by count..... @ 15c per 1000..... \$

Value of bulbs sold by weight \$..... @ 1% of value.....

TOTAL assessment due..... \$

I, the undersigned, do hereby certify under penalty of perjury, that the above is a true and correct statement of my sales for the season of..... (Year)

Subscribed this..... day of..... 19..... at..... Wash.

Title.....

For.....

RETURN THIS REPORT WITH YOUR REMITTANCE BEFORE DECEMBER 1st

[Form, (codified as WAC 16-524-110), adopted 6/10/57.]

Reviser's note: Filed with the code reviser's office on February 23, 1960, was the following excerpt from the commission's minutes of June 10th, 1957: "Mr. Fryar presented a copy of a revised form for reporting bulb sales, which had the approval of the state department of agriculture (copy attached). The date of December 1st was established as the deadline for grower reporting. Mr. Staatz moved that the reporting form, as presented, be formally adopted, Mr. Hatch seconded and the motion carried."

Chapter 16-528 WAC

WHEAT

WAC

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RULES OF THE WHEAT COMMISSION

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| 16-528-105 | Definition of terms. |
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| 16-528-170 | Rules for implementation of promotional hosting by the Washington wheat commission. |
| 16-528-210 | Assessments—Rate—Duty of handlers, warehousemen, and processors. |
| 16-528-220 | Exemption from assessment. |
| 16-528-230 | Variations and discrepancies in assessment returns. |

WAC 16-528-002 Director's final decision approving a marketing order. (1) I, Joe Dwyer, director of agriculture of the state of Washington, after due consideration given to all objections filed to the recommended decision previously issued, do hereby execute and issue this final decision approving a marketing order for Washington wheat and the formation of a Washington wheat commission.

(2) I do hereby approve the marketing order contained in my recommended decision dated November 19, 1957, the text of which marketing order is hereto attached in full and made a part hereof.

(3) I direct that said marketing order be submitted to a referendum vote of all affected wheat producers, as listed on the affected producers' list heretofore established.

[Director's Final Decision, effective 12/4/57.]

WAC 16-528-010 Definitions. As used in this marketing order, the following terms shall have the following meanings:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representatives;

(2) "Act" means the Washington Agricultural Enabling Act, being chapter 15.66 RCW;

(3) "Person" includes any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals;

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market, in commercial quantities, wheat grown in the designated affected area of the state of Washington;

(5) "Commercial quantities" shall mean and include five hundred or more bushels of wheat produced for market in any calendar year by any producer;

(6) "Wheat" means and includes all kinds and varieties of wheat grown in the state of Washington;

(7) "Wheat commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-528-020;

(8) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning January 1 of any year and ending upon the last day of December, both dates inclusive;

(9) "Handler" means any person engaged in the business of handling, selling, processing, storing, shipping, or distributing wheat which he has purchased or acquired from a producer, or which he is shipping for or on behalf of a producer, and shall include any lending agency, for a commodity credit corporation loan to producers;

(10) "Commercial channels" means the sale of wheat for use as food, feed, seed or any industrial or chemurgic use, when sold to any commercial buyer, dealer, processor, cooperative, or to any person, public or private, who resells any wheat, or products produced from wheat;

(11) "Affected area" shall mean and include the following counties located in the state of Washington: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima.

[Marketing Order, Article I, effective 4/30/58.]

WAC 16-528-020 Wheat commission—Structure—Powers, duties—Procedure. (1) **Establishment and membership.** A wheat commission is hereby established to administer this marketing order and shall be composed of five members who shall be producers elected as provided in this section and two members who shall be appointed by the elected producer members. In addition, the director shall be an ex officio member of the commission.

(2) **Representative districts.** The affected area shall be divided into the five following districts:

District I—One commission member

Ferry County
Lincoln County
Pend Oreille County
Spokane County
Stevens County

District II—One commission member

Whitman County

District III—One commission member

Asotin County
Columbia County
Garfield County
Walla Walla County

District IV—One commission member

Adams County
Chelan County
Douglas County
Grant County
Okanogan County

District V—One commission member

Benton County
Franklin County
Kittitas County
Klickitat County
Yakima County

Each district shall nominate one or more nominees but elect one commission member only.

(3) **Membership qualifications.** Commission members shall be citizens and residents of this state, over the age of twenty-five years. Producer members of the commission shall be producers of wheat in the district in and for which they are nominated and elected. The qualifications of producer members of the commission as herein set forth must continue during their term of office.

(4) **Term of office—Initial commission.** The term of office of commission members shall be three years from the date of their election and until their successors are elected and qualified. The terms of office for the initial commission members shall be as follows:

Districts I and II shall terminate December 31, 1958.

Districts III and IV shall terminate December 31, 1959.

District V shall terminate December 31, 1960.

One appointed member's term shall terminate December 31, 1959.

The second appointed member's term shall terminate December 31, 1960.

The appointed members of the initial commission shall be elected by a majority of the elected commissioners at the first meeting.

(5) **Nomination and election of commission members.**

(a) Nomination and election of commission members shall be as set forth in the act and specified by the director. Dates will be set as follows:

(i) Nominating petitions shall be sent not earlier than September 17th and not later than October 2nd of each year in the district wherein a vacancy will occur. Nominating petitions shall be signed by not less than five affected producers of the district from which such a candidate will be elected.

(ii) Filing of nominating petitions shall be mailed to the director not earlier than October 8th and not later than October 13th of each year.

(iii) Ballots will be mailed to all producers in the district wherein a vacancy will occur, not earlier than October 18th and not later than November 2nd of each year.

(iv) Ballots shall be returned not later than December 2nd of such year.

(b) With respect to the initial wheat commission, the director shall call for nominations with the notice of his final decision following the hearing. The ballot for the election of commissioners shall be secret and shall be forwarded to

the producers at the same time the director's proposed marketing order is mailed to the producers for their assent.

(6) **Vacancies.**

(a) To fill any vacancy occasioned by the failure to qualify of any person elected by the producers as a member of the commission, or in the event of the death, removal, resignation or disqualification of any member, the director shall call for nominations and conduct such election within the district wherein the vacancy occurred, in the manner provided in subsection (5) of this section.

(b) To fill nonelective vacancies caused by other reasons than the expiration of the term, the new members shall be elected by the commission at its first meeting after the occurrence of the vacancy.

(7) **Powers and duties of commission.** The commission shall have the powers and duties, as specified under RCW 15.66.140, and shall include but not be limited to the following:

(a) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with, and to effectuate the purposes of the act, and this marketing order.

(b) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year.

(c) To accept and receive gifts and grants and expend same.

(8) **Procedure for commission.**

(a) The commission shall, by resolution, establish a headquarters which shall continue as such unless and until so changed by the commission, at which headquarters shall be kept the books, records and minutes of the commission meetings.

(b) The commission shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by the resolution of the commission.

(c) The commission shall hold an annual meeting at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the wheat commission at least ten days prior to the meeting, through the regular wire news services and radio-television press.

(d) The commission shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: *Provided, however,* That the notice of any special meeting may be waived by a waiver thereof signed by each member thereof.

(e) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(f) A quorum of the commission shall consist of at least five members.

(g) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall receive an amount not to exceed the amount as allowed in RCW 43.03.230, as it exists now or as hereafter amended, for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence, lodging, and mileage expense allowed by RCW

43.03.050 and 43.03.060 as authorized by RCW 15.66.130, the Enabling Act of 1955.

[Statutory Authority: Chapters 15.66 and 43.03 RCW. 89-08-020 (Order 1999), § 16-528-020, filed 3/29/89; Marketing Order, Article II, effective 4/30/58.]

Meetings: See also WAC 16-528-110, 16-528-120, 16-528-130.

WAC 16-528-030 Marketing order purposes. The marketing order for wheat is to promote the general welfare of the state, to enable the producers of wheat to help themselves establish orderly, fair, sound, efficient, unhampered marketing, grading and standardization of wheat:

(1) To establish plans and conduct programs for advertising and sales promotion, to maintain present markets or to create new or larger markets for wheat grown in the state of Washington;

(2) To provide for carrying on research studies to find more efficient methods of production, processing, handling and marketing of wheat;

(3) To provide for improving standards and grades of wheat by defining, establishing and providing labeling requirements with respect to the same;

(4) To investigate and take necessary action to prevent unfair trade practices.

[Marketing Order, Article III, effective 4/30/58.]

WAC 16-528-040 Assessments and collection. (1) **Assessments.** The annual assessment on wheat shall be one-half of one percent of the net receipts at the first point of sale. The assessment shall be levied and paid by the producer, or deducted, as provided in this section, whether the wheat is sold in this or any other state.

(2) **Collection of assessments.** The collection of the assessment made and levied by the wheat commission, pursuant to the provisions of the act, shall be paid by the producer thereof upon all commercial quantities of wheat sold, processed, stored or delivered for sale, processing or storage by him, under any or all of the methods of collections set forth in RCW 15.66.150, in accordance with rules and regulations to be promulgated by the wheat commission: *Provided, however,* That no assessment shall be levied or collected on wheat grown and used by the producer for feed, seed, or personal consumption.

(3) **Funds.** All moneys collected by the wheat commission shall be used only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and the wheat marketing order. At the end of each fiscal year, the commission shall credit each producer with any amount paid by such producer in excess of the assessment. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

[Statutory Authority: Chapter 15.66 RCW. 88-09-019 (Order 1975), § 16-528-040, filed 4/13/88, effective 6/1/88; 82-11-002 (Order 1765), § 16-528-040, filed 5/6/82, effective 7/1/82; Order 1450, § 16-528-040, filed 4/30/76; Marketing Order, Article IV, effective 4/30/58.]

Assessments and collection: See also WAC 16-528-210, 16-528-220, 16-528-230.

WAC 16-528-050 Effective time. This marketing order for wheat shall become effective on and after April 30, 1958.

[Marketing Order, Article V, effective 4/30/58.]

WAC 16-528-060 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

[Marketing Order, Article VI, effective 4/30/58.]

RULES OF THE WHEAT COMMISSION

WAC 16-528-105 Definition of terms. (1) "Promotional hosting" as used in these rules means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of wheat and processed wheat products.

(2) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of a nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

[Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2). 91-05-065 (Order 2072), § 16-528-105, filed 2/19/91, effective 3/22/91.]

WAC 16-528-110 Monthly meetings of the commission. The commission will hold a minimum of four scheduled meetings per year. Dates of each meeting will be determined during the preceding meeting.

[Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2). 91-05-065 (Order 2072), § 16-528-110, filed 2/19/91, effective 3/22/91; Minute Order, 4/30/58.]

Regular meetings: See also WAC 16-528-020 (8)(b).

WAC 16-528-120 Special meetings. It was moved that the chairman be hereby authorized to call special meetings of the commission by giving ten days notice in writing of time and place to each commissioner and at the same time forward notices in the nature of a news release to regular wire services, radio, press and television media emanating from Spokane, Washington. Motion carried.

[Minute Order, 6/9/58.]

Special meetings: See also WAC 16-528-020 (8)(d).

WAC 16-528-130 Annual meetings. It was moved that the commission designate May of each year as the month for the Washington wheat commission's annual meeting to be held. Motion carried.

[Minute Order, 11/19/58.]

Annual meetings: See also WAC 16-528-020 (8)(c).

WAC 16-528-140 Fiscal year of commission. It was moved that the Washington wheat commission establish the period July 1 through June 30 as the official fiscal and budget year of the commission. Motion carried.

[Minute Order, 11/19/58.]

WAC 16-528-150 Warrants drawn on commission account—Signatures. The chairman, vice-chairman, secretary-treasurer, administrator, and one additional staff member, other than the person responsible for drafting checks, be designated and authorized to draw warrants against the accounts of the Washington wheat commission. Signatures of any two of the above to be required on each and every check.

[Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2). 91-05-065 (Order 2072), § 16-528-150, filed 2/19/91, effective 3/22/91; Minute Order, 11/19/58.]

WAC 16-528-160 Refund checks—Endorsement by payee. It was moved that the following affidavit be typed or stamped on the back of any refund checks: "The payee by his (her) endorsement hereon represents that he (she) is legally entitled to this refund and that he (she) accepts same in full payment thereof." Motion carried.

[Minute Order, 9/14/59.]

WAC 16-528-170 Rules for implementation of promotional hosting by the Washington wheat commission. The laws of section 1, chapter 26, Laws of 1985 (RCW 15.04.200) provide that agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners. The rules governing promotional hosting expenditures for the Washington wheat commission shall be as follows:

(1) Budget approval. Commission expenditures for agricultural development or trade promotion and promotional hosting shall be pursuant to specific budget items as approved by the commission at annual public hearings on the commission budget.

(2) Officials and agents authorized to make expenditures. The following officials and agents are authorized to make expenditures for agricultural development or trade promotion and promotional hosting in accordance with the provisions of these rules.

(a) Commissioners;

(b) Administrator, director of marketing.

Individual commissioners shall make promotional hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

(3) Payment and reimbursement. All payments and reimbursements shall be identified and supported by vouchers to which receipts are attached. Voucher forms will be supplied by the commission, and shall require the following information:

(a) Name and position (if appropriate) of each person hosted;

(b) General purpose of the hosting;

(c) Date of hosting;

(d) Location of the hosting;

(e) To whom payment was or will be made;

(f) Signature of person seeking payment or reimbursement.

(4) The chairman of the commission, administrator, and/or treasurer are authorized to approve direct payment or reimbursements submitted in accordance with these rules.

(5) The following persons may be hosted when it is reasonably believed such hosting will cultivate trade relations and promote sales of wheat and processed wheat products:

(a) Individuals from private business, associations, commissions;

(b) Foreign government officials;

(c) Federal and state officials: *Provided*, That lodging, meals, and transportation will not be provided when such officials may obtain full reimbursement for these expenses from their government employer;

(d) The general public, at meetings and gatherings open to the general public;

(e) Commissioners and employees of the commission when their attendance at meetings, meals, and gatherings at which the persons described in (a) through (d) of this subsection are being hosted, will cultivate trade relations and promote sales of wheat and processed wheat products;

(f) Spouses of the persons listed in (a), (b), (c), and (e) of this subsection when attendance of such spouse is customary and expected.

[Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2). 91-05-065 (Order 2072), § 16-528-170, filed 2/19/91, effective 3/22/91.]

WAC 16-528-210 Assessments—Rate—Duty of handlers, warehousemen, and processors. The following resolution with respect to assessment collection methods was unanimously approved. "Resolved, that the Washington wheat commission adopts and promulgates the following assessment collection method as the sole and only means applicable and in effect and that the commission do and hereby does require handlers including warehousemen and processors receiving wheat in commercial quantities from the producer, to collect the assessment stated in WAC 16-528-040 from producers whose production they handle and remit the same to the Washington wheat commission. A commodity credit corporation designated lending agency, and CCC as such in direct loans to producers, shall be deemed a handler for purposes of this resolution. No affected units shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued, but no liability hereunder shall attach to common carriers in the regular course of their business."

[Statutory Authority: RCW 15.66.140(2). 88-12-019 (Order 88-01), § 16-528-210, filed 5/24/88; Minute Order, 9/8/58.]

Assessments: See also WAC 16-528-040.

WAC 16-528-220 Exemption from assessment. The following motion was made and passed with respect to modifying collection instructions. "Resolved: Receipt is acknowledged of attorney general's opinion dated Sept. 8, 1959 (AGO 59-60 No. 64) and the Washington wheat commission resolves to modify its collection instructions previously issued to Washington wheat producers, grain dealers, handlers, warehousemen and others to the effect that wheat sold, delivered, shipped or stored by the state of Washington from that grown on public and school lands leased to farmers on a share crop basis be, and the same is

hereby declared to be, exempt, temporarily and until further resolution of this commission, from the assessment provided for by the Washington Agricultural Enabling Act and marketing order for Washington wheat dated December 4, 1957..."

[Minute Order, 9/14/59.]

Assessments: See also WAC 16-528-040.

WAC 16-528-230 Variations and discrepancies in assessment returns. The following motion was unanimously passed dealing with variations and discrepancies in assessment returns. "A one dollar discrepancy involving either over or under payments for each one hundred dollars wheat assessment remitted shall be permitted and acceptable. Discrepancies in excess of one dollar per each one hundred dollars remitted shall be returned to the sender for correction." Motion passed.

[Minute Order, 9/8/58.]

Assessments: See also WAC 16-528-040.

Chapter 16-529 WAC

WASHINGTON ALFALFA SEED COMMISSION

WAC

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WAC 16-529-010 Definitions of terms. For the purpose of this chapter: (1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State 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 any variety of alfalfa seed in the state of Washington for market in commercial quantities: *Provided*, That for the purpose of election and membership on the commodity board, a producer-handler shall be considered as acting only as a producer.

(6) "Commercial quantity" means all alfalfa seed produced in any calendar year by any producer.

(7) "Affected handler" means any person who acts as principal or agent or otherwise in buying, selling, marketing, or distributing alfalfa seed not grown by him.

(8) "Producer-handler" means any person who acts both as a producer and as a handler with respect to the alfalfa seed which he produces, and a handler with respect to the alfalfa seed which he handles, including that produced by himself.

(9) "Alfalfa seed" means the seed that is harvested from any variety of alfalfa plants.

(10) "Alfalfa seed commodity board" hereinafter referred to as "board" means the commodity board or commission formed under the provisions of WAC 16-529-020 through 16-529-120.

(11) "Marketing season" or "fiscal year" means the twelve month period beginning with July 1 of any year and ending with June 30 of the year following, both dates being inclusive.

(12) "Affected area" means that portion of the state of Washington located east of the summit of the Cascade Mountains.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means one hundred weight (cwt) of cleaned alfalfa seed as sold by an affected producer to a handler or other producer.

[Order 1, Article I, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-020 The alfalfa seed commodity board—Administration. The provisions of this chapter and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

[Order 1, Article II, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-030 Board membership. (1) The board shall consist of eight members. Six members shall be affected producers elected as provided in WAC 16-529-020 through 16-529-120. One member shall be an affected handler elected as provided in WAC 16-529-020 through 16-529-120. The director shall appoint one member of the board who is neither an affected producer nor an affected handler to represent the department and the public.

(2) For the purpose of nomination and election of producer members of the board, the affected area of the state of Washington shall be divided into three representative districts as follows:

(a) District I shall have two board members, being Positions 1 and 2, and shall include the counties of Adams, Chelan, Douglas, Ferry, Franklin, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens.

(b) District II shall have one board member, being Position 3, and shall include the counties of Benton, Kittitas, Klickitat, and Yakima.

(c) District III shall have three board members, being Positions 4, 5, and 6, and shall include the counties of Asotin, Columbia, Garfield, Walla Walla, and Whitman.

(3) The handler member of the board shall be Position 7.

(4) The member of the board to be appointed by the director shall be Position 8.

[Statutory Authority: Chapter 15.65 RCW. 85-10-015 (Order 1850), § 16-529-030, filed 4/22/85, effective 6/1/85; Order 1, Article II, § B, filed 3/13/75, effective 7/1/75.]

WAC 16-529-040 Board membership qualifications.

(1) The affected producer members of the board shall be practical producers of alfalfa seed 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 alfalfa seed within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(2) The affected handler member of the board shall be a practical handler of alfalfa seed and shall be a citizen and resident of the state of Washington, over the age of twenty-five years, and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership, association, or cooperative, actually engaged in handling alfalfa seed within the state of Washington for a period of five years and has during that period derived a substantial portion of his income therefrom.

(3) The qualifications of members of the board must continue during their term of office.

[Order 1, Article II, § C, filed 3/13/75, effective 7/1/75.]

WAC 16-529-050 Term of office. (1) 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.

(2) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six, the affected handler shall have position seven, and the member appointed by the director, position eight.

(3) The term of office for the initial board members shall be as follows:

- Positions one and four - one year
- Positions three, five, and eight - two years
- Positions two, six, and seven - three years.

No elected member of the board may serve more than two full consecutive three-year terms.

[Order 1, Article II, § D, filed 3/13/75, effective 7/1/75.]

WAC 16-529-060 Nomination and election of board members. (1) For the purpose of nominating candidates for election to board membership, the director shall call separate meetings of affected producers and affected handlers.

(2) Each year the director shall call for nomination meetings in those districts whose board members' terms are about to expire. Such meetings shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in newspapers of general circulation within the affected district 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 produc-

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ers within such affected district, and to all handlers, according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer or handler may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers or affected handlers.

[Order 1, Article II, § E, filed 3/13/75, effective 7/1/75.]

WAC 16-529-070 Election of board members.

Members of the board shall be elected by secret mail ballot within the month of June under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district. Each affected producer shall be entitled to one vote. The affected handler member of the board shall be elected by a majority of votes cast by the affected handlers. Each affected handler shall be entitled to one vote.

If a nominee does not receive a majority of the votes on the first ballot, a runoff election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

Notice of every election for board membership shall be published in a newspaper of general circulation within the affected district 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 and affected handler entitled to vote whose name appears upon the list of such affected producers and affected handlers maintained by the director in accordance with RCW 15.65.200. Any other affected producer or affected handler entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by an affected producer or affected handler shall not invalidate the election of any board member.

[Order 1, Article II, § F, filed 3/13/75, effective 7/1/75.]

WAC 16-529-080 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.

[Order 1, Article II, § G, filed 3/13/75, effective 7/1/75.]

WAC 16-529-090 Quorum. A majority of the voting members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

[Order 1, Article II, § H, filed 3/13/75, effective 7/1/75.]

WAC 16-529-100 Board compensation. No member of the board shall receive any salary or other compensation, but each member shall receive \$35.00 for each day in actual attendance on or travelling to and from meetings of the board or on special assignment for the board, together with subsistence and travelling expense at the rate allowed by law to state employees: *Provided*, That the method of determining whether per diem rates or actual subsistence and lodging

shall be allowed shall be determined by resolution or rule of the board in advance of the incurrence of such expenses by any board member.

[Order 1, Article II, § I, filed 3/13/75, effective 7/1/75.]

WAC 16-529-110 Powers and duties of the board.

The board shall have the following powers and duties:

(1) To administer, enforce, and control the provisions of this chapter as the designee of the director.

(2) To elect a chairman and such other officers as the board deems advisable.

(3) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of this chapter and effectuate the declared policies of the act.

(4) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of this chapter. 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.

(5) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating this chapter.

(6) To establish an "alfalfa seed revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the days as advisable.

(7) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to this chapter. Such records, books, and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last days of each fiscal year of the state of Washington. 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.

(8) 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.

(9) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this chapter during each fiscal year.

(10) 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.

(11) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(12) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of this chapter and the act, along with the necessary authority and procedure for obtaining such information.

(13) 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 this chapter.

(14) 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.

(15) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

[Order 1, Article II, § J, filed 3/13/75, effective 7/1/75.]

WAC 16-529-120 Procedures for board. (1) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(2) 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 through regular wire news services and radio, television, and press.

(3) The board shall establish by resolution, the time, place, and manner of calling special meetings 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.

[Order 1, Article II, § K, filed 3/13/75, effective 7/1/75.]

WAC 16-529-130 Marketing order purposes. This chapter is to promote the general welfare of the state, to enable producers of alfalfa seed to help themselves establish orderly, fair, sound, efficient, and unhampered marketing of seed, and to develop improved production methods and/or programs for the control of disease, insects, and weeds associated with the culture and harvesting of alfalfa seed.

(1) To carry out the purposes of this chapter, the board shall provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for advertising, sales, promotion, and/or other programs for maintaining present markets and/or creating new or larger markets for alfalfa seed. Such programs shall be directed toward increasing the sale of alfalfa seed without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of alfalfa seed nor disparage the quality, value, sale, or use of any other agricultural commodity.

(b) Provide for research in the production, harvesting, processing, and/or distribution of alfalfa seed and expend the necessary funds for such purposes. Insofar as practicable,

such research shall be carried out by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide for collection and dissemination of information pertaining to alfalfa seed.

[Order 1, Article III, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-140 Assessments. (1) The fixed annual assessment on all varieties of alfalfa seed subject to this marketing order shall be fifty cents per hundredweight of cleaned seed, which shall be paid by the producer thereof upon each and every unit sold, marketed, or delivered for sale by him.

(2) First handlers or purchasers shall collect assessments at time of payment for seed from producers whose production they handle and remit the same to the board in accordance with procedures adopted by the board.

Producers and producer-handlers who ship their alfalfa seed direct to handlers outside of the state of Washington shall remit assessments to the board at time of shipment.

[Statutory Authority: Chapter 15.65 RCW. 79-07-061 (Order 1639), § 16-529-140, filed 6/27/79, effective 8/1/79; Order 1, Article IV, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-150 Collections. Any moneys collected or received by the board pursuant to the provisions of this chapter during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order to all persons from whom such moneys were collected or received, or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

[Statutory Authority: RCW 15.65.050. 96-03-151 (Order 5090), § 16-529-150, filed 1/24/96, effective 2/24/96; Order 1, Article IV, § B, filed 3/13/75, effective 7/1/75.]

WAC 16-529-160 Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and this chapter, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action

shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Order 1, Article IV, § C, filed 3/13/75, effective 7/1/75.]

WAC 16-529-170 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted by them by the act or this chapter, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this chapter shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Order 1, Article V, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-180 Board is commission. In order to conform with accepted usage and nomenclature of the Washington state agricultural community, the board shall be referred to as the Washington alfalfa seed commission.

[Order 1, Article VI, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-190 Termination of the order. This chapter shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

[Order 1, Article VII, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-200 Effective time. This marketing order for alfalfa seed shall become effective after having been approved in a referendum of affected producers, by at least 51% of the producers of alfalfa seed having at least 65% of the volume of alfalfa seed produced, or by at least 65% of the producers of alfalfa seed having at least 51% of the volume of alfalfa seed produced, and after having been filed with the code reviser for not less than thirty days.

[Order 1, Article VIII, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-210 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

[Order 1, Article IX, § A, filed 3/13/75, effective 7/1/75.]

WAC 16-529-300 Time, place, method for collection and remittance of assessments. Effective with the 1975 crop, the following procedure is established for the collection, reporting, and remittance of assessments levied on alfalfa seed pursuant to RCW 15.65.410 and WAC 16-529-040:

(1) All first buyers of alfalfa seed grown in the state of Washington, or the person acting on behalf of a first buyer, shall withhold the amount of assessment from their remittances to growers of such seed and transmit same to the commission not later than the last day of the calendar month following date of settlement.

(2) All producers selling alfalfa seed other than to first buyers for resale, whether selling directly or through brokers, and including all sales at retail, shall pay the amount of the assessment directly to the commission not later than the last day of the calendar month following date of settlement.

(3) To all assessments due and payable to the commission and not remitted on or before the date due, there shall be added a penalty fee of ten percent as provided in RCW 15.65.440.

(4) All remittances to the commission shall be transmitted with an official reporting form to be furnished free of charge by the commission. Said reporting form shall call for the name and address of the affected producer, the number of pounds of seed sold, the amount of assessment collected from each producer, and the name and address of the person or firm filing the report and remittance.

[Order 2, § 16-529-110 (codified as WAC 16-529-300), filed 10/17/75.]

Chapter 16-530 WAC

WASHINGTON BARLEY COMMISSION

WAC

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RULES OF THE BARLEY COMMISSION

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| 16-530-110 | Definition of terms. |
| 16-530-120 | Rules for implementation of promotional hosting by the Washington barley commission. |

WAC 16-530-010 Definition of terms. As used in this marketing order, the following terms shall have the following meanings:

(1) "Director" means the director of agriculture of the state of Washington or the director's duly appointed representatives.

(2) "Act" means the Washington Agriculture Enabling Act of 1955 or chapter 15.66 RCW.

(3) "Person" includes any individual, firm, corporation, trust, association, partnership, society or any other organization of individuals.

(4) "Producer" means any person who is engaged in the business of producing or causing to be produced for market, in commercial quantities, barley grown in the designated affected area of the state of Washington.

(5) "Commercial quantities" shall mean and include twenty tons produced for market in any calendar year by any producer.

(6) "Barley" means and includes all kinds and varieties of barley grown in the state of Washington.

(7) "Barley commission" or "commission" are synonymous and mean the commission established pursuant to the provisions of WAC 16-530-020 of this marketing order.

(8) "Marketing season" or "fiscal year" are synonymous and mean the twelve month period beginning July 1 of any year and ending upon the last day of June, the following year, both dates inclusive.

(9) "Handler" means any person engaged in the business of handling, selling, processing, storing, shipping, or distributing barley which he/she has purchased or acquired from a producer, or which he/she is shipping for or on behalf of a producer, and shall include any lending agency for a commodity credit corporation loan to producers.

(10) "Commercial channels" means the sale of barley for use as food, feed, seed or any industrial or chemurgic use, when sold to any commercial buyer, dealer, processor, cooperative, or to any person, public or private, who resells any barley, or products produced from barley.

(11) "Affected area" shall mean and include the following counties located in the state of Washington: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

[Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-010, filed 5/22/85, effective 7/1/85.]

WAC 16-530-020 Barley commission. (1) Establishment and membership. A barley commission is hereby established to administer this marketing order and shall be composed of five members who shall be producers elected as provided in this section and two members who shall be appointed by the elected producer members. In addition, the director shall be an ex officio member of the commission.

(2) Representative districts. The affected area shall be divided into the five following districts:

(a) District I shall have one commission member, and shall include the counties of Chelan, Douglas, Ferry, Grant, Okanogan, Spokane, Stevens, and Pend Oreille.

(b) District II shall have one commission member, and shall include Whitman county.

(c) District III shall have one commission member, and shall include the counties of Asotin, Benton, Columbia, Garfield, and Walla Walla.

(d) District IV shall have one commission member, and shall include the counties of Adams, Franklin, Kittitas, Klickitat, and Yakima.

(e) District V shall have one commission member, and shall include Lincoln county.

(f) Each district shall nominate one or more nominees, but elect one commission member only.

(3) Membership qualifications. Commission members shall be citizens and residents of this state, over the age of twenty-five years. Producer members of the commission shall be producers of barley in the district in and for which they are nominated and elected. The qualifications of producer members of the commission as herein set forth must continue during their term of office.

(4) Term of office—Initial commission. The term of office of commission members shall be three years from the date of their election and until their successors are elected and qualified. The terms of office for the initial commission members shall be as follows:

District I shall terminate December 31, 1986.

Districts II and III shall terminate December 31, 1987.

Districts IV and V shall terminate December 31, 1988.

One appointed member's term shall terminate December 31, 1986.

The second appointed member's term shall terminate December 31, 1988.

The appointed members of the initial commission shall be elected by a majority of the elected commissioners on or before the adjournment of its third meeting.

(5) Nomination and election of commission members.

(a) Nomination and election of commission members shall be as set forth in the act and specified by the director. Dates will be set as follows:

(i) Nominating petitions shall be mailed not earlier than September 17 and not later than October 2 of each year in the district wherein a vacancy will occur. Nominating petitions shall be signed by not less than five affected producers of the district from which such a candidate will be elected.

(ii) Final date for filing of nominating petitions to the director shall not be earlier than October 8 and not later than October 13 of each year.

(iii) Ballots will be mailed to all producers in the district wherein a vacancy will occur, not earlier than October 18 and not later than November 2 of each year.

(iv) Ballots shall be returned not later than December 2 of such year.

(b) With respect to the initial barley commission, the director shall call for nominations and elections as soon as practical after passage of the referendum. The ballot for the election of commissioners shall be secret.

(c) When only one nominee is nominated for any position on the board, the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

(6) Vacancies. In the event of a vacancy in an elected or appointed position on the commission, the remaining elected members of the commission shall select a qualified person to fill the unexpired term, at its first meeting after the occurrence of the vacancy.

(7) Powers and duties of commission. The commission shall have the following powers and duties:

(a) To elect a chairman and such other officers as determined advisable.

(b) To adopt, rescind and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under the marketing order.

(c) To administer, enforce, direct, and control the provisions of the marketing order and of this chapter relating thereto.

(d) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same.

(e) To acquire personal property and lease office space and other necessary real property and transfer and convey the same.

(f) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of this chapter and of the marketing order.

(g) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by legal agencies of the state and make annual reports therefrom to the state auditor.

(h) Borrow money and incur indebtedness.

(i) Make necessary disbursements for routine operating expenses.

(j) Such other powers and duties that are necessary to carry out the purposes of this chapter.

(k) To collect the assessments of producers as provided in this marketing order and to expend the same in accordance with, and to effectuate the purposes of the act, and this marketing order.

(l) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this marketing order during each fiscal year.

(m) To accept and receive gifts and grants and expend same.

(8) Procedure for commission.

(a) The commission shall, by resolution, establish a headquarters which shall continue as such unless and until so changed by the commission at which headquarters shall be kept the books, records and minutes of the commission meetings.

(b) The commission shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by the resolution of the commission.

(c) The commission shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the barley commission at least ten days prior to the meeting, through the regular news media.

(d) The commission shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: *Provided, however,* That the notice of any special meeting may be waived by a waiver thereof signed by each member thereof.

(e) Any action taken by the commission shall require the majority vote of the members present, provided a quorum is present.

(f) A quorum of the commission shall consist of at least five members.

(g) No members of the commission shall receive any salary or other compensation from the commission, except that each member shall receive an amount not to exceed the amount specified in RCW 15.66.130 as it exists now or as hereafter amended, for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and travel expenses allowed by law to state employees.

[Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-020, filed 5/22/85, effective 7/1/85.]

WAC 16-530-030 Marketing order purposes.

Purposes. The marketing order for barley is to promote the general welfare of the state, to enable the producers of barley to help themselves establish orderly, fair, sound, efficient, unhampered marketing, grading and standardization of barley.

(1) To establish plans and conduct programs for advertising, education and sales promotion, to maintain present markets or to create new or larger markets for barley grown in the state of Washington.

(2) To provide for carrying on research studies to find more efficient methods of production, processing, handling and marketing barley.

(3) To provide for improving standards and grades of barley by defining, establishing and providing labeling requirements with respect to the same.

(4) To investigate and take necessary action to prevent unfair trade practices.

[Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-030, filed 5/22/85, effective 7/1/85.]

WAC 16-530-040 Assessments and collection.

(1) Assessments. The assessment on barley shall be one percent of the net receipts at the first point of sale. The assessment shall be levied and paid by the producer, or deducted, as provided in this section, whether the barley is sold in this or any other state.

(2) Collection of assessments. The collection of the assessment made and levied by the barley commission, pursuant to the provisions of the act, shall be paid by the producer thereof upon all commercial quantities of barley sold, under any or all of the methods of collection set forth in RCW 15.66.150, in accordance with rules and regulations to be promulgated by the barley commission: *Provided, however,* That no assessment shall be levied or collected on barley grown and used by the producer for feed, seed, or personal consumption.

(3) Funds. All moneys collected by the barley commission shall be used only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and the barley marketing order.

At the end of each fiscal year, the commission shall credit each producer with any amount paid by such producer

in excess of the assessment rate. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

[Statutory Authority: Chapter 15.66 RCW. 88-09-018 (Order 1974), § 16-530-040, filed 4/13/88, effective 6/1/88; 85-11-089 (Order 1857), § 16-530-040, filed 5/22/85, effective 7/1/85.]

WAC 16-530-050 Effective time. This marketing order for barley shall become effective on and after July 1, 1985.

[Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-050, filed 5/22/85, effective 7/1/85.]

WAC 16-530-060 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

[Statutory Authority: Chapter 15.66 RCW. 85-11-089 (Order 1857), § 16-530-060, filed 5/22/85, effective 7/1/85.]

RULES OF THE BARLEY COMMISSION

WAC 16-530-110 Definition of terms. (1) "Promotional hosting" as used in these rules means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of barley and processed barley products.

(2) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of a nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

[Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2). 91-01-100 (Order 2067), § 16-530-110, filed 12/18/90, effective 1/18/91.]

WAC 16-530-120 Rules for implementation of promotional hosting by the Washington barley commission. The laws of section 1, chapter 26, Laws of 1985 (RCW 15.04.200) provide that agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners. The rules governing promotional hosting expenditures for the Washington barley commission shall be as follows:

(1) Budget approval. Commission expenditures for agricultural development or trade promotion and promotional hosting shall be pursuant to specific budget items as approved by the commission at annual public hearings on the commission budget.

(2) Officials and agents authorized to make expenditures. The following officials and agents are authorized to make expenditures for agricultural development or trade promotion and promotional hosting in accordance with the provisions of these rules.

- (a) Commissioners;
- (b) Administrator, director of marketing;
- (c) Director of communications.

Individual commissioners shall make promotional hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

(3) Payment and reimbursement. All payments and reimbursements shall be identified and supported by vouchers to which receipts are attached. Voucher forms will be supplied by the commission, and shall require the following information:

- (a) Name and position (if appropriate) of each person hosted;
- (b) General purpose of the hosting;
- (c) Date of hosting;
- (d) Location of the hosting;
- (e) To whom payment was or will be made;
- (f) Signature of person seeking payment or reimbursement.

(4) The chairman of the commission, administrator, and/or treasurer are authorized to approve direct payment or reimbursements submitted in accordance with these rules.

(5) The following persons may be hosted when it is reasonably believed such hosting will cultivate trade relations and promote sales of barley and processed barley products:

- (a) Individuals from private business, associations, commissions;
- (b) Foreign government officials;
- (c) Federal and state officials: *Provided*, That lodging, meals, and transportation will not be provided when such officials may obtain full reimbursement for these expenses from their government employer;
- (d) The general public, at meetings and gatherings open to the general public;
- (e) Commissioners and employees of the commission when their attendance at meetings, meals, and gatherings at which the persons described in (a) through (d) of this subsection are being hosted, will cultivate trade relations and promote sales of barley and processed barley products;

(f) Spouses of the persons listed in (a), (b), (c), and (e) of this subsection when attendance of such spouse is customary and expected.

[Statutory Authority: Chapter 15.04 RCW and RCW 15.66.140(2). 91-01-100 (Order 2067), § 16-530-120, filed 12/18/90, effective 1/18/91.]

**Chapter 16-532 WAC
HOPS**

WAC

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RULES OF WASHINGTON STATE HOP COMMODITY BOARD

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WAC 16-532-010 Definitions. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association or corporation.

(5) "Affected producer" or "producer" means any person who produces hops in commercial quantities in the state of Washington.

(6) "Commercial quantity" means any hops produced for market by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing hops not produced by him.

(8) "Hop commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of WAC 16-532-020.

(9) "Hops" means and includes all kinds and varieties of "humulus lupulus" grown, picked and dried in the state of Washington, whether loose, packaged or baled and all oils, extracts and/or lupulin derived therefrom.

(10) "Marketing season" means the twelve month period beginning with January 1 of any year and ending December 31, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to hops. A producer-handler shall be deemed to be a producer with respect to the hops which he produces and a handler with respect to the hops which he handles, including those produced by himself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(14) "Affected unit" means two hundred pounds net of hops, or the amount of lupulin, extract or oil produced from two hundred pounds net of hops.

(15) "Promotional hosting" as used in these rules means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the purpose of cultivating trade relations and promoting sales of Washington grown hops.

(16) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

(17) "Affiliate" as used in these rules, means a corporation, limited liability company, partnership, or other entity in common ownership with a producer or producer-handler.

[Statutory Authority: RCW 15.65.050 and 15.65.430. 96-15-139, § 16-532-010, filed 7/24/96, effective 8/24/96. Statutory Authority: Chapter 15.65

RCW. 92-09-068, § 16-532-010, filed 4/14/92, effective 5/15/92; Marketing Order Article I, § A, filed 7/1/64.]

WAC 16-532-020 Hop board. (1) Administration.

The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of ten members. Nine members shall be affected producers elected as provided in this section. The director shall appoint one member of the board 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 entire state of Washington.

(3) Board membership qualifications.

The affected producer members of the board shall be practical producers of hops 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 hops within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(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 nine and the member appointed by the director position ten.

(c) The term of office for the initial board members shall be as follows:

Positions one, two, three and ten - until June 30, 1967

Positions four, five and six - until June 30, 1966

Positions seven, eight and nine - until June 30, 1965

(d) Terms of office for the board members serving at the time of the 1992 amendment of this section shall be as follows:

Positions one, two, three and ten - until December 31, 1994

Positions four, five and six - until December 31, 1993

Positions seven, eight and nine - until December 31, 1992

(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 major 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 meetings. Nominations may also be made within five days after any such meetings by written petition filed

with the director signed by not less than five affected producers. At the inception of this order nominations may be made at the issuance hearing.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of November under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. 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 major 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 upon the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board member.

(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 shall be reimbursed for actual subsistence and traveling expenses incurred through attendance at meetings or other board activities: *Provided*, That such expenses shall be authorized by resolution by unanimous approval of the board at a regular meeting.

(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, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating the order.

(f) To establish a "hop board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day 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 at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, 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 order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(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 wire news services and radio-television press.

(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. 92-09-068, § 16-532-020, filed 4/14/92, effective 5/15/92; 88-24-028 (Order 1992), § 16-532-020, filed 12/2/88; Marketing Order Article II, §§ A through K, filed 7/1/64.]

WAC 16-532-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of hops to help themselves establish orderly, fair, sound, efficient, unhampered marketing and standardization of hops and regulate unfair trade practices within the industry.

(1) To carry out the purposes of the order the board may provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for advertising, sales, promotion and/or other programs for maintaining present markets and/or creating new or larger markets for hops. Such programs shall be directed toward increasing the sale of hops without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of hops nor disparage the quality, value, sale or use of any other agricultural commodity.

(b) Provide for research in the production, processing and/or distribution of hops and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide by rules and regulations for:

(i) Establishing uniform labels and labeling requirements for hops or any products thereof, requiring producers, handlers and other persons to conform to standards for the placing of labels, trademarks, insignia or brands on bales or packages, provided, that all licensed hop dealers or brokers are entitled to use on the face of their product any particular trademark, insignia, brand or label that they may now have or will have. That established brands, labels, trademarks or insignias may be properly used in selling or commercially disposing of hops and hop products or in offering the same for sale, advertising and/or delivering said hops or hop products;

(ii) Providing for inspection and enforcement to ascertain and effectuate compliance;

(iii) Establishing rules and regulations respecting the foregoing.

(d) Prohibit and/or otherwise regulate any one or more or all of the practices listed to the extent that such practices affect, directly or indirectly, hops or any product thereof, but only with respect to persons who engage in such practices with the intent of or with the reasonably foreseeable effect of inducing any purchaser to become his customer or his

supplier or of otherwise dealing or trading with him or of diverting trade from a competitor, to wit:

- (i) Paying rebates, commissions or unearned discounts;
- (ii) Unfairly extending privileges or benefits (pertaining to price, to credit, to the loan, lease or giving away of facilities, equipment or other property or to any other matter or thing) to any customer, supplier or other person;
- (iii) Discriminating between customers, or suppliers of a like class;
- (iv) Making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons.
- (e) The board may authorize use of any money received and of any persons employed thereunder for legal proceedings, of any type and in the name of any person, directed to enforcement of this or any other law in force in the state of Washington relating to the prevention of unfair trade practices.

(f) Provide for marketing information and services to affected producers for the verification of grades, standards, weights, tests and sampling of quality and quantity of hops purchased by handlers from affected producers.

(g) 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(29) or any agricultural chemical which is of use or potential use in producing hops.

[Statutory Authority: Chapter 15.65 RCW. 92-09-068, § 16-532-030, filed 4/14/92, effective 5/15/92; Marketing Order Article III, § A, filed 7/1/64.]

WAC 16-532-035 Inspection required. All varieties of hops produced in the state of Washington shall be inspected and certified by the Federal/State Hop Inspection Service for quality and condition of seed, leaf and stem prior to marketing or processing, pursuant to the standards established by the Federal Grain Inspection Service of the United States Department of Agriculture.

[Statutory Authority: RCW 15.65.050. 95-17-118 (Order 5077), § 16-532-035, filed 8/23/95, effective 9/23/95. Statutory Authority: Chapter 15.65 RCW. 88-24-028 (Order 1992), § 16-532-035, filed 12/2/88.]

WAC 16-532-040 Assessments and collections. (1) **Assessments.**

(a) The annual assessment on all varieties of hops shall be two dollars and fifty cents per affected unit.

(b) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale or processing, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: RCW 15.65.050. 95-17-118 (Order 5077), § 16-532-040, filed 8/23/95, effective 9/23/95. Statutory Authority: Chapter 15.65 RCW. 91-15-019 (Order 2090), § 16-532-040, filed 7/10/91, effective 8/10/91. Statutory Authority: RCW 15.65.170. 87-10-059 (Order 1927), § 16-532-040, filed 5/6/87, effective 6/8/87. Statutory Authority: Chapter 15.65 RCW. 83-16-041 (Order 1800), § 16-532-040, filed 7/29/83; 80-05-090 (Order 1686), § 16-532-040, filed 5/1/80; 79-01-045 (Order 1593), § 16-532-040, filed 12/21/78; Order 1332, § 16-532-040, filed 1/17/74; Marketing Order Article IV, §§ A through C, filed 7/1/64.]

WAC 16-532-0402 Credit for market promotion activities. (1) As provided in this chapter, a producer, as defined in WAC 16-532-010(5), may receive credit against his annual assessment for eligible promotional activities. Credit will be granted either in the form of a refund payment from the board, or, if eligible promotional activities are conducted, documented and approved by the board prior to the assessment due date, as an offset to the annual assessment. Credit shall be granted in an amount up to sixty-six and two-thirds percent of a producer's documented expenditures for eligible promotional activities. However, in no case shall credit be granted in excess of that portion of the producer's annual assessment from his own production designated for marketing or promotion, including paid advertising.

(2) The portion of the annual assessment for which credit may be received is due and payable as otherwise provided in this chapter unless a producer conducts and documents promotional activities prior to the date assessments are due as provided in subsection (1) of this section. A producer's annual assessment will be reduced according

to the amount of proven promotional activities approved by the board as provided in this chapter.

(3) The board shall grant credit for eligible activities only to the producer, or an affiliate thereof as defined in WAC 16-532-020(17), who performs the activities and who files a claim for credit as provided in this section.

(4) The board shall grant credit only for eligible promotional activities that are conducted and completed during the marketing season for which credit is requested. The marketing season is defined as January 1 through December 31 of the year in which the crop is harvested.

[Statutory Authority: RCW 15.65.050 and 15.65.430. 96-15-139, § 16-532-0402, filed 7/24/96, effective 8/24/96.]

WAC 16-532-0404 General requirements for credit.

The following requirements apply to credit granted for all promotional activities:

(1) A primary purpose of each activity shall be to promote the sale, consumption, or use of USA produced hops.

(2) Credit shall not be granted for advertising in publications that target the farming or producer trade.

[Statutory Authority: RCW 15.65.050 and 15.65.430. 96-15-139, § 16-532-0404, filed 7/24/96, effective 8/24/96.]

WAC 16-532-0406 Eligible activities. Credit shall be granted for the following eligible activities:

(1) Paid advertising directed to end-users, trade or industrial users. Credit shall be granted for money spent on paid advertising space or time including, but not limited to, newspapers, magazines, and broadcast media, including agency commission.

(2) Travel expenses incurred for hosting international customers, as defined in WAC 16-532-010(16), on visits to the U.S. hop industry. Credit shall not be granted for any other travel expenses.

(3) Other market promotion activities. Credit shall be granted for other market promotion activities as follows:

(a) Development and printing costs for promotional material;

(b) Sales and marketing presentation kits;

(c) Trade fairs and exhibits;

(d) Trade seminars; and

(e) Other activities deemed acceptable to the board that meet the purpose stated in WAC 16-532-0404(1).

[Statutory Authority: RCW 15.65.050 and 15.65.430. 96-15-139, § 16-532-0406, filed 7/24/96, effective 8/24/96.]

WAC 16-532-0408 No duplication of credit. Credit shall be granted for eligible promotional activities only if the producer certifies in writing that he/she was not and will not be reimbursed for the same activity by the Foreign Agricultural Service, United States Department of Agriculture (FAS) or by any other federal or state program.

[Statutory Authority: RCW 15.65.050 and 15.65.430. 96-15-139, § 16-532-0408, filed 7/24/96, effective 8/24/96.]

WAC 16-532-0410 Filing of claims. To obtain credit against the promotional assessment paid on his/her own production for promotional expenditures, a producer must

file a claim with the board, which must include the documentation set forth in either subsection (1) or (2) of this section.

(1) To obtain credit under this subsection, the claim filed must include:

(a) A description of the activity and when and where it was conducted, including a statement of how this activity promoted USA hops;

(b) Copies of all invoices from suppliers or agencies;

(c) Copies of all canceled checks issued by the producer in payment of these invoices; and

(d) An actual sample, picture or other evidence of the activity.

The board shall grant credit for expenditures claimed under this subsection in accordance with the WAC 16-532-0404 and 16-532-0406.

(2)(a) To obtain credit under this subsection, the claim filed must include a certificate prepared by a certified public accountant stating that he/she has examined the producer's records for the current marketing season and has determined that expenditures eligible for credit under these rules equal or exceed the credit requested by the producer. In accordance with WAC 16-532-0404 and 16-532-0406, the board shall grant credit for expenditures certified by the producer's accountant unless an accountant appointed by the board under (b) of this subsection disputes the claim.

(b) If a producer submits an accountant's certificate under (a) of this subsection, the board may appoint its own certified public accountant to examine the producer's records to verify the claimed expenditures. Any information provided by the producer to the board's accountant shall not be disclosed to the board or any other person without the producer's written consent. In the event that the board's accountant disputes the eligibility of the producer's claimed expenditures, the producer may submit his/her records directly to the board for review or may withdraw his/her claim for credit to the extent of the dispute. The board shall promptly review any further materials provided by the producer and determine whether credit or a refund will be granted.

[Statutory Authority: RCW 15.65.050 and 15.65.430. 96-15-139, § 16-532-0410, filed 7/24/96, effective 8/24/96.]

WAC 16-532-0412 Time for filing and determinations. Preliminary claims must be submitted by the last day of the marketing season, subject to final documentation within sixty days. No claims may be submitted retroactively after said marketing season has ended. A producer may receive credit against his/her annual assessment if he/she submits the required documentation for an eligible activity and obtains board approval prior to the date the assessment is due. In all other instances, a producer must remit the full annual assessment to the board when it is due, and a refund payment will be issued following receipt of the required documentation and approval by the board. The board shall promptly notify a producer if a dispute exists as to eligibility of claimed expenditures. Unless a dispute exists, the board shall issue credits or refunds within sixty days after receiving final documentation of eligible expenditures from a producer.

[Statutory Authority: RCW 15.65.050 and 15.65.430. 96-15-139, § 16-532-0412, filed 7/24/96, effective 8/24/96.]

WAC 16-532-0414 Appeals. (1) In the event that board staff determines that a particular promotional activity is not eligible for credit because it does not meet the criteria specified herein, or for any other reason, the board shall review the staff's decision if the affected producer so requests.

(2) The board's denial in whole or in part of a producer's claim constitutes an agency action under chapter 34.05 RCW, the Administrative Procedure Act.

[Statutory Authority: RCW 15.65.050 and 15.65.430. 96-15-139, § 16-532-0414, filed 7/24/96, effective 8/24/96.]

WAC 16-532-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee or agent incurred in their official capacity under this order shall exist either against the board, officers, employees and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Marketing Order Article V, § A, filed 7/1/64.]

WAC 16-532-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

[Marketing Order Article VI, § A, filed 7/1/64.]

WAC 16-532-065 Rules for implementation of promotional hosting by the Washington hop commission. The laws of section 1, chapter 26, Laws of 1985 (RCW 15.04.200) provide that agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or

commissioners. The rules governing promotional hosting expenditures for the Washington hop commission shall be as follows:

(1) Budget approval. Commission expenditures for agricultural development or trade promotion and promotional hosting shall be pursuant to specific budget items as approved by the commission at annual public hearings on the commission budget.

(2) Officials and agents authorized to make expenditures. The following officials and agents are authorized to make expenditures for agricultural development or trade promotion and promotional hosting in accordance with the provisions of these rules:

- (a) Commissioners;
- (b) Administrators.

Individual commissioners shall make promotional hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

(3) Payment and reimbursement. All payments and reimbursements shall be identified and supported by vouchers to which receipts are attached. Voucher forms will be supplied by the commission, and shall require the following information:

- (a) Name and position 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 of the commission and 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 and promote sales of Washington-grown hops, 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 and promote sales of Washington-grown hops.

[Statutory Authority: Chapter 15.65 RCW. 92-09-068, § 16-532-065, filed 4/14/92, effective 5/15/92.]

WAC 16-532-070 Effective time. This marketing order for hops shall become effective on and after August 15, 1964.

[Marketing Order Article VII, § A, filed 7/1/64.]

WAC 16-532-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances or thing shall not be affected thereby.

[Marketing Order Article VIII, § A, filed 7/1/64.]

RULES OF WASHINGTON STATE HOP COMMODITY BOARD

WAC 16-532-101 Promulgation. I, Ronald Riel, chairman of the Washington hop commodity board (commission) do hereby certify that a quorum of the said commodity board (commission) as designee of the director of agriculture of the state of Washington at an open meeting held in the city of Moxee, October 1, 1964, and by virtue of the authority granted to the said hop commodity board (commission) pursuant to chapters 15.65 and 34.04 RCW did hereby promulgate the following regulations.

[Promulgation, filed 10/16/64.]

WAC 16-532-110 Requirements for collection of assessments. (1) Assessments on all hops marketed shall be paid at the rate specified in WAC 16-532-040 to the hop commodity board (commission) by the first handler receiving or handling such hops for or from a producer. Such assessments shall be deducted from the payment to be made by such handler to the producer.

(2) Payment of such assessment shall be due and payable on the tenth day of the second calendar month following the receiving or delivery to said first handler or the assumption of control of a producer's hops, by said first handler.

(3) Any handler failing to pay on or before the due date set forth for payment in this regulation, shall add ten percent to the total amount due as a cost for collection as prescribed in RCW 15.65.440.

[Statutory Authority: Chapter 15.65 RCW. 92-09-068, § 16-532-110, filed 4/14/92, effective 5/15/92; Regulation 1, filed 10/16/64.]

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
CR - Crystal
ER - Eroica
EX - Experimental
FU - Fuggle
GA - Galena
HA - Hallertauer
HE - Hersbrucker
LI - Liberty
MH - Mt. Hood
NB - Northern Brewer
NU - Nugget
OL - Olympic
OT - Other
SA - Saaz
SP - Spalter
PE - Perle
TE - Tettninger
UL - Ultra
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 15.65.050. 95-17-118 (Order 5077), § 16-532-120, filed 8/23/95, effective 9/23/95. 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 16-536 WAC
DRY PEAS AND LENTILS**

WAC

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|------------|-------------------------------|
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WAC 16-536-010 Definitions of terms. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State Agriculture 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, or causes to be produced, in commercial quantities, dry peas and/or lentils in the state of Washington.

(6) "Commercial quantity" means all the dry peas and/or lentils produced for market in any calendar year by any producer.

(7) "Affected handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing or distributing dry peas and/or lentils not produced by him.

(8) "Dry pea and lentil commodity board" hereinafter referred to as "board" means the dry pea and lentil commodity board formed under the provisions of WAC 16-536-020.

(9) "Dry peas" means and includes all kinds and varieties of dry peas grown in the state of Washington, including chick peas and commercially grown wrinkled peas raised for seed: *Provided*, That it shall not include dry peas used by the producer thereof for feed, seed and personal consumption: *Provided further*, That the inclusion of commercially grown wrinkled peas raised for seed will not become effective until approved by a referendum vote of the affected commercial wrinkled pea seed producers.

(10) "Lentils" means and includes all kinds and varieties of lentils grown in the state of Washington: *Provided*, That it shall not include lentils used by producers thereof on his premises for feed, seed, and personal consumption.

(11) "Marketing season" or "fiscal year" means the twelve month period beginning with July 1 of any year and ending with the last day of June, both dates being inclusive.

(12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to dry peas and/or lentils. A producer-handler shall be deemed to be a producer with respect to the dry peas and/or lentils which he produces, and a handler with respect to the dry peas and/or lentils which he handles, including those produced by himself.

(13) "Affected area" means that portion of the state of Washington located east of the summit of the Cascade Mountains.

(14) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(15) "Affected unit" means one hundred pounds of cleaned dry peas and/or lentils.

[Statutory Authority: Chapter 15.65 RCW. 82-15-020 (Order 1768), § 16-536-010, filed 7/13/82; Marketing Order Article I § A, filed 3/26/65.]

WAC 16-536-020 The dry pea and lentil board. (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of ten members. Eight members shall be affected producers elected as provided in this article. One member shall be an affected handler elected as provided in this article. The director shall appoint one member of the board who is neither an affected producer nor an affected handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area of the state of Washington shall be divided into four representative districts as follows:

(i) District I shall have three board members, being positions 1, 2 and 3 and shall include the county of Whitman.

(ii) District II shall have two board members, being positions 4 and 5 and shall include the county of Spokane.

(iii) District III shall have one board member being position 6 and shall include the counties of Walla Walla, Garfield, Columbia and Asotin.

(iv) District IV shall have two board members, being positions 7 and 8 shall include all other counties of the state of Washington located east of the summit of the Cascade Mountains: *Provided*, That the addition of another member, being position 8, shall not become effective until approved by a referendum vote of the affected commercial wrinkled pea seed producers.

(3) Board membership qualifications.

(a) The affected producer members of the board shall be practical producers of dry peas and/or lentils in the district in and for which they are nominated and elected 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 dry peas and/or lentils within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(b) The affected handler member of the board shall be a practical handler of dry peas and/or lentils and shall be a citizen and resident of the state of Washington, over the age of twenty-five years and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership association or cooperative actually engaged in handling dry peas and/or lentils within the state of Washington for a period of five years and has during that period derived a substantial portion of his income therefrom.

(c) The qualifications of members of the board must continue during their term of office.

(4) Term of office.

(a) The term of office for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven, the affected handler shall have position eight and the member appointed by the director position nine.

(c) The term of office for the initial board members shall be as follows:

Positions one, two and three - one year

Positions four, five and six - two years

Positions seven, eight, nine, and ten - three years

No elected member of the board may serve more than two full consecutive three-year terms.

(5) Nomination and election of board members.

(a) For the purpose of nominating candidates for election to board membership the director shall call separate meetings of affected producers and affected handlers.

(b) Each year the director shall call for nomination meetings in those districts whose board members term is about to expire. Such meetings shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in newspapers of general circulation within the affected district not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers within such affected district and handlers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer or handler may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director signed by not less than five affected producers or affected handlers.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers and handlers. Nominating petitions for producers and handlers shall be signed by not less than five affected producers and handlers. Final date for filing nominations shall be not less than twenty days after the notice was mailed.

(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 within the affected district. Each affected producer shall be entitled to one vote. The affected handler member of the board shall be elected by a majority of votes cast by the affected handlers. Each affected handler shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot a runoff election shall be held by mail in

a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected district 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 and affected handler entitled to vote whose name appears upon the list of such affected producers and affected handlers maintained by the director in accordance with RCW 15.65.200. Any other affected producer or affected handler entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by an affected producer or affected handler shall not invalidate the election of any board member.

(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 shall receive ten dollars for each day in actual attendance on or traveling to and from meetings of the board or on special assignment for the board, together with subsistence and traveling expense at the rate allowed by law to state employees: *Provided*, That the method of determining whether per diem rates or actual subsistence and lodging shall be allowed shall be determined by resolution or rule of the board in advance of the incurrence of such expenses by a board member.

(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, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating the order: *Provided*, That the total reimbursement to all applicants shall not exceed two thousand dollars.

(f) To establish a "dry pea and lentil board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, 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 order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(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 through regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings 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.

(1997 Ed.)

[Statutory Authority: RCW 15.65.050, 95-17-117 (Order 5079), § 16-536-020, filed 8/23/95, effective 9/23/95. Statutory Authority: Chapter 15.65 RCW, 82-15-020 (Order 1768), § 16-536-020, filed 7/13/82; Marketing Order Article II, §§ A through K, filed 3/26/65.]

WAC 16-536-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of dry peas and/or lentils to help themselves establish orderly, fair, sound, efficient, unhampered marketing, grading and standardization of dry peas and/or lentils.

(1) To carry out the purposes of the order the board shall provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for advertising, sales, promotion and/or other programs for maintaining present markets and/or creating new or larger markets for dry peas and/or lentils. Such programs shall be directed toward increasing the sale of dry peas and/or lentils without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of dry peas and/or lentils nor disparage the quality, value, sale or use of any other agricultural commodity.

(b) Provide for research in the production, processing and/or distribution of dry peas and/or lentils and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried out by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide by rules and regulations for:

(i) Establishing uniform grades and standards of quality, condition, maturity, size, weight, pack, packages and/or label for dry peas and/or lentils or any products thereof;

(ii) Requiring producers, handlers and/or other persons to conform to such grades and/or standards in packing, packaging, processing, labeling, selling or otherwise commercially disposing of dry peas and/or lentils and/or in offering, advertising and/or delivering it therefor;

(iii) Providing for inspection and enforcement to ascertain and effectuate compliance;

(iv) Establishing rules and regulations respecting the foregoing;

(v) Providing that the board shall carry out inspection and enforcement of, and may (within the general provisions of the order) establish detailed provisions relating to, such standards and grades and such rules and regulations: *Provided*, That any modification not of a substantial nature, such as the modification of standards within a certain grade may be made without a hearing, and shall not be considered an amendment for the purposes of the act and order.

(d) Provide for marketing information and services to affected producers and for the verification of grades, standards, weights, tests and sampling of quality and quantity of dry peas and/or lentils purchased by handlers from affected producers.

[Marketing Order Article III, § A, filed 3/26/65.]

WAC 16-536-040 Assessments and collections. (1) Assessments.

(a) The assessment on all varieties of dry peas and dry lentils subject to this marketing order shall be one percent of the net receipts at the first point of sale and shall be deducted by the first purchaser from the price paid to the grower. Such assessment shall be remitted to the commission board in accordance with procedures adopted by the commission board: *Provided*, That such assessment on commercial wrinkled pea seed shall not become effective unless approved by a referendum vote of the affected wrinkled pea seed producers.

(b) Such assessments shall not be payable on any such dry peas and/or lentils used by the producer thereof on his premises for feed, seed and personal consumption.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received, or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: Chapter 15.65 RCW. 86-15-002 (Order 1895), § 16-536-040, filed 7/3/86, effective 8/4/86; 82-15-020 (Order 1768), § 16-536-040, filed 7/13/82; Order 1533, § 16-536-040, filed 6/8/77; Marketing Order Article IV, §§ A through C, filed 3/26/65.]

WAC 16-536-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee or agent incurred in their official capacity under this order shall exist either against the board, officers, employees and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any

other organization, administrator or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Marketing Order Article V, § A, filed 3/26/65.]

WAC 16-536-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

[Marketing Order Article VI, § A, filed 3/26/65.]

WAC 16-536-070 Effective time. (1) This marketing order for dry peas and lentils shall become effective on and after July 1, 1965.

(2) This order shall remain in full force and effect until July 1, 1972 unless terminated prior thereto under the provisions of chapter 15.65 RCW as set forth in WAC 16-536-060: *Provided*, That if it remains in effect until said July 1, 1972 the director shall conduct a referendum election as required for the approval of an order under chapter 15.65 RCW at such time prior to such date so that he may determine if the affected producers and handlers desire that the order be terminated on such date or continued in full force and effect beyond such date. All the costs of conducting such election shall be defrayed from the funds of the board.

[Marketing Order Articles VII and VIII, filed 3/26/65.]

WAC 16-536-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances or thing shall not be affected thereby.

[Marketing Order Article IX, filed 3/26/65.]

Chapter 16-540 WAC
MINT

WAC

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| 16-540-010 | Definitions of terms. |
| 16-540-020 | The mint commodity board. |
| 16-540-030 | Marketing order purposes. |
| 16-540-040 | Assessments and collections. |
| 16-540-050 | Obligations of the board. |
| 16-540-060 | Termination of the order. |
| 16-540-070 | Effective time. |
| 16-540-080 | Separability. |
| 16-540-110 | Time and procedure for reporting and remitting assessments. |

WAC 16-540-010 Definitions of terms. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State 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, or causes to be produced in commercial quantities, in the state of Washington, any variety of mint plant from which the essential oil is distilled or extracted.

(6) "Commercial quantity" means all of the mint plants produced in any calendar year by any producer, from which the essential oil is distilled or extracted.

(7) "Affected handler" means any person who acts as principal or agent or otherwise in buying, selling, marketing or distributing mint oils produced from mint plants not grown by him.

(8) "Producer-handler" means any person who acts both as a producer and as a handler with respect to mint oil. A producer-handler shall be deemed to be a producer with respect to the mint plants and/or oil which he produces, and a handler with respect to the mint oil which he handles, including those produced by himself.

(9) "Mint oil" means essential oil that is distilled from any variety of mint plant.

(10) "Mint commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of Article II of this order.

(11) "Marketing season" or "fiscal year" means the twelve-month period beginning with July 1 of any year and ending with the last day of June, both dates being inclusive.

(12) "Affected area" means that portion of the state of Washington located east of the summit of the Cascade Mountains.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(14) "Affected unit" means one pound of mint oil as distilled from mint plants grown by an affected producer.

[Article I, § A, filed 12/20/66, effective 2/1/67.]

WAC 16-540-020 The mint commodity board. (1) **Administration.** The provisions of this order and the

applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of eight members. Seven members shall be affected producers elected as provided in this article. The director shall appoint one member of the board who is neither an affected producer nor an affected handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area of the state of Washington shall be divided into two representative districts as follows:

(i) District I shall have four board members, being positions 1, 2, 3 and 4 and shall include the counties of Kittitas, Yakima and Benton.

(ii) District II shall have three board members, being positions 5, 6 and 7 and shall include all other counties east of the Cascade Mountains.

(3) Board membership qualifications.

(a) The affected producer members of the board shall be practical producers of mint plants in the district in and for which they are nominated and elected 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 mint plants within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(b) The qualifications of members of the board must continue during their term of office.

(4) Term of office.

(a) The term of office for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven and the member appointed by the director position eight.

(c) The term of office for the initial board members shall be as follows:

Positions one and two - one year

Positions three, four and eight - two years

Positions five, six and seven - three years

No elected member of the board may serve more than two full consecutive three-year terms.

(5) Nomination and election of board members.

(a) For the purpose of nominating candidates for election to board membership the director shall call separate meetings of affected producers.

(b) Each year the director shall call for nomination meetings in those districts whose board members' term is about to expire. Such meetings shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in newspapers of general circulation within the affected district not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers within such affected district 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 meetings. 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.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of June under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district. 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 affected district 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 upon the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by an affected producer shall not invalidate the election of any board member.

(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 shall receive not to exceed twenty dollars for each day in actual attendance on or traveling to and from meetings of the board or on special assignment for the board, together with subsistence and traveling expense at the rate allowed by law to state employees: *Provided*, That the method of determining whether per diem rates or actual subsistence and lodging shall be allowed shall be determined by resolution or rule of the board in advance of the incurring of such expenses by any board member.

(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, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the

order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating the order.

(f) To establish a "mint board revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(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 through regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings 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.

[Article II, §§ A-K, filed 12/20/66, effective 2/1/67.]

WAC 16-540-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of mint plants to help themselves develop improved production methods and/or programs for the control of disease, insects and weeds associated with mint plant culture and to provide for the dissemination of information to affected producers.

(1) To carry out the purposes of the order the board shall provide for a program in one or more of the following areas:

(a) Provide for aid in research in the production of mint plants and the distilling of mint oil by producers and to expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried out by experiment stations of Washington State University, but if in the judgment of the board said experiment stations do not have adequate facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(b) Provide for collection and dissemination of information pertaining to mint.

[Article III, § A, filed 12/20/66, effective 2/1/67.]

WAC 16-540-040 Assessments and collections. (1) **Assessments.**

(a) The fixed annual assessment on all varieties of mint oil subject to this marketing order shall be five cents per pound of oil as weighed by first purchaser.

(b) First purchasers shall collect assessments at time of payment for oil, from producers whose production they handle and remit the same to the board in accordance with procedures adopted by the board. Producers and producer-handlers who ship their oil direct to handlers outside of the state of Washington shall remit assessments to the board at time of shipment.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order to all persons from whom such moneys were collected or received, or may be carried over into and used with respect to the next

succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: RCW 15.65.050. 96-03-150 (Order 5091), § 16-540-040, filed 1/24/96, effective 2/24/96. Statutory Authority: Chapter 15.65 RCW. 84-10-046 (Order 1823), § 16-540-040, filed 5/2/84; Order 1406, § 16-540-040, filed 7/23/75; Article IV, §§ A-C, filed 12/20/66, effective 2/1/67.]

WAC 16-540-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted by them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee or agent incurred in their official capacity under this order shall exist either against the board, officers, employees and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Article V, § A, filed 12/20/66, effective 2/1/67.]

WAC 16-540-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance

with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

[Article VI, § A, filed 12/20/66, effective 2/1/67.]

WAC 16-540-070 Effective time. This marketing order for mint shall become effective after having been approved by at least 51 percent of the producers of mint having at least 65 percent of the volume of mint produced, or by at least 65 percent of the producers of mint having at least 51 percent of the volume of mint produced, and after having been filed with the code reviser for not less than thirty days.

[Article VII, filed 12/20/66, effective 2/1/67.]

WAC 16-540-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances or thing shall not be affected thereby.

[Article VIII, § A, filed 12/20/66, effective 2/1/67.]

WAC 16-540-110 Time and procedure for reporting and remitting assessments. Each first purchaser shall file a report on or before the 20th of each month covering mint oil purchased during the preceding month. Assessment reports shall contain the following information: Name and mailing address of first purchaser filing the report; name, mailing address, pounds of oil, and total assessment withheld for each producer from whom mint oil was purchased during the reporting period; total pounds of oil reported and total assessment remitted.

[Order 1, § 16-540-110, filed 3/9/70.]

Chapter 16-550 WAC BLUEBERRY

WAC

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| 16-550-010 | Definitions of terms. |
| 16-550-020 | Blueberry commodity board. |
| 16-550-030 | Marketing order purposes. |
| 16-550-040 | Assessments and collections. |
| 16-550-050 | Obligations of the board. |
| 16-550-060 | Termination of the order. |
| 16-550-070 | Effective time. |
| 16-550-080 | Separability. |
| 16-550-500 | Time, place, method for payment and collection of assessments. |

WAC 16-550-010 Definitions of terms. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington State 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 blueberries in commercial quantities in the state of Washington, or who sells or stores blueberries in the state of Washington for fresh market or for processing.

(6) "Commercial quantity" means any blueberries produced, or stored, 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, or distributing blueberries not produced by him.

(8) "Blueberry commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of WAC 16-550-020 of this blueberry order.

(9) "Blueberries" means and includes all kinds, varieties, and hybrids of "vaccinium corym bosum" and "vaccinium australe" grown and marketed in the state of Washington.

(10) "Marketing season" or "fiscal year" means the twelve-month period beginning with July 1 of any year and ending with the last day of June following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to blueberries. A producer-handler shall be deemed to be a producer with respect to the blueberries which he produces and a handler with respect to the blueberries which he handles, including those produced by himself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(14) "Affected unit" means one pound net of blueberries.

[Statutory Authority: RCW 15.65.020 and 15.65.140. 91-01-054 (Order 2068), § 16-550-010, filed 12/13/90, effective 1/13/91; Order 1116, § 16-550-010, filed 5/14/69, effective 6/15/69.]

WAC 16-550-020 Blueberry commodity board. (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of seven members. Six members shall be affected producers elected as provided in this article. The director shall appoint one member of the board 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 entire state of Washington.

(3) **Board membership qualifications.** The affected producer members of the board shall be practical producers of blueberries 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 blueberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(4) Term of office.

(a) The term of office for members of the board shall be three years and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six and the member appointed by the director position seven.

(c) The term of office for the initial board members shall be as follows:

Positions one and two - until June 30, 1970

Positions three and four - until June 30, 1971

Positions five, six and seven - until June 30, 1972

(5) Nomination and election of board members.

(a) 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 major 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 meetings. 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.

(b) At the inception of this order, nominations may be made at the issuance hearing.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of 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 major 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 upon the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board member.

(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 except that each member may be compensated in accordance with RCW 43.03.230 and shall be reimbursed for subsistence, lodging, and mileage in accordance with RCW 43.03.050 and 43.03.060, as provided for in RCW 15.65.270.

(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, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from monies collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish a "blueberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day 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 at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(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 wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings of the board with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

[Statutory Authority: RCW 15.65.380. 89-12-054 (Order 002), § 16-550-020, filed 6/6/89; Order 1116, § 16-550-020, filed 5/14/69, effective 6/15/69.]

WAC 16-550-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of blueberries to help themselves establish orderly, fair, sound, efficient, unhampered marketing; facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry.

(1) To carry out the purposes of the order, the board may provide for a program in one or more of the following areas:

(a) Establish plans and conduct programs for advertising, sales, promotion and/or other programs for advertising, sales, promotion and/or other programs for maintaining present markets and/or creating new or larger markets for blueberries. Such programs shall be directed toward increasing the sale of blueberries without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of blueberries nor disparage the quality, value, sale or use of any other agricultural commodity.

(b) Provide for research in the production, processing and/or marketing of blueberries and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(c) Provide by rules and regulations for:

(i) Establishing uniform labels and labeling requirements for blueberries or any products thereof, requiring producers, handlers and other persons to conform to standards for the placing of labels, trademarks, insignia or brands on containers or packages: *Provided*, That all licensed blueberry dealers and brokers are entitled to use on the face of their product any particular trademark, insignia, brand or label that they may now have or will have. That established brands, labels, trademarks or insignias may be properly used in selling or commercially disposing of blueberries and blueberry products or in offering the same for sale, advertising and/or delivering said blueberries or blueberry products;

(ii) Providing for inspection and enforcement to ascertain and effectuate compliance;

(iii) Establishing rules and regulations respecting the foregoing.

(d) The board may authorize use of any money received and of any persons employed thereunder for legal proceedings, of any type and in the name of any person, directed to enforcement of this or any other law in force in the state of Washington relating to the prevention of unfair trade practices.

(e) Provide for marketing information and services to affected producers, for the verification of grades, standards, weights, tests and sampling of quality and quantity of blueberries purchased by handlers from affected producers.

[Order 1116, § 16-550-030, filed 5/14/69, effective 6/15/69.]

WAC 16-550-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of blueberries shall be three-quarters of a cent per affected unit (pound).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this

act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized, to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: RCW 15.65.020 and 15.65.140. 91-01-054 (Order 2068), § 16-550-040, filed 12/13/90, effective 1/13/91. Statutory Authority: Chapter 15.65 RCW. 79-01-046 (Order 1594), § 16-550-040, filed 12/21/78; Order 1116, § 16-550-040, filed 5/14/69, effective 6/15/69.]

WAC 16-550-050 Obligations of the board. Obligations incurred by the board or employee or agent, thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee or agent incurred in their official capacity under this order shall exist either against the board, officers, employees and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Order 1116, § 16-550-050, filed 5/14/69, effective 6/15/69.]

WAC 16-550-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of

production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers or twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

[Order 1116, § 16-550-060, filed 5/14/69, effective 6/15/69.]

WAC 16-550-070 Effective time. This marketing order for blueberries shall become effective on and after June 15, 1969.

[Order 1116, § 16-550-070, filed 5/14/69, effective 6/15/69.]

WAC 16-550-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances or thing shall not be affected thereby.

[Order 1116, § 16-550-080, filed 5/14/69, effective 6/15/69.]

WAC 16-550-500 Time, place, method for payment and collection of assessments. Effective with the growing season of 1969, the following procedure is established for the reporting and paying assessments levied pursuant to section RCW 15.65.410 and WAC 16-550-040:

(1) All first handlers of blueberries for resale or for processing shall withhold the amount of the assessment from their remittances to growers and transmit same to the commission.

(2) All growers selling blueberries other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, shall pay the assessment directly to the commission.

(3) All growers having blueberries in cold storage that are not sold on October 31 of each year, shall compute the assessment due on such berries and pay same to the commission.

(4) All assessments for the crop year are due and payable to the commission on or before October 31 of each year.

(5) Any assessments paid on or after December 1 shall be accompanied with a penalty fee of 10% as provided in RCW 15.65.440 of the act.

[Order 1, § 16-550-500, filed 7/10/69.]

Chapter 16-555 WAC

WASHINGTON STRAWBERRY COMMISSION

WAC

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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.]

WAC 16-555-030 Marketing order purposes. The marketing order is to promote the general welfare of the state, to enable producers of strawberries to help themselves facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry. To carry out the purposes of the marketing order, the board may provide for a program in one or more of the following areas:

(1) Provide for research in the production, processing, and/or marketing of strawberries and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research entity has better facilities therefor, the project may be carried out by other research entities selected by the board.

(2) Provide for marketing information and services to affected producers, for the verification of grades, standards, weights, tests, and sampling of quality and quantity of strawberries purchased by handlers from affected producers and for the purpose of facilitating the efficient marketing of strawberries.

(3) Prohibit and/or otherwise regulate any one or more or all of the practices listed to the extent that such practices affect, directly or indirectly, strawberries or any product thereof, but only with respect to persons who engage in such practices with the intent of or with the reasonably foreseeable effect of inducing any purchaser to become his/her customer or his/her supplier or of otherwise dealing or trading with him or of diverting trade from a competitor, to wit:

(a) Paying rebates, commissions or unearned discounts;

(b) Unfairly extending privileges or benefits (pertaining to price, to credit, to the loan, lease or giving away of facilities, equipment or other property or to any other matter or thing) to any customer, supplier or other person;

(c) Discriminating between customers, or suppliers of a like class;

(d) Making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons.

(4) The board may authorize use of any money received and of any persons employed thereunder for legal proceedings, of any type and in the name of any person, directed to the enforcement of this or any other law in force in the state of Washington relating to the prevention of unfair trade practices.

[Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-030, filed 5/14/85.]

WAC 16-555-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of strawberries shall be one-half cent per affected unit (pound).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the marketing order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of this marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the marketing order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: RCW 15.65.050. 92-12-006, § 16-555-040, filed 5/21/92, effective 6/21/92. Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-040, filed 5/14/85.]

WAC 16-555-041 Time—Place—Method for payment and collection of assessments. Effective with the growing season of 1985, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-555-040:

(1) All first handlers of strawberries for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. Where the first handler does not remit proceeds to the producer, the first handler shall include in his/her bill for services the assessment due and upon payment by the producer shall remit same to the commission. All such assessments accumulated will be due and payable to the commission on or before September 30 of each year, a report listing the name, address, pounds handled or purchased, and amount deducted or collected for each producer on forms provided by the commission.

(2) All growers selling strawberries other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, including u-pick, shall pay the assessment directly to the commission, on or before September 30 of each year.

(3) All growers having strawberries in cold storage that are not sold on September 15 of each year, shall compute the assessment due on such berries and pay same to the commission by September 30 of each year.

(4) Any assessments paid after the above deadlines shall be accompanied by a penalty fee of ten percent as provided in RCW 15.65.440 of the act.

[Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-041, filed 5/14/85.]

WAC 16-555-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this marketing order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this marketing order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-050, filed 5/14/85.]

WAC 16-555-060 Termination of the marketing order. The marketing order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with the director for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

[Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-060, filed 5/14/85.]

WAC 16-555-070 Effective time. The marketing order for strawberries shall become effective on and after June 15, 1985.

[Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-070, filed 5/14/85.]

WAC 16-555-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

[Statutory Authority: Chapter 15.65 RCW. 85-11-030 (Order 1856), § 16-555-080, filed 5/14/85.]

Chapter 16-557 WAC

WASHINGTON ASPARAGUS COMMISSION

WAC

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| 16-557-010 | Definition of terms. |
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WAC 16-557-010 Definition of terms. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces in the state of Washington asparagus in commercial quantities for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any asparagus produced for market in quantities of three tons (6,000 pounds) or more, in any calendar year.

(7) "Affected handler" means both affected handler fresh and affected handler processor.

(8) "Affected handler, fresh" means any person who acts as principal or agent or otherwise in selling, marketing, or distributing fresh asparagus not produced by him.

(9) "Affected handler, processor" means any person who acts as principal or agent or otherwise in processing, freezing asparagus, and selling, marketing, or distributing said processed or frozen asparagus, not produced by him.

(10) "Asparagus commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-557-020.

(11) "Asparagus" means and includes all kinds, varieties, and hybrids of "*officinalis*" Linn.

(12) "Marketing season" or "fiscal year" means the twelve-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.

(13) "Producer-handler" means any person who acts both as a producer and as a handler with respect to asparagus. A producer-handler shall be deemed to be a producer with respect to the asparagus which he produces and a handler with respect to the asparagus which he handles, including those produced by himself.

(14) "Affected area" means the following counties in the state of Washington: Adams, Benton, Columbia, Franklin, Grant, Kittitas, Klickitat, Walla Walla, and Yakima.

(15) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(16) "Affected unit" means one pound net pay weight of asparagus.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-010, filed 4/4/91, effective 5/5/91.]

WAC 16-557-020 Asparagus commodity board. (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of nine members. Six members shall be affected producers elected as provided in this section, one member shall be an affected handler, fresh, elected as provided in this section, one member shall be an affected handler processor, as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be that portion of the state of Washington located east of the summit of the Cascade Mountains and shall be divided into three representative districts as follows:

(i) District I shall have two board members, being positions one and two, and shall be Benton, Kittitas, Klickitat, and Yakima counties.

(ii) District II shall have two board members, being positions three and four, and shall include the counties of Adams, Franklin, and Grant.

(iii) District III shall have two board members, being positions five and six, and shall include the counties of Columbia and Walla Walla.

(3) Board membership qualifications.

(a) The affected producer members of the board shall be practical producers of asparagus and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actively engaged in producing asparagus within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer-handlers shall be considered to be acting only as handlers for purpose of election and membership on a commodity board.

(b) The affected handler member of the board shall be a practical handler of asparagus and shall be a citizen and resident of the state of Washington, over the age of twenty-five years and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership association or cooperative actually engaged in handling asparagus within the state of Washington for a period of five years and has during that period derived a substantial portion of his income therefrom.

(c) The qualifications of members of the board must continue during their term of office.

(4) Term of office.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six, affected handler member fresh product, position seven, affected handler member, processor, position eight, and the member appointed by the director, position nine.

(c) The term of office for the initial board members shall be as follows:

Positions one, three, and seven - one year, shall terminate on December 31, 1992;

Positions two, four, and five - two years, shall terminate on December 31, 1993;

Positions six and eight - three years, shall terminate on December 31, 1994.

(d) No elected produce member of the board may serve more than two full consecutive three-year terms.

(5) **Nomination and election of board members.** For the purpose of nominating candidates for election to board membership, the director shall call separate meetings of affected producers, affected handlers, fresh and affected handler processors. Each year the director shall call for nomination meetings in those districts whose board members' term is about to expire. Such meetings shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers within the affected area and all affected handlers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer or affected handler may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by

written petition filed with the director, signed by not less than five affected producers or affected handlers. At the inception of this order, nominations may be made at the issuance hearing.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers or handlers. Nominating petitions for producers shall be signed by not less than five affected producers of the district from which such a candidate will be elected. Nomination petitions for handlers, fresh and processed shall be signed by not less than three affected handlers. The final date for filing nominations which shall not be less than twenty days after the notice was mailed.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of November under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district. Each affected producer within the affected district shall be entitled to one vote.

Affected handler, fresh, shall be elected by a majority of the votes cast by the affected handlers, fresh. Affected handler, processor, shall be elected by a majority of the votes cast by the affected handlers, processor.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer or affected handler entitled to vote whose name appears on the list of such affected producers and affected handler within the affected area maintained by the director in accordance with RCW 15.65.200. Any other affected producer or affected handler entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) Vacancies prior to election. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member may receive thirty-five dollars or an amount as provided for in RCW 43.03.230 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish an "asparagus board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except for an amount of petty cash for each days' needs, not to exceed fifty dollars, shall be deposited daily.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act.

(m) To bring actions or proceedings, upon joining the director as a party, for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(p) To authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The budget shall be presented for discussion at the meeting. In addition to such notice as may be required by chapter 42.30 RCW, notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer, and handler and by regular news service.

(c) In accordance with RCW 42.30.080, the board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

[Statutory Authority: RCW 15.65.050 and Washington State Agricultural Enabling Act of 1961. 95-17-116 (Order 5078), § 16-557-020, filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-020, filed 4/4/91, effective 5/5/91.]

WAC 16-557-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of asparagus to help themselves establish orderly, fair, sound, efficient, unhampered marketing; facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry. To carry out the purposes of the order, the board may provide for a program in one or more of the following areas:

(1) Establish plans and conduct programs for advertising, sales, promotion, and/or other programs for maintaining present markets and/or creating new or larger markets for asparagus. Such programs shall be directed toward increasing the sale of asparagus without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of asparagus nor disparage the quality, value, sale, or use of any other agricultural commodity.

(2) Provide for research in the production, processing, and/or marketing of asparagus and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by Washington State University, but if in the judgment of the board, said university does not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(3) Investigate and take necessary action to prevent unfair trade practices as set forth in RCW 15.65.340 and to

correct where possible, trade practices which hinder marketing of Washington asparagus.

(4) Prohibit making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-030, filed 4/4/91, effective 5/5/91.]

WAC 16-557-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of asparagus shall be one percent of the gross receipts at first point of sale.

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped, or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Remedies.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-040, filed 4/4/91, effective 5/5/91.]

WAC 16-557-041 Time—Place—Method for payment and collection of assessments. Effective with the growing season of 1991, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-557-040:

(1) All first handlers of asparagus for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. All such assessments accumulated will be due and payable to the commission within thirty days of collection. With the submission of the assessments, a report listing the name, address, pounds handled or purchased, and amount deducted or collected for each producer shall be submitted to the commission on forms provided by the commission.

(2) All growers selling asparagus other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, shall pay the assessment directly to the commission, within thirty days of sale of such product.

(3) Any assessments paid after the above deadlines shall be accompanied by an administrative fee of 10% as provided in RCW 15.65.440 of the act.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-041, filed 4/4/91, effective 5/5/91.]

WAC 16-557-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-050, filed 4/4/91, effective 5/5/91.]

WAC 16-557-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent to such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever

twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-060, filed 4/4/91, effective 5/5/91.]

WAC 16-557-070 Effective time. The marketing order for asparagus shall become effective on April 1, 1991.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-070, filed 4/4/91, effective 5/5/91.]

WAC 16-557-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

[Statutory Authority: RCW 15.65.050 and chapter 15.65 RCW. 91-09-003, § 16-557-080, filed 4/4/91, effective 5/5/91.]

Chapter 16-560 WAC

WASHINGTON TREE FRUIT RESEARCH COMMISSION

WAC

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| 16-560-005 | Authority and purpose. |
| 16-560-010 | Withholding assessments by first handler. |
| 16-560-020 | Payment of assessment by first handler. |
| 16-560-030 | Collection and remittance of assessments on processing apples. |
| 16-560-040 | Collection of assessments by state department of agriculture. |
| 16-560-050 | Payments to tree fruit research commission. |
| 16-560-060 | Reports of dealer, handler, and processor. |
| 16-560-06001 | Assessment rates. |

WAC 16-560-005 Authority and purpose. These rules are promulgated by the Washington tree fruit research commission pursuant to the authority granted by chapter 15.26 RCW and in accordance with procedures required under chapter 1-12 WAC. The purpose of administrative rules and regulations adopted under this chapter is to administer and carry out the provisions of chapter 15.26 RCW.

[Order 4, § 16-560-005, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

WAC 16-560-010 Withholding assessments by first handler. All dealers, handlers, or processors who purchase commercial tree fruit from a producer for sale, processing, or shipment anywhere, shall withhold the assessment due and payable the Washington tree fruit research commission by producers of such commercial tree fruit unless adequate evidence is supplied by such producer that payment of the assessment has been or will have been made directly by himself. The first handler is responsible for payment of the research assessment, but he shall charge the same against the producer, who is finally responsible for such assessment. A

producer who transports his own fruit or fruit on consignment to fresh market is deemed to be a first handler.

[Order 4, § 16-560-010, filed 4/30/70; Emergency Order 3, filed 3/11/70; Order 2, § 16-560-010, Regulations 1, 2, 3, filed 9/26/69.]

WAC 16-560-020 Payment of assessment by first handler. All first handlers shall remit such assessment to the Washington state apple advertising commission, when such assessment has been withheld for apples, and such remittance shall be made in the same manner and time as assessments due the said Washington state apple advertising commission for apple advertising assessments; and to the Washington state fruit commission, when such assessment has been withheld for any other tree fruit, including winter pears, and such remittance shall be made in the same manner and time as assessments due the said Washington state fruit commission.

[Order 4, § 16-560-020, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

WAC 16-560-030 Collection and remittance of assessments on processing apples. The Washington state apple advertising commission is hereby designated to collect assessments due and payable to the Washington tree fruit research commission on processing apples as defined in RCW 15.24.010(6). The Washington tree fruit research commission will prescribe the official form to be used by the Washington apple advertising commission and all dealers, handlers and processors handling processing apples in the collection and payment of such assessments. The Washington state apple advertising commission shall determine the manner and time of payment of such assessments in conformance with its system of assessment collections. The remittance of such assessments collected on processing apples shall be made by the Washington apple advertising commission to the Washington tree fruit research commission, in conformance with WAC 16-560-050.

[Order 4, § 16-560-030, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

WAC 16-560-040 Collection of assessments by state department of agriculture. The Washington state department of agriculture may upon request of the Washington tree fruit research commission collect any or all assessments due and payable to the Washington tree fruit research commission.

[Order 4, § 16-560-040, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

WAC 16-560-050 Payments to tree fruit research commission. All assessments collected by the Washington state apple advertising commission, the Washington state fruit commission, and the Washington state department of agriculture shall be paid to the Washington tree fruit research commission within thirty days of such collection.

[Order 4, § 16-560-050, filed 4/30/70; Emergency Order 3, filed 3/11/70. Formerly WAC 16-560-010 (part).]

WAC 16-560-060 Reports of dealer, handler, and processor. Every dealer, handler and processor shall

annually, within thirty days following each August 31, file with the Washington tree fruit research commission a report, under oath, on forms prescribed and furnished by said commission, stating the quantity of apples covered by the provisions of the Tree Fruit Research Act handled, shipped or processed by him during the twelve-month period immediately preceding said August 31. Said return shall in addition identify each person from whom said apples were received and the amount of apples furnished by each said person. All said returns shall be submitted directly to the Washington state apple advertising commission as the designated agent for audit and collection of assessments levied on apples pursuant to the provisions of the Tree Fruit Research Act. The above is to conform with RCW 15.26.190.

[Order 4, § 16-560-060, filed 7/17/72.]

WAC 16-560-06001 Assessment rates. There is hereby levied on all commercial tree fruit produced in this state or held out as being produced in this state for fresh or processing use, an assessment of one dollar per ton on all such tree fruit: *Provided*, That such assessment for cherries shall be four dollars per ton: *Provided*, That such assessment for apples for fresh shipment shall be at the rate of two and one-half cents per hundred pounds gross billing weight for the 1992 crop year, three and three-quarters cents per hundred pounds gross billing weight for the 1993 crop year, and five cents per hundred pounds gross billing weight for the 1994 crop year and each year thereafter: *Provided Further*, That such assessment for processed apples shall be at the rate of fifty cents per ton for the 1992 crop year, seventy-five cents per ton for the 1993 crop year, and one dollar per ton for the 1994 crop year, and each year thereafter.

There is hereby established pursuant to RCW 15.26.155 an additional assessment for an industry services fund for programs related to sanitation, planting, production, harvesting, handling, processing and shipping. The assessment shall be set annually by the commission, upon approval of two-thirds of the voting members of the commission, to create and maintain this fund at or near one hundred thousand dollars. If this fund should inadvertently exceed one hundred thousand dollars due to larger crops than estimated or the addition of interest earned, the excess shall be credited to the following year's fund.

In consideration of maintaining this industry services fund, the commission shall annually consult with the affected industry and grower organizations.

[Statutory Authority: RCW 15.26.110(2). 96-07-054, § 16-560-06001, filed 3/19/96, effective 4/19/96. Statutory Authority: RCW 15.26.140 and 15.26.150. 92-01-009, § 16-560-06001, filed 12/5/91, effective 1/5/92. Statutory Authority: RCW 15.26.155. 86-14-066 (Order 8, Resolution No. 8), § 16-560-06001, filed 6/30/86, effective 8/1/86; 85-10-005 (Order 7, Resolution No. 7), § 16-560-06001, filed 4/19/85. Statutory Authority: RCW 15.26.140. 80-05-091 (Order 6, Resolution No. 6), § 16-560-06001, filed 5/1/80; Order 5, § 16-560-060 (codified as WAC 16-560-06001), filed 3/8/74.]

Chapter 16-561 WAC

WASHINGTON RED RASPBERRY COMMISSION

WAC

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WAC 16-561-010 Definition of terms. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces or stores in the state of Washington raspberries in commercial quantities for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any raspberries produced or stored in quantities of three tons (6,000 pounds) or more, 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 raspberries not produced by him.

(8) "Red raspberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-561-020.

(9) "Raspberries" means and includes all kinds, varieties, and hybrids of "*rubus idaeus*" of red color.

(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 raspberries. A producer-handler shall be deemed to be a producer with respect to the raspberries which he produces and a handler with respect to the raspberries which he handles, including those produced by himself.

(12) "Affected area" means that portion of the state of Washington located west of the summit of the Cascade Mountains.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means one pound net of raspberries.

[Statutory Authority: Chapter 15.65 RCW. 86-13-012 (Order 1888), § 16-561-010, filed 6/6/86. Statutory Authority: RCW 15.65.180. 83-24-028 (Order 1809), § 16-561-010, filed 12/1/83; Order 1478, § 16-561-010, filed 7/29/76.]

WAC 16-561-020 Red raspberry commodity board.

(1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of eleven members. Ten 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.

There shall be a minimum of two producer board members per district, with additional producer board members added based on acreage; using two thousand acres as the baseline, every one thousand acres, or increment thereof, would entitle a district to another board member, so long as no single district had an over-all majority of representatives.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be that portion of the state of Washington located west of the summit of the Cascade Mountains and shall be divided into four representative districts as follows:

(i) District I shall have four board members, being positions 2, 3, 4, and 8, and shall be Whatcom County.

(ii) District II shall have two board members, being positions 1, and 7, and shall include the counties of Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pierce, and Thurston.

(iii) District III shall have two board members, being positions 5 and 9, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, and Wahkiakum.

(iv) District IV shall have two members, being positions 6 and 10, and shall include the counties of San Juan, Skagit, and Snohomish.

(3) **Board membership qualifications.** The affected producer members of the board shall be practical producers of raspberries 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 raspberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) Term of office.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year. These terms shall expire on November 30.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through ten and the member appointed by the director, position eleven.

(c) The term of office for the initial board members shall be as follows:

Positions one and two - one year;

Positions three, four, five, and nine - two years;

Positions six, seven, eight, ten, and eleven - three years.

(d) No elected member of the board may serve more than two full consecutive three-year terms.

(5) **Nomination and election of board members.** Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the affected area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers within the affected area 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 order, nominations may be made at the issuance hearing.

(6) **Election of board members.**

(a) Members of the board shall be elected by secret mail ballot within the month of October under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected area. Each affected producer within the affected area 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 affected area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers within the affected area maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member shall receive \$35.00 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from monies collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish a "raspberry 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, shall be deposited 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 fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, 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 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 a commodity board, or their agents or designees, to participate in federal or state

hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(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 four times annually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The budget shall be presented for discussion at the meeting. 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 service.

(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. 92-12-003, § 16-561-020, filed 5/21/92, effective 6/21/92; 86-13-012 (Order 1888), § 16-561-020, filed 6/6/86. Statutory Authority: RCW 15.65.180. 83-24-028 (Order 1809), § 16-561-020, filed 12/1/83; Order 1478, § 16-561-020, filed 7/29/76.]

WAC 16-561-030 Marketing order purposes. The order is to promote the general welfare of the state, to enable producers of raspberries to help themselves establish orderly, fair, sound, efficient, unhampered marketing; facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry. To carry out the purposes of the order, the board may provide for a program in one or more of the following areas:

(1) Establish plans and conduct programs for advertising, sales, promotion, and/or other programs for maintaining present markets and/or creating new or larger markets for raspberries. Such programs shall be directed toward increasing the sale of raspberries without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of raspberries nor disparage the quality, value, sale, or use of any other agricultural commodity.

(2) Provide for research in the production, processing, and/or marketing of raspberries and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

(3) Provide for marketing information and services to affected producers, for the verification of grades, standards, weights, tests, and sampling of quality and quantity of raspberries purchased by handlers from affected producers and for the purpose of facilitating the efficient marketing of raspberries.

[Statutory Authority: RCW 15.65.180. 83-24-028 (Order 1809), § 16-561-030, filed 12/1/83; Order 1478, § 16-561-030, filed 7/29/76.]

WAC 16-561-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of raspberries shall be one-half cent per affected unit (pound).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment; or

(iii) Require in the case of assessments against affected units stored in frozen condition:

(A) Cold storage facilities storing such commodity to file information and reports with the commission regarding the amount of commodity in storage, the date of receipt, and the name and address of each such owner; and

(B) That such commodity not be shipped from a cold storage facility until the facility has been notified by the commission that the commodity owner has paid the commission for any assessments imposed by the marketing order.

(c) Subsequent to the first sale, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped, stored, or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year, may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: Chapter 15.65 RCW. 86-13-012 (Order 1888), § 16-561-040, filed 6/6/86; 81-09-003 (Order 1728), § 16-561-040, filed 4/6/81; Order 1478, § 16-561-040, filed 7/29/76.]

WAC 16-561-041 Time—Place—Method for payment and collection of assessments. Effective with the growing season of 1977, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-561-040:

(1) All first handlers of raspberries for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. Where the first handler does not remit proceeds to the producer, the first handler shall include in his bill for services the assessment due and upon payment by the producer shall remit same to the commission. All such assessments accumulated will be due and payable to the commission on or before October 15 of each year. First handlers shall submit to the commission on or before October 15 of each year, a report listing the name, address, pounds handled or purchased, and amount deducted or collected for each producer on forms provided by the commission.

(2) All growers selling raspberries other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, shall pay the assessment directly to the commission, on or before September 30 of each year.

(3) All growers having raspberries in cold storage that are not sold on September 15 of each year, shall compute the assessment due on such berries and pay same to the commission by September 30 of each year.

(4) Any assessments paid after the above deadlines shall be accompanied by a penalty fee of 10% as provided in RCW 15.65.440 of the act.

[Statutory Authority: Chapter 15.65 RCW. 86-13-012 (Order 1888), § 16-561-041, filed 6/6/86. Statutory Authority: RCW 15.65.180. 83-24-028 (Order 1809), § 16-561-041, filed 12/1/83; Order 1, § 16-561-041, filed 6/3/77.]

WAC 16-561-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other

board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Order 1478, § 16-561-050, filed 7/29/76.]

WAC 16-561-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

[Order 1478, § 16-561-060, filed 7/29/76.]

WAC 16-561-070 Effective time. The marketing order for raspberries shall become effective on and after September 1, 1976.

[Order 1478, § 16-561-070, filed 7/29/76.]

WAC 16-561-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

[Order 1478, § 16-561-080, filed 7/29/76.]

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 16-565 WAC

WASHINGTON CRANBERRY COMMISSION

WAC

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| 16-565-040 | Assessments and collections. |
| 16-565-041 | Time, place, and method for payment and collection of assessments. |
| 16-565-050 | Obligations of the board. |
| 16-565-060 | Termination of the order. |
| 16-565-070 | Separability. |

WAC 16-565-010 Definition of terms. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces cranberries in the state of Washington, in commercial quantities for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any cranberries produced for a market, by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, or distributing cranberries not produced by him.

(8) "Cranberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-565-020.

(9) "Cranberries" means and includes all kinds, varieties, and hybrids of "*vaccinium macrocarpon*" grown and marketed in the state of Washington.

(10) "Fiscal year" means the twelve-month period beginning with September 1 of any year and ending with the last day of August following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to cranberries. A producer-handler shall be deemed to be a producer with respect to the cranberries which he produces and a handler with respect to the cranberries which he handles, including those produced by himself.

(12) "Affected area" means the state of Washington.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade, other than those sold retail by the producer.

(14) "Affected unit" means one hundred pounds (barrel) net of cranberries.

(15) "Substantial portion" means five percent or more.

(16) "Order" means marketing order.

[Statutory Authority: RCW 15.65.380. 85-15-018 (Order 1864), § 16-565-010, filed 7/8/85. Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-010, filed 9/12/80, effective 10/13/80.]

WAC 16-565-020 Cranberry commodity board. (1) Administration. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of eight members. Seven members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the state of Washington and shall be divided into three representative districts as follows:

District I shall have two board members, being Positions 1 and 2, and shall comprise that portion of Pacific County lying south of the Willapa River.

District II shall have four board members, being Positions 3, 4, 5, and 6, and shall comprise that portion of Pacific County and that portion of Grays Harbor County lying between the Willapa River and the Chehalis River.

District III shall have one board member, being Position 7, and shall comprise the rest of the state.

(3) Board membership qualifications. The affected producer members of the board shall be practical producers of cranberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing cranberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) Term of office.

(a) The term of office for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven and the member appointed by the director, position eight.

(c) The term of office for the initial board members shall be as follows:

Positions one and three - one year;

Positions four and five - two years;

Positions two, six, seven, and eight - three years.

(d) No elected member of the board may serve more than two full consecutive three-year terms.

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of June under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) Vacancies prior to election. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member may receive per diem in accordance with RCW 15.65.270 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To accept grants and gifts and expend the same consistent with the policies and purpose of this order.

(f) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(g) To establish a "cranberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not-to-exceed one hundred dollars, shall be deposited each day or as advisable.

(h) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(i) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(j) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(k) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(l) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(m) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(n) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him/her by the act or the order.

(o) To confer with and cooperate with the legally constituted authorities of other states and of the United

States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

[Statutory Authority: RCW 15.65.380. 85-15-018 (Order 1864), § 16-565-020, filed 7/8/85. Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-020, filed 9/12/80, effective 10/13/80.]

WAC 16-565-030 Marketing order purpose. The order is to promote the general welfare of the state to enable producers of cranberries to help themselves develop production methods and/or programs for the control of diseases, insects, weeds, and other problems associated with cranberry production and to provide for the dissemination of information to the affected producers.

Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefor, the project may be carried out by other research agencies selected by the board.

[Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-030, filed 9/12/80, effective 10/13/80.]

WAC 16-565-040 Assessments and collections. (1) Assessments.

(a) The annual assessment on all varieties of cranberries shall be ten cents per affected unit (100 lbs.).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or

with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: Chapter 15.65 RCW. 84-12-041 (Order 1828), § 16-565-040, filed 5/31/84, effective 7/1/84; 80-13-037 (Order 1713), § 16-565-040, filed 9/12/80, effective 10/13/80.]

WAC 16-565-041 Time, place, and method for payment and collection of assessments. Effective with the 1981 crop, the following procedure is established for the reporting and payment of assessments levied pursuant to RCW 15.65.410 and WAC 16-565-040:

(1) All first handlers of cranberries for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. All such assessments are due and payable on or before February 28 following the harvest period.

(2) All growers selling cranberries other than to first handlers for resale, including selling direct or through brokers, and including all sales at retail, shall pay the assessment directly to the commission on or before February 28 following the harvest period.

(3) Any assessment paid after the above deadline shall be accompanied by a penalty fee of ten percent as provided for in RCW 15.65.440.

[Statutory Authority: RCW 15.65.410. 81-19-109 (Order 1, Resolution 1), § 16-565-041, filed 9/22/81.]

WAC 16-565-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization

under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-050, filed 9/12/80, effective 10/13/80.]

WAC 16-565-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

[Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-060, filed 9/12/80, effective 10/13/80.]

WAC 16-565-070 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

[Statutory Authority: Chapter 15.65 RCW. 80-13-037 (Order 1713), § 16-565-070, filed 9/12/80, effective 10/13/80.]

Chapter 16-570 WAC

RAPESEED PRODUCTION AND ESTABLISHMENT OF DISTRICTS

WAC

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| 16-570-010 | Definitions. |
| 16-570-020 | Rapeseed production prohibition, production districts and district board formation procedures. |
| 16-570-030 | Duties of rapeseed production district boards, persons, producers. |
| 16-570-040 | Rules of rapeseed production districts. |

WAC 16-570-010 Definitions. The definitions set forth in this section apply throughout these rules unless the context clearly requires otherwise.

(1) "Board" means the rapeseed production district board as established by the director under the provisions of these rules.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Director" means the director of the department or his duly authorized representative.

(4) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, two or more persons having a joint or common interest, or any unit or agency of local, state, or federal government.

(5) "Producer" means any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of any commodity produced on that land.

(6) "Rapeseed" means those species of *Brassica napus*, *Brassica campestris* and *Brassica juncea*.

(7) "Types" means those species and varieties of rapeseed classified under the following rapeseed types:

(a) CANOLA, LOW ERUCIC ACID RAPESEED - LOW GLUCOSINOLATES (LEAR-LG) shall be the seed of the species *Brassica napus* or *Brassica campestris*, the oil components of which seed contain less than two percent erucic acid and the solid component of which seed contains less than 30 micromoles of any one or any mixture of 3-butenyl glucosinolate, 4-pentenyl glucosinolate, 2-hydroxy - 3-butenyl glucosinolate, and 2-hydroxy - 4-pentenyl glucosinolate per gram of air dry, oil free solid as determined by any approved method.

(b) LOW ERUCIC ACID RAPESEED - HIGH GLUCOSINOLATES (LEAR-HG) Rapeseed varieties shall contain less than two percent erucic acid in the oil of the rapeseed and more than 30 micromoles per one gram (um/g) glucosinolates in the rapeseed meal.

(c) HIGH ERUCIC ACID RAPESEED - LOW GLUCOSINOLATES (HEAR-LG) Rapeseed shall be rapeseed varieties used for production of industrial oil which shall contain erucic acid levels above forty percent in the oil of the rapeseed and less than 30 micromoles per one gram (m/g) glucosinolates in the meal of the rapeseed.

(d) HIGH ERUCIC ACID RAPESEED - HIGH GLUCOSINOLATES (HEAR-HG) Rapeseed shall be rapeseed varieties used for production of industrial oil which shall contain erucic acid levels above forty percent in the oil of the rapeseed and more than 30 micromoles per one gram (m/g) glucosinolates in the meal of the rapeseed.

[Statutory Authority: Chapter 15.65 RCW. 87-16-071 (Order 1946), § 16-570-010, filed 8/3/87; 86-16-023 (Order 1900), § 16-570-010, filed 7/30/86.]

WAC 16-570-020 Rapeseed production prohibition, production districts and district board formation procedures. (1) Rapeseed for oil, seed, forage or cover crop production requires particular attention to maintaining oilseed quality and purity. Proper isolation between differing types of rapeseed or other crops susceptible to cross pollination and/or processing problems is required if either a food, industrial or seed market is to be developed and established commodity markets are to be preserved. Therefore, the seeding and growing of rapeseed by any person for any purpose in the state of Washington shall be prohibited until

such time that a rapeseed production district is established by petition of a minimum of five affected producers and regulations adopted by the director to identify types and control and/or prohibition of rapeseed production: *Provided*, That those acres of rapeseed already planted prior to the effective date of this order are exempt from this prohibition and any subsequent departmental action, through the current crop season only.

(2) Rapeseed production district boundaries as established by the director are as follows:

- District 1. All lands located within the boundaries of Whatcom, Skagit, Snohomish, King and Island counties.
- District 2. All lands located within the boundaries of Clallam, Jefferson, Grays Harbor, Mason, Pierce, Pacific, Lewis, Wahkiakum, Cowlitz, Clark and Skamania counties.
- District 3. All lands within the boundaries of Okanogan, Ferry, Stevens and Pend Oreille counties.
- District 4. All lands within the boundaries of Chelan and Douglas counties.
- District 5. Those lands in Grant County lying east and north of Highway 17 from its first point of intersection with the Grant/Douglas County boundary thence southerly to its intersection with state Highway 28 at Soap Lake thence easterly along state Highway 28 to its intersection with Crab Creek (near Wilson Creek) thence easterly along Crab Creek to the Grant/Lincoln County boundary. Those lands within Lincoln and Adams County lying north of Crab Creek from its intersection with Grant/Lincoln County boundaries, thence easterly to its intersection with county road 3019, thence easterly to county road 3079, thence southerly to Adams County Arlt road, thence easterly to Wellsandt road, thence southerly to Interstate 90 in Adams County, thence northeasterly along Interstate 90 to the Lincoln/Spokane County boundary. Those lands within Spokane County lying north and west of Interstate 90 to Spokane to its intersection with U.S. Highway 2/395 thence northerly to the intersection with state Highway 291 thence northwesterly to the Spokane/Stevens County boundary.
- District 6. All lands within Kittitas County. Those lands in Yakima County lying east of Highway 410 commencing at Cliffdell thence southeasterly to the junction of state Highway 410 and U.S. Highway 12 thence south in a straight line past Fort Simcoe to the crest of the Toppenish Ridge, thence easterly, including those lands in Yakima and Benton counties lying north of the crest of the Toppenish Ridge/Horse Heaven Hills to the Benton/Walla Walla County boundary at Yellpit on the Columbia River.
- District 7. Those lands in Franklin and Adams County lying west of U.S. Highway 395 commencing at its intersection at the Snake River thence northerly to the intersection with state High-

way 17 thence northerly to the intersection with state Highway 260 thence north along continuous section lines to the Franklin/Adams County boundary thence north along continuous section lines to the intersection with the Adams/Grant County boundary. Those lands in Grant County lying south and west of a line commencing at the intersection of U.S. Interstate Highway 90, thence westerly to its intersection with state Highway 17 at Moses Lake, thence northwesterly along state Highway 17 to its first point of intersection with the Grant/Douglas County boundary.

District 8. All lands in Franklin and Adams County lying east of the boundary of district 7. Those lands in Lincoln County lying south of Crab Creek and lands west of county road 3019 from its intersection with Crab Creek, thence easterly to county road 3079, thence southerly to Adams County Arlt road, thence easterly to Wellsandt road, thence southerly to its intersection with U.S. Interstate 90. Those lands in Grant County lying south and east of a line commencing at the intersection of Crab Creek and the Grant/Lincoln County boundary thence westerly to the Crab Creek intersection of state Highway 28 (near Wilson Creek), thence westerly to the intersection of state Highways 28 and 17 at Soap Lake thence southeasterly to its intersection with U.S. Interstate 90 at Moses Lake and those lands north of U.S. Interstate 90 commencing at Moses Lake, thence easterly to its intersection with the Grant/Adams County boundary.

District 9. All lands within Whitman County. Those lands in Lincoln County lying south and east of U.S. Interstate 90. Those remaining lands in Spokane County lying east of U.S. Interstate 90 from the Lincoln/Spokane County boundary thence northeasterly to its intersection with U.S. Highway 2/395 thence northerly to its intersection with state Highway 291, thence northwesterly to its intersection with the Stevens/Spokane County border.

District 10. All lands within Klickitat County. Those lands in Benton County lying south of the crest of the Horse Heaven Hills. Those remaining lands in Yakima County lying south of the crest of the Horse Heaven Hills and the Toppenish Ridge to a point of intersection with a line past Fort Simcoe thence north to the junction of U.S. Highway 12 and state Highway 410.

District 11. All lands in Walla Walla County. All lands in Columbia County lying south of the Tucannon River commencing at its intersection at the Whitman/Columbia County border at the Snake River thence southeasterly to its intersection with the Columbia/Garfield County border.

District 12. All lands within Asotin and Garfield counties. Those remaining lands in Columbia County

lying north of the Tucannon River commencing at its intersection with the Garfield/Columbia County border thence northwesterly to its intersection with the Whitman/Columbia County border at the Snake River.

(3) Rapeseed production district/subdistrict formation procedures.

The following are procedures required for establishment, implementation and operation of rapeseed production districts and subdistricts in the state of Washington.

(a) A rapeseed production district may be established by petition to the director by a minimum of five affected producers within a general district as established by this order, prior to any rapeseed production for any purpose including oil, seed, forage and/or cover crop use. Establishment of a subdistrict to produce a nondominant type, or to produce rapeseed in an area where it is otherwise prohibited, shall be by petition to and agreement of the established district board for submittal to the director for approval.

(b) Districts established by these rules shall be administered by a local board of a minimum of five but not more than seven members. Of those members a majority shall be rapeseed producers. At least one member should represent industry interests where possible. In addition, a local representative from Washington State University cooperative extension and/or the director or the director's representative may be appointed as a nonvoting advisory member to the board and to provide liaison with the director. In the instance where the director or the director's representative is not on the board, the cooperative extension representative shall provide the liaison with the director.

(c) Subsequent to a proper petition, the director of agriculture shall appoint the initial three members to the board to initiate the program. Those board members shall appoint two to four additional members, depending on the size and/or diversity of the district, to assure proper area/county representation and/or differences in dominant types to be produced. The terms of each member shall be three years. No member shall serve for more than two consecutive full terms. Initial appointment terms shall be as follows:

Director's appointees:

Two members for three year terms, and one member for a two year term.

Board appointees:

One member for a two year term.

One member for a one year term.

One additional member may be appointed for a two year term.

One additional member may be appointed for a one year term.

Officers shall include chairman, vice chairman and secretary.

(d) The board shall fill all expired or unexpired board member terms. Retiring or resigning board members shall not be allowed to participate in the selection of their replacements.

[Statutory Authority: Chapter 15.65 RCW. 86-16-023 (Order 1900), § 16-570-020, filed 7/30/86.]

WAC 16-570-030 Duties of rapeseed production district boards, persons, producers. (1) Duties of the board shall include:

(a) Proposing and clearly defining district/subdistrict boundaries to be submitted to the director for establishment by rule. District and subdistrict boundaries shall follow geographical and/or topographical characteristics or provide for buffer zones to provide for isolation. Consideration is to be given to existing crop production to minimize negative impact to sensitive crops and shall also be extended beyond district and state lines to minimize impacts to producers in contiguous districts or states and cooperate to avoid the need for buffer zones which could prevent producers from raising rapeseed [rapeseed] near district or state lines.

(b) Producers and industry shall have the ability to petition the board to recommend to the director to adopt subdistricts within an initial production district, should production for multiple markets develop.

(c) The board shall designate the Washington State University extension offices to facilitate the production districts in the registration of rapeseed production fields, in accordance with subsection (2) of this section.

(d) The board shall examine the economic potential for the differing types of rapeseed, and with input from affected producers, propose the dominant type for the district and/or subdistricts. In proposing the district and/or subdistrict boundaries and the dominant types of rapeseed for production, the board shall avoid negative impacts to already existing crops. The board shall propose and recommend to the director, rules establishing a dominant rapeseed type. A public hearing shall be held no later than March 15th, with rules adopted no later than May 15th of any production year after 1986. Hearings need not be held each year if there is no petition to change existing rule(s). The board shall inform producers of the areas and type(s) that are approved for production. This may be accomplished by utilizing producer meetings, local news and radio media, and the use of Washington State University cooperative extension personnel.

(e) The board shall serve as the first level for disputes involving production of conflicting types by conducting an inquiry to determine the facts of the dispute. If resolution is not reached at the board level the board shall then render an advisory opinion to be submitted to the director for additional action.

(f) The board shall have the authority to recommend to the director production of "off type" rapeseed (other than the authorized dominant type) or rapeseed production in an area where it is otherwise prohibited under the following criteria:

(i) The producer of the "off type" rapeseed must petition the board to allow "off type" rapeseed production.

(ii) The petition shall contain the following information:

(A) Producer name, address, telephone number and location within district/subdistrict.

(B) Crop year.

(C) Variety name and species of rapeseed to be produced.

(D) Principal use of proposed production (i.e., industrial or food oil, seed, forage, cover crop etc.).

(E) Variety traits - Erucic acid and glucosinolate levels.

(F) Contracting company - (if any).

(G) Acreage to be produced.

(H) Exact legal description and reference to local landmarks of proposed acreage.

(I) Evidence of isolation of at least one-half mile, or at such greater distance as required by rule within the respective district and/or subdistrict, from other rapeseed production or other sensitive crops.

(J) Signed statements from all landowners/operators within one-half mile of the proposed production site stating that they will not plant a conflicting type during the proposed crop year.

(2) Persons or producers of "off type" rapeseed shall register all fields prior to planting, by location and variety of all rapeseed to be produced, with the district board at the extension office designated by the district board.

(3) Seed certification requirements.

(a) Only certified seed shall be used for Washington production: *Provided*, That the variety dwarf essex may be used for seed purposes without certification as certified seed is no longer available.

(b) All rapeseed varieties utilized for Washington production shall be accompanied by phyto-sanitary certification that it is free from *Phoma lingam* (black leg) fungus. In the event that low level *Phoma lingam* (black leg) fungus is present, the seed must be treated with environmental protection agency and/or Washington state approved chemicals for the control of *Phoma lingam* (black leg) fungus, and recertified as free from viable *Phoma lingam* fungus after treatment.

(4) Any person selling or offering rapeseed for sale in the state of Washington, either in person, through dealerships or through radio, video or printed media, must be licensed by the Washington state department of agriculture seed branch.

(5) Any volunteer or uncontrolled rapeseed may be subject to the Washington state noxious weed control board and chapter 17.10 RCW. Any transport of unbagged rapeseed for the purpose of conveyance, shall be in suitably covered or sealed containers or vehicles to avoid the spread of volunteer or otherwise uncontrolled rapeseed. All harvesting and planting equipment shall be properly cleaned and adequate precautions taken to avoid the spread of rapeseed prior to movement from any farm or production area.

(6) The director shall have the authority to require destruction prior to bloom of any rapeseed production that does not meet the rules of the director or any established production district. In the event that the person or producer of said production does not comply with the destruction order prior to bloom, the director is authorized to have the production destroyed by a third party and the cost of such destruction is to be charged to the producer of said production.

[Statutory Authority: RCW 15.66.025 and 15.65.055. 92-11-013, § 16-570-030, filed 5/12/92, effective 6/12/92. Statutory Authority: Chapter 15.65 RCW. 87-16-071 (Order 1946), § 16-570-030, filed 8/3/87; 86-16-023 (Order 1900), § 16-570-030, filed 7/30/86.]

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 16-575 WAC WINE COMMISSION

WAC

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| 16-575-010 | Time—Place—Method for payment and collection of assessments. |
| 16-575-020 | Penalties. |

WAC 16-575-010 Time—Place—Method for payment and collection of assessments. Effective with the growing season of 1990, the following procedure is established for the reporting and paying of the assessment of three dollars per ton of vinifera grapes harvested, levied pursuant to RCW 15.88.130:

(1) All first handlers of vinifera grapes for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. All such assessments accumulated will be due and payable to the commission on or before December 31 of each year. First handlers shall submit to the commission on or before December 31 of each year, a report listing the name, address, tons of vinifera grapes handled or purchased, and amount deducted or collected for each grower on forms provided by the commission.

(2) All growers selling vinifera grapes for export, shall pay the assessment directly to the commission, on or before December 31 of each year. Such growers shall submit to the commission on or before December 31 of each year, a report listing the name and address of the exporter, tons sold, and assessment due, on forms provided by the commission.

[Statutory Authority: RCW 15.88.130. 90-23-042, § 16-575-010, filed 11/15/90, effective 12/16/90.]

WAC 16-575-020 Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the commission pursuant to the provisions of

the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the commission on December 31 of each year.

In the event any person fails to pay the commission the full amount of such assessment or such other sum on or before the date due, the commission may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collection of the same.

In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the commission may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: RCW 15.88.130. 90-23-042, § 16-575-020, filed 11/15/90, effective 12/16/90.]

Chapter 16-580 WAC

WASHINGTON FARMED SALMON COMMISSION

WAC

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| 16-580-010 | Definition of terms. |
| 16-580-020 | Farmed salmon commodity board. |
| 16-580-030 | Marketing order purposes. |
| 16-580-040 | Assessments and collections. |
| 16-580-041 | Time—Place—Method for payment and collection of assessments—Production reports. |
| 16-580-050 | Obligations of the board. |
| 16-580-060 | Termination of the order. |
| 16-580-070 | Effective time. |
| 16-580-080 | Separability. |

WAC 16-580-010 Definition of terms. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or the duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who is an aquatic farmer as defined in chapter 15.85 RCW, registered to produce in Washington state farmed salmon (salmonids) in commercial quantities for marketing; or who contracts for the production in Washington state of farmed salmon (salmonids) in commercial quantities. This does not include marketing companies that buy, sell, or distribute salmonids produced by others.

(6) "Permitted" means all required state, local, and federal permits for operating a commercial salmon farm.

(7) "Commercial quantity" means any farmed salmon produced by an affected producer with an annual production of greater than fifty thousand pounds of dressed head-on equivalent.

(8) "Farmed salmon commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of this marketing order.

(9) "Farmed salmon" means native, nonnative, or hybrids of Pacific and Atlantic salmon, and steelhead, that are propagated, farmed, or cultivated for human food on aquatic farms under the supervision and management of a private sector aquatic farmer. Live fish, green eggs and eyed eggs are excluded.

(10) "Fiscal year" means the twelve-month period beginning with January 1 of any year and ending with December 31st, both dates being inclusive.

(11) "Affected area" means the production area.

(12) "Production 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 pounds of salmon farmed for retail and wholesale markets, excluding live fish, green eggs and eyed eggs.

(15) "Order" means this marketing order.

(16) "Dressed head-on equivalent" means weight based on whole, head-on gutted weight.

(17) "Processors" means companies engaged in the commercial processing of farmed salmon.

(18) "Processing" means to prepare farmed salmon or manufacture farmed salmon products by canning, cooking, smoking, filleting, heading, gutting, fermenting, dehydrating, drying, or consumer packaging.

[Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-010, filed 10/29/92, effective 12/1/92.]

WAC 16-580-020 Farmed salmon commodity board. (1) Administration. The provisions of this marketing order and the applicable provisions of chapter 15.65 RCW shall be administered and enforced by the board as the designee of the director.

(2) Board membership. The board shall consist of five producer representatives. The director shall appoint one additional member who is not an affected producer to represent the department and the general public.

(3) Board membership qualifications. The affected producer members of the board shall be residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in the activities of an affected producer within the state of Washington for a period of one year and has, during that time, derived a substantial portion of his/her income therefrom. 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, unless the marketing order is terminated earlier. One-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through five and the member appointed by the director, position six.

(c) Commencing on January 1, 1996, the term of office for the board members shall be as follows:

Position one - one year - shall terminate on December 31, 1996.

Positions two and three - two years - shall terminate on December 31, 1997.

Positions four and five - three years - shall terminate on December 31, 1998.

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may nominate a representative 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, and the director deems that said nominee satisfies the requirements of the position, 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 October under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) Removal of board members. A board member may be removed by a vote of the board if that member fails to attend any three consecutive meetings of the board, duly noticed.

(8) Vacancies prior to election. In the event of a vacancy on the board, the board shall appoint a qualified person to fill the unexpired term.

(9) 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.

(10) 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 meeting of the board or on special assignment for the board in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(11) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the policies of the act.

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited funds with the director in order to defray the costs of formulating the order.

(f) To establish a fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, disbursements, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary of effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(q) To sue or be sued.

(12) 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 Meeting Act).

(b) The board shall hold an annual membership meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members.

[Statutory Authority: RCW 15.65.050 and 15.65.280. 95-22-035 (Order 5085), § 16-580-020, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-020, filed 10/29/92, effective 12/1/92.]

WAC 16-580-030 Marketing order purposes. The marketing order is to promote the general welfare of the state, to enable producers of farmed salmon products to help themselves establish orderly, fair, sound, efficient, unhampered marketing. To carry out the purposes of the marketing order, the board may provide for programs in the following areas:

(1) Establish plans and conduct programs for advertising, labeling, sales, promotion, and consumer education, and/or other programs for maintaining present markets and/or creating new or larger markets for farmed salmon products. Such programs shall be directed toward increasing the sale of farmed salmon products without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of farmed salmon products nor disparage the quality, value, sale, or use of any other agricultural commodity.

(2) Provide for research in the production, processing, and/or marketing of farmed salmon products and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University or the University of Washington, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefore, the project may be carried out by other research agencies selected by the board.

(3) Provide for marketing information and services to affected producers.

(4) Investigate and take necessary action to prevent unfair trade practices and to correct where possible, trade practices which hinder marketing of Washington produced farmed salmon products.

(5) Allocation of assessments collected from affected producers shall be made by the board using the following formula:

(a) All operating costs will be borne by all affected producers.

(b) All programs, plans, research, and marketing deemed by the board to be in the collective best interest of all affected producers, regardless of crop, will be borne by all affected producers.

[Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-030, filed 10/29/92, effective 12/1/92.]

WAC 16-580-040 Assessments and collections. (1)

The assessment on all farmed salmon products shall be one cent (\$.01) per pound on the first fifteen million pounds (dressed head-on equivalent); and one-half cent (\$.005) per pound over fifteen million pounds (dressed head-on equivalent) produced collectively by affected producers.

(2) The board shall determine the assessment rate each month on the basis of the total production reported, year to date, and bill the producer for his/her production for that month at that rate.

(3) For the purpose of collecting assessments, the board may require the person subject to the assessment to give adequate assurance or security for its payment.

(4) For the purpose of assuring compliance with the recordkeeping requirements and verifying reports filed by producers, the director and the board through its duly authorized employees, shall have access to and the authority to audit such records.

(5) All reports and records furnished or submitted by producers or to, or obtained by the employees of, the board which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular producer or processor from whom received, shall be treated as confidential, and the reports and all information obtained from records shall not be disclosed to board members and shall at all times be kept in the custody and under the control of one or more employees of the board who shall not disclose such information to any person other than the director, or his authorized agents. Compilations of general reports from data and information submitted by producers is authorized subject to the prohibi-

tion of disclosure of individual producers' identity or operation.

(6) Any moneys collected or received by the board pursuant to the provisions of the marketing order during or with respect to any year, may be refunded on a pro rata basis at the close of such year or at the close of such period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding year.

(7) Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the marketing order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

(8) Assessments may, with the concurrence of the affected producer, be collected prospectively.

[Statutory Authority: RCW 15.65.280. 94-08-090 (Order 5035), § 16-580-040, filed 4/5/94, effective 5/6/94. Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-040, filed 10/29/92, effective 12/1/92.]

WAC 16-580-041 Time—Place—Method for payment and collection of assessments—Production reports. The following procedure is established for the reporting and paying of assessments:

(1) The board shall collect from affected producers a per pound assessment, in accordance with WAC 16-580-040, of dressed head-on weight equivalent on all farmed salmon produced.

(2) In the case where more than one "affected producer" is involved, the person responsible for the cost of processing shall be assessed.

(3) A production report for Washington farmed salmon shall be submitted by processors to the board within seven days of the last day of each production month.

(4) The board shall submit an assessment invoice to the affected producers within fourteen days of the last day of each production month.

(5) Assessments shall be submitted to the board by the affected producer within thirty days of the last day of each production month.

(6) Production reports shall be reviewed by the board each quarter for consistency with Washington state department of fisheries production reports.

[Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-041, filed 10/29/92, effective 12/1/92.]

WAC 16-580-050 Obligations of the board. Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-050, filed 10/29/92, effective 12/1/92.]

WAC 16-580-060 Termination of the order. The order shall be terminated if the director finds that fifty-one percent by number and fifty-one percent by volume of production of the affected producers assent to such action. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether termination is assented to whenever twenty percent by number or twenty percent by volume of production of the affected producers file written applications with the director for termination. The termination shall become effective at the end of the fiscal year.

[Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-060, filed 10/29/92, effective 12/1/92.]

WAC 16-580-070 Effective time. This marketing order for farmed salmon products shall become effective on or after October 1, 1992.

[Statutory Authority: RCW 15.65.050 and 15.65.280. 95-22-035 (Order 5085), § 16-580-070, filed 10/25/95, effective 11/25/95. Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-070, filed 10/29/92, effective 12/1/92.]

WAC 16-580-080 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

[Statutory Authority: Chapter 15.65 RCW. 92-22-062, § 16-580-080, filed 10/29/92, effective 12/1/92.]

Chapter 16-585 WAC

PUGET SOUND GILLNET SALMON COMMISSION

WAC

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| 16-585-020 | Puget Sound gillnet salmon commodity board. |
| 16-585-030 | Marketing order purposes. |
| 16-585-040 | Assessments and collections. |
| 16-585-050 | Time—Place—Method for payment and collection of assessments—Landing reports. |
| 16-585-060 | Obligations of the board. |
| 16-585-070 | Termination of this order. |
| 16-585-080 | Effective time. |
| 16-585-090 | Separability. |

WAC 16-585-010 Definition of terms. For the purpose of this marketing order:

(1) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(2) "Affected area" means Western Washington.

(3) "Affected commodity" means salmon harvested pursuant to Washington, Puget Sound commercial salmon gillnet license or with gear now or hereafter lawfully permitted for use pursuant to Puget Sound commercial salmon gillnet licenses.

(4) "Affected producer" means any person who is a commercial harvester of commercial quantities of salmon taken pursuant to Washington state Puget Sound commercial salmon gillnet license or with gear lawfully permitted for use pursuant to Puget Sound commercial salmon gillnet licenses in the waters of the state of Washington in areas lawfully permitted for such licenses, including in and adjacent to the areas of Puget Sound, the San Juan Islands, Georgia Strait, and the Strait of Juan de Fuca east of Cape Flattery.

(5) "Commercial quantity" means any Puget Sound salmon produced by an affected producer which producer produces an annual quantity greater than zero and sufficient for sale and entry into the stream of commerce for salmon.

(6) "Commission" means the Puget Sound gillnet salmon commission formed pursuant to this order.

(7) "Department" means the department of agriculture of the state of Washington.

(8) "Director" means the director of agriculture of the state of Washington or the duly appointed representative.

(9) "Fiscal year" means the twelve-month period beginning with January 1 of any year and ending with December 31st, both dates being inclusive.

(10) "Order" means this marketing order.

(11) "Person" means any person, firm, association, or corporation.

(12) "Production area" means the waters of the state of Washington in and adjacent to the areas of Puget Sound, the San Juan Islands, Georgia Strait, and the Strait of Juan de Fuca east of Cape Flattery and in which fishing is lawfully permitted pursuant to a Puget Sound commercial salmon gillnet license.

(13) "Puget Sound gillnet salmon" means salmon taken in the waters of the state of Washington in and adjacent to the areas of Puget Sound, the San Juan Islands, Georgia Strait, and the Strait of Juan de Fuca east of Cape Flattery, or other lawful area permitted pursuant to Puget Sound commercial salmon gillnet license and taken pursuant to Washington state Puget Sound commercial gillnet license or

with gear lawfully permitted for use pursuant to Puget Sound commercial salmon gillnet license.

(14) "Puget Sound gillnet salmon commodity board" hereinafter referred to as "board" means the commodity board formed under the provisions of this marketing order.

(15) "Purchase" means obtain through sale, exchange, barter, or trade.

(16) "Salmon" means Puget Sound salmon and salmon products which have been harvested by affected producers as defined in this marketing order. "Salmon" does not include privately farmed or cultivated salmon or salmon products nor salmon harvested pursuant to license issued by the various Treaty Indian Tribes. Nothing herein shall prevent the board from engaging in cooperative marketing of tribal and nontribal salmon.

(17) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade, whether directly or through agents.

(18) "Handler" or "processor" shall mean those who purchase, process for market, or otherwise obtain from affected producers the affected commodity for further handling or sale in the course of commerce. "Handler" and "processor" includes those who catch and then obtain from themselves, process, or further handle for subsequent direct sale to the public the affected commodity after having themselves produced that commodity as affected producers.

(19) "Process" means to prepare the affected commodity or product therefrom by filleting, heading, gutting, canning, cooking, smoking, fermenting, dehydrating, drying or packaging.

(20) "Affected unit" means one pound landed weight of salmon.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-010, filed 7/19/95, effective 8/19/95.]

WAC 16-585-020 Puget Sound gillnet salmon 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. The board shall consist of seven members, six of whom shall be affected producers. The director shall appoint one additional member who is not an affected producer to represent the department and the general public.

(3) Qualifications for board membership. The producer members of the board shall be practical producers of the affected commodity and shall be citizens and residents of this state, over the age of twenty-five years, each of whom is and has been actually engaged in producing such commodity within the state of Washington for a period of five years and has during that period derived a substantial portion of their income therefrom and who is not primarily engaged in business directly as a handler or other dealer. The qualification of members of the board as herein set forth must continue during their terms of office.

(4) Term of office.

(a) The term of office for members of the board shall be three years unless the marketing order is terminated earlier. One-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically as follows: Affected producers shall have positions one through six and, the member appointed by the director shall have position seven.

(c) The term of office for the initial board members shall be as follows:

Positions one and four shall be for one year from the date of first election or until the first subsequent annual election is held.

Positions two and five shall be for two years from the date of first election or until the second subsequent annual election is held.

Positions three and six shall be for three years from the date of first election or until the third subsequent annual election is held.

(5) Nominations for 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 in Western Washington not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting.

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 entitled to have participated in said meeting.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers. The notice shall call for nominations in accordance with this marketing order and shall give the final date for filing nominations which shall not be less than twenty days after the notice was mailed.

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) The members of the board shall be elected by secret mail ballot held during the month of February of each year under the supervision of the director. 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 affected area defined in this marketing order 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 producer entitled to vote whose name appears upon the list thereof compiled and maintained by the director in accordance with RCW 15.65.200. Any other producer entitled to

vote may obtain a ballot by application to the director upon establishing his/her qualifications. Nonreceipt of a ballot by any person entitled to vote shall not invalidate the election of a board member.

(7) Removal of board members. A board member may be removed by a vote of the board if that member fails to attend any three consecutive meetings of the board, duly noticed.

(8) Vacancies prior to election. In the event of a vacancy on the board, the board shall appoint a qualified person to fill the unexpired term.

(9) 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.

(10) Board compensation. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060. A board member may, in the discretion of the board, serve and be compensated as an employee of the commission.

(11) 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 chairperson and such other officers as it deems advisable;

(c) To employ and discharge at its discretion such assistance and personnel, including attorneys engaged in private practice of law, subject to the approval and supervision of the attorney general, as the board determines necessary and proper to carry out the purpose of the order and to effectuate the policies of the act;

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses may be paid by check, draft, or voucher in such form and in such manner and upon the signature of such person as the board may prescribe;

(e) To reimburse any applicant who has deposited funds with the director in order to defray the costs of formulating the order;

(f) To establish a 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 the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day;

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, disbursements, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited as provided in the act subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and each member of the board;

(h) To require bond of board members and employees of the board in positions of trust in an amount the board deems necessary. Premiums for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington;

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year;

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters;

(k) To recommend to the director, administrative rules, orders and amendments thereto for the exercise of his or her power in connection with this order;

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of this order and the act, along with the necessary authority and procedure for obtaining such information;

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or this order;

(n) To confer with and cooperate with the legally constituted authorities of other states 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 commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined in RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose;

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section;

(q) To sue or be sued;

(r) To borrow money and incur indebtedness.

(12) 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 membership meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-020, filed 7/19/95, effective 8/19/95.]

WAC 16-585-030 Marketing order purposes. This marketing order is to promote the general welfare of the state, to enable producers of commercially harvested Puget Sound gillnet salmon to help themselves establish orderly, fair, sound, efficient, unhampered marketing and to fulfill the purposes of the act. To carry out the purposes of this marketing order, the board may provide for programs in the following areas:

(1) Establish plans and conduct programs for advertising, labeling, sales, promotion, public relations, and consumer education, and/or other programs for maintaining present markets and/or creating new or larger markets for Puget Sound commercially harvested gillnet salmon and salmon products. Such programs shall be directed toward increasing the sale, improving the markets, or promoting Puget Sound gillnet salmon and salmon products without reference to any particular brand or trade name and shall neither make use of false or unwarranted claims in behalf of commercial gillnet salmon products nor disparage the quality, value, sale, or use of any other agricultural commodity.

(2) Provide for research in the production, management, harvest, harvest management, harvest selectivity, harvest regulation or proposed regulation, protection against harvest impact on habitat or other species, processing and/or marketing of commercial gillnet salmon products and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University or the University of Washington, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research agency has better facilities therefore, the project may be carried out by other research agencies selected by the board.

(3) Provide for marketing information and services to affected producers.

(4) Investigate and take necessary action to prevent unfair trade practices and to correct where possible, trade practices which hinder marketing of Washington gillnet salmon products.

(5) Allocation of assessments collected from affected producers shall be made by the board using the following formula:

(a) All operating costs will be borne by all affected producers.

(b) All programs, plans, research, and marketing deemed by the board to be in the collective best interest of all affected producers, regardless of salmon or salmon product produced, will be borne by all affected producers.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-030, filed 7/19/95, effective 8/19/95.]

WAC 16-585-040 Assessments and collections. (1) The assessment on all commercial gillnet salmon harvested in the production area shall be as follows: Two percent of the landed value of salmon shall be assessed to the producer.

(2) For the purpose of collecting assessments, the board may require the person subject to the assessment or the person responsible for collection of producer assessments to give adequate assurance or security for its collection and/or payment.

(3) For the purpose of assuring and verifying compliance with the recordkeeping and reporting requirements of this order and the act, the director and the board through its duly authorized employees, shall have access to and the authority to audit and examine such records.

(4) All reports and records furnished or submitted by producers, handlers or processors to, or obtained by, the board or employees of the board which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular producer or handler or processor from whom received, shall be treated as confidential, and the reports shall not be disclosed to board members and shall at all times be kept in the custody and under the control of one or more employees of the board who shall not disclose such information to any person other than the director, or his authorized agents. Disclosure of compilations of general reports from data and information submitted by producers is authorized subject to the prohibition of revealing individual producers' or handlers' identities or operations.

(5) Any moneys collected or received by the board pursuant to the provisions of this marketing order during or with respect to any year, may be refunded on a pro rata basis at the close of such year or at the close of such period as the board determines to be reasonably adapted to effectuate the declared policies of the act and the purposes of this marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding year.

(6) Any due and payable assessment herein levied in such specified amount as provided under the act and this marketing order and any assessment which is required hereunder to be collected, shall constitute a personal debt of every person so assessed, responsible for collection, or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent plus the costs and expenses of suit and a reasonable attorney's fee therein, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

(7) Assessments may, with the concurrence of the affected producer, be collected prospectively.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-040, filed 7/19/95, effective 8/19/95.]

WAC 16-585-050 Time—Place—Method for payment and collection of assessments—Landing reports. The following procedure is established for the reporting and paying of assessments:

(1) At the time of salmon landing, first sale and/or completion of a Washington department of fish and wildlife

landing receipt (fish ticket), the producer shall pay and the handler shall collect and deduct from the price paid to the producer the producer's two percent assessment on the landed value of the salmon. This collection and deduction shall be accurately reported on the fish ticket.

(2) No later than thirty days from the last day of any month in which any Puget Sound salmon has been obtained by a handler, each such handler shall:

(a) Remit to the board all sums required to be collected and deducted from affected producers upon their landings during that month for a total of two percent of the landed value of Puget Sound gillnet salmon obtained by that handler during that month.

(b) Provide to the board with such remittance a report indicating the full name, address, and commercial salmon fishing license number of each affected producer from whom the said handler has purchased or obtained affected commodity during the said month and for each such affected producer, indicate the landed value of the salmon purchased or obtained, and the amount of the producer's two percent assessment which has been collected from that producer.

(3) The board may require cold storage facilities storing Puget Sound gillnet salmon to file with the board information and reports regarding the amount of the affected commodity in storage, the date of receipt, and the name, address, and commercial salmon fishing license number of each such owner, and may require that such salmon not be shipped from a cold storage facility until the facility has been notified by the commission that the commodity owner has paid the commission for any assessments imposed by this marketing order.

(4) All assessments due from affected producers under this order shall be payable at the time of completion of a Washington department of fish and wildlife landing receipt (fish ticket) and shall be paid by the producer and collected by the handler at that time and shall be remitted to the board as provided in this order.

(5) Producer-handler shall pay the producer assessments and shall fulfill all the responsibilities of handlers and producers under this order including the collection, recordkeeping, reporting, and remittance of assessments.

(6) When, in the judgment of the board, a particular handler or producer-handler has demonstrated its unreliability to make the collection or remittance of the producer assessments called for in this order, the board may require that said handler or producer-handler not transport, carry, ship, sell, market or otherwise handle or dispose of any of the affected commodity until every due and payable assessment provided for under this order has been paid to the board and the receipt issued.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-050, filed 7/19/95, effective 8/19/95.]

WAC 16-585-060 Obligations of the board. Obligations incurred by the board or employees or agents thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under this order were a corporation. No liability for the

debts or actions of the board, employees, or agents incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-060, filed 7/19/95, effective 8/19/95.]

WAC 16-585-070 Termination of this order. This order shall be terminated if the director finds that fifty-one percent by number and fifty-one percent by volume of production of the affected producers assent to such action. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is assented to whenever twenty percent by number or twenty percent by volume of production of the affected producers file written applications with the director for termination. The termination shall become effective at the end of the fiscal year.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-070, filed 7/19/95, effective 8/19/95.]

WAC 16-585-080 Effective time. This marketing order for Puget Sound salmon shall become effective on or after April 1, 1995, and shall remain in full force and effect until terminated under the provisions of the act.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-080, filed 7/19/95, effective 8/19/95.]

WAC 16-585-090 Separability. If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to other person, circumstances, or thing shall not be affected thereby.

[Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. 95-15-102, § 16-585-090, filed 7/19/95, effective 8/19/95.]

Chapter 16-600 WAC

HONEY

WAC

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| 16-600-001 | Promulgation. |
| 16-600-010 | Grades to be uniform with federal grades. |
| 16-600-020 | Use of Washington state honey seal. |

WAC 16-600-001 Promulgation. I, Sverre N. Omdahl, director of agriculture, by virtue of authority vested in me in RCW 69.28.020, do hereby promulgate the following laws and regulations.

[Order 581, Promulgation, effective 7/17/50.]

WAC 16-600-010 Grades to be uniform with federal grades. Effective immediately, grades of honey sold in the state of Washington shall be uniform with the federal grades for extracted honey, comb honey and cut-comb honey.

[Order 431, effective 7/10/45.]

WAC 16-600-020 Use of Washington state honey seal. Any person, persons, firms or company may, by making application to the Washington state department of agriculture, and entering into an agreement with the Washington state department of agriculture, be granted the authority to have a facsimile of the Washington state honey seal printed on the label or carton of honey to be sold in the state of Washington, as prescribed by law.

[Order 581, effective 7/17/50.]

Chapter 16-602 WAC APIARIES

WAC

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| 16-602-005 | Definitions. |
| 16-602-010 | Apiary board, area boundaries. |
| 16-602-020 | Apiary inspection fees. |
| 16-602-025 | Apiarist registration fees, schedule. |
| 16-602-027 | Grower pollination service fee, collection, remittance. |
| 16-602-030 | Colony strength. |
| 16-602-040 | Apiary marking. |

WAC 16-602-005 Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

- (1) "Director" means the director of agriculture of the state of Washington;
- (2) "Department" means the department of agriculture of the state of Washington;
- (3) "Apiary" includes bees, hives, and appliances, wherever they are kept, located, or found;
- (4) "Apiarist" means any person who owns bees or is a keeper of bees;
- (5) "Appliances" means any implements or devices used in the manipulating of bees or their brood or hives, which may be used in any apiary or any extracting or packing equipment;
- (6) "Bees" means honey producing insects of the species *Apis mellifera* and include the adults, eggs, larvae, pupae, or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form;
- (7) "Colony" or "colonies of bees" refers to any natural group of bees having a queen;
- (8) "Hive" means any receptacle or container made or prepared for the use of bees, or box or similar container taken possession of by bees;

(1997 Ed.)

(9) "Location" means any premises upon which an apiary is located.

[Statutory Authority: Chapter 15.60 RCW. 88-07-018 (Order 1967), § 16-602-005, filed 3/7/88.]

WAC 16-602-010 Apiary board, area boundaries. The following are the geographical divisions of the beekeeping industry of Washington state which are represented by members of the apiary board as provided for in RCW 15.60.025:

- (1) Area 1. Area 1 shall include the counties of Whatcom, San Juan, Island, Skagit, Snohomish and King.
- (2) Area 2. Area 2 shall include the counties of Pierce, Kitsap, Clallam, Jefferson, Grays Harbor, Mason, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark and Skamania.
- (3) Area 3. Area 3 shall include the counties of Kittitas, Yakima, Klickitat and Benton.
- (4) Area 4. Area 4 shall include the counties of Okanogan, Chelan and Douglas.
- (5) Area 5. Area 5 shall include the counties of Grant, Adams, Franklin, Walla Walla, Columbia, Garfield, Asotin and Whitman.
- (6) Area 6. Area 6 shall include the counties of Spokane, Lincoln, Ferry, Stevens and Pend Oreille.

[Statutory Authority: Chapter 15.60 RCW. 88-07-018 (Order 1967), § 16-602-010, filed 3/7/88; 78-04-062 (Order 1551), § 16-602-010, filed 3/31/78.]

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 16-602-025 Apiarist registration fees, schedule. (1) Beekeepers in the following two categories shall pay a fee for owning or operating colonies of bees in Washington:

- (a) Resident beekeepers of Washington;
 - (b) Nonresident beekeepers operating colonies in Washington for the purpose of producing honey or other products, or their use or rental for pollination of agricultural crops.
- (2) Both categories of beekeepers shall pay a fee based upon the number of colonies they own or will operate during

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the calendar year in Washington. The fee schedule shall be as follows:

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| 1 - | 5 colonies | \$ | 5.00 |
| 6 - | 25 colonies | \$ | 10.00 |
| 26 - | 100 colonies | \$ | 25.00 |
| 101 - | 300 colonies | \$ | 50.00 |
| 301 - | 500 colonies | \$ | 100.00 |
| 501 - | 1,000 colonies | \$ | 200.00 |
| 1,001 or more | colonies | \$ | 300.00 |

This fee schedule shall remain in effect unless changed upon the advice of the apiary advisory committee and pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

(3) The registration fee shall be paid, on or before April first, on the number of colonies of bees:

(a) Owned by resident beekeepers;

(b) Operated and or rented for pollination by nonresident beekeepers during the calendar year in Washington.

A late charge of one and one-half percent per month shall be assessed on the unpaid balance against persons more than thirty days in arrears.

[Statutory Authority: Chapter 15.60 RCW. 94-05-049 (Order 5030), § 16-602-025, filed 2/10/94, effective 3/13/94.]

WAC 16-602-027 Grower pollination service fee, collection, remittance. (1) As required in RCW 15.60.040, resident and nonresident apiarists who own or operate hives in Washington shall charge growers of pollinated crops a pollination service fee of \$.50 per hive each time a hive of bees is set for the pollination of agricultural crops. The fee shall be shown as a separate line item on the apiarist's invoice to the grower.

(2) The apiarist shall collect the pollination service fee from the grower of agricultural crops upon collection of the pollination fee.

(3) The apiarist shall remit the pollination service fee to the department of agriculture within thirty days of receipt, on forms provided for that purpose.

[Statutory Authority: Chapter 15.60 RCW. 94-12-045 (Order 5044), § 16-602-027, filed 5/27/94, effective 6/27/94.]

WAC 16-602-030 Colony strength. The official minimum standards required for honeybee colony strength certification in the state of Washington shall be:

(1) A honeybee colony to be used in agricultural crop pollination shall have a laying queen (be "queen right").

(2) Colonies shall consist of at least six frames, two-thirds covered with bees at a temperature of 65° Fahrenheit for orchard, berry, seed, and legume pollination.

(3) Hives shall consist of frames of drawn comb.

(4) The official minimum standards shall remain as stated in subsection (2) of this section continuously unless the director by his own motion or upon the advice of the apiary advisory board determines that a new standard may need to be established, in which case the director shall hold a hearing on this issue in accordance with chapter 34.04 RCW.

(5) The department may conduct any requested inspections to determine colony strength against the official minimum standards in subsection (2) of this section, or

against specifications provided in signed contracts between the grower and beekeeper.

[Statutory Authority: Chapter 15.60 RCW. 88-07-018 (Order 1967), § 16-602-030, filed 3/7/88; 78-10-071 (Order 1582), § 16-602-030, 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 16-603 WAC

AQUACULTURE IDENTIFICATION REQUIREMENTS

WAC

16-603-010 Aquaculture identification requirements.

WAC 16-603-010 Aquaculture identification requirements. (1) Any sale or movement of private sector cultured aquatic products made by an aquatic farmer, other than retail sale for personal use by the purchaser or rendering or unmarketable solid waste disposal, shall:

(a) Be accompanied by a shipping document showing:

(i) The aquatic farmer's name;

(ii) The aquatic farm mailing address;

(iii) The aquatic farm registration number required by RCW 75.58.040;

(iv) The date of transfer by the aquatic farmer;

(v) The quantity of each species; and

(b) Be labeled, showing the name of the aquatic farmer and the farmer's aquatic farm registration number on each container of cultured aquatic products.

(c) The shipping documents and labeling required under this section shall be retained and maintained by the purchaser while the private sector cultured aquatic products are under the purchaser's possession or control.

(2) The provisions of this section do not apply to shellfish if the shellfish comply with rules enacted under the labeling requirements for the Sanitary Control of Shellfish Act (WAC 248-58-070), or to live finfish or their reproductive tissues, if the finfish comply with rules enacted under the Washington department of fisheries transfer procedure set forth in chapter 220-77 WAC.

[Statutory Authority: RCW 15.85.040 and 15.85.060. 91-13-018 (Order 2086), § 16-603-010, filed 6/10/91, effective 1/1/92.]

Chapter 16-604 WAC

PUBLIC LIVESTOCK MARKETS—HEALTH, BRANDS AND WEIGHTS AND MEASURES

WAC

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| 16-604-001 | Promulgation. |
| 16-604-002 | Promulgation. |
| 16-604-003 | Promulgation. |
| 16-604-008 | License fees. |
| 16-604-009 | Definitions. |
| 16-604-010 | Brand inspection regulations. |
| 16-604-012 | Brand inspection facilities. |
| 16-604-015 | Sales day. |
| 16-604-020 | Facilities and sanitation. |
| 16-604-025 | Health regulations. |
| 16-604-030 | Scale installation regulations. |
| 16-604-040 | Penalty. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-604-100, 16-604-110, 16-604-120, 16-604-130, 16-604-140, 16-604-150. [Order 958, Promulgation, and Regulations 1-5, filed 8/31/64.] Superseded by Order 1059, Promulgation, Regulations 1-6, filed 7/24/67, effective 8/23/67. Later promulgation, see WAC 16-604-001 through 16-604-040.

WAC 16-604-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapters 16.36, 16.57, 16.65, 19.93, and 16.40 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia on July 18, 1967, do promulgate the following regulations.

[Order 1059, Promulgation, filed 7/24/67, effective 8/23/67; Order 1025, Promulgation, filed 7/22/66; Order 954, Promulgation, filed 8/20/64; Order 913, filed 4/1/63; Order 853, effective 7/19/61; Order 788, effective 6/17/59.]

WAC 16-604-002 Promulgation. (This promulgation relates only to WAC 16-604-009 and 16-604-010.)

I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapter 16.57 RCW and after due notice as provided under chapters 34.04 and 42.32 RCW and a public hearing held in Olympia, Washington, November 13, 1968, do hereby promulgate the following regulations relating to brand inspection; and amending Regulation 1, Order No. 1059 and WAC 16-604-009 and Regulation 2, Order No. 1059 and WAC 16-604-010.

[Order 1102, Promulgation, § 16.604.002 (codified as WAC 16-604-002), filed 11/18/68, effective 12/19/68.]

WAC 16-604-003 Promulgation. (This promulgation relates only to WAC 16-604-20 and 16-604-25.)

I, Donald W. Moos, director of agriculture of the state of Washington by virtue of the authority vested in me under chapters 16.36 and 16.40 RCW, and after due notice as provided chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington, December 1, 1970, do hereby promulgate the following regulations relating to

facilities and health regulations, and amending Regulation 3, Order No. 1102, WAC 16-604-20, and Regulation 4, Order No. 1102, WAC 16-604-25.

[Order 1174, § 16-604-003, filed 12/15/70.]

WAC 16-604-008 License fees. License fees for individuals wishing to operate public livestock markets shall be based upon audited average gross sales volume per official sales day of that market. The fee schedule shall be established as follows:

- (1) For markets producing gross sales up to and including ten thousand dollars a license fee of one hundred fifty dollars;
- (2) For markets producing gross sales over ten thousand dollars up to and including fifty thousand dollars, a license fee of three hundred fifty dollars;
- (3) For markets producing gross sales over fifty thousand dollars, a license fee of four hundred fifty dollars.

[Statutory Authority: Chapter 16.65 RCW. 94-13-069 (Order 5049), § 16-604-008, filed 6/9/94, effective 7/10/94.]

WAC 16-604-009 Definitions. For the purposes of this order:

- (1) "Market" means public livestock market as defined in RCW 16.65.010(1).
- (2) "Department" means the department of agriculture of the state of Washington.
- (3) "Director" means the director of the department or his duly authorized representative.
- (4) "Licensee" means any person licensed to operate a market.
- (5) "Livestock" except as used in the brand inspection regulations of this order means all cattle, horses, mules, swine, sheep, goats, poultry and rabbits.
- (6) "Livestock" as used in the brand inspection regulations of this order means all cattle of whatever species, breed or age.
- (7) "Lot" means livestock of one ownership.
- (8) "Market veterinarian" means a graduate veterinarian licensed in the state of Washington accredited by USDA and employed by a public livestock market.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-022, § 16-604-009, filed 10/13/92, effective 11/13/92; Order 1102, § 16.604.009 (codified as WAC 16-604-009), filed 11/18/68; Order 1059, Regulation 1, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 1, filed 7/22/66, effective 8/22/66.]

WAC 16-604-010 Brand inspection regulations. (1) All cattle and horses shall be inspected for brands by the director prior to sale at any public livestock market.

- (2) A minimum daily inspection fee of ninety dollars shall be paid by the licensee to the department.
- (3) Whenever any cattle or horses are offered for sale at a market and not sold, the identical animals may be offered for sale at the same market within eight days of the original inspection date without being required to pay a second brand inspection fee, upon presentation of the prior brand inspection certificate. In any such instance the unsold cattle or horses must be presented for brand inspection without any animals having been taken from, or other animals having been added to, such lot or group of livestock and must be

retained on the premises where first offered for sale within the time limit specified above.

(4) It shall be the responsibility of the licensee to identify each head of cattle and horses consigned to a market by placing a numbered tag or other method of identification as approved by the director on each animal before the animals are brand inspected. Certain lots of one brand cattle or no brand cattle may be exempted by the director. The licensee or any consignor shall, at the request of the director, make visible any brand on any animal. The licensee shall provide the director with a sale ticket or sale sheet immediately after the animal is sold which shall show the name of the new buyer and the number identifying the animals.

(5) No person shall remove any cattle or horses from the premises of any market without first obtaining a release from the licensee. The licensee or any agent or employee of the licensee shall not allow the removal of any cattle or horses from the premises of the market without first obtaining a brand inspection clearance issued by the director for the cattle or horses to be removed.

[Statutory Authority: Chapter 16.65 RCW. 94-13-069 (Order 5049), § 16-604-010, filed 6/9/94, effective 7/10/94. Statutory Authority: RCW 16.65.445 and 16.65.390. 92-06-013, § 16-604-010, filed 2/24/92, effective 3/26/92; Order 1102, § 16.604.010 (codified as WAC 16-604-010), filed 11/18/68, effective 12/19/68; Order 1059, Regulation 2, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 2, filed 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 788, effective 6/17/59.]

WAC 16-604-012 Brand inspection facilities. Brand inspection facilities shall be approved by the director and shall consist of:

(1) A chute which has a solid base on each side of sufficient strength to contain cattle and horses at least twenty-four inches in height, but no more than thirty-six inches in height. Above the base on each side, the chute shall have wire cables extended along its entire length separated by six-inch intervals to a height of at least six feet. The cables shall be attached to a vertical post every sixteen feet, alternated with a pipe or stay every eight feet for support and to ensure that the cables are maintained in a tight condition;

(2) The brand chute shall be kept well lit with shop, spot, or flood lights on both sides of the chute at a height of five feet above the highest cable. The lighting shall extend for a distance of three-fourths of the length of the chute beginning at the head of the chute;

(3) Electrical outlets for clippers at chutes;

(4) The brand inspection area shall be kept free of any leaking or water build-up of any kind and well covered by adequate roofing;

(5) The work area for brand inspectors on each side of the chute shall be protected from cattle and horses being unloaded or moved by fencing or any other permanent structure allowing at least thirty inches of work space along the length of the chute;

(6) An office shall be provided in the brand inspection area with dimensions of at least eight feet by ten feet. The office shall contain adequate heating and a counter approximately eighteen inches in width at a standing work level.

[Statutory Authority: Chapter 16.65 RCW. 94-13-069 (Order 5049), § 16-604-012, filed 6/9/94, effective 7/10/94.]

WAC 16-604-015 Sales day. In any case where a licensed operator of a public livestock market fails to conduct a sale on a sales day which has been allocated to the licensee by the director more than six times in any twelve-month period, the allocation of that sales day shall be subject to change or revocation. Any change or revocation of an allocated sales day shall be considered in an administrative hearing conducted under the provisions of chapter 34.05 RCW.

[Statutory Authority: RCW 16.65.445 and 16.65.390. 92-06-013, § 16-604-015, filed 2/24/92, effective 3/26/92.]

WAC 16-604-020 Facilities and sanitation. Licensees shall provide facilities and sanitation for the prevention of livestock diseases at their public livestock markets, as follows:

(1) The licensee shall be responsible for the moving and yarding of livestock necessary for brand inspection. Personnel employed by the salesmarket will be required to sort and designate any apparent unhealthy animals before they are admitted into trade channels.

(2) The floors of all pens and alleys that are part of a public livestock market shall be constructed of concrete or similar impervious material and kept in good repair, with a slope of not less than one-fourth inch per foot to adequate drains leading to an approved system: *Provided*, That the director may designate certain pens within such public livestock markets as feeding and holding pens and the floors and alleys of such pens shall not be subject to the aforementioned surfacing requirements.

(3) Feeding and holding pens maintained in an area adjacent to a public livestock market shall be constructed and separated from such public livestock market, in a manner prescribed by the director, in order to prevent the spread of communicable diseases to the livestock sold or held for sale in such public livestock market.

(4) All yards, chutes and pens used in handling livestock shall be constructed of such material which will render them easily cleaned and disinfected, and such yards, pens and chutes shall be kept clean, sanitary and in good repair at all times, as required by the director.

(5) Sufficient calf pens of adequate size to prevent overcrowding shall be provided, and such pens when used shall be cleaned and disinfected no later than the day subsequent to each sale.

(6) All swine pen facilities shall be covered and when used shall be cleaned and disinfected no later than the day subsequent to each sale.

(7) A water system carrying a pressure of forty pounds and supplying sufficient water to thoroughly wash all pens, floors, alleys and equipment shall be provided.

(8) Sufficient quarantine pens of adequate capacity shall be provided. Such pens shall be used to hold only cattle reacting to brucellosis and tuberculosis or to quarantine livestock with other contagious or communicable diseases and shall be:

(a) Hard surfaced with concrete or similar impervious material and shall be kept in good repair.

(b) Provided with separate watering facilities.

(c) Painted white with the word "quarantine" painted in red letters not less than four inches high on such quarantine pen's gate.

(d) Provided with a tight board fence not less than five and one-half feet high.

(e) Cleaned and disinfected not later than one day subsequent to the date of sale.

To prevent the spread of communicable diseases among livestock, the director shall have the authority to cause the cleaning and disinfecting of any area or all areas of a public livestock market and equipment or vehicles with a complete coverage of disinfectants approved by the director.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-022, § 16-604-020, filed 10/13/92, effective 11/13/92; Order 1174, § 16-604-020, filed 12/15/70; Order 1059, Regulation 3, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 3, filed 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 853, filed 6/19/61; Order 788, effective 6/17/59.]

WAC 16-604-025 Health regulations. (1) The director shall require such testing, treating, identifying, examining and record keeping of livestock by a market veterinarian and/or livestock market as in the director's judgment may be necessary to prevent the spread of brucellosis, tuberculosis, or any other infectious, contagious or communicable disease among the livestock of this state.

(2) For livestock health purposes, the director shall establish procedures for inspection of livestock markets for compliance with sanitary requirements and to observe livestock being handled. Such inspections shall be conducted by animal health inspection personnel working under the jurisdiction of the director. Such inspectors will not issue health certificates, perform "private treaty work" or engage in functions other than those in connection with surveillance for communicable, infectious animal diseases and sanitary measures. Operators of markets shall arrange with a market veterinarian to perform animal health inspections, issue health certificates or certificates of veterinary inspection, perform private treaty work, and perform any testing, quarantine, or movement restrictions of animals as directed by the director of agriculture or required by federal law. Departmental inspectors will work in cooperation with any market veterinarians in performing yard inspections.

(3) Markets handling swine shall be required to identify all boars and sows with official identification. Markets must comply with chapters 16-54 and 16-80 WAC and Title 9, Code of Federal Regulations, Parts 71 and 76, when handling swine for market.

(4) No livestock may leave the market for points outside the state of Washington without first meeting the requirements of the state of destination and Title 9, Subchapter C, Code of Federal Regulations.

(5) Any animal or animals which have been found by the inspector to be diseased or unhealthy shall be handled in accordance with instructions of a veterinarian as to disposition. He may require they be marked "slaughter only" and be sold only to immediate slaughter; require they be sold "as is" with an announcement; require they be returned to consignor with or without quarantine; or require they be held under quarantine in the yard.

(6) Brucellosis.

(a) Animal health requirements as prescribed in chapters 16-54 and 16-86 WAC shall be met for animals entering or released from the public livestock markets. Those public livestock markets that are not specifically approved as per Title 9, Part 78, Subchapter C, Code of Federal Regulations that wish to provide brucellosis blood testing as approved by the director shall comply with the facilities requirements for specifically approved saleyards. Specifically approved yards (Title 9, Part 78, Code of Federal Regulations) can accept cattle and bison from out-of-state without meeting the import requirements provided that all Washington state animal health requirements are met at the yard upon arrival. Those yards not specifically approved can receive from out-of-state only those cattle and bison that have met all animal health requirements prior to entering the state.

(b) Animals released from Washington markets to points outside the state shall be in compliance with Federal Interstate Regulations and must meet the import requirements of the state of destination.

(c) Salesyard brucellosis reactors will be:

(i) Tagged with reactor identification tags in the left ear and branded "B" on the left jaw.

(ii) Placed in a "quarantine pen."

(iii) Sold at the close of the regular sale to licensed slaughterer or their designated agent operating under federal or state inspection or return to the farm of origin under a written quarantine.

(iv) The market veterinarian shall issue VS Form 1-27 on all suspects or reactors immediately after their sale or detection and the original copy must accompany the animals to slaughter or back to the farm of origin. The pink and yellow copies are to be mailed immediately to the state veterinarian, Olympia, and the green copy mailed immediately to the destination of shipment or shall accompany shipment.

(v) All brucellosis reactors consigned and transported directly to a licensed slaughtering establishment for immediate slaughter cannot be transported with any animals not so consigned. All trucks and railway cars or other conveyances used for the transportation of such reactors shall be cleaned and disinfected at destination under state and federal supervision.

(7) For the purpose of tracing dealer consigned livestock to herds of origin for health purposes, the certificates of permit (S.F. No. 4847) will be the accepted document for transferring tracing information to the director at the market.

Exceptions - this section does not apply to dairy cattle under twenty months nor beef cattle under twenty-four months of age.

(8) All livestock markets shall officially identify all sexually intact cattle and bison over eighteen months of age with an official backtag prior to being presented for sale. Records of the backtags applied to the animal indicating seller, buyer, and brucellosis vaccination status if animal is a female shall be maintained by the market for a period of one year.

(9) Immediate slaughter livestock.

(a) Livestock purchased through a market for slaughter in the state of Washington may be consigned only to a licensed slaughtering establishment, restricted feed lot, or another market for sale for immediate slaughter. Such animals will be cleared from the market on Washington state

cattle brand certificate and must reach the declared point of destination at slaughter establishment or restricted feed lot within ten days of first being declared immediate slaughter livestock. Identification tags may not be removed and clearance papers must be presented with the animals at declared point of destination and livestock shall not be diverted to any other point.

(b) Cattle that have been declared immediate slaughter cattle shall not be commingled with cattle not so declared.

(c) No Washington state cattle brand certificate will be issued at any market unless the purchaser first certifies the exact name and address of the destination of such domestic animals or animal and such animals are identified to herd of origin in a manner prescribed by the director.

(10) Health of swine.

(a) Intrastate consignments. Washington swine that are healthy, unexposed to any contagious or infectious disease and not under quarantine may enter and leave any market in the state after veterinary inspection.

(b) Interstate consignments.

(i) Slaughter swine. Swine not known to be affected with or exposed to infectious or communicable swine diseases may be moved into the state without health certificate to a recognized slaughtering center, public stockyards under federal supervision or livestock market specifically approved under Part 76, Title 9, Code of Federal Regulations for immediate slaughter, and may not be diverted enroute. The waybills or certificates for shipment must state for "slaughter only."

(ii) Feeder and breeder swine - must have originated from states in Stage IV or Stage V pseudorabies free status and/or comply with the entry requirements as stated in chapter 16-54 WAC. Animals must be accompanied by official health certificate stating that they are clinically free of symptoms of infectious and contagious disease or exposure thereto, unless consigned to a market approved under Part 76, Title 9, CFR. The consignor and consignee will be properly listed with exact mailing addresses clearly shown. Such hogs must not come in contact with hogs from states of unlike status prior to or during shipment, and must have been transported in one continuous movement.

(c) Swine brucellosis. All interstate swine over six months of age entering public livestock markets to be sold for breeding purposes must have been tested and found negative to brucellosis within thirty days prior to entry or originate in a validated brucellosis free herd. Swine not in compliance will not be sold as breeder swine. Swine originating from a herd where brucellosis is known to exist will not be sold as breeder swine.

[Statutory Authority: RCW 16.36.040 and 16.36.096. 92-21-022, § 16-604-025, filed 10/13/92, effective 11/13/92; Order 1174, § 16-604-025, filed 12/15/70; Order 1059, Regulation 4, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 3, 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 853, filed 6/19/64; Order 788, effective 6/17/59.]

WAC 16-604-030 Scale installation regulations. (1) Approaches and accessibility for testing.

(a) A convenient unobstructed hard surfaced approach to the livestock scale at the scale deck level must be provided when the scale is inaccessible for a test truck.

(b) Doors and passageways shall be a minimum of six feet in width.

(2) The scale deck shall be constructed preferably of reinforced concrete with "Z" bar coping. If cleats are used which are more than 3/4" in thickness, such cleats shall be hinged or readily removable, otherwise a satisfactory covering for such cleats must be provided to allow for proper testing.

(3) The stock rack shall be securely fastened to the scale deck. There shall be a minimum clearance of 3" between the rack and surrounding dead construction. Adequate space and visibility shall be provided so that interested parties may observe the weighing operation. All dial scales used by the licensee shall be of adequate size to be readily visible to all interested parties and shall be equipped with a mechanical weight recorder. All beam scales used by the licensee shall be equipped with a balance indicator, a weigh beam and a mechanical weight recorder, all readily visible to all interested parties.

(4) The pit and foundation shall be of monolithic construction. Coping iron shall be required on all corners adjacent to the deck. The pit shall be six feet in depth, dry and readily accessible for inspection. Electrical lighting facilities for inspection shall be provided. Exception to the six foot depth may be allowed, upon approval of the director, when conditions are sufficiently adverse. However, a minimum of two feet clearance shall always be provided between the lowest scale lever and the pit floor.

(5) The recording element shall be adequately housed for protection against wind and weather.

(6) No scales are required at markets licensed to handle horses and mules only unless animals are to be sold by weight. When animals are sold by weight, the scale requirements as shown previously shall apply.

[Order 1059, Regulation 5, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 4, filed 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 788, effective 6/17/59.]

WAC 16-604-040 Penalty. The violation of any regulation set forth in this order shall constitute a violation of the applicable statute under which such regulation was adopted.

[Order 1174, § 16-604-040, filed 12/15/70; Order 1059, Regulation 6, filed 7/24/67, effective 8/23/67; Order 1025, Regulation 6, filed 7/22/66, effective 8/22/66; Order 954, filed 8/20/64; Order 913, filed 4/1/63; Order 788, effective 6/17/59.]

Chapter 16-605A WAC CERTIFIED FEED LOTS

WAC

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| 16-605A-001 | Certified feed lot license fee. |
| 16-605A-005 | Certified feed lot license expiration—Late renewal penalty. |
| 16-605A-010 | Certified feed lot handling fee. |

WAC 16-605A-001 Certified feed lot license fee. The fee license a certified feed lot shall be seven hundred fifty dollars.

[Statutory Authority: Chapter 16.58 RCW. 94-13-068 (Order 5048), § 16-605A-001, filed 6/9/94, effective 7/10/94.]

WAC 16-605A-005 Certified feed lot license expiration—Late renewal penalty. (1) Certified feed lot licenses issued under RCW 16.58.060 shall expire on June 30th following the date of issuance.

(2) Applicants filing for license renewal after June 30th shall be subject to an additional assessment as provided by RCW 16.58.060.

(3) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-605A-005, filed 7/25/91, effective 8/25/91.]

WAC 16-605A-010 Certified feed lot handling fee. The licensee shall pay to the director a fifteen cent fee for each head of cattle handled through the licensee's certified feed lot.

[Statutory Authority: Chapter 16.58 RCW. 94-13-068 (Order 5048), § 16-605A-010, filed 6/9/94, effective 7/10/94.]

Chapter 16-606 WAC

STANDARDS FOR SANITATION AND FACILITIES OF PUBLIC LIVESTOCK MARKET LICENSED TO HANDLE HORSES ONLY

WAC

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| 16-606-001 | Promulgation. |
| 16-606-009 | Definitions. |
| 16-606-010 | Facilities and sanitation. |
| 16-606-020 | Penalty. |

WAC 16-606-001 Promulgation. I, Cameron S. Adams, acting director of agriculture of the state of Washington, by virtue of the authority vested in me under chapters 16.36 and 16.65 RCW, and after due notice as provided in chapters 34.04 and 42.32 RCW, and a public hearing held in Olympia, Washington on April 27, 1972, do hereby promulgate the following regulations relating to licensing, facilities and health requirements at public horse sales.

[Order 1239, § 16-606-001, filed 5/5/72.]

WAC 16-606-009 Definitions. For the purpose of this order:

- (1) "Market" means public horse sale market.
- (2) "Department" means the department of agriculture of the state of Washington.
- (3) "Director" means the director of the department or his duly authorized representative.
- (4) "Licensee" means any person licensed to operate a horse sale market.
- (5) "Livestock" as used in this order means all horses, mules or asses.

[Order 1239, § 16-606-009, filed 5/5/72.]

WAC 16-606-010 Facilities and sanitation. (1) Licensees shall provide facilities and sanitation for the prevention of livestock diseases at their public livestock market.

(a) The facilities for the housing and sale of horses shall be under roof. All areas will be adequately lighted to allow for inspection and viewing of all animals. A potable water supply will be provided in sufficient quantity and under adequate pressure to provide for cleaning and for fire protection.

(b) Floors of all pens, alleys and stalls that are part of the horse auction market shall be so constructed and maintained as not to allow for the accumulation or pooling of water.

(c) Fencing and walls of the entire sales facility shall be constructed of such material which will render them easily cleaned and disinfected, painted and maintained in a sanitary manner, free of accumulating secretions that might harbor horse diseases, as provided by the director. To prevent the spread of communicable diseases among horses the director shall have the authority to cause the cleaning and disinfecting of any area or all areas of the horse auction market, including equipment and vehicles.

(d) When required the floor surface shall be cleaned of loose material, and all fencing, walls, stalls, mangers, equipment and vehicles shall be cleaned and covered with a disinfecting material approved by the director.

(e) A common watering facility will not be acceptable. Horses will be individually bucket watered.

(f) The licensee shall employ an accredited veterinarian on a private fee basis, who will have authority and responsibility for the direction and control of the sanitary practices and examination of all horses at the sale market, and his decision as to the health of animals presented for sale shall be final.

(g) Horses may be consigned to the sale on individual health certificates made within five days prior to the date of the sale and/or be individually inspected by the attending veterinarian prior to stalling. Animals exhibiting symptoms of infectious, contagious or communicable diseases will be returned to point of origin. The sales management or personnel employed by the salesmarket will receive such health certificate and/or will require a prestalling veterinary health inspection. Copies of health certificates will be mailed to the division of animal industry, Washington state department of agriculture, Olympia, one day following the sale. A blanket health certificate, covering all of the sale horses, made by the attending veterinarian, will be acceptable.

(h) Tranquilizing, drugging or nerve blocking to disguise temperament and blemishes or ailments of a horse will be strictly prohibited. Horses suspected by the attending veterinarian of such treatment will not be accepted for sale.

(i) No group or mass corralling will be authorized; provided, however, that mare and foal may be stalled together.

[Order 1239, § 16-606-010, filed 5/5/72.]

WAC 16-606-020 Penalty. The violation of any regulation set forth in this order shall constitute a violation

of the applicable statute under which such regulation was adopted.

[Order 1239, § 16-606-020, filed 5/5/72.]

Chapter 16-608 WAC SPECIAL LIVESTOCK SALES

WAC

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| 16-608-001 | Definitions. |
| 16-608-010 | Special permits. |
| 16-608-020 | Membership. |

WAC 16-608-001 Definitions. For the purpose of these regulations:

(1) "Farmers cooperative association" means any properly incorporated cooperative association whose membership is made up of livestock producers.

(2) "Association of livestock breeders" means any properly incorporated association whose membership is made up of livestock breeders. In addition, all definitions contained in RCW 16.65.010 shall apply.

[Statutory Authority: Chapter 16.65 RCW. 81-05-010 (Order 1720), § 16-608-001, filed 2/9/81.]

WAC 16-608-010 Special permits. Any farmers cooperative association or association of livestock breeders, or farmer selling his own livestock on his own premises by auction or any other method, who is requesting the approval of the director for a special sale, shall make such request in writing at least fifteen days prior to such proposed sale date and such sale date shall be approved subject to the discretion of the director.

[Statutory Authority: Chapter 16.65 RCW. 81-05-010 (Order 1720), § 16-608-010, filed 2/9/81.]

WAC 16-608-020 Membership. For the purpose of assuring that any sale proposed by a farmers cooperative association or association of livestock breeders is limited to the sale of their own livestock, any such association may be required to verify to the director that any person offering livestock for sale in such special sale was a member of the association at the time of the filing of any consignment application, contract or commitment.

[Statutory Authority: Chapter 16.65 RCW. 81-05-010 (Order 1720), § 16-608-020, filed 2/9/81.]

Chapter 16-620 WAC RELATING TO BRAND INSPECTION

WAC

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| 16-620-010 | Definitions. |
| 16-620-015 | The livestock identification advisory board. |
| 16-620-020 | Point of inspection. |
| 16-620-030 | Out-of-state points of inspection. |
| 16-620-080 | Inspection exemption at slaughterhouse. |
| 16-620-100 | Prescribed transportation permit and bill of sale form. |
| 16-620-105 | Self-inspection slips. |
| 16-620-150 | Brand registration and renewal fee. |
| 16-620-205 | Identification by freeze branding. |
| 16-620-210 | Purchase of official forms. |

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| 16-620-230 | Certificate of permit required for custom slaughtered cattle. |
| 16-620-240 | Slaughter tag. |
| 16-620-250 | Brand identification on slaughtered cattle by owner. |
| 16-620-260 | Fee. |
| 16-620-275 | Minimum fee. |
| 16-620-280 | Inspection—Annual and lifetime certificates. |
| 16-620-290 | Fees—Regular inspection points. |
| 16-620-340 | Inspection, special sales. |
| 16-620-350 | Inspection time charged. |
| 16-620-380 | Inspection fee. |
| 16-620-390 | Renewal of registered brands. |
| 16-620-400 | Recording fee. |
| 16-620-410 | Fee for certified copy of brand record. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-620-001 | Promulgation. [Order 1117, § 16-620-001, filed 5/21/69, effective 7/1/69.] Repealed by 80-07-034 (Order 1707), filed 6/17/80. Statutory Authority: Chapter 16.57 RCW. |
| 16-620-002 | Promulgation. [Order 1160, § 16-620-002, filed 8/10/70, effective 9/10/70.] Repealed by 80-07-034 (Order 1707), filed 6/17/80. Statutory Authority: Chapter 16.57 RCW. |
| 16-620-004 | Promulgation. [Order 1167, § 16-620-004, filed 11/16/70, effective 12/17/70.] Repealed by 80-07-034 (Order 1707), filed 6/17/80. Statutory Authority: Chapter 16.57 RCW. |
| 16-620-005 | Promulgation. [Order 1180, § 16-620-005, filed 3/2/71.] Repealed by 80-07-034 (Order 1707), filed 6/17/80. Statutory Authority: Chapter 16.57 RCW. |
| 16-620-006 | Promulgation. [Order 1266, § 16-620-006, filed 5/18/72, effective 7/1/72.] Repealed by 80-07-034 (Order 1707), filed 6/17/80. Statutory Authority: Chapter 16.57 RCW. |
| 16-620-007 | Promulgation. [Order 1379, § 16-620-007, filed 11/6/74; Order 1373, § 16-620-007, filed 7/15/74; Order 1328, § 16-620-007, filed 11/2/73.] Repealed by 79-07-098 (Order 1590), filed 6/29/79. Statutory Authority: Chapter 16.57 RCW. |
| 16-620-040 | Approval as inspection point. [Order 1160, § 16-620-040, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-040, filed 5/21/69, effective 7/1/69.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. |
| 16-620-050 | Records. [Order 1160, § 16-620-050, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-050, filed 5/21/69, effective 7/1/69.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. |
| 16-620-060 | Charge for brand inspection. [Order 1160, § 16-620-060, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-060, filed 5/21/69, effective 7/1/69.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. |
| 16-620-070 | Inspection exemption at feed lot. [Order 1160, § 16-620-070, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-070, filed 5/21/69, effective 7/1/69.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. |
| 16-620-090 | Documents for exemption. [Order 1160, § 16-620-090, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-090, filed 5/21/69, effective 7/1/69.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. |
| 16-620-110 | Fee for filing. [Statutory Authority: 1985 c 412. 85-24-015 (Order 1874), § 16-620-110, filed 11/25/85.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. |
| 16-620-115 | Lien list subscription fee. [Statutory Authority: 1985 c 412. 85-24-015 (Order 1874), § 16-620-115, filed 11/25/85.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. |
| 16-620-200 | Brand inspection. [Order 1266, § 16-620-200, filed 5/18/72, effective 7/1/72.] Repealed by 90-23-087 (Order |

- 16-620-220 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. Required brand inspection on custom slaughtered cattle. [Order 1328, § 16-620-220, filed 11/2/73.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-620-255 Brand identification on horses. [Statutory Authority: Chapter 16.57 RCW. 80-07-034 (Order 1707), § 16-620-255, filed 6/17/80.] Repealed by 82-04-001 (Order 1753), filed 1/21/82. Statutory Authority: Chapter 16.57 RCW.
- 16-620-265 Actual costs for enforcement and surveillance established. [Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-265, filed 6/29/79.] Repealed by 88-12-036 (Order 1979), filed 5/27/88. Statutory Authority: RCW 16.57.160.
- 16-620-270 Actual costs established. [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.] Repealed by 94-13-070 (Order 5050), filed 6/9/94, effective 7/10/94. Statutory Authority: Chapter 16.57 RCW.
- 16-620-300 Other inspection points. [Statutory Authority: Chapter 16.57 RCW. 82-04-001 (Order 1753), § 16-620-300, filed 1/21/82; Order 1379, § 16-620-300, filed 11/6/74.] Repealed by 87-16-044 (Order 1944), filed 7/29/87. Statutory Authority: RCW 16.57.350.
- 16-620-310 Further inspection points. [Order 1379, § 16-620-310, filed 11/6/74.] Repealed by 82-04-001 (Order 1753), filed 1/21/82. Statutory Authority: Chapter 16.57 RCW.
- 16-620-320 Inspection prior to branding. [Order 1379, § 16-620-320, filed 11/6/74.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-620-330 Inspection prior to sale. [Order 1379, § 16-620-330, filed 11/6/74.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.
- 16-620-360 Change of ownership. [Statutory Authority: Chapter 16.57 RCW. 80-07-034 (Order 1707), § 16-620-360, filed 6/17/80; Order 1379, § 16-620-360, filed 11/6/74.] Repealed by 82-04-001 (Order 1753), filed 1/21/82. Statutory Authority: Chapter 16.57 RCW.
- 16-620-370 Actual costs established. [Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-370, filed 6/29/79.] Repealed by 90-23-087 (Order 2059), filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW.

WAC 16-620-010 Definitions. For the purpose of this chapter:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department or a duly appointed representative.
- (3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.
- (4) "Livestock" includes, but is not limited to, horses, mules, cattle, sheep, swine, goats, poultry and rabbits.
- (5) "Brand" means a permanent fire brand or any artificial mark, other than an individual identification symbol, approved by the director to be used in conjunction with a brand or by itself.

(6) "Production record brand" means a number brand which shall be used for production identification purposes only.

(7) "Brand inspection" means the examination of livestock or livestock hides for brands or any means of identifying livestock or livestock hides and/or the application of any artificial identification such as back tags or ear clips necessary to preserve the identity of the livestock or livestock hides examined.

(8) "Individual identification symbol" means a permanent mark placed on a horse for the purpose of individually identifying and registering the horse and which has been approved for use as such by the director.

(9) "Registering agency" means any person issuing an individual identification symbol for the purpose of individually identifying and registering a horse.

(10) "Poultry" means chickens, turkeys, ratites, and other domesticated fowl.

(11) "Ratite" means, but is not limited to, ostrich, emu, rhea, or other flightless bird used for human consumption, whether live or slaughtered.

(12) "Ratite farming" means breeding, raising, and rearing of an ostrich, emu, or rhea in captivity or an enclosure.

(13) "Microchipping" means the implantation of an identification microchip in the pipping muscle of a chick ratite or the implantation of a microchip in the tail muscle of an otherwise unidentified adult ratite.

[Statutory Authority: Chapter 16.57 RCW. 94-13-070 (Order 5050), § 16-620-010, filed 6/9/94, effective 7/10/94. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. 90-23-087 (Order 2059), § 16-620-010, filed 11/21/90, effective 12/22/90; Order 1160, § 16-620-010, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-010, filed 5/21/69, effective 7/1/69.]

WAC 16-620-015 The livestock identification advisory board. (1) The livestock identification advisory board established in RCW 16.57.015 shall be composed of six members appointed by the director. The advisory board shall meet at least once annually with the director to perform its advisory functions. Additional meetings may be convened at the request of the director or a majority of the membership.

(2) Advisory board members must be residents of the state of Washington and actively engaged in the industry they represent. The director shall serve as an ex officio member of the livestock identification advisory board.

(3) Appointments shall be made for three-year terms, except that initial appointments shall be as follows:

- (a) Two members appointed for three-year terms;
- (b) Two members appointed for two-year terms; and
- (c) Two members appointed for one-year terms.

(4) Positions shall be numbered one through six as follows:

- (a) Position one - beef producers;
- (b) Position two - public livestock market operators;
- (c) Position three - horse owners;
- (d) Position four - dairy farmers;
- (e) Position five - cattle feeders; and
- (f) Position six - meat processors.

(5) Initially positions one and four will serve a one-year term; positions two and five will serve a two-year term; and positions three and six will serve a three-year term.

(6) Subsequent to the initial appointments, terms shall commence July 1 and expire June 30.

(7) Vacancies in membership may be filled by the director for the remainder of the unexpired term. Active members of the advisory board and presidents of affected state-wide industry groups may submit names to the director for consideration in filling vacancies.

(8) The director shall solicit nominations to fill vacancies from state-wide industry groups associated with a vacant position. Nominations from industry groups for full terms shall be submitted to the director for consideration prior to May 1 of the year the term is scheduled to expire.

[Statutory Authority: Chapter 16.57 RCW. 94-13-070 (Order 5050), § 16-620-015, filed 6/9/94, effective 7/10/94.]

WAC 16-620-020 Point of inspection. All cattle shall be inspected for brands or other proof of ownership at the following points;

(1) Prior to being moved out of state, except to those public livestock markets designated by the director as livestock inspection sites for the state of Washington.

(2) Prior to sale at any public livestock market.

(3) Prior to slaughter at any slaughter plant where the United States Department of Agriculture maintains meat inspection.

(4) Upon entry or reentry and prior to commingling with other cattle at any certified feed lot licensed under chapter 16.58 RCW, unless the cattle are accompanied by a brand inspection certificate issued by the director or any other agency authorized in any other state or any Canadian province by law to issue such a certificate.

(5) At any point of sale or the taking of possession by an intended purchaser or private agent subject to title passing, except that inspection shall not be required for any individual private sale of any unbranded dairy breed milk production cattle involving fifteen head or less, provided the seller gives two copies of the completed transportation permit/bill of sale to the buyer. The buyer is then required to send one copy of the transportation permit/bill of sale to the department. The buyer may also pay any assessments collected under the National Beef Promotion and Research Act to the department at the same time as the buyer sends the completed transportation permit/bill of sale to the department and the department shall remit any assessments collected to the Washington state beef commission as provided under the National Beef Promotion and Research Act.

[Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. 90-23-087 (Order 2059), § 16-620-020, filed 11/21/90, effective 12/22/90; Order 1180, § 16-620-020, filed 3/2/71; Order 1167, § 16-620-020, filed 11/16/70, effective 12/17/70; Order 1160, § 16-620-020, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-020, filed 5/21/69, effective 7/1/69.]

WAC 16-620-030 Out-of-state points of inspection.

Cattle may be moved out-of-state without prior brand inspection when they are destined for a public livestock market or slaughterhouse in another state where brand inspection is performed by the department or an agent pursuant to an agreement with such state. Such cattle may move out of the state of Washington to such public livestock market or slaughterhouse if accompanied by a certificate of permit showing that such cattle are directly destined for and

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being directly transported to such out-of-state inspection point. Such certificate of permit shall not be valid for transportation to any other inspection point or beyond such inspection points.

[Order 1160, § 16-620-030, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-030, filed 5/21/69, effective 7/1/69.]

WAC 16-620-080 Inspection exemption at slaughterhouse. Any cattle or lot of cattle owned by a slaughterhouse and accompanied by a brand inspection certificate issued by the department or by another state shall not be subject to brand inspection if the department is given written assurance, upon a form provided by the department, by the said slaughterhouse that the cattle or lot of cattle described on such inspection certificate have not been commingled with other cattle or added to or deducted from.

[Order 1160, § 16-620-080, filed 8/10/70, effective 9/10/70; Order 1117, § 16-620-080, filed 5/21/69, effective 7/1/69.]

WAC 16-620-100 Prescribed transportation permit and bill of sale form. The transportation permit and bill of sale form incorporated herein shall constitute the official form prescribed by the director under the provisions of RCW 16.57.240.

PRIVATE SALES OF CATTLE

State of Washington
 Department of Agriculture
 406 General Admin. Bldg., AX-41
 Olympia, WA 98504-0641

No. _____

Private sales of unbranded dairy breed milk production cattle of 15 head or less are exempt from mandatory ownership inspection by the Livestock Identification Section of the State Department of Agriculture only if:

- The Seller gives two copies of a completed Transportation Permit / Bill of Sale to the buyer.
- The Buyer mails one copy of the completed Transportation Permit / Bill of Sale to the State Department of Agriculture.

The Seller is also required to pay \$1.00 per head under the National Beef Promotion and Research Act and the Buyer is required to collect that assessment and to remit it to the Washington State Beef Commission or the State Department of Agriculture.

BUYERS

For your convenience, you may mail any assessments collected under the National Beef Promotion and Research Act to the State Department of Agriculture along with the required Transportation Permit / Bill of Sale to:

State Department of Agriculture
 Livestock Identification
 406 General Administration Bldg., AX-41
 Olympia, WA 98504-0641

[Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. 90-23-087 (Order 2059), § 16-620-100, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.160 and 16.57.240. 81-19-026 (Order 1748), § 16-620-100, filed 9/9/81. Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-100, filed 6/29/79; Order 1167, § 16-620-100, filed 11/16/70, effective 12/17/70.]

WAC 16-620-105 Self-inspection slips. (1) In lieu of brand inspection by the department, individual private sales of cattle, not to exceed fifteen head that are sold by the seller to the same person during a consecutive eight-day period, may be conducted utilizing self-inspection slips prescribed by and obtained from the department.

(2) Self-inspection slips shall be completed to show the brand, breed, color and sex of the cattle and shall be used only for the sale of cattle within the state. Self-inspection slips shall not be used for sales taking place at:

- (a) Any public livestock market;
- (b) Any slaughter plant where the USDA maintains meat inspection; or
- (c) Any certified feed lot.

Self-inspection slips shall not be valid for other than no brand or seller's brand cattle. The transaction is validated when both buyer and seller sign the self-inspection slip. The original shall be provided to the buyer to verify the inspection and accompany the cattle and the seller shall retain a copy. The cost of each slip shall include the current brand inspection fee and the assessment for the National Beef

| | | | | |
|---|--------------|------------|--------------|-----------------------|
| <input type="checkbox"/> TRANSPORTATION PERMIT <i>Required to transport cattle within Washington State.</i> | | | | |
| (or) | | | | |
| <input type="checkbox"/> BILL OF SALE <i>Inspection to clear ownership by W.S.D.A. is required upon any sale of cattle, except for private sales of unbranded dairy breed milk production cattle of 15 head or less, provided the buyer and seller comply with WAC 16-620-020 (5). (see back side of this form)</i> | | | | |
| OWNER _____ | DATE _____ | | | |
| SOLD TO _____ | CITY _____ | | | |
| POINT OF ORIGIN (NEAREST POST OFFICE) _____ | COUNTY _____ | | | |
| DESTINATION (CONIGNED TO) _____ | CITY _____ | | | |
| HAULED BY (SIGNATURE) _____ | | | | |
| VEHICLE LICENSE NO. _____ | STATE _____ | | | |
| NO. OF LIVESTOCK | BREED | SEX | BRAND | BRAND LOCATION |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Are the above livestock subject to a lien or mortgage? <input type="checkbox"/> YES <input type="checkbox"/> NO Failure to disclose a lien or mortgage may be punishable as a gross misdemeanor (RCW 16.05.150). If applicable enter name of any Lienholder: | | | | |
| * I CERTIFY THAT I AM THE OWNER OF THE DESCRIBED LIVESTOCK: | | | | |
| ADDRESS OF OWNER _____ | | CITY _____ | | |
| * IF YOU ARE NOT THE OWNER, BUT ARE AUTHORIZED TO SELL ON THE OWNER'S BEHALF, SIGN HERE: | | | | |

VOID IF ALTERED

NOTE: Any falsification or forgery of this document may be punishable as a felony (RCW 40.16.630).

AGFI 7020 (Rev. 9/90)

Promotion and Research Act. The WSDA shall remit assessments collected to the Washington state beef commission.

[Statutory Authority: 1995 c 374 § 51, 95-23-019 (Order 5088), § 16-620-105, filed 11/7/95, effective 12/8/95.]

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 16-620-205 Identification by freeze branding. The technique of identifying livestock by freeze branding may be used for complying with the requirements of chapter 16.57 RCW and chapter 16-620 WAC.

[Statutory Authority: Chapter 16.57 RCW, 80-07-034 (Order 1707), § 16-620-205, filed 6/17/80.]

WAC 16-620-210 Purchase of official forms. Books of the official certificate of permit and bill of sale shall be obtained from the regulatory services division of the department of agriculture upon payment of one dollar.

[Statutory Authority: Chapter 16.57 RCW, 82-04-001 (Order 1753), § 16-620-210, filed 1/21/82. Statutory Authority: RCW 16.57.160 and 16.57.240, 81-19-026 (Order 1748), § 16-620-210, filed 9/9/81; Order 1266, § 16-620-210, filed 5/18/72, effective 7/1/72.]

WAC 16-620-230 Certificate of permit required for custom slaughtered cattle. In lieu of brand inspection any licensed custom farm slaughterer shall identify the cattle custom slaughtered on the certificate of permit obtained from the department by listing the brand, breed and sex if branded or the breed, sex, color and any other identifying feature if not branded. The number on the official Washington state department paper slaughter tag shall also be listed on the certificate of permit obtained from the department. Such certificate of permit shall be signed by the owner of the livestock and a copy mailed to the department in accordance with RCW 16.57.275.

[Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW, 90-23-087 (Order 2059), § 16-620-230, filed 11/21/90, effective 12/22/90; Order 1328, § 16-620-230, filed 11/2/73.]

WAC 16-620-240 Slaughter tag. Any person licensed as a custom farm slaughterer shall, in lieu of mandatory brand inspection, complete and attach an official department of agriculture paper slaughter tag to each of the four quarters of all slaughtered cattle handled by that slaughterer. These tags must remain on the quarters until the quarters are cut and wrapped. The department will maintain a surveillance and enforcement program to assure compliance with these regulations).

[Statutory Authority: RCW 16.57.160, 88-12-036 (Order 1979), § 16-620-240, filed 5/27/88. Statutory Authority: Chapter 16.57 RCW, 79-07-098 (Order 1590), § 16-620-240, filed 6/29/79; Order 1373, § 16-620-240, filed 7/15/74; Order 1328, § 16-620-240, filed 11/2/73.]

WAC 16-620-250 Brand identification on slaughtered cattle by owner. Any person slaughtering his own

cattle shall, in lieu of brand inspection prior to slaughter, make the same identification as required of a licensed slaughterer under WAC 16-620-230 on a certificate of permit as prescribed in RCW 16.57.275 if the carcass is to be transported to a custom cutting and wrapping facility. No custom cutting and wrapping facility may receive a carcass from other than a custom farm slaughterer mobile or fixed location or an officially inspected slaughterhouse unless it is accompanied by the certificate of permit. Such custom cutting and wrapping facility shall, when the carcass is accompanied by a certificate of permit, place an official Washington slaughter tag on each quarter of the carcass. These tags must remain on the quarters, for identification, until processing.

[Order 1373, § 16-620-250, filed 7/15/74; Order 1328, § 16-620-250, filed 11/2/73.]

WAC 16-620-260 Fee. Only the department of agriculture will provide the identifying paper tags, referred to in WAC 16-620-240 and 16-620-250, to licensed custom farm slaughterers or custom meat facilities. The fee for each set of four paper tags shall be one dollar and fifty cents.

[Statutory Authority: RCW 16.57.160, 88-12-036 (Order 1979), § 16-620-260, filed 5/27/88. Statutory Authority: Chapter 16.57 RCW, 79-07-098 (Order 1590), § 16-620-260, filed 6/29/79; Order 1373, § 16-620-260, filed 7/15/74; Order 1328, § 16-620-260, filed 11/2/73.]

WAC 16-620-275 Minimum fee. There shall be a minimum fee of \$2.50 for the issuance of any official brand inspection certificate except when such certificate is issued at a public livestock market at a time when the normal brand inspection at that point requires a brand inspector to be present.

[Statutory Authority: Chapter 16.57 RCW, 80-07-034 (Order 1707), § 16-620-275, filed 6/17/80.]

WAC 16-620-280 Inspection—Annual and lifetime certificates. Pursuant to RCW 16.57.400, the owner of any horses or cattle may apply for an annual or lifetime identification certificate. The fee for an annual certificate shall be seven dollars and fifty cents for any horses or cattle. The fee for a lifetime certificate shall be fifteen dollars for any horses or cattle. In the event the fees collected do not cover the cost of the inspector in performing any such inspection, an additional charge may be added at actual costs.

[Statutory Authority: Chapter 16.57 RCW, 94-13-070 (Order 5050), § 16-620-280, filed 6/9/94, effective 7/10/94. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW, 90-23-087 (Order 2059), § 16-620-280, filed 11/21/90, effective 12/22/90. Statutory Authority: Chapter 16.57 RCW, 82-04-001 (Order 1753), § 16-620-280, filed 1/21/82; Order 1379, § 16-620-280, filed 11/6/74.]

WAC 16-620-290 Fees—Regular inspection points. The fee for the brand inspection of horses at public livestock markets and slaughterhouses shall be three dollars per animal inspected. Such inspection fees shall be applicable only during the scheduled time which the director of agriculture has established as regular brand inspecting time at each such public livestock market or slaughterhouse. Inspection performed upon request during any other time at such public livestock markets or slaughterhouses may be actual costs.

[Statutory Authority: Chapter 16.57 RCW. 94-13-070 (Order 5050), § 16-620-290, filed 6/9/94, effective 7/10/94. Statutory Authority: RCW 16.57.350. 87-16-044 (Order 1944), § 16-620-290, filed 7/29/87. Statutory Authority: Chapter 16.57 RCW. 82-04-001 (Order 1753), § 16-620-290, filed 1/21/82; Order 1379, § 16-620-290, filed 11/6/74.]

WAC 16-620-340 Inspection, special sales. Inspection shall be mandatory at all special horse sales wherein horses of more than one owner are offered for sale either by private treaty or auction. Inspection charges at any such sale shall be collected and paid to the department of agriculture by the person or business entity conducting the sale. The department of agriculture may require the prepayment of said inspection charges. The charge for inspection at special horse sales shall be three dollars per animal. If the inspection charges do not cover the total cost incurred by the department, the remainder shall be the responsibility of the person or business entity conducting the sale at actual cost.

[Statutory Authority: Chapter 16.57 RCW. 94-13-070 (Order 5050), § 16-620-340, filed 6/9/94, effective 7/10/94. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. 90-23-087 (Order 2059), § 16-620-340, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 16.57.350. 87-16-044 (Order 1944), § 16-620-340, filed 7/29/87. Statutory Authority: Chapter 16.57 RCW. 82-04-001 (Order 1753), § 16-620-340, filed 1/21/82; Order 1379, § 16-620-340, filed 11/6/74.]

WAC 16-620-350 Inspection time charged. All inspection performed on an hourly basis shall commence at the time the nearest inspector leaves his official station to the point of inspection and shall terminate upon his return to his official station and shall include travel to the point of inspection and return to the inspector's official station.

[Order 1379, § 16-620-350, filed 11/6/74.]

WAC 16-620-380 Inspection fee. The fee for inspecting cattle for brands and proof of ownership shall be seventy-five cents per head. In any case when the department determines that a request for inspection is unreasonable due to time or distance, the department shall charge its actual costs.

[Statutory Authority: Chapter 16.57 RCW. 94-13-070 (Order 5050), § 16-620-380, filed 6/9/94, effective 7/10/94. Statutory Authority: RCW 16.57.350 and chapter 16.57 RCW. 90-23-087 (Order 2059), § 16-620-380, filed 11/21/90, effective 12/22/90.]

WAC 16-620-390 Renewal of registered brands. (1) Owners of registered brands must file for renewal of registration by December 31st of odd-numbered years. Failure to do so will cause the brand to revert to the department and result in a penalty for later renewal as provided by RCW 16.57.080 if the department later reissues the brand to the prior registered owner.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a brand registration, to condition brand registration renewal, or to enforce violations of applicable laws, subsequent to the expiration of a brand registration.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-620-390, filed 7/25/91, effective 8/25/91.]

(1997 Ed.)

WAC 16-620-400 Recording fee. The director shall record any instrument affecting the title of a brand which is correctly executed and acknowledged upon presentation and payment of a fifteen dollar recording fee.

[Statutory Authority: Chapter 16.57 RCW. 94-13-070 (Order 5050), § 16-620-400, filed 6/9/94, effective 7/10/94.]

WAC 16-620-410 Fee for certified copy of brand record. The owner of a brand of record may procure from the director a certified copy of the record upon payment of a seven dollar and fifty cent fee.

[Statutory Authority: Chapter 16.57 RCW. 94-13-070 (Order 5050), § 16-620-410, filed 6/9/94, effective 7/10/94.]

Chapter 16-621 WAC

REGISTRATION OF ACREAGE COMMITMENTS MADE BY PROCESSORS TO PRODUCERS

WAC

- 16-621-001 Promulgation.
- 16-621-010 Processor plant capacity reporting form.
- 16-621-030 Grower notification of commitments by processor.
- 16-621-040 Basis for establishment of contract volume.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-621-020 Contracts and grower list. [Order 1297, § 16-621-020, filed 2/28/73.] Repealed by Order 1297, filed 6/20/73.

WAC 16-621-001 Promulgation. I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 20.01 RCW and after due notice and public hearings held in the Seattle area on January 19, 1973, and at Moses Lake, Washington on February 20, 1973, as provided under chapters 42.32 and 34.04 RCW, do hereby promulgate the following regulations relating to the registration of acreage commitments made by processors to producers of annual crops.

[Order 1297, § 16-621-001, filed 2/28/73.]

WAC 16-621-010 Processor plant capacity reporting form. When reporting plant capacity as provided for under RCW 20.01.510 a processor shall include the daily total capacity in tons or cases for each crop for all plants which process any Washington product.

[Order 1297, § 16-621-010, filed 2/28/73.]

WAC 16-621-030 Grower notification of commitments by processor. Any grower may notify the director in writing by certified mail that he has an oral commitment with a processor for a specified amount of product. Growers shall notify the director of any implied agreement within 10 days after commitment was allegedly made. Upon receipt of such notification the director shall notify the processor within 5 days by certified mail. The processor shall advise the director by certified mail within 10 days of the receipt of this notice whether or not they confirm such notice. Within 5 days of receipt of the processor reply, the director shall notify the grower by certified mail. The processor may accept all, none or any portion of the acreage and/or tonnage

stated. The oral statement being confirmed by the processor for all or a portion thereof commits the processor to receive from that grower the acreage or tonnage so specified therein: Should the terms of the contract, price and other conditions, subsequently offered to the grower be unacceptable to said grower then nothing is binding upon said processor: *Provided*, The contract so offered and rejected is that processor's standard contract offered for that crop year.

[Order 1297, § 16-621-030, filed 2/28/73.]

WAC 16-621-040 Basis for establishment of contract volume. In contracts specifying purchases of the production of a specific number of acres, the contracted amount will be based upon the crop yield for the comparable area according to the most recent 5 year average as established by the USDA crop reporting service.

[Order 1297, § 16-621-040, filed 2/28/73.]

Chapter 16-622 WAC

AGRICULTURE MARKETING AND FAIR PRACTICES

WAC

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WAC 16-622-001 Purpose. The department of agriculture promulgates this chapter to implement the provisions of the Agricultural Marketing and Fair Practices Act, chapter 15.83 RCW (chapter 355, Laws of 1989). The purpose of this act is to establish standards of fair practices required of handlers, producers, and association of producers dealing in sweet corn and potatoes and to establish the mutual obligation of handlers and accredited associations of producers to negotiate relative to the production or marketing of these agricultural commodities.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-001, filed 4/2/90, effective 5/3/90.]

WAC 16-622-005 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accredited association of producers" means an association of producers which is accredited by the director to be the exclusive negotiating agent for all producer members of the association within a negotiating unit.

(2) "Advance contract" means a contract for purchase and sale of a crop entered into before the crop becomes a

growing crop and providing for delivery at or after the harvest of that crop.

(3) "Agricultural products" as used in this chapter means sweet corn and potatoes produced for sale from farms in this state.

(4) "Association of producers" means any association of producers of agricultural products engaged in marketing, negotiating for its members, shipping, or processing as defined in section 15(a) of the Federal Agriculture Marketing Act of 1929 or in section 1 of 42 Stat. 388.

(5) "Department" means the department of agriculture of the state of Washington.

(6) "Director" means the director of the department of agriculture or duly authorized representative.

(7) "Handler" means a processor or a person engaged in the business or practice of:

(a) Acquiring agricultural products from producers or associations of producers for use by a processor;

(b) Processing agricultural products received from producers or associations of producers, provided that a cooperative association owned by producers shall not be a handler except when contracting for crops from producers who are not members of the cooperative association;

(c) Contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product for use by a processor; or

(d) Acting as an agent or broker for a handler in the performance of any function or act specified in (a), (b), or (c) of this subsection.

(8) "Negotiate" means meeting at reasonable times and for reasonable periods of time commencing at least sixty days before the normal planting date and concluding thirty days prior to the normal planting date to make a serious, fair, and reasonable attempt to reach agreement by acknowledging or refuting with reason points brought up by either party with respect to the price, terms of sale, compensation for products produced under contract, or other terms relating to the production or sale of these products: *Provided*, That neither party shall be required to disclose proprietary business or financial records or information.

(9) "Negotiating unit" means a negotiating unit approved by the director under the provisions of this chapter and shall include all members of an accredited association of producers supplying qualified commodities to a single processing facility.

(10) "Person" means an individual, partnership, corporation, association, or any other entity.

(11) "Processor" means any person that purchases agricultural crops from a producer and cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner for eventual resale. A person who solely cleans, sorts, grades, and packages a farm product for sale without altering the natural condition of the product is not a processor. A person processing any portion of a crop is a processor.

(12) "Producer" means a person engaged in the production of agricultural products as a farmer or planter, including a grower or farmer furnishing inputs, production management, or facilities for growing or raising agricultural prod-

ucts. A producer who is also a handler shall be considered a handler under this chapter.

(13) "Qualified commodity" means agricultural products as defined in subsection (3) of this section.

(14) "Processing facility" means a facility operated by a processor at a single location where qualified commodities purchased from producers are canned, frozen, dried, dehydrated, cooked, pressed, powdered, or otherwise processed in a manner for eventual resale.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-005, filed 4/2/90, effective 5/3/90.]

WAC 16-622-010 Application for accreditation of an association of producers. An association of producers requesting accreditation to serve as the exclusive negotiating agent on behalf of its members who are within a proposed negotiating unit with respect to any qualified commodity shall file with the director an application to accredit a negotiating unit containing the following information:

(1) The name and address of the processing facility for which accreditation of a negotiating unit is being requested.

(2) A description of the geographical boundaries of the proposed negotiating unit, stated in terms of the number of miles, from the processing facility in each direction of the most distant producer in the proposed unit.

(3) A list of the names of producers who are members of the proposed negotiating unit and the total number of acres of qualified commodities contracted for delivery by those producers to the processing facility for each of the previous two years.

(4) The total number of members of the association of producers proposing the negotiating unit, a list of the counties in which those members reside, and the total number of acres of qualified commodities the association of producers had contracts to represent on behalf of its producer members for the previous growing season.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-010, filed 4/2/90, effective 5/3/90.]

WAC 16-622-015 Accreditation file. Both the association of producers requesting accreditation of a negotiating unit and the person operating the processing facility for which the negotiating unit is being proposed shall create and maintain in their possession an accreditation file for the purpose of allowing the director to determine if the association of producers has met the requirements for the accreditation of the negotiating unit. The file shall be available to the department during normal working hours with reasonable advance notice. Documents contained in the file shall become a permanent part of the file and shall be serially numbered and indexed to assure the integrity of the file. Copies of original documents may be placed in the file or new documents may be created to satisfy the requirements of this chapter. The director may examine other records as necessary to confirm the validity of the information contained in the accreditation file. The accreditation files shall be maintained at the principal business address of the association of producers and the person operating the processing facility. In the case where the principal business address of the person operating a processing facility is located outside of the state of Washington, the accreditation

file shall be maintained at the processing facility or at some other location within the state of Washington as approved by the director.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-015, filed 4/2/90, effective 5/3/90.]

WAC 16-622-020 Accreditation file requirements—Association of producers. The association of producers shall create and maintain an accreditation file for each negotiating unit it is requesting accreditation for, which shall include the following:

(1) A copy of the articles of incorporation and by-laws of the association;

(2) A copy of the contract between the association of producers and the producer empowering the association to sell or negotiate the terms of sale of its members qualified commodities and a list of the producers who have executed said contract; and

(3) A list of the names of producers who are members of the proposed negotiating unit together with the number of acres of qualified commodities that each producer had contracted to deliver to the processing facility for each of the previous two growing seasons.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-020, filed 4/2/90, effective 5/3/90.]

WAC 16-622-025 Accreditation file—Processor. The processor shall create and maintain an accreditation file for each processing facility where a negotiating unit is being proposed by an association of producers, which shall include the following:

(1) A list of the names of producers for each facility with whom the processor had an advance contract for qualified commodities for each of the previous two growing seasons;

(2) The total number of acres of qualified commodities the processing facility had contracted to receive the production from under the provisions of advance contracts for each of the previous two growing seasons.

(3) A copy of the contract between the processor and producer supplying the affected commodities.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-025, filed 4/2/90, effective 5/3/90.]

WAC 16-622-030 Accreditation procedure. The director shall, upon receipt of an application for accreditation of a negotiating unit, promptly notify in writing the processor who operates the processing facility. The director shall schedule a time to examine the accreditation files of both the association of producers and the processor operating the processing facility. This examination shall not occur prior to five working days following the receipt of the notice to the processor of the application for accreditation of the negotiating unit. The director shall issue a report of findings resulting from the examination of the accreditation files of both parties which shall include:

(1) Whether the association of producers is owned and controlled by producers and that one of its functions is to act as principal or agent for its members in negotiations with processors;

(2) Whether the association of producers has valid and binding contracts with its members who are part of the proposed negotiating unit;

(3) Whether the members of the proposed negotiating unit represent more than fifty percent of the total average number of producers of record at the processing facility with advance contracts for the previous two growing seasons, or whether the number of acres of qualified commodities produced by members of the proposed negotiating unit, who were producers of records at the processing facility, represents more than fifty percent of the total average number of acres of qualified commodity obtained through advance contracts for the previous two growing seasons.

If the director's findings regarding subsection (1), (2), and (3) above are that the association meets the criteria for accreditation, a notice of accreditation of the negotiating unit will be issued to both parties. If the finding regarding any of the subsections above is that the association fails to meet any of the criteria, a notice citing the specific deficiency will be issued to both parties pending the filing of an amended application in a timely manner.

The director shall not accredit more than one bargaining unit for each processing facility. Should more than one proposed bargaining unit meet the criteria for accreditation the director shall accredit the proposed negotiating unit that would function as the most effective agent for producers in negotiating with the processor. The director, when considering the accreditation of proposed negotiating units, shall consider the ratio of the number of producers to acres previously contracted by those producers, with substantial weight given to the number of acres contracted.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-030, filed 4/2/90, effective 5/3/90.]

WAC 16-622-035 Amended application for accreditation. An association of producers upon receiving notice of deficiencies in the application for accreditation of a proposed negotiating unit may file an amended application with the director. The amended application will be examined in the same manner as the initial application. Amended applications must be filed with the director within thirty days of receipt of the notice of deficiencies in the application.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-035, filed 4/2/90, effective 5/3/90.]

WAC 16-622-040 Renewal of application for accreditation. An affected processor or an affected association of producers may petition the director to require an accredited association of producers to renew the application for accreditation of a negotiating unit. If the director concurs with the request of the petitioners or determines that a renewed application would best carry-out the purposes of the chapter, then the parties will be notified of the requirement that a new application be filed. The renewed application shall be examined in the same manner as an initial application.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-040, filed 4/2/90, effective 5/3/90.]

WAC 16-622-045 Hearings. A hearing, conducted under the provisions of chapter 34.05 RCW, to determine

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whether alleged violations of RCW 15.83.030 or 15.83.040 have occurred may be held concurrently with the hearing for civil penalty under section (9) of the act.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-045, filed 4/2/90, effective 5/3/90.]

WAC 16-622-050 Negotiating period. The negotiating period provided in RCW 15.83.010 shall commence each year on January 15th for potatoes and sweet corn. Negotiations may begin at any time prior to this date and may continue past the date which is forty-five days following this date by mutual consent of the affected parties. Contracts which are agreed to during this mutual consent period will be considered advance contracts.

[Statutory Authority: RCW 15.83.100. 92-07-030, § 16-622-050, filed 3/10/92, effective 4/10/92. Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-050, filed 4/2/90, effective 5/3/90.]

WAC 16-622-055 Deadline for application for or review of negotiating unit accreditation. Applications for accreditation of a negotiating unit or petitions by affected parties for renewal of an existing negotiating unit shall be received by the director by September 1st of each year to allow sufficient time to determine if the criteria for accreditation has been met. Applications or petitions received after that date will be considered for the next succeeding negotiating period. Applications for accreditation of negotiating units for the 1990 growing season will be accepted until January 10, 1990.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-055, filed 4/2/90, effective 5/3/90.]

WAC 16-622-060 Report of negotiating session. (1) Each accredited association of producers and handler shall, within a reasonable time following a negotiating session, place a copy of a summary of the discussions into their respective accreditation file maintained for that negotiating unit. For the purposes of this section, a negotiating session is a meeting of the parties at which pertinent information is exchanged. Each summary shall accurately reflect the substance of discussions and the points raised by either side. Each summary shall be signed by an authorized representative of the association of producers or handler which prepared it. Each summary shall contain the last offer of contract terms placed on the table during that negotiating session. Either party may place supplementary materials regarding the negotiation into their file.

(2) At the conclusion of the forty-five day negotiating period which is thirty days prior to the normal planting date, each of the parties to a negotiation shall place, in their respective accreditation file for that negotiating unit, a report summarizing the negotiations and indicating whether an agreement was reached.

[Statutory Authority: RCW 15.83.100. 92-07-030, § 16-622-060, filed 3/10/92, effective 4/10/92.]

WAC 16-622-900 Severability. If any section or provision of this rule shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the rule as a whole, or any section, provision or part thereof, not adjudged invalid or unconstitutional.

[Statutory Authority: RCW 15.83.020. 90-08-069, § 16-622-900, filed 4/2/90, effective 5/3/90.]

Chapter 16-650 WAC
WEIGHTS AND MEASURES—ABSORBENT
TISSUES

WAC
16-650-001 Promulgation.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

16-650-010 Absorbent tissues. [Order 792, Regulation 6, effective 3/1/60.] Repealed by Order 1135, filed 12/29/69, effective 2/1/70.

WAC 16-650-001 Promulgation. I, Joe Dwyer, director of agriculture of the state of Washington by virtue of the authority vested in me under chapters 19.93 and 69.04 RCW after due notice as provided under chapter 42.32 RCW and a public hearing held in Olympia on October 14, 1959, do promulgate the following regulations relating to weights and measures.

[Order 792, Promulgation, effective 3/1/60.]

Reviser's note: The above promulgation applies to chapters 16-650, 16-654, 16-658, 16-666, 16-670, and 16-674 WAC; all being parts of Order No. 792.

Chapter 16-654 WAC
WEIGHTS AND MEASURES—FLUID DAIRY
PRODUCTS

WAC
16-654-030 Fluid milk products.
16-654-040 Other milk products.
16-654-050 Frozen desserts.
16-654-060 Novelty items.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

16-654-001 Promulgation. [Order 792, Regulation 2, effective 3/1/60.] Repealed by Order 1422, filed 10/31/75.
16-654-002 Promulgation. [Order 1141, § 16-654-002, filed 2/27/70, effective 4/1/70; Order 897, filed 1/14/63.] Repealed by Order 1422, filed 10/31/75.
16-654-003 Promulgation. [Order 1422, § 16-654-003, filed 10/31/75.] Repealed by 80-09-079 (Order 1712), filed 7/21/80. Statutory Authority: Chapter 19.94 RCW.
16-654-010 Fluid dairy products—Units of sale. [Order 1141, § 16-654-010, filed 2/27/70, effective 4/1/70; Order 792, Regulation 2, effective 3/1/60.] Repealed by Order 1422, filed 10/31/75. Later promulgation, see WAC 16-654-030.
16-654-020 Standards of fill and marking of fluid dairy product containers. [Order 1141, § 16-654-020, filed 2/27/70, effective 4/1/70; Order 897, Regulation 1, filed 1/14/63.] Repealed by Order 1422, filed 10/31/75.

WAC 16-654-030 Fluid milk products. All fluid dairy products, including, but not limited to whole milk, skimmed milk, cultured milk, sweet cream, and buttermilk and all fluid imitations and fluid substitute dairy products shall be packaged for retail sale only in units of:

(1) Inch-pound volumes - one gill, one-half liquid pint, ten fluid ounces, one liquid pint, one liquid quart, one-half gallon, one gallon, one and one-half gallon, two gallons, two and one-half gallons, or multiples of one gallon; or

(2) Metric volumes - 118 milliliters, 236 milliliters, 296 milliliters, 473 milliliters, 946 milliliters, 1.89 liters, 3.78 liters, 5.67 liters, 7.56 liters, 9.45 liters, or multiples of 3.78 liters; or

(3) Metric volumes - 125 milliliters, 250 milliliters, 500 milliliters, 1 liter, or multiples of 1 liter: *Provided*, That packages in inch-pound sizes less than one gill and metric sizes less than 118 milliliters shall be permitted.

[Statutory Authority: Chapter 19.94 RCW. 80-09-079 (Order 1712), § 16-654-030, filed 7/21/80; Order 1422, § 16-654-030, filed 10/31/75. Formerly WAC 16-654-010.]

WAC 16-654-040 Other milk products. Cottage cheese, cottage cheese products, and other milk products which are solid, semi-solid, viscous, or a mixture of solid and liquid, as defined in WAC 16-101-401 through 16-101-670, shall be sold in terms of weight: *Provided*, That cottage cheese, sour cream, and yogurt shall be packaged for retail sale only in units of:

(1) Inch-pound weights - 8, 12, 16, 24, 32, 64, 80, and 128 ounces avoirdupois; or

(2) Metric weights - 227, 340, 454, 680, 907 grams; 1.81, 2.27, and 3.63 kilograms; or

(3) Metric weights - 250, 375, 500, 750 grams; 1, 2, and 4 kilograms: *And provided further*, That multipack or single serving inch-pound sizes of 6 ounces or less shall be sold only in whole ounce increments, and that metric sizes of 200 grams or less shall be sold only in 25 gram increments.

[Statutory Authority: Chapter 19.94 RCW. 80-09-079 (Order 1712), § 16-654-040, filed 7/21/80; Order 1422, § 16-654-040, filed 10/31/75.]

WAC 16-654-050 Frozen desserts. All frozen desserts as defined in WAC 16-144-010 shall be packaged for retail sale only in units of:

(1) **Inch-pound volumes** - one liquid pint, one liquid quart, one half gallon or one gallon. Packages larger than one gallon shall be sold in increments of one quart.

(2) **Metric volumes** - 473 milliliters, 946 milliliters, 1.89 liters or 3.78 liters. Packages larger than 3.78 liters shall be sold in increments of 946 milliliters.

(3) **Metric volumes** - 500 milliliters, 1 liter, 2 liters or 4 liters. Packages larger than 4 liters shall be sold in increments of one liter.

(4) **Inch-pound weights** - 4.5 pounds per gallon of ice cream, French custards and ice milk, and 6 pounds per gallon for sherbet and water ices.

(5) **Metric weight** - 2.16 kilograms per 4 liters for ice cream, French custards and ice milk, 2.88 kilograms per 4 liters of sherbet and water ices.

[Statutory Authority: RCW 19.94.420. 86-04-026 (Order 1877), § 16-654-050, filed 1/29/86.]

WAC 16-654-060 Novelty items. Frozen desserts packaged for retail sales in less than one pint or 473 milliliter containers shall be considered "novelty items" and may be sold in any size package that is labeled in conformance with chapter 16-666 WAC.

[Statutory Authority: RCW 19.94.420, 86-04-026 (Order 1877), § 16-654-060, filed 1/29/86.]

Chapter 16-657 WAC
RETAIL PRICING OF MOTOR AND HEATING FUEL

WAC

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| 16-657-001 | Retail sales of motor fuels and home heating products. |
| 16-657-010 | Compliance schedule for retail motor fuel and home heating products dispensers. |
| 16-657-025 | Posting of motor fuel prices—Cash and credit sales. |
| 16-657-030 | Interim retail sales of home heating products. |
| 16-657-040 | Posting of alcohol blend gasolines. |

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

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| 16-657-020 | Interim retail sales of motor fuels. [Statutory Authority: Chapter 19.94 RCW, 79-12-030 (Order 1661), § 16-657-020, filed 11/19/79.] Repealed by 83-09-012 (Order 1794), filed 4/11/83. Statutory Authority: Chapter 19.94 RCW. |
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WAC 16-657-001 Retail sales of motor fuels and home heating products. All retail fuel metering and computing devices shall:

(1) Display the price per gallon or price per litre: *Provided*, That if motor fuel is offered for sale by the litre, the price per litre must be clearly displayed on the dispenser directly adjacent to the corresponding price per gallon, with the information appearing in contrasting letters of at least two inches in height;

(2) Indicate the amount of fuel delivered during a single retail transaction;

(3) Register the selling price per unit;

(4) Register the total selling price for a single retail transaction;

(5) Compute the price per gallon or litre as set forth in National Bureau of Standards Handbook 44.

[Statutory Authority: Chapter 19.94 RCW, 83-09-012 (Order 1794), § 16-657-001, filed 4/11/83; 79-12-030 (Order 1661), § 16-657-001, filed 11/19/79.]

WAC 16-657-010 Compliance schedule for retail motor fuel and home heating products dispensers. Devices which do not meet the requirements of WAC 16-657-001 (3) and (4) shall be brought into compliance on or before July 1, 1981.

[Statutory Authority: Chapter 19.94 RCW, 79-12-030 (Order 1661), § 16-657-010, filed 11/19/79.]

WAC 16-657-025 Posting of motor fuel prices—Cash and credit sales. The following rules apply to the posting of prices of retail sales of motor fuels.—As used herein, motor fuel means any fuel used in motor vehicles, including but not limited to gasoline, diesel, propane and alcohol-gasoline blends. As used herein, motor vehicles shall include all wheeled motorized vehicles, and all boats and airplanes.

(1) The posted or advertised price of motor fuel at retail outlets must be available to all consumers. Any condition or qualification required to obtain the posted price must be

clearly displayed in letters of contrasting color at least one-half the size of the posted price and immediately adjacent thereto.

(2) A cash price may be posted or advertised if the posting of the price clearly shows it to be limited to cash purchases. The information shall be in letters at least one-half the size of the posted price and immediately adjacent thereto.

(3) Cash and credit sales.

(a) If a retailer elects to establish separate islands for cash and credit sales, the islands shall be clearly marked as such in letters at least six inches in height and of proportional width.

(b) If a retailer elects to permit cash and credit card sales from the same dispenser, the credit price will be displayed on the meter face. Immediately adjacent to or on the pump a chart shall be posted showing the cash discount price in one cent increments. The lettering on the chart shall be of such size and contrast lettering as to be easily read by the consumer.

(4) Posted prices of motor fuels at retail outlets shall include all federal, state and local taxes.

(5) The director of agriculture may require retailers to post additional signs or information as necessary to assure that the consumer is aware of information as necessary to make an informed purchase.

(6) Nothing herein shall be construed to prevent the use of a dispenser which is designed, manufactured, or adapted to permit cash and credit card sales from a single dispenser by manual or automatic means and which computes prices per gallon or litre pursuant to standards established in National Bureau of Standards Handbook 44.

[Statutory Authority: Chapter 19.94 RCW, 83-09-012 (Order 1794), § 16-657-025, filed 4/11/83.]

WAC 16-657-030 Interim retail sales of home heating products. Computing dispensing devices used in the delivery of home heating products which do not meet the requirements of WAC 16-657-001 (3) and (4) shall be altered to provide for an interim half price sale program and the following requirements shall be followed:

(1) Such procedures shall be required when the price of one grade of fuel goes above the capabilities of one device at or operated from a given location. Once it is necessary for one device to be set at half price or modified to the litre, all devices at or operated from that location must be set at the same method of sale.

(2) The consumer's copy of the invoice covering deliveries of home heating products made on a basis of either half pricing or by the litre shall bear a clear and legible legend stating the computations have been made on the respective method of sale.

[Statutory Authority: Chapter 19.94 RCW, 79-12-030 (Order 1661), § 16-657-030, filed 11/19/79.]

WAC 16-657-040 Posting of alcohol blend gasolines.

(1) All retail motor fuel devices dispensing alcohol blend gasolines shall state on the face of the device that alcohol ingredients are contained therein. The statement shall disclose what alcohol products are included, i.e., methyl alcohol, ethyl alcohol, and the percentage of alcohol that is

contained therein. The statement shall be conspicuously posted in gothic letters at least one inch in height in contrasting letters, in a location as to be easily seen by consumers and in the following format:

CONTAINS _____% ethyl/methyl ALCOHOL

(2) The percentage of alcohol disclosed on the dispensing device shall be the ratio between the amount of ethyl alcohol, or methyl alcohol including co-solvents or proprietary inhibitors, or any other alcohol, to the total product volume.

[Statutory Authority: Chapter 19.94 RCW. 84-12-040 (Order 1829), § 16-657-040, filed 5/30/84.]

Chapter 16-659 WAC WEIGHTS AND MEASURES—LIQUEFIED PETROLEUM GAS

WAC

16-659-001 Promulgation.
16-659-010 Liquefied petroleum gas.

WAC 16-659-001 Promulgation. (This promulgation relates only to WAC 16-659-010) Weights and measures regulation covering the sale of liquid petroleum gas.

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 67, Laws of 1969, and after due notice as provided under chapters 34.04 and 42.42 [42.32] RCW, and a public hearing held in Olympia, Washington, on February 17, 1970, do hereby promulgate the following regulation covering the sale of liquid petroleum gas, and superseding Order No. 1103.

[Order 1142, § 16-659-001, filed 2/27/70, effective 4/1/70; Order 1103, § 16-659-001, filed 12/23/68, effective 2/1/69; Order 1036, filed 11/14/66, effective 12/15/66.]

WAC 16-659-010 Liquefied petroleum gas. (1) Liquefied petroleum gas shall be sold or exposed for sale at retail only by avoirdupois weight, specified in pounds; liquid measure, specified in gallons; or vapor, specified in cubic feet.

(2) When sold by weight or by liquid measure or in units of cubic feet, it shall be dispensed and sold only by the use of such devices that conform to the specifications, tolerances, rules and regulations set forth in National Bureau of Standards Handbook 44, 3rd Edition.

(3) Liquefied petroleum gas sold or delivered to a consumer by liquid measure shall be corrected to a temperature of 60 F with an automatic correction device, or the quantity delivered shall be corrected to a temperature of 60 F in accordance with the volume correction factor table for liquefied petroleum gases set forth in subsection (6) of this chapter. When the delivery is made through a meter automatically corrected for temperature, the retail sales ticket shall show the meter adjusted gallons delivered and state that the temperature correction was made automatically. When the delivery is made through a meter not corrected automatically, the retail sales ticket shall show the metered gallons delivered and the temperature of the liquid at the time of delivery, the volume correction factor and the corrected

gallonage: *Provided*, That this section shall be applicable to new equipment, equipment that has changed ownership or equipment used in the state of Washington for the first time after the effective date of this section. This subsection shall be applicable to all other equipment and with respect to the manual issuances of sales tickets as of January 1, 1969. This subsection shall not apply to unit sales or deliveries made direct to fuel tanks on trucks and automobiles operated on highways, or to containers of less than 200 pound water capacity.

(4) If a device is equipped with an automatic temperature compensator, this shall be connected, operable, and used at all times. Such automatic temperature compensator may not be removed, nor may a compensated device be replaced with an uncompensated device, without the written approval of the weights and measures authority having jurisdiction over the device. Nothing in this subsection shall prohibit the removal of a meter or temperature compensator for repair providing notice of such removal for repair shall be given the weights and measures office in Olympia within three working days.

(5)(a) Containers, including I.C.C. cylinders, with water capacity less than 200 pounds, shall be charged and sold by weight or by metered measure, except containers excluded by law or regulation. The tare weight of the container and the net weight of the contents shall be plainly and conspicuously marked on the outside of the container or on a label firmly attached thereto. This subsection shall not be construed to require the net weight to be labeled on a container that is being filled at the time of sale. Tare weight shall not be construed to include the valve protecting cap which shall be removed when weighing. When liquefied petroleum gas is sold by the package or container, either by refilling of a container or an exchange of containers, the vendor shall give the purchaser full credit for the unused liquid remaining in the container being exchanged or refilled.

(b) A delivery ticket shall be issued at the time of filling and shall set forth the exact amount of liquefied petroleum gas dispensed in terms of weight or if converted to gallons the weight factor used in such conversion. Any service charge shall be shown separately on the delivery ticket but may be included in the total price.

(c) When sold by weight, the tare weight, any unused portion and/or the net weight shall be determined only on devices that are adequately protected from wind and weather conditions that will assure normal accuracy.

(6) Volume correction factor table.

Specific Gravity at 60 F/60 F

[CODIFICATION NOTE: THE GRAPHIC PRESENTATION OF THESE TABLES HAS BEEN VARIED SLIGHTLY IN ORDER THAT THEY WOULD FALL WITHIN THE PRINTING SPECIFICATIONS FOR THE WASHINGTON ADMINISTRATIVE CODE. THE FOLLOWING TABLE WAS TOO WIDE TO BE ACCOMMODATED IN THE WIDTH OF THE WAC COLUMN. THE TABLE AS CODIFIED HAS BEEN DIVIDED INTO TWO TABLES COVERING THE "SPECIFIC GRAVITY AT 60 F/60 F." PART ONE IS FOR 0.500, 0.5079, 0.510, 0.520, 0.530, AND 0.540. PART TWO IS FOR 0.550, 0.560, 0.5631, 0.570, 0.580, AND 0.5844.]

[PART 1—0.500, 0.5079, etc.]

| Degrees Fahr | 0.500 | Propane 0.5079 | 0.510 | 0.520 | 0.530 | 0.540 |
|----------------------------------|-------|-------------------|-------|-------|-------|-------|
| VOLUME CORRECTION FACTORS | | | | | | |
| -15 | 1.112 | 1.109 | 1.107 | 1.102 | 1.097 | 1.093 |
| -10 | 1.105 | 1.102 | 1.100 | 1.095 | 1.091 | 1.087 |
| - 5 | 1.098 | 1.094 | 1.094 | 1.078 | 1.085 | 1.081 |
| 0 | 1.092 | 1.088 | 1.088 | 1.084 | 1.080 | 1.076 |
| 2 | 1.089 | 1.086 | 1.085 | 1.081 | 1.077 | 1.074 |
| 4 | 1.086 | 1.083 | 1.082 | 1.079 | 1.075 | 1.071 |
| 6 | 1.084 | 1.080 | 1.080 | 1.076 | 1.072 | 1.069 |
| 8 | 1.081 | 1.078 | 1.077 | 1.074 | 1.070 | 1.066 |
| 10 | 1.078 | 1.075 | 1.074 | 1.071 | 1.067 | 1.064 |
| 12 | 1.075 | 1.072 | 1.071 | 1.068 | 1.064 | 1.061 |
| 14 | 1.072 | 1.070 | 1.069 | 1.066 | 1.062 | 1.059 |
| 16 | 1.070 | 1.067 | 1.066 | 1.063 | 1.060 | 1.056 |
| 18 | 1.067 | 1.065 | 1.064 | 1.061 | 1.057 | 1.054 |
| 20 | 1.064 | 1.062 | 1.061 | 1.058 | 1.054 | 1.051 |
| 22 | 1.061 | 1.059 | 1.058 | 1.055 | 1.052 | 1.049 |
| 24 | 1.058 | 1.056 | 1.055 | 1.052 | 1.049 | 1.046 |
| 26 | 1.055 | 1.053 | 1.052 | 1.049 | 1.047 | 1.044 |
| 28 | 1.052 | 1.050 | 1.049 | 1.047 | 1.044 | 1.041 |
| 30 | 1.049 | 1.047 | 1.046 | 1.044 | 1.041 | 1.039 |
| 32 | 1.046 | 1.044 | 1.043 | 1.041 | 1.038 | 1.036 |
| 34 | 1.043 | 1.041 | 1.040 | 1.038 | 1.036 | 1.034 |
| 36 | 1.039 | 1.038 | 1.037 | 1.035 | 1.033 | 1.031 |
| 38 | 1.036 | 1.035 | 1.034 | 1.032 | 1.031 | 1.029 |
| 40 | 1.033 | 1.032 | 1.031 | 1.029 | 1.028 | 1.026 |
| 42 | 1.030 | 1.029 | 1.028 | 1.026 | 1.025 | 1.023 |
| 44 | 1.027 | 1.026 | 1.025 | 1.023 | 1.022 | 1.021 |
| 46 | 1.023 | 1.022 | 1.022 | 1.021 | 1.020 | 1.018 |
| 48 | 1.020 | 1.019 | 1.019 | 1.018 | 1.017 | 1.016 |
| 50 | 1.017 | 1.016 | 1.016 | 1.015 | 1.014 | 1.013 |
| 52 | 1.014 | 1.013 | 1.012 | 1.012 | 1.011 | 1.010 |
| 54 | 1.010 | 1.010 | 1.009 | 1.009 | 1.008 | 1.007 |
| 56 | 1.007 | 1.007 | 1.006 | 1.006 | 1.005 | 1.005 |
| 58 | 1.003 | 1.003 | 1.003 | 1.003 | 1.003 | 1.002 |
| 60 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 |
| 62 | 0.997 | 0.997 | 0.997 | 0.997 | 0.997 | 0.997 |
| 64 | 0.993 | 0.993 | 0.994 | 0.994 | 0.994 | 0.994 |
| 66 | 0.991 | 0.990 | 0.990 | 0.990 | 0.991 | 0.992 |
| 68 | 0.986 | 0.986 | 0.987 | 0.987 | 0.988 | 0.989 |
| 70 | 0.983 | 0.983 | 0.984 | 0.984 | 0.985 | 0.986 |
| 72 | 0.979 | 0.980 | 0.981 | 0.981 | 0.982 | 0.983 |
| 74 | 0.976 | 0.975 | 0.977 | 0.978 | 0.980 | 0.980 |
| 76 | 0.972 | 0.973 | 0.974 | 0.975 | 0.977 | 0.978 |
| 78 | 0.969 | 0.970 | 0.970 | 0.972 | 0.974 | 0.975 |
| 80 | 0.965 | 0.966 | 0.967 | 0.969 | 0.971 | 0.972 |
| 82 | 0.961 | 0.963 | 0.963 | 0.966 | 0.968 | 0.969 |
| 84 | 0.957 | 0.959 | 0.960 | 0.962 | 0.965 | 0.966 |
| 86 | 0.954 | 0.956 | 0.956 | 0.959 | 0.961 | 0.964 |
| 88 | 0.950 | 0.952 | 0.953 | 0.955 | 0.958 | 0.961 |
| 90 | 0.946 | 0.949 | 0.949 | 0.952 | 0.955 | 0.958 |
| 92 | 0.942 | 0.945 | 0.946 | 0.949 | 0.952 | 0.955 |
| 94 | 0.938 | 0.941 | 0.942 | 0.946 | 0.949 | 0.952 |
| 96 | 0.935 | 0.938 | 0.939 | 0.942 | 0.946 | 0.949 |
| 98 | 0.931 | 0.934 | 0.935 | 0.939 | 0.943 | 0.946 |
| 100 | 0.927 | 0.930 | 0.932 | 0.936 | 0.940 | 0.943 |
| 105 | 0.918 | 0.920 | 0.923 | 0.927 | 0.932 | 0.935 |
| 110 | 0.907 | 0.911 | 0.913 | 0.918 | 0.923 | 0.927 |

| | | | | | | |
|-----|-------|-------|-------|-------|-------|-------|
| 115 | 0.897 | 0.901 | 0.904 | 0.910 | 0.915 | 0.920 |
| 120 | 0.887 | 0.892 | 0.894 | 0.900 | 0.907 | 0.912 |

To convert from measured volume at another temperature to net volume at 60°F: Measure the volume and temperature. Determine the gravity at 60°F. Refer to the column corresponding to this gravity and read the volume conversion factor opposite the observed temperature. Multiply the observed volume by this factor to obtain the volume at 60°F.

[PART 2—0.550, 0.560, etc.]

| Degrees Fahr | 0.550 | iso- Butane 0.560 | 0.5631 | 0.570 | 0.580 | N- Butane 0.5844 |
|----------------------------------|-------|-------------------------|--------|-------|-------|------------------------|
| VOLUME CORRECTION FACTORS | | | | | | |
| -15 | 1.089 | 1.084 | 1.083 | 1.080 | 1.077 | 1.075 |
| -10 | 1.083 | 1.079 | 1.078 | 1.075 | 1.072 | 1.071 |
| - 5 | 1.077 | 1.074 | 1.073 | 1.070 | 1.067 | 1.060 |
| 0 | 1.073 | 1.069 | 1.068 | 1.066 | 1.063 | 1.062 |
| 2 | 1.070 | 1.067 | 1.066 | 1.064 | 1.061 | 1.060 |
| 4 | 1.068 | 1.065 | 1.064 | 1.062 | 1.059 | 1.058 |
| 6 | 1.065 | 1.062 | 1.061 | 1.059 | 1.057 | 1.055 |
| 8 | 1.063 | 1.060 | 1.059 | 1.057 | 1.055 | 1.059 |
| 10 | 1.061 | 1.058 | 1.057 | 1.055 | 1.053 | 1.051 |
| 12 | 1.059 | 1.056 | 1.055 | 1.053 | 1.051 | 1.049 |
| 14 | 1.056 | 1.053 | 1.053 | 1.051 | 1.049 | 1.047 |
| 16 | 1.054 | 1.051 | 1.050 | 1.048 | 1.046 | 1.045 |
| 18 | 1.051 | 1.049 | 1.048 | 1.046 | 1.044 | 1.043 |
| 20 | 1.049 | 1.046 | 1.046 | 1.044 | 1.042 | 1.041 |
| 22 | 1.046 | 1.044 | 1.044 | 1.042 | 1.040 | 1.040 |
| 24 | 1.044 | 1.042 | 1.042 | 1.040 | 1.038 | 1.037 |
| 26 | 1.042 | 1.039 | 1.039 | 1.037 | 1.036 | 1.036 |
| 28 | 1.039 | 1.037 | 1.037 | 1.035 | 1.034 | 1.034 |
| 30 | 1.037 | 1.035 | 1.035 | 1.033 | 1.032 | 1.032 |
| 32 | 1.035 | 1.033 | 1.033 | 1.031 | 1.030 | 1.030 |
| 34 | 1.032 | 1.031 | 1.030 | 1.029 | 1.028 | 1.028 |
| 36 | 1.030 | 1.028 | 1.028 | 1.027 | 1.025 | 1.025 |
| 38 | 1.027 | 1.026 | 1.025 | 1.025 | 1.023 | 1.023 |
| 40 | 1.025 | 1.024 | 1.023 | 1.023 | 1.021 | 1.021 |
| 42 | 1.023 | 1.022 | 1.021 | 1.021 | 1.019 | 1.019 |
| 44 | 1.020 | 1.019 | 1.019 | 1.018 | 1.017 | 1.017 |
| 46 | 1.018 | 1.017 | 1.016 | 1.016 | 1.015 | 1.015 |
| 48 | 1.015 | 1.014 | 1.014 | 1.013 | 1.013 | 1.013 |
| 50 | 1.013 | 1.012 | 1.012 | 1.011 | 1.011 | 1.011 |
| 52 | 1.101 | 1.009 | 1.009 | 1.009 | 1.009 | 1.009 |
| 54 | 1.007 | 1.007 | 1.007 | 1.007 | 1.006 | 1.006 |
| 56 | 1.005 | 1.005 | 1.005 | 1.005 | 1.004 | 1.004 |
| 58 | 1.002 | 1.002 | 1.002 | 1.002 | 1.002 | 1.002 |
| 60 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 | 1.000 |
| 62 | 0.997 | 0.998 | 0.998 | 0.998 | 0.998 | 0.998 |
| 64 | 0.995 | 0.995 | 0.995 | 0.995 | 0.996 | 0.996 |
| 66 | 0.992 | 0.993 | 0.993 | 0.993 | 0.993 | 0.993 |
| 68 | 0.990 | 0.990 | 0.990 | 0.990 | 0.991 | 0.991 |
| 70 | 0.987 | 0.988 | 0.988 | 0.988 | 0.989 | 0.989 |
| 72 | 0.984 | 0.985 | 0.986 | 0.986 | 0.987 | 0.987 |
| 74 | 0.982 | 0.983 | 0.983 | 0.984 | 0.985 | 0.985 |
| 76 | 0.979 | 0.980 | 0.981 | 0.981 | 0.982 | 0.982 |
| 78 | 0.977 | 0.978 | 0.978 | 0.979 | 0.980 | 0.980 |
| 80 | 0.974 | 0.975 | 0.976 | 0.977 | 0.978 | 0.978 |

| | | | | | | |
|-----|-------|-------|-------|-------|-------|-------|
| 82 | 0.971 | 0.972 | 0.973 | 0.974 | 0.976 | 0.976 |
| 84 | 0.968 | 0.970 | 0.971 | 0.972 | 0.974 | 0.974 |
| 86 | 0.966 | 0.967 | 0.968 | 0.969 | 0.972 | 0.972 |
| 88 | 0.963 | 0.965 | 0.966 | 0.967 | 0.969 | 0.969 |
| 90 | 0.960 | 0.962 | 0.963 | 0.964 | 0.967 | 0.967 |
| 92 | 0.957 | 0.959 | 0.960 | 0.962 | 0.964 | 0.965 |
| 94 | 0.954 | 0.957 | 0.958 | 0.959 | 0.962 | 0.962 |
| 96 | 0.952 | 0.954 | 0.955 | 0.957 | 0.959 | 0.960 |
| 98 | 0.949 | 0.952 | 0.953 | 0.954 | 0.957 | 0.957 |
| 100 | 0.946 | 0.949 | 0.950 | 0.952 | 0.954 | 0.955 |
| 105 | 0.939 | 0.943 | 0.943 | 0.946 | 0.949 | 0.949 |
| 110 | 0.932 | 0.936 | 0.937 | 0.939 | 0.943 | 0.944 |
| 115 | 0.925 | 0.930 | 0.930 | 0.933 | 0.937 | 0.938 |
| 120 | 0.918 | 0.923 | 0.924 | 0.927 | 0.931 | 0.932 |

To convert from measured volume at another temperature to net volume at 60°F: Measure the volume and temperature. Determine the gravity at 60°F. Refer to the column corresponding to this gravity and read the volume conversion factor opposite the observed temperature. Multiply the observed volume by this factor to obtain the volume at 60°F.

[Order 1142, § 16-659-010, filed 2/27/70, effective 4/1/70; Order 1103, § 16-659-010, filed 12/23/68, effective 2/1/69; Order 1036, filed 11/14/66, effective 12/15/66.]

Chapter 16-660 WAC

WEIGHTS AND MEASURES—SOLID WOOD FUEL

WAC

| | |
|------------|--------------------------|
| 16-660-001 | Promulgation. |
| 16-660-010 | Solid wood sold as fuel. |

WAC 16-660-001 Promulgation. (This promulgation relates only to WAC 16-660-010) Weights and measures regulation covering the sale of solid wood sold as fuel.

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 67, Laws of 1969, and after due notice as provided under chapters 34.04 and 42.42 [42.32] RCW, and a public hearing held in Olympia, Washington, on February 17, 1970, do hereby promulgate the following regulation relating to the sale and advertising of solid wood as fuel, and superseding Order No. 1104.

[Order 1143, § 16-660-001, filed 2/27/70, effective 4/1/70; Order 1104, § 16-660-001, filed 12/23/68, effective 2/1/69.]

WAC 16-660-010 Solid wood sold as fuel. (1) All solid wood sold as fuel to be delivered to the user's premises shall be offered, exposed and advertised for sale by the cord or fractional part thereof, provided this shall not apply to compressed sawdust or other compressed wood by-products sold as fuel.

(2) For the purpose of this regulation the following definitions shall apply:

(i) "Cord" means the measurement of wood intended for fuel or pulp purposes that is contained in a space of one hundred and twenty-eight cubic feet, when the wood is ranked and well stowed.

(ii) "Unit or load" means the measurement of wood intended for fuel that is contained in a space of one hundred and ninety-two cubic feet, when the wood is loosely or at random thrown into a container. Such a unit or load is recognized as the equivalent of a cord of wood when ranked and well stowed.

(3) Firewood sixteen inches or less in length, such as but not limited to mill ends, slabs, edgings and millblocks may be sold, offered, exposed or advertised for sale by the unit or load or one-half or quarter fractional part thereof. It shall be the responsibility of the seller to determine the capacity of any delivery vehicle used in dispensing a unit or load or fractional part thereof and so mark it in terms of the unit or load or fractional part thereof.

(4) All such fuel delivered to the consumer shall be accompanied by legible duplicate delivery tickets on which there shall be clearly stated:

- (i) The name and address of the seller.
- (ii) The name and address of the purchaser.
- (iii) The identity of the type of fuel comprising the delivery.
- (iv) The quantity delivered in terms of the cord or fractional part thereof.

(5) One of these tickets shall be retained by the seller and the other shall be delivered to the purchaser at the time of delivery of the fuel.

[Order 1143, § 16-660-010, filed 2/27/70, effective 4/1/70; Order 1104, § 16-660-010, filed 12/23/68, effective 2/1/69.]

Chapter 16-662 WAC

WEIGHTS AND MEASURES—NATIONAL BUREAU OF STANDARDS HANDBOOK

WAC

| | |
|------------|----------------------------|
| 16-662-070 | Promulgation. |
| 16-662-071 | Replacement of amendments. |

Reviser's note: NBS Handbook 44, Fourth Edition, filed June 18, 1973, Order 1318 entitled "Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices" and 1975 replacement sheets for NBS Handbook 44 - fourth edition, filed August 18, 1976. By authority of RCW 34.05.210(4), this edition has been omitted from publication in the Washington Administrative Code. Copies may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|-------------|---|
| 16-662-001, | 16-662-002, 16-662-003, 16-662-010, 16-662-020, and 16-662-030; provisions of National Bureau of Standards Handbook 44, 2nd edition, as set forth in RCW 19.93.060 have been superseded in total by the 3rd edition, as amended in 1966. [Order 1035, filed 11/14/66, effective 12/15/66 and Order 1072, filed 11/27/67, effective 1/1/68.] Handbook 44 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C. |
| 16-662-040 | Promulgation—Weights and measures regulation adopting National Bureau of Standards Handbook 44, 3rd edition. [Order 1134, § 16-662-040, filed 12/29/69, effective 2/1/70; Order 1035, Regulation 1, filed 11/14/66, effective 12/15/66.] Repealed by Order 1318, filed 6/18/73, effective 8/1/73. Later promulgation, see WAC 16-662-070. |
| 16-662-050 | Promulgation—Weights and measures regulation adopting amendments to National Bureau of Standards Handbook |

44, 3rd edition. [Order 1072, Regulation 1, filed 11/27/67, effective 1/1/68.] Repealed by Order 1134, filed 12/29/69, effective 2/1/70. See later enactment WAC 16-662-040.
 16-662-060 Promulgation—Weights and measures regulations adopting National Bureau of Standards Handbook 44, 4th edition as amended in 1972. [Order 1318, § 16-662-060, filed 6/18/73, effective 8/1/73.] Repealed by Order 1480, filed 8/18/76. Later promulgation, see WAC 16-662-071.

WAC 16-662-070 Promulgation. (This promulgation relates only to WAC 16-662-070 and 16-662-071) Weights and measures regulation adopting *National Bureau of Standards Handbook 44*, 4th edition, as published in 1971 with amendments through 1975.

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 19.94 RCW, and after due notice as provided under chapter 34.04 RCW, and a public hearing held in Olympia, Washington, on August 6, 1976, do hereby promulgate the following regulation relating to the adoption of amendments to Handbook 44, and superseding Order No. 1318.

[Order 1480, § 16-662-070, filed 8/18/76. Formerly WAC 16-662-040.]

WAC 16-662-071 Replacement of amendments. The provisions of the *National Bureau of Standards Handbook 44*, 4th edition, as published in 1971 with amendments through 1975 are hereby adopted in total as provided under chapter 19.94 RCW, RCW 19.94.190, as the specifications, tolerances, and regulations for commercial weighing and/or measuring devices of the state.

Chapter 19.94 RCW, RCW 19.94.190, provides that specifications, tolerances, and regulations for commercial weighing and/or measuring devices, as recognized by the *National Bureau of Standards Handbook 44* shall be mandatory in the state of Washington. As Handbook 44 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.

[Order 1480, § 16-662-071, filed 8/18/76. Formerly WAC 16-662-060.]

Chapter 16-663 WAC

REPORTING, TEST PROCEDURES AND STANDARDS BY PERSONS SERVICING AND CALIBRATING WEIGHING AND MEASURING DEVICES

WAC

| | |
|------------|---|
| 16-663-001 | Promulgation. |
| 16-663-010 | A regulation of weights and measures servicemen— Relating to reporting and test procedures— Reporting forms and submission of testing standards by persons servicing and calibrating commercial weighing and measuring devices— Definitions. |
| 16-663-020 | Submission of standards. |
| 16-663-030 | Availability of adequate standards. |
| 16-663-040 | Reports to be filed by serviceman or service agency. |
| 16-663-050 | Unlawful practices—Penalty. |
| 16-663-060 | Effective date. |

WAC 16-663-001 Promulgation. (This promulgation relates to WAC 16-663-001 through 16-663-050.)

I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 19.94 RCW, and after due notice as provided under chapters 34.04 and 42.42 [42.32] RCW, and a public hearing held in Olympia, Washington, on June 8, 1973, do hereby promulgate the following regulation relating to reporting and test procedures; reporting forms and submission of testing standards by persons servicing and calibrating weighing and measuring devices.

[Order 1319, § 16-663-001, filed 6/18/73.]

WAC 16-663-010 A regulation of weights and measures servicemen—Relating to reporting and test procedures—Reporting forms and submission of testing standards by persons servicing and calibrating commercial weighing and measuring devices—Definitions. (1) **Serviceman.** The term "serviceman" shall be construed to mean any individual who for hire, award, commission, or any other payment of any kind, installs, services, repairs or reconditions a commercial weighing and measuring device.

(2) **Service agency.** The term "service agency" shall be construed to mean any agency, firm, company or corporation which for hire, award, commission or any other payment of any kind, installs, services, repairs or reconditions a commercial weighing or measuring device.

(3) **Commercial weighing or measuring device.** The term "commercial weighing or measuring device" shall be construed to include any weight or measure or weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight, measure or count, and shall include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects, or may affect, the accuracy or indication of the device.

[Order 1319, § 16-663-010, filed 6/18/73.]

WAC 16-663-020 Submission of standards. All persons servicing, repairing and/or calibrating commercial weighing or measuring devices shall submit for examination and certification by the department of agriculture those weights or measures used for such purpose to the place and such time as the director may designate. A serviceman or agency shall not use in servicing commercial weighing or measuring any standard or testing equipment that has not been certified by the director.

[Order 1319, § 16-663-020, filed 6/18/73.]

WAC 16-663-030 Availability of adequate standards. All persons who shall hold themselves or their agent out as servicemen of commercial weighing or measuring devices shall have standards of adequate quantity and of such design to meet the requirements of National Bureau of Standards Handbooks 105-1; 105-2; 105-3, with respect to specifications and tolerances for reference standards and field standard weights and measures. The director shall have the

authority to determine and designate the adequacy of the quantity or volume of standards used in servicing weighing or measuring devices.

[Order 1319, § 16-663-030, filed 6/18/73.]

WAC 16-663-040 Reports to be filed by serviceman or service agency. On a form furnished by the department of agriculture the serviceman or agency will report the installation of any new or used weighing or measuring device that is being put in use for the first time at that location. If the installation involves a vehicle or livestock scale, notice shall be furnished the director a reasonable time (not less than two days) in advance of final test before placing in service so departmental personnel can be in attendance for the final test when the director deems it necessary. In instances where servicemen or service agencies are called upon to service, repair, or recondition a commercial weighing or measuring device that has been "rejected," ordered "out of service" or "condemned" they may be privileged to remove such regulatory tags but such tags must be returned to the department along with the copy of the original order or equipment rejection report that has been properly signed by the serviceman in the place so provided. In all instances of service that involves the use of standards or testing equipment for the calibration of a commercial weighing or measuring device, the serviceman or agency must make out a test report on forms provided by the department of agriculture indicating test methods, conditions found and the final values of tolerance in which the device/s were left. Such test shall be conducted in keeping with examination procedure outlines for that particular type of device that is referenced to the National Bureau of Standards Handbook 112.

[Order 1319, § 16-663-040, filed 6/18/73.]

WAC 16-663-050 Unlawful practices—Penalty. Concerning violations of these regulations RCW 19.94.510 states any person who, by himself, by his servant or agent, or as the servant or agent of another person, performs any one of the acts enumerated in subsections (1) through (9) below, shall be guilty of a misdemeanor and upon a second or subsequent conviction thereof he shall be guilty of a gross misdemeanor. Subsection (9) states as follows "Violate any provision of this chapter or of the rules and/or regulations promulgated under the provisions of this chapter for which a specific penalty has not been prescribed."

[Order 1319, § 16-663-050, filed 6/18/73.]

WAC 16-663-060 Effective date. The effective date of this order shall be August 1, 1973.

[Order 1319, § 16-663-060, filed 6/18/73.]

Chapter 16-666 WAC

WEIGHTS AND MEASURES—PACKAGING AND LABELING REGULATIONS

WAC

| | |
|------------|---------------|
| 16-666-002 | Promulgation. |
| 16-666-003 | Promulgation. |
| 16-666-030 | Application. |

(1997 Ed.)

16-666-040

16-666-050

16-666-060

16-666-070

16-666-080

16-666-090

16-666-100

16-666-110

16-666-120

16-666-130

Definitions.

Identity.

Declaration of responsibility—Consumer and nonconsumer packages.

Declaration of quantity—Consumer packages.

Declaration of quantity—Nonconsumer packages.

Prominence and placement—Consumer packages.

Prominence and placement—Nonconsumer package.

Requirements—Specific consumer commodities, packages, containers.

Exemptions.

Variations to be allowed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-666-001

Promulgation. [Order 792, effective 3/1/60.] Repealed by Order 1135, filed 12/29/69, effective 2/1/70.

16-666-010

Packages. [Order 792, Regulation 1, effective 3/1/60.] Repealed by Order 1135, filed 12/29/69, effective 2/1/70.

16-666-020

Labeling of tare weight or net weight statements on manufactured or processed meats that are packaged in random weights. [Order 897, Regulation 2, filed 1/14/63.] Repealed by Order 1147, filed 4/14/70.

WAC 16-666-002 Promulgation. (This promulgation relates only to WAC 16-666-020) Labeling of tare weight or net weight statements on manufactured or processed meats that are packaged in random weights.

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 67, Laws of 1969, and after due notice as provided under chapters 34.04 and 42.42 [42.32] RCW, and a public hearing held in Olympia, Washington, on April 2, 1970, do hereby promulgate this order repealing Order No. 897, Regulation 2 codified as WAC 16-666-020.

[Order 1147, § 16-666-002, filed 4/14/70. See also WAC 16-654-002.]

WAC 16-666-003 Promulgation. (This promulgation relates only to WAC 16-666-030 through 16-666-130) Packaging and labeling regulation.

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 67, Laws of 1969, and after due notice as provided under chapters 34.04 and 42.42 [42.32] RCW, and a public hearing held in Olympia, Washington, on December 18, 1969, do hereby promulgate the following regulation relating to packaging and labeling.

[Order 1135, § 16-666-003, filed 12/29/69, effective 2/1/70.]

WAC 16-666-030 Application. This regulation shall apply to packages and to commodities in package form, but shall not apply to:

(a) Inner wrappings not intended to be individually sold to the customer,

(b) Auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such containers or wrappings bear no printed matter pertaining to any particular commodity,

(c) Containers used for retail tray pack displays when the container itself is not intended to be sold (e.g., the tray that is used to display individual envelopes of seasonings, gravies, etc. and the tray itself is not intended to be sold),

(d) Commodities put up in variable weights and sizes for sale intact and intended to be either weighed or measured

at the time of sale, where no package quantities are represented, and where the method of sale is clearly indicated in close proximity to the quantity being sold, or

(e) Open carriers and transparent wrappers or carriers for containers when the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by this regulation.

[Order 1135, § 16-666-030, filed 12/29/69, effective 2/1/70.]

WAC 16-666-040 Definitions. (1) **Commodity in package form.** The term "commodity in package form" shall be construed to mean a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be a commodity in package form. Where the term "package" is used in this regulation, it shall be construed to mean "commodity in package form" as here defined.

(2) **Consumer package: Package of consumer commodity.** A "consumer package" or "package of consumer commodity" shall be construed to mean a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals, or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

(3) **Nonconsumer package: Package of nonconsumer commodity.** A "nonconsumer package" or "package of nonconsumer commodity" shall be construed to mean any commodity in package form other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

(4) **Random package.** The term "random package" shall be construed to mean a package that is one of a lot, shipment, or delivery of packages of the same consumer commodity with varying weights; that is, packages of the same consumer commodity with no fixed pattern of weight.

(5) **Label.** The term "label" shall be construed to mean any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a consumer commodity or a package containing any consumer commodity, for purposes of branding, identifying, or giving any information with respect to the commodity or to the contents of the package, except an inspector's tag or other nonpromotional matter affixed to or appearing upon a consumer commodity shall not be deemed to be a label requiring the repetition of label information required by this regulation.

(6) **Person.** The term "person" shall be construed to mean both singular and plural, and shall include any individual, partnership, company, corporation, association and society.

(7) **Principal display panel or panels.** The term "principal display panel or panels" shall be construed to mean that part, or those parts, of a label that is, or are, so designed as to most likely be displayed, presented, shown, or examined under normal and customary conditions of

display and purchase. Wherever a principal display panel appears more than once on a package, all requirements pertaining to the "principal display panel" shall pertain to all such "principal display panels."

(8) **Multi-unit package.** The term "multi-unit package" shall be construed to mean a package containing two or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multi-unit package but capable of being individually sold in full compliance with all requirements of this regulation.

[Order 1135, § 16-666-040, filed 12/29/69, effective 2/1/70.]

WAC 16-666-050 Identity. (1) **Declaration of identity: Consumer package.** A declaration of identity on a consumer package shall appear on the principal display panel, and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

(2) **Parallel identity declaration: Consumer package.** A declaration of identity on a consumer package shall appear generally parallel to the base on which the package rests as it is designed to be displayed.

(3) **Declaration of identity: Nonconsumer package.** A declaration of identity on a nonconsumer package shall appear on the outside of a package and shall positively identify the commodity in the package by its common or usual name, description, generic term, or the like.

[Order 1135, § 16-666-050, filed 12/29/69, effective 2/1/70.]

WAC 16-666-060 Declaration of responsibility—Consumer and nonconsumer packages. Any package kept, offered, or exposed for sale, or sold, at any place other than on the premises where packed shall specify conspicuously on the label of the package the name and address of the manufacturer, packer, or distributor. The name shall be the actual corporate name, or, when not incorporated, the name under which the business is conducted. The address shall include street address, city, state, and zip code; however, the street address may be omitted if this is shown in a current city directory or telephone directory. The requirement for inclusion of the zip code shall apply only to labels that have been developed or revised after July 1, 1968.

If a person manufactures, packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading. Where the commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity, such as "Manufactured for and packed by," "Distributed by," or any other wording of similar import that expressed the facts.

[Order 1135, § 16-666-060, filed 12/29/69, effective 2/1/70.]

WAC 16-666-070 Declaration of quantity—Consumer packages. (1) **Largest whole unit.** Where this regulation requires that the quantity declaration be in terms

of the largest whole unit, the declaration shall, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed in

(a) Common or decimal fractions of such largest whole unit, or in

(b) The next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration.

(2) **Net quantity.** A declaration of net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity, shall appear on the principal display panel of a consumer package and, unless otherwise specified in this regulation (see WAC 16-666-070 (7) through (9)) shall be in terms of the largest whole unit.

(a) **Use of "net weight."** The term "net weight" shall be used in conjunction with the declaration of quantity in terms of weight; the term may either precede or follow the declaration of weight.

(b) **Lines of print or type.** A declaration of quantity may appear on one or more lines of print or type.

(3) **Terms: Weight, liquid measure, or count.** The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

(a) **Combination declaration: Weight or measure.** A declaration of quantity in terms of weight or measure shall be accompanied by a declaration of the count or size of the individual units of the commodity, unless a declaration of weight or measure alone is fully informative to the consumer. Such declaration shall appear on the principal display panel.

(b) **Combination declaration: Count.** A declaration of quantity in terms of count shall be accompanied by a declaration of the weight, measure, or size of the individual units of the commodity, or of the total weight or measure of the commodity, unless a declaration of count alone is fully informative to the consumer. Such declaration shall appear on the principal display panel.

(4) **Units: Weight, measure.** A declaration of quantity

(a) In units of weight shall be in terms of the avoirdupois pound or ounce;

(b) In units of liquid measure shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at 68°F (20°C), except in the case of petroleum products, for which the declaration shall express the volume at 60°F (15.6°C), and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F (4°C);

(c) In units of linear measure shall be in terms of the yard, foot, or inch;

(d) In units of area measure, shall be in terms of the square yard, square foot, or square inch;

(e) In units of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches, or peck, dry-quart, and dry-pint subdivisions of the bushel;

(f) In units of cubic measure shall be in terms of the cubic yard, cubic foot, or cubic inch: *Provided*, That in the case of prescription or insulin containing drugs, or in the case of a commodity packed for export shipment, the declaration of quantity may be in terms of the metric system of weight or measure.

(5) **Abbreviations.** Any of the following abbreviations, and none other, may be employed in the quantity statement on a package of commodity:

| | |
|------------------|------|
| avoirdupois | avdp |
| cubic | cu |
| feet or foot | ft |
| fluid | fl |
| gallon | gal |
| inch | in |
| liquid | liq |
| ounce | oz |
| pint | pt |
| pound | lb |
| quart | qt |
| square | sq |
| weight | wt |
| yard | yd |
| cubic centimeter | cc |
| gram | g |
| kilogram | kg |
| microgram | mcg |
| milligram | mg |
| milliliter | ml |

(There normally are no periods following, nor plural forms of, these abbreviations. For example, "oz" is the abbreviation for both "ounce" and "ounces.")

(6) **Units with two or more meanings.** When the term "ounce" is employed in a declaration of liquid quantity, the declaration shall identify the particular meaning of the term by the use of the term "fluid"; however, such distinction may be omitted when, by association of terms (for example, as in "1 pint 4 ounces"), the proper meaning is obvious. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declaration shall include the word "dry."

(7) **Prescribed units.**

(a) **Less than one foot, one square foot, one pound, or one pint.** The declaration of quantity shall be expressed in terms of

(i) In the case of length measure of less than one foot, inches and fractions of inches;

(ii) In the case of area measure of less than one square foot, square inches and fractions of square inches;

(iii) In the case of weight of less than one pound, ounces and fractions of ounces;

(iv) In the case of fluid measure of less than one pint, ounces and fractions of ounces: *Provided*, That the quantity declaration appearing on a random package may be ex-

pressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than two decimal places.

(b) **Four feet, four square feet, four pounds, one gallon, or more.** In the case of

(i) Length measure of four feet or more

the declaration of quantity shall be expressed in terms of feet, followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches. In the case of

(i) Area measure of four square feet or more;

(ii) Weight of four pounds or more;

(iii) Fluid measure of one gallon or more

the declaration of quantity shall be expressed in terms of the largest whole unit.

(c) **Weight: dual quantity declaration.** On packages containing one pound or more but less than four pounds, the declaration shall be expressed in ounces and, in addition, shall be followed by declaration in parentheses, expressed in terms of the largest whole unit: *Provided*, That the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places.

(d) **Fluid measure: Dual quantity declaration.** On packages containing one pint or more but less than one gallon, the declaration shall be expressed in ounces and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(e) **Length measure: Dual quantity declaration.** On packages containing one foot but less than four feet, the declaration shall be expressed in inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(f) **Area measure: Dual quantity declaration.** On packages containing one square foot but less than four square feet, the declaration shall be expressed in square inches and, in addition, shall be followed by a declaration in parentheses, expressed in terms of the largest whole unit.

(g) **Bidimensional commodities.** For bidimensional commodities (including roll-type commodities) the quantity declaration shall be expressed,

(i) If less than one square foot, in terms of linear inches and fractions of linear inches;

(ii) If at least one square foot but less than four square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit: *Provided*, That

(1) No square inch declaration is required for a bidimensional commodity of four inches width or less, and

(2) A dimension of less than two feet may be stated in inches within the parenthetical, and

(3) Commodities consisting of usable individual units (except roll-type commodities with individual usable units created by perforations, for which see WAC 16-666-070(h). COUNT: PLY) require a declaration of unit area but not a declaration of total area of all such units;

(iii) If four square feet or more, in terms of square feet followed in parentheses by a declaration of the length and width in terms of the largest whole unit: *Provided*, That

(1) No declaration in square feet is required for a bidimensional commodity with a width of four inches or less,

(2) A dimension of less than two feet may be stated in inches within the parenthetical, and

(3) No declaration in square feet is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.

(h) **Count: Ply.** If the commodity is in individually usable units of one or more components or ply, the quantity declaration shall, in addition to complying with other applicable quantity declaration requirements of this regulation, include the number of ply and the total number of usable units.

Roll-type commodities, when perforated so as to identify individual usable units, shall not be deemed to be made up of usable units; however, such roll-type commodities shall be labeled in terms of

(i) Total area measurement and

(ii) Number of ply,

(iii) Count of usable units, and

(iv) Dimensions of a single usable unit.

(8) **Reduction of fractions.** Fractions employed in declarations of quantity may be either common fractions or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds, and shall be reduced to its lowest terms. A decimal fraction shall not be carried out to more than two places: *Provided*, That is there exists, with respect to a particular commodity, a firmly established general consumer usage and trade custom contrary to the requirement pertaining to common fractions, as set forth above, the declaration may be made in accordance with such usage and custom: *And provided further*, That in the case of prescription or insulin containing drugs, a decimal fraction may be carried out to three places.

(9) **Supplementary declarations.**

(a) **Supplementary quantity declarations.** The required quantity declaration may be supplemented by one or more declarations of weight, measure, or count, such declaration appearing other than on a principal display panel. Such supplemental statement of quantity of contents shall not include any terms qualifying a unit of weight, measure, or count that tends to exaggerate the amount of commodity contained in the package (e.g., "giant" quart, "full" gallon, "when packed," "minimum," or words of similar import).

(b) **Metric system declarations.** A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement, and a statement of quantity in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

(10) **Qualifications of declaration prohibited.** In no case shall any declaration of quantity be qualified by the addition of the words "when packed," "minimum," or "not less than," or any words of similar import, nor shall any unit of weight measure, or count be qualified by any term (such as "jumbo," "giant," "full," or the like) that tends to exaggerate the amount of commodity.

[Order 1135, § 16-666-070, filed 12/29/69, effective 2/1/70.]

WAC 16-666-080 Declaration of quantity—Nonconsumer packages. (1) **Location.** A nonconsumer package shall bear on the outside a declaration of the net quantity of contents. Such declaration shall be in terms of the largest whole unit (see WAC 16-666-070(1) LARGEST WHOLE UNIT).

(2) **Terms: Weight, liquid measure, or count.** The declaration of the quantity of a particular commodity shall be expressed in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid, or in terms of numerical count. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

(3) **Units: Weight, measure.** A declaration of quantity

(a) In units of weight shall be in terms of the avoirdupois pound or ounce;

(b) In units of liquid measure shall be in terms of the United States gallon of 231 cubic inches or liquid-quart, liquid-pint, or fluid-ounce subdivisions of the gallon, and shall express the volume at 68°F (20°C), except in the case of petroleum products, for which the declaration shall express the volume at 60°F (15.6°C), and except also in the case of a commodity that is normally sold and consumed while frozen, for which the declaration shall express the volume at the frozen temperature, and except also in the case of a commodity that is normally sold in the refrigerated state, for which the declaration shall express the volume at 40°F (4°C);

(c) In units of linear measure shall be in terms of the yard, foot, or inch;

(d) In units of area measure, shall be in terms of the square yard, square foot, or square inch;

(e) In units of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches, or peck, dry-quart and dry-pint subdivisions of the bushel;

(f) In units of cubic measure shall be in terms of the cubic yard, cubic foot, or cubic inch: *Provided*, That nothing in this subsection shall prohibit the labeling of nonconsumer packages in terms of units of the metric system.

(4) **Abbreviations.** Any generally accepted abbreviation of a unit name may be employed in the quantity statement on a package of commodity. (For commonly accepted abbreviations, see WAC 16-666-070(5) Abbreviations.)

(5) **Character of declaration: Average.** The average quantity of contents in the packages of a particular lot, shipment, or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage.

[Order 1135, § 16-666-080, filed 12/29/69, effective 2/1/70.]

WAC 16-666-090 Prominence and placement—Consumer packages. (1) **General.** All information required to appear on a consumer package shall appear

thereon in the English language and shall be prominent, definite, and plain, and shall be conspicuous as to size and style of letters and numbers and as to color of letters and numbers in contrast to color of background. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

(2) **Location.** The declaration or declarations of quantity of the contents of a package shall appear in the bottom 30 percent of the principal display panel or panels, except as otherwise provided in WAC 16-666-110(7). CYLINDRICAL CONTAINERS.

(3) **Style of type or lettering.** The declaration or declarations of quantity shall be in such a style of type or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering, or graphic material on the package, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface is permissible when all label information is blown, formed, or molded on the surface.

(4) **Color contrast.** The declaration or declarations of quantity shall be in a color that contrasts conspicuously with its background, except that a declaration of net quantity blown, formed, or molded on a glass or plastic surface shall not be required to be presented in a contrasting color if no required label information is on the surface in a contrasting color.

(5) **Free area.** The area surrounding the quantity declaration shall be free of printed information.

(a) Above and below, by a space equal to at least the height of the lettering in the declaration, and

(b) To the left and right, by a space equal to twice the width of the letter "N" of the style and size of type used in the declaration.

(6) **Parallel quantity declaration.** The quantity declaration shall be presented in such a manner as to be generally parallel to the declaration of identity and to the base on which the package rests as it is designed to be displayed.

(7) **Calculation of area of principal display panel for purposes of type size.** The square-inch area of the principal display panel shall be

(a) In the case of a rectangular container, one entire side which properly can be considered to be the principal display panel, the product of the height times the width of that side;

(b) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference; or

(c) In the case of any other shaped container, 40 percent of the total surface of the container, unless such container presents an obvious principal display panel (e.g., the top of a triangular or circular package of cheese, or the top of a can of shoe polish), the area shall consist of the entire such surface.

Determination of the principal display panel shall exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

(8) **Minimum height of numbers and letters.** The height of any letter or number in the required quantity declaration shall be not less than that shown in Table 1 with respect to the square-inch area of the panel, and the height

of each number of a common fraction shall meet one-half the minimum height standards.

(9) **Numbers and letters: Proportion.** No number or letter shall be more than three times as high as it is wide.

TABLE 1.
Minimum Height of Numbers and Letters

| Square-inch area of principal display panel | Minimum height of numbers and letters | Minimum height: label information blown, formed, or molded on surface of container |
|--|---------------------------------------|--|
| 5 square inches and less. | 1/16 inch | 1/8 inch |
| Greater than 5 square inches and not greater than 25 square inches. | 1/8 inch | 3/16 inch |
| Greater than 25 square inches and not greater than 100 square inches. | 3/16 inch | 1/4 inch |
| Greater than 100 square inches and not greater than 400 square inches. | 1/4 inch | 5/16 inch |
| Greater than 400 square inches. | 1/2 inch | 9/16 inch |

[Order 1135, § 16-666-090, filed 12/29/69, effective 2/1/70.]

WAC 16-666-100 Prominence and placement—Nonconsumer package. (1) **General.** All information required to appear on a nonconsumer package shall be definitely and clearly stated thereon in the English language. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

[Order 1135, § 16-666-100, filed 12/29/69, effective 2/1/70.]

WAC 16-666-110 Requirements—Specific consumer commodities, packages, containers. (1) **Display card package.** For an individual package affixed to a display card, or for a commodity and display card together comprising a package, the type size of the quantity declaration is governed by the dimensions of the display card.

(2) **Eggs.** When cartons containing 12 eggs have been designed so as to permit division in half by the retail purchaser, the required quantity declaration shall be so positioned as to have its context destroyed when the carton is divided.

(3) **Aerosols and similar pressurized containers.** The declaration of quantity on an aerosol package, and on a similar pressurized package, shall disclose the net quantity of the commodity (including propellant), in terms of weight, that will be expelled when the instructions for use as shown on the container are followed.

(4) **Multi-unit packages.** Any package containing more than one individual "commodity in package form" (see WAC 16-666-040(1)) of the same commodity shall bear on the outside of the package a declaration of

- (a) The number of individual units,
- (b) The quantity of each individual unit, and

(c) The total quantity of the contents of the multi-unit package: *Provided*, That the requirement for a declaration of the total quantity of contents of a multi-unit package shall be effective (1) with respect to those labels revised after the effective date of this regulation, or (2) as of January 1, 1970, whichever occurs first. Any such declaration of total quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation. Whenever the quantity declaration appearing on individual units of a multi-unit package is located other than in the lower 30 percent of the principal display panel, the individual units of that multi-unit package may not be separately sold.

(5) **Combination packages.** Any package containing individual units of dissimilar commodities (such as an antiquing kit, for example) shall bear on the label of the package a quantity declaration for each unit.

(6) **Variety packages.** Any package containing individual units of reasonably similar commodities (such as, for example, seasonal gift packages, variety packages of cereal) shall bear on the label of the package a declaration of the total quantity of commodity in the package.

(7) **Cylindrical containers.** In the case of cylindrical or nearly cylindrical containers, information required to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

[Order 1135, § 16-666-110, filed 12/29/69, effective 2/1/70.]

WAC 16-666-120 Exemptions. (1) **General.** Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity declaration required to appear on the package shall be in terms of the largest whole unit (except see WAC 16-666-110 (4)(c)).

(2) **Random packages.** A random package bearing a label conspicuously declaring

- (a) The net weight,
- (b) The price per pound, and
- (c) The total price

shall be exempt from the type size, dual declaration, placement, and free area requirements of this regulation. In the case of a random package of food packed at one place for subsequent sale at another, neither the price per unit of weight nor the total selling price need appear on the package, provided the package label includes both such prices at the time it is offered or exposed for sale at retail.

(3) **Penny candy.** Individually wrapped pieces of "penny candy" and other confectionery of less than one-half ounce net weight per individual piece shall be exempt from the labeling requirements of this part when the container in which such confectionery is shipped is in conformance with the labeling requirements of this part. Similarly, when such confectionery items are sold in bags or boxes, such items shall be exempt from the labeling requirements of this part, including the required declaration of net quantity of contents specified in this part when the declaration on the bag or box meets the requirements of this part.

(4) **Individual servings.** Individual-serving-size packages of foods containing less than 1/2 ounce or less than 1/2 fluid ounce for use in restaurants, institutions, and

passenger carriers, and not intended for sale at retail, shall be exempt from the required declaration of net quantity of contents specified in this regulation.

(5) **Cuts, plugs, and twists of tobacco and cigars.** When individual cuts, plugs, and twists of tobacco and individual cigars are shipped or delivered in containers that conform to the labeling requirements of this regulation, such individual cuts, plugs, and twists of tobacco and cigars shall be exempt from such labeling requirements.

(6) **Reusable (returnable) glass containers.** Nothing in this regulation shall be deemed to preclude the continued use of reusable (returnable) glass containers: *Provided*, That such glass containers ordered after the effective date of this regulation shall conform to all requirements of this regulation.

(7) **Cigarettes and small cigars.** Cartons of cigarettes and small cigars, containing ten individual packages of twenty, labeled in accordance with the requirements of this regulation, shall be exempt from the requirements set forth in WAC 16-666-090(2). Location, (8) Minimum height of numbers and letters, and WAC 16-666-110(4) Multi-unit packages: *Provided*, That such cartons bear a declaration of the net quantity of commodity in the package.

(8) **Packaged commodities with labeling requirements specified in federal law.** Packages of meat and meat products, poultry and poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides, prescription and insulin-containing drugs, alcoholic beverages, and seeds shall be exempt from the requirements set forth in WAC 16-666-070 (7)(c) Weight: Dual quantity declaration. Fluid measure: Dual quantity declaration (7)(d). Length measure: Dual quantity declaration (7)(e). Area measure: Dual quantity declaration WAC 16-666-090(2). Location, and subsection (8). Minimum height of numbers and letters: *Provided*, That quantity labeling requirements for such products are specified in federal law, so as to follow reasonably sound principles of providing consumer information.

(9) **Fluid dairy products, ice cream, and similar frozen desserts.**

(a) When measured by and packaged in 1/2-liquid pint and 1/2-gallon measure containers, as defined in the "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirements for stating net contents of 8 fluid ounces and 64 fluid ounces, which may be expressed as 1/2-pint and 1/2-gallon respectively.

(b) When measured by and packaged in 1-liquid pint, 1-liquid quart, and 1/2 gallon measure containers, as defined in the "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the dual net contents declaration requirements of WAC 16-666-070 (7)(d).

(c) When measured by and packaged in 1/2 liquid pint, 1-liquid pint, 1-liquid quart, 1/2-gallon, and 1 gallon measure containers as defined in "Measure Container Code of National Bureau of Standards Handbook 44," are exempt from the requirement of WAC 16-666-090(2) that the declaration of net contents be located within the bottom 30 percent of the principal display panel.

(d) Milk and milk products when measured by and packaged in glass or plastic containers of 1/2-liquid pint, 1-liquid pint, 1-liquid quart, 1/2 gallon, and 1 gallon capaci-

ties are exempt from the placement requirement of WAC 16-666-090(2) that the declaration of net contents be located within the bottom 30 percent of the principal display panel, provided that other required label information is conspicuously displayed on the cap or outside closure, and the required net quantity of contents declaration is conspicuously blown, formed, or molded on, or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.

(e) Molded, frozen confections (made up of ice cream or related frozen desserts) shall be exempt from the requirements for a declaration of **total quantity of contents** on a multi-unit package (see WAC 16-666-110(4)).

(10) **Soft-drink bottles.** Bottles of soft drinks shall be exempt from the placement requirements for the declaration of

(a) Identity, when such declaration appears on the bottle closure, and

(b) Quantity, when such declaration is blown, formed, or molded on or above the shoulder of the container and when all other information required by this regulation appears only on the bottle closure.

(11) **Multi-unit soft-drink packages.** Multi-unit packages of soft drinks are exempt from the requirements for a declaration of

(a) Responsibility, when such declaration appears on the individual units and is not obscured by the multi-unit packaging, or when the outside container bears a statement to the effect that such declaration will be found on the individual units inside, and

(b) Identity, when such declaration appears on the individual units and is not obscured by the multi-unit packaging.

(12) **Butter.** When packaged in 4-ounce, 8-ounce, and 1-pound units with continuous label copy wrapping, butter is exempt from the requirements that the statement of identity (WAC 16-666-050(1) and the net quantity declaration (WAC 16-666-090(6) be generally parallel to the base of the package. When packaged in 8-ounce and 1-pound units, butter is exempt from the requirement for Location (WAC 16-666-090(2)) of net quantity declaration and, when packaged in 1-pound units, is exempt from the requirement for Dual quantity declaration (WAC 16-666-070 (7)(c)).

(13) **Eggs.** Cartons containing 12 eggs shall be exempt from the requirement for Location (WAC 16-666-090(2) of net quantity declaration. When such cartons are designed to permit division in half, each half shall be exempt from the labeling requirements of this regulation if the undivided carton conforms to all such requirements.

(14) **Flour.** Packages of wheat flour packaged in units of 2, 5, 10, 25, 50, and 100 pounds shall be exempt from the requirement in this regulation for Location (WAC 16-666-090(2) of the net quantity declaration and, when packaged in units of 2 pounds, shall be exempt also from the requirement for a **dual quantity declaration** (WAC 16-666-070 (7)(c)).

(15) **Exemption: location: small package.** On a principal display panel of five square inches or less, the declaration of quantity need not appear in the bottom 30 percent of the principal display panel if that declaration satisfies the other requirements of this regulation.

(16) **Exemption: multi-unit package: location.** On individual units of a multi-unit retail package, the declaration

of quantity need not appear in the bottom 30 percent of the principal display panel if that declaration satisfies the other requirements of this regulation.

(17) **Exemption: decorative container.** The principal display panel of a cosmetic marketed in a "boudoir-type" container including decorative cosmetic containers of the "cartridge," "pill box," "compact," or "pencil" variety, and those with a capacity of one-fourth ounce or less, may be a tear-away tag or tape affixed to the decorative container and bearing the mandatory label information as required by this regulation.

(18) **Exemption: combination packages.** Combination packages are exempt from the requirements in this regulation for

- (a) Location (see WAC 16-666-090(2)),
- (b) Free area (see WAC 16-666-090(5)), and
- (c) Minimum height of numbers and letters (see WAC 16-666-090(8)).

(19) **Margarine.** Margarine in 1-pound rectangular packages, except for packages containing whipped or soft margarine or packages containing more than four sticks, shall be exempt from the requirement in this regulation for Location (see WAC 16-666-090(2)) of the net quantity declaration, and shall be exempt from the requirement for a Dual quantity declaration (see WAC 16-666-070 (7)(c)).

(20) **Corn flour.** Corn flour packaged in conventional 5, 10, 25, 50, and 100-pound bags shall be exempt from the requirement in this regulation for Location (see WAC 16-666-090(2)) of the net quantity declaration.

(21) **Prescription and insulin containing drugs.** Packages of prescription and insulin containing drugs shall be exempt from the requirements set forth in WAC 16-666-110(4) Multi-unit packages.

[Order 1135, § 16-666-120, filed 12/29/69, effective 2/1/70.]

WAC 16-666-130 Variations to be allowed. (1) Packaging variations.

(a) **Variations from declared net quantity.** Variations from the declared net weight, measure, or count shall be permitted when caused by unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in good packaging practice, but such variations shall not be permitted to such extent that the average of the quantities in the packages of a particular commodity, or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated, and no unreasonable shortage in any package shall be permitted, even though overages in other packages in the same shipment, delivery, or lot compensate for such shortage. Variations above the declared quantity shall not be unreasonably large.

(b) **Variations resulting from exposure.** Variations from the declared weight or measure shall be permitted when caused by ordinary and customary exposure to conditions that normally occur in good distribution practice and that unavoidably result in change of weight or measure, but only after the commodity is introduced into intrastate commerce: *Provided*, That the phrase "introduced into intrastate commerce" as used in this paragraph shall be construed to define the time and the place at which the first sale and delivery of a package is made within the state, the delivery being either

(i) Directly to the purchaser or to his agent, or
 (ii) To a common carrier for shipment to the purchaser, and this paragraph shall be construed as requiring that, so long as a shipment, delivery, or lot of packages of a particular commodity remains in the possession or under the control of the packager or the person who introduces the package into intrastate commerce, exposure variations shall not be permitted.

(2) **Magnitude of permitted variations.** The magnitude of variations permitted under WAC 16-666-130 (1)(a) and (b) of this regulation shall, in the case of any shipment, delivery, or lot, be determined by the facts in the individual case.

[Order 1135, § 16-666-130, filed 12/29/69, effective 2/1/70.]

Chapter 16-670 WAC WEIGHTS AND MEASURES—PREPACKAGE CHECKING PROCEDURE

WAC

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| 16-670-001 | Promulgation. |
| 16-670-010 | Prepackage checking procedure. |

WAC 16-670-001 Promulgation. (This promulgation relates only to WAC 16-670-010) Weights and measures regulation adopting *National Bureau of Standards Handbook 67*.

I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 67, Laws of 1969, and after due notice as provided under chapters 34.04 and 42.30 RCW, and a public hearing held in Olympia, Washington, on February 17, 1970, do hereby promulgate the following regulation relating to the adoption of Handbook 67, and superseding Order No. 792.

[Order 1144, § 16-670-001, filed 2/27/70, effective 4/1/70. Formerly WAC 16-650-001.]

WAC 16-670-010 Prepackage checking procedure. *The National Bureau of Standards Handbook 67* entitled *Checking Prepackaged Commodities*, a manual for weights and measures officials, as issued March 20, 1959, is hereby adopted.

[Order 1144, § 16-670-010, filed 2/27/70, effective 4/1/70.]

Chapter 16-674 WAC WEIGHTS AND MEASURES—SEALING, MARK- ING, RETESTING DEVICES

WAC

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| 16-674-010 | Exemptions and definitions. |
| 16-674-030 | Weighmaster license. |
| 16-674-040 | Weighmaster license—Late renewal penalty. |
| 16-674-050 | Weigher license. |
| 16-674-065 | Special inspection and testing fees. |
| 16-674-080 | Fees for federal grain elevator scales. |
| 16-674-090 | Fees for railroad track scales. |
| 16-674-092 | Service agent registration. |
| 16-674-095 | Device registration. |

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

- 16-674-001 Promulgation. [Order 792, Promulgation, filed 3/1/60.] Decodified by Order 1145, filed 2/27/70. Later promulgation, see WAC 16-674-002.
- 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.
- 16-674-060 Inspection and testing fees. [Statutory Authority: 1992 c 237. 93-03-079, § 16-674-060, filed 1/19/93, effective 2/19/93.] Repealed by 96-01-040, filed 12/13/95, effective 1/13/96. Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16.
- 16-674-070 Late fees. [Statutory Authority: 1992 c 237. 93-03-079, § 16-674-070, filed 1/19/93, effective 2/19/93.] Repealed by 96-01-040, filed 12/13/95, effective 1/13/96. Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16.
- 16-674-100 City sealers report forms prescribed. [Statutory Authority: 1992 c 237. 93-03-079, § 16-674-100, filed 1/19/93, effective 2/19/93.] Repealed by 96-01-040, filed 12/13/95, effective 1/13/96. Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16.

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 section 2, chapter 355, Laws of 1995, 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 and in this section shall apply to this chapter.

(a) "Commercial weighing or measuring device" shall be construed to include any weighing or measuring device commercially used or employed in establishing the size,

quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure. It shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects the accuracy of the device.

(b) "Owner" shall be construed to mean the individual or business actually using a weighing or measuring device for commercial purposes, regardless of who is the legal owner or lien holder of such device.

[Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-010, filed 12/13/95, effective 1/13/96. 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 16-674-030 Weighmaster license. Weighmaster licenses issued under RCW 15.80.460 shall expire on June 30th following the date of issuance.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-674-030, filed 7/25/91, effective 8/25/91.]

WAC 16-674-040 Weighmaster license—Late renewal penalty. (1) Renewal applications for weighmaster licenses issued under chapter 15.80 RCW not filed by July of any one year are subject to a penalty as provided by RCW 15.80.470.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-674-040, filed 7/25/91, effective 8/25/91.]

WAC 16-674-050 Weigher license. Weigher licenses issued under RCW 15.80.500 shall expire on June 30th following the date of issuance.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-674-050, filed 7/25/91, effective 8/25/91.]

WAC 16-674-065 Special inspection and testing fees. (1) The following fees shall be charged for the inspection and testing of weighing or measuring instruments or devices specially requested to be inspected or tested by the device owner:

- (a) Weighing devices:
 - (i) Small scales "zero to four hundred pounds

- capacity" \$15.00
- (ii) Intermediate scales "four hundred pounds to five thousand pounds capacity" \$50.00
- (iii) Large scales "over five thousand pounds capacity" \$125.00
- (iv) Large scales with supplemental devices \$150.00
- (b) Railroad track scales \$1,000.00
- (c) Liquid fuel metering devices:
 - (i) Fuel meters with flows of less than twenty gallons per minute \$15.00
 - (ii) Fuel meters with flows of twenty but not more than one hundred fifty gallons per minute \$50.00
 - (iii) Fuel meters with flows over one hundred fifty gallons per minute \$150.00
- (d) Liquid petroleum gas meters:
 - (i) With one inch diameter or smaller dispensers \$50.00
 - (ii) With greater than one inch diameter dispensers \$150.00

(2) 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.

(3) For inspection services not covered under the above special inspection fee schedule, the department shall charge a fee of thirty-three dollars seventy-five cents per hour for labor and travel time.

[Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-065, filed 12/13/95, effective 1/13/96.]

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-three dollars seventy-five cents per hour, as adopted under WAC 16-212-060 (15)(d), and shall be payable to the laboratory services division of the state department of agriculture, which has entered into a cooperative agreement with the weights and measures program.

[Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-080, filed 12/13/95, effective 1/13/96. 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 and maintaining 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: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-090, filed 12/13/95, effective 1/13/96. Statutory Authority: 1992 c 237. 93-03-079, § 16-674-090, filed 1/19/93, effective 2/19/93.]

WAC 16-674-092 Service agent registration. (1) Any service agent who intends to provide the examination

that permits a commercial weighing or measuring device to be placed back into commercial service shall register with the department. Requests for an initial registration or renewal shall be submitted on a form provided by the department and shall include a fee in the amount of eighty dollars per individual as per section 16, chapter 355, Laws of 1995.

(2) The department shall issue an official registration certificate for each individual whose application is approved. For requests that are denied, the department will provide reasons, in writing, for the denial and refund any payments made by the individual in connection with the request. Official service agent registration certificates are valid for a period of one year from time of registration.

[Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-092, filed 12/13/95, effective 1/13/96.]

WAC 16-674-095 Device registration. (1) All weighing or measuring devices used for commercial purposes in the state shall be registered annually. Devices in commercial use within a city having a city sealer and a weights and measures program that has adopted registration fees shall be registered with the city. Devices used commercially outside of such city shall register with the department. If the commercial use of the device is within such city that has not adopted fees, the device shall be registered with the department.

(2) The device registration fees established in RCW 19.94.175 shall apply unless a city jurisdiction has adopted separate registration fees for devices used within its jurisdiction. Cities may establish separate annual registration fees for devices within city jurisdictions; however, they may not exceed the fees in RCW 19.94.175 for registering the use of a similar instrument or device. Payment of the device registration fee constitutes registration. Cities shall notify the department of agriculture regarding the adoption of fee levels and any changes in fees.

(3) All device registrations with the department shall be accomplished as part of the department of licensing, master license system under chapter 19.02 RCW. Devices shall be initially registered at the time the owner applies for a master license for a new business or at the first renewal of the license that occurs after the device is first placed into commercial use. Device registrations with a city may be accomplished through the master licensing system with a letter of request for implementation assistance from the city to the department of agriculture.

(4) The department of licensing shall remit to the department of agriculture all registration fees collected less reasonable collection expenses. The department of agriculture shall forward to the city that portion of fees attributable to city registrations.

[Statutory Authority: 1995 c 355 §§ 1, 2, 3, 4, 9, 10, 15 and 16. 96-01-040, § 16-674-095, filed 12/13/95, effective 1/13/96.]

**Chapter 16-675 WAC
CALIBRATION SERVICES**

WAC

- 16-675-010 Purpose.
- 16-675-020 Definitions.
- 16-675-030 Condition of submitted weights and measures.
- 16-675-040 Schedule of laboratory fees.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

- 16-675-029 Condition of submitted weights and measures. [Statutory Authority: Chapter 19.94 RCW. 94-12-035, § 16-675-029, filed 5/25/94, effective 6/25/94.] Repealed by 95-21-097 (Order 5084), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 19.94.216 and 19.94.325.
- 16-675-039 Schedule of laboratory fees. [Statutory Authority: Chapter 19.94 RCW. 94-12-035, § 16-675-039, filed 5/25/94, effective 6/25/94.] Repealed by 95-21-097 (Order 5084), filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 19.94.216 and 19.94.325.

WAC 16-675-010 Purpose. The department of agriculture promulgates this chapter to implement the provisions of RCW 19.94.216(1) and 19.94.325(2) which allows the director of the state department of agriculture to establish reasonable fees for inspection, testing and calibration services performed by the metrology laboratory on weights and measures standards.

[Statutory Authority: RCW 19.94.216 and 19.94.325. 95-21-097 (Order 5084), § 16-675-010, filed 10/18/95, effective 11/18/95. Statutory Authority: Chapter 19.94 RCW. 94-12-035, § 16-675-010, filed 5/25/94, effective 6/25/94. Statutory Authority: RCW 19.94.190 and chapter 19.94 RCW. 90-24-004 (Order 2063), § 16-675-010, filed 11/26/90, effective 12/27/90.]

WAC 16-675-020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department or the director's duly appointed representative.
- (3) "Laboratory" means weights and measures laboratory operated by the department.
- (4) "Tolerance" means the allowable amount of variation from a standard.
- (5) "Calibration" means the process of comparing weights and measures to known standards and determining if the weights and measures compare to the known standards within a tolerance allowed under chapter 19.94 RCW. This term shall also apply to the repairing of any weights or measures submitted to the laboratory.
- (6) "Avoirdupois" means a system of weights and measures based on a pound containing 16 ounces, 7,000 grains or 453.59 grams.
- (7) "Metric" means a decimal system of weights and measures based on the meter as a unit length and the kilogram as a unit mass.

[Statutory Authority: RCW 19.94.190 and chapter 19.94 RCW. 90-24-004 (Order 2063), § 16-675-020, filed 11/26/90, effective 12/27/90.]

WAC 16-675-030 Condition of submitted weights and measures. Weights and measures standards submitted (1997 Ed.)

to the laboratory for tolerance testing or calibration must be in a physical condition that makes them acceptable for the service to be performed. Unacceptable weights and measures standards may be returned to the sender at the sender's expense or, if repairs can be made, these repairs shall be charged at the rate of \$50.00 an hour. Repair fees shall be charged in addition to any testing or other calibration fees. Repairs will only be done by written agreement between the department and the owner of the weights or measures to be repaired.

[Statutory Authority: RCW 19.94.216 and 19.94.325. 95-21-097 (Order 5084), § 16-675-030, filed 10/18/95, effective 11/18/95. Statutory Authority: Chapter 19.94 RCW. 94-12-035, § 16-675-030, filed 5/25/94, effective 6/25/94. Statutory Authority: RCW 19.94.190 and chapter 19.94 RCW. 90-24-004 (Order 2063), § 16-675-030, filed 11/26/90, effective 12/27/90.]

WAC 16-675-040 Schedule of laboratory fees. The following fees will be charged for services performed by the metrology laboratory of the department:

- (1) An hourly fee of fifty dollars per hour will be charged for inspection, testing and calibration services performed at the metrology laboratory.
- (2) Inspection, testing and calibration services performed at other than the metrology laboratory will be charged an hourly rate of fifty dollars per hour plus the current mileage and per diem rates established by the office of financial management.
- (3) There will be a minimum one-half hour charge for any services provided by the laboratory.

[Statutory Authority: RCW 19.94.216 and 19.94.325. 95-21-097 (Order 5084), § 16-675-040, filed 10/18/95, effective 11/18/95. Statutory Authority: Chapter 19.94 RCW. 94-12-035, § 16-675-040, filed 5/25/94, effective 6/25/94. Statutory Authority: RCW 19.94.190 and chapter 19.94 RCW. 90-24-004 (Order 2063), § 16-675-040, filed 11/26/90, effective 12/27/90.]

**Chapter 16-690 WAC
FRUIT STORAGE**

WAC

- 16-690-001 Promulgation.
- 16-690-010 Washington controlled atmosphere storage requirements—Definitions.
- 16-690-015 Washington controlled atmosphere storage requirements—Annual license.
- 16-690-020 Washington controlled atmosphere storage requirements—Warehouse number.
- 16-690-025 Washington controlled atmosphere storage requirements—Controlled storage requirements.
- 16-690-030 Washington controlled atmosphere storage requirements—Inspection, certification and marking.
- 16-690-035 Washington controlled atmosphere storage requirements—Standards for shipping.
- 16-690-040 Washington controlled atmosphere storage requirements—Reinspection.
- 16-690-045 Washington controlled atmosphere storage requirements—Failure to meet requirements.
- 16-690-100 Washington controlled atmosphere storage requirements—Bartlett pears.

WAC 16-690-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 15.30 RCW, after due notice and public hearing held at Quincy,

Washington, on July 12, 1967, (pursuant to chapters 42.32 and 34.04 RCW), do hereby establish Washington controlled atmosphere storage requirements for Bartlett pears.

[Order 1060, Promulgation, filed 7/27/67.]

Reviser's note: WAC 16-690-001 pertains to WAC 16-690-100 only.

WAC 16-690-010 Washington controlled atmosphere storage requirements—Definitions. (1) "Controlled atmosphere storages" means any storage warehouse consisting of one or more rooms, or one or more rooms in any one facility in which atmospheric gases are controlled in their amount and in degrees of temperature for the purpose of controlling the condition and maturity of any fresh fruits or vegetables in order that, upon removal, they may be designated as having been exposed to controlled atmosphere.

[Order 893 (part), effective 10/1/62.]

WAC 16-690-015 Washington controlled atmosphere storage requirements—Annual license. It shall be unlawful for any person to engage in the business of operating a controlled atmosphere storage warehouse or warehouses without first obtaining an annual license from the director. Such license shall expire on August 31st of any one year.

[Statutory Authority: Chapter 15.30 RCW. 89-08-039 (Order 2000), § 16-690-015, filed 3/31/89; Order 893 (part), effective 10/1/62.]

WAC 16-690-020 Washington controlled atmosphere storage requirements—Warehouse number. The director of agriculture when issuing a license shall include a warehouse number which shall be preceded by the letters "WN CA." These letters and number issued must appear on all containers in which fruits or vegetables are packed provided that such fruits or vegetables therein contained have qualified under all of the provisions of this act.

[Order 893 (part), effective 10/1/62.]

WAC 16-690-025 Washington controlled atmosphere storage requirements—Controlled storage requirements. (1) Oxygen content of each room shall be reduced to 5% within 20 days after sealing of room.

(2) Fruit shall be retained in a controlled atmosphere storage, under required degrees of temperature and percentage of air components, for a period of not less than 90 days to qualify as having been stored in controlled atmosphere storage.

[Order 893 (part), effective 10/1/62.]

WAC 16-690-030 Washington controlled atmosphere storage requirements—Inspection, certification and marking. All fruit sold as C.A. fruit must be inspected and certified as to grade and condition and be marked with a state lot number in addition to the C.A. number.

[Order 893 (part), effective 10/1/62.]

WAC 16-690-035 Washington controlled atmosphere storage requirements—Standards for shipping. At time of shipment all fruit shipped and marked with C.A.

number shall meet the U.S. condition and maturity standards for export.

[Order 893 (part), effective 10/1/62.]

WAC 16-690-040 Washington controlled atmosphere storage requirements—Reinspection. Fruit not shipped within a period of two weeks after inspection and certification, must be reinspected.

[Order 893 (part), effective 10/1/62.]

WAC 16-690-045 Washington controlled atmosphere storage requirements—Failure to meet requirements. Failure to meet any one of the requirements noted above, will prohibit such fruit from being sold as C.A. storage fruit or the containers marked as such.

[Order 893 (part), effective 10/1/62.]

WAC 16-690-100 Washington controlled atmosphere storage requirements—Bartlett pears. Bartlett pears to be classified as controlled atmosphere storage pears, which meet the following requirements, other than those specifically set forth in chapter 15.30 RCW. (1) Oxygen content of each room shall be reduced to 5% within 20 days after sealing of room.

(2) Fruit shall be retained in a controlled atmosphere storage, under required degrees of temperature and percentage of air components, for a period of not less than 45 days to qualify as having been stored in controlled atmosphere storage.

(3) At the time of shipment all Bartlett pears shipped and marked with C.A. number shall meet the following maturity and condition standards:

(a) Mostly hard - some firm.

(b) Not to exceed an average of 2% decay and/or breakdown.

(4) Failure to meet any one of the requirements noted above, will prohibit such fruit from being sold as C.A. storage fruit or the containers marked as such.

[Order 1060, filed 7/27/67.]

Chapter 16-692 WAC

HAY AND STRAW—MANIFESTS AND SHIPPING DOCUMENTS

WAC

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|------------|-------------------------|
| 16-692-001 | Promulgation. |
| 16-692-010 | Manifest of cargo—Form. |

WAC 16-692-001 Promulgation. I, Donald W. Moos, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 20.01 RCW after due notice and public hearing held at Olympia, Washington, on September 8, 1966 (pursuant to chapters 42.32 and 34.04 RCW), do hereby establish the following regulation requiring manifest of cargoes or certain other shipping documents to accompany hay and straw being transported.

[Order 1034, Promulgation, filed 10/13/66, effective 1/1/67.]

WAC 16-692-010 Manifest of cargo—Form. (1)

Any hay or straw being transported by a commission merchant, or dealer or their employees or licensed agents on equipment owned or under the control of said commission merchant, dealer or their employees or licensed agent shall be accompanied by a manifest of cargo as provided for in RCW 20.01.410, such manifest shall be only on the following form set forth herein:

ORIGINAL - To be retained and furnished to the director or his agent or the Washington state patrol upon request.

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
MANIFEST OF CARGO AND BUYING RECORD
HAY and/or STRAW

0001

Date, 19. . .
Dlr., or
Purchased by Address C.M. Lic. Plate No.
Hauled by Address City
Received from Address City

WARNING: THIS MANIFEST MUST BE SIGNED BY BOTH THE BUYER AND THE SELLER

Table with 7 columns: Lot No., Unit Count, Commodity, Grade or Quality, *Ton or Unit Price, Total Price, **Weight, Scale and Ticket No.

Chapter 20.01 RCW and Order No. 1034 requires this form to be executed and carried on vehicle while transporting HAY and/or STRAW by or on behalf of a dealer or commission merchant.

Representations as to grade, quality, weight, quantity, etc., are warranted in fact to meet the requirements of chapter 20.01 RCW.

- *May be waived if transaction is by written contract which includes price.
**RCW 20.01.125 - Requires every dealer and commission merchant dealing in hay or straw shall obtain a certified vehicle tare weight and a certified vehicle gross weight for each load hauled.

TERMS OF SETTLEMENT
(Check proper square)

Paid in cash Contracted for
Paid by check Payment due (date)
Purchased "as is" Purchased subject to grade and inspection
Accepted by Seller
(May be waived if transaction is by written contract)
Licensee.
By

ATTN: COMMON CARRIERS: Shipping documents prescribed by Washington public utilities and transportation commission, or interstate commerce commission, or a shipping document reviewed and authorized by the

director may be used in lieu of this manifest of cargo.

(2) All the mandatory declarations shall be properly inserted as required.

(3) Any form of manifest of cargo, which contains any statements of conditions, agreements or other information which would vary, or tend to vary, add to, or detract from the information and terms set forth in the manifest form prescribed herein, shall not be recognized, accepted or allowed to be used by the department of agriculture as a proper manifest of cargo for hay or straw.

(4) Any common carrier moving or transporting hay or straw for a commission merchant or dealer may in lieu of the above prescribed manifest of cargo accompany said hay or straw being moved or transported for a commission merchant or dealer with shipping documents prescribed and required by the Washington public utilities and transportation commission, or interstate commerce commission, or such other shipping documents reviewed and authorized by the department of agriculture as satisfying the requirements of the manifest of cargo prescribed herein.

[Order 1034, Regulation 1, filed 10/13/66, effective 1/1/67.]

Chapter 16-694 WAC
AGRICULTURAL PRODUCTS—COMMISSION MERCHANTS, DEALERS, BROKERS, BUYERS, AGENTS—LICENSE FEES

WAC

- 16-694-001 License fees.
16-694-010 Proof of payment.
16-694-020 Commission merchant license.
16-694-021 Commission merchant license—Late renewal penalty.

WAC 16-694-001 License fees. (1) Effective June 25, 1994, the license fee for any person who wishes to act as a commission merchant, dealer, broker, cash buyer, or agent shall be as follows:

- (a) Commission merchant, three hundred thirty-seven dollars;
(b) Dealer, three hundred thirty-seven dollars;
(c) Limited dealer, one hundred eighty-seven dollars;
(d) Broker, two hundred thirty-five dollars;
(e) Cash buyer, seventy-five dollars;
(f) Agent, twenty-six dollars.

(2) Effective July 1, 1994, the license fee for any person who wishes to act as a commission merchant, dealer, broker, cash buyer, or agent shall be as follows:

- (a) Commission merchant, three hundred fifty-seven dollars;
(b) Dealer, three hundred fifty-seven dollars;
(c) Limited dealer, one hundred ninety-eight dollars;
(d) Broker, two hundred forty-nine dollars;
(e) Cash buyer, seventy-nine dollars;
(f) Agent, twenty-eight dollars.

[Statutory Authority: Chapter 20.01 RCW. 94-12-034, § 16-694-001, filed 5/25/94, effective 6/25/94. Statutory Authority: RCW 20.01.020 and chapter 20.01 RCW. 90-24-003 (Order 2062), § 16-694-001, filed 11/26/90, effective 12/27/90. Statutory Authority: RCW 20.01.404 [20.01.040] and 20.01.370. 88-23-056 (Order 1991), § 16-694-001, filed 11/15/88. Statutory Authority: 1987 c 393 § 13. 87-18-009 (Order 1949), § 16-694-001, filed 8/21/87.]

WAC 16-694-010 Proof of payment. As provided by RCW 20.01.370, commission merchants shall furnish consignors with proof of payments received on behalf of the consignors. The proof of payment to be furnished shall mean a listing of payments received by the commission merchant on behalf of any consignor whether through an individual accounting or a pool arrangement. Commission merchants shall maintain records of all sales invoices and payments received on behalf of consignors and these will be available on request to the consignors.

[Statutory Authority: RCW 20.01.404 [20.01.040] and 20.01.370. 88-23-056 (Order 1991), § 16-694-010, filed 11/15/88.]

WAC 16-694-020 Commission merchant license. Commission merchant licenses issued under RCW 20.01.040 shall require renewal on or before January 1st of each year. Commission merchant licenses shall expire December 31st following date of issuance.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-694-020, filed 7/25/91, effective 8/25/91.]

WAC 16-694-021 Commission merchant license—Late renewal penalty. (1) Applications for renewal of commission merchant, dealer, broker, or cash buyer licenses not filed prior to January 1st of any year shall be assessed a penalty as provided by RCW 20.01.050.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

[Statutory Authority: RCW 15.32.100, 15.32.110, 15.32.584, 69.07.040, 16.49.440, 16.49.630, 15.80.460, 15.80.470, 15.80.500, 16.58.060, 20.01.050, 22.09.050, 22.09.055, 22.09.070, 22.09.075, 17.21.070, 17.21.110, 17.21.126, 17.21.129, 17.21.220, 17.21.122, 15.58.200, 15.58.210, 15.58.220, 17.21.140 and 16.57.080. 91-16-005 (Order 2091), § 16-694-021, filed 7/25/91, effective 8/25/91.]

Chapter 16-700 WAC STATE FAIR FUND—PRORATION

WAC

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|------------|--|
| 16-700-002 | Definition. |
| 16-700-010 | Activity reports required. |
| 16-700-011 | Fair reorganization. |
| 16-700-021 | Qualifications. |
| 16-700-022 | Requirements. |
| 16-700-024 | Director's review. |
| 16-700-027 | Board of directors. |
| 16-700-030 | Effect of donated labor, materials, and equipment. |
| 16-700-040 | Weight given to community support. |
| 16-700-050 | Merit criteria. |
| 16-700-060 | Criteria for youth shows and fairs. |
| 16-700-070 | Reserve for disaster grants. |
| 16-700-075 | Special assistance grant limits. |
| 16-700-080 | Qualifying premiums and prizes. |
| 16-700-090 | Effective date. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-700-001 | Promulgation. [Order 1279, § 16-700-001, filed 11/28/72, effective 1/1/73; Order 847, Promulgation, effective 6/8/61.] Repealed by 80-01-019 (Order 1662), filed 12/14/79, effective 1/1/81. |
| 16-700-020 | Allocations. [Order 1279, § 16-700-020, filed 11/28/72, effective 1/1/73; Order 847, Regulation 2, effective 6/8/61.] Repealed by 80-01-019 (Order 1662), filed 12/14/79, effective 1/1/81. |

WAC 16-700-002 Definition. Agricultural fair: A fair or exhibition which is intended to promote agriculture by including a balanced variety of exhibits of livestock and agricultural products, as well as related arts and manufactures; including products of the farm home, and educational contests, displays, and demonstrations designed to train youth and to promote the welfare of farm people and rural living.

[Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-002, filed 12/14/79, effective 1/1/81.]

WAC 16-700-010 Activity reports required. Any county fair desiring to apply for an allocation from the state fair fund under the provisions of chapter 61, Laws of 1961, must submit to the director annually, on or before February 15 of the following year, reports covering all of its activities on forms to be supplied by the director, and include a county auditor's report of receipts and expenditures attributed to the fair. Any area or community fair or youth show must submit to the director annually, on or before December 1, the reports of its activities on forms to be supplied by the director.

[Order 1279, § 16-700-010, filed 11/28/72, effective 1/1/73; Order 847, Regulation 1, effective 6/8/61.]

WAC 16-700-011 Fair reorganization. Beginning January 1, 1994, and until June 30, 1997, the director may waive applications requirements, as defined in WAC 16-700-010 and adjust the basic annual allocation as defined in WAC 16-700-021, when a county fair reorganizes and makes application for allocation from the fair fund as an area fair.

[Statutory Authority: RCW 15.76.180. 95-15-101, § 16-700-011, filed 7/19/95, effective 8/19/95.]

WAC 16-700-021 Qualifications. Any area or community fair applying for an allocation from the state fair fund shall have on display or exhibit at one place, open to the public, for at least a seven-hour period:

(1) Three or more of the following animal categories: Beef, sheep, swine, horses, dairy, goats, dogs, and poultry and rabbits (poultry and rabbits being in one category) with at least five exhibits in each category, except poultry and rabbits which shall have ten; and

(2) At least three of the following categories: Foods, clothing, horticulture, crops, floriculture, arts and crafts, with at least five exhibits in each category.

(3) Each category, to qualify as per above, shall have at least three exhibitors.

(4) Each fair shall have at least twenty-five exhibitors in total.

Such area or community fair, whose application is accepted by the director, shall be entitled to a basic annual allocation of fifty percent of the premiums and prizes paid to the participants. An allocation of up to one hundred percent reimbursement of premiums and prizes paid may be made on a merit basis to such fairs as reporting one thousand dollars or more of the value of such premiums and prizes: *Provided*, That any community fair that has for its purpose the education and training of youth in the matters of rural living and production agriculture and serving the 4-H and FFA members and all interested youth in its community, may qualify for an allocation with:

(1) Three or more of the following categories: Beef, sheep, swine, dairy, horses, or goats; or

(2) At least two of the following categories: Beef, sheep, swine, dairy and/or goats, and at least two of the following categories: Foods, clothing, horticulture, crops, floriculture, arts and crafts, dogs, poultry and/or rabbits (poultry and/or rabbits being one category).

(3) Each category, to qualify as per above, shall have at least three exhibitors.

(4) Each fair shall have at least twenty-five exhibitors in total.

All such exhibits are to be exhibited by youth exhibitors, at one place, open to the public, for at least a seven-hour period. Such fair shall be entitled to an annual allocation of only fifty percent reimbursement of premiums and prizes.

[Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-021, filed 12/14/79, effective 1/1/81.]

WAC 16-700-022 Requirements. All agricultural fairs shall:

(1) Have a written statement of aims and purposes made public.

(2) Provide special activities for youth development, such as judging contests, educational demonstrations, and displays designed to train youth.

(3) Hold all activities to be considered as part of the fair on consecutive days: *Provided*, That a portion of these activities may be held up to seven days before the first day of the fair.

[Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-022, filed 12/14/79, effective 1/1/81.]

WAC 16-700-024 Director's review. Any fair not qualifying under WAC 16-700-021 or 16-700-022(3) may apply to the director for a review of its circumstances and the director is authorized to determine eligibility on the basis of those circumstances on a case-by-case basis.

[Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-024, filed 12/14/79, effective 1/1/81.]

WAC 16-700-027 Board of directors. Area and community fairs and youth shows shall have an organized governing board of directors, be nonprofit, and show evidence of community support.

[Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-027, filed 12/14/79, effective 1/1/81.]

WAC 16-700-030 Effect of donated labor, materials, and equipment. For the purpose of matching state fair fund allocations those fairs whose local resources are not sufficient to match dollar for dollar may in preparing their annual reports place a reasonable itemized monetary value upon donated labor, materials and equipment used in the construction, repairing and maintenance of fair grounds, buildings and facilities.

[Order 847, Regulation 3, effective 6/8/61.]

WAC 16-700-040 Weight given to community support. Due weight shall be given to each of the several criteria by which fairs are to receive a merit rating. Special consideration may be given, however, to small and comparatively isolated fairs with limited local resources when such fairs have shown that a maximum community effort has been made in support of these fairs.

[Order 847, Regulation 4, effective 6/8/61.]

WAC 16-700-050 Merit criteria. The merit of area, district, county and community fairs shall be determined on the basis of the following criteria:

(1) **Aims and purposes:** For what reason or purposes is the show held and what is the evidence of successful achievement of these aims and purposes?

(2) **Organization and management:** To what extent is the organization, its officers and management, and the physical setup geared to accomplish the objectives stated above?

(3) **Area served:** What is the extent of the area from which exhibits and exhibitors are drawn and the extent of the area served?

(4) **General attractiveness:** Are the agricultural, educational, commercial and recreational features wellbalanced, making the fair attractive to the fairgoing public?

(5) **Exhibits:** What is the number, quality and diversity of exhibits and their general rating judged by recognized standards of excellence, as well as their neatness and orderliness in all departments, in open and junior classes?

(6) **Community, county or area interest:** How is full participation and support of the area served indicated by (a) attendance, both paid and total, and (b) by active support of service clubs, farm organizations and other groups?

(7) **Financial management:** What are the receipts from all sources, all expenditures, including building funds, capital improvements, financial reserves and obligations?

(8) **Success of the fair:** How successful does the fair appear, measured by its accomplishment in relation to resources available?

[Order 847, Regulation 5, effective 6/8/61.]

WAC 16-700-060 Criteria for youth shows and fairs. Youth shows and fairs shall be judged on a merit basis according to the following criteria:

(1) **Aims and purposes:** To what extent does the show supplement 4-H, FFA and other related youth programs and to what extent does it provide opportunity for showing results of supervised training in these programs?

(2) **Organization and management:** To what extent is the organization, its officers and management and the

physical setup geared to accomplish the objectives stated above?

(3) **Scope:** What does the show include in the nature of youth participation, such as number of participants, kind and number of exhibits or displays, and the clubs or chapters represented?

(4) **Quality:** What is the general attractiveness of the show in all departments, the general rating of exhibits judged by recognized standards of excellence, and the neatness and orderliness in all departments?

(5) **Financial statement:** What are the receipts of all kinds, the expenditures, including salaries and wages, premiums paid, building fund accounts, financial reserves and general obligations?

(6) **Area and/or community support:** In what ways does the area served support this show?

(7) **Special activities:** To what extent does the show provide special activities for youth development, such as judging contests, educational demonstrations, banquets, barbecues, programs, or other supervised recreation?

[Order 847, Regulation 6, effective 6/8/61.]

WAC 16-700-070 Reserve for disaster grants.

Allocations to fairs from the special assistance portion of the state fair fund shall be made on a matching basis except that this requirement may be waived in the case of assistance due to disasters resulting from fire, flood, wind, snow, earthquake or other acts of God. A reserve of not less than \$5,000 shall be held for the purpose of making disaster grants.

[Order 847, Regulation 7, effective 6/8/61.]

WAC 16-700-075 Special assistance grant limits.

The director may limit the grants from the special assistance portion of the state fair fund to disaster grants to county and area fairs, as defined in WAC 16-700-070.

[Statutory Authority: RCW 15.76.180. 93-02-028, § 16-700-075, filed 12/31/92, effective 2/1/93.]

WAC 16-700-080 Qualifying premiums and prizes.

Premiums and prizes that qualify for listing for allocation purposes shall be those paid for exhibits and educational contests, displays, and demonstrations of an educational nature. This is not to include judges fees and expenses, prizes or premiums for promotion or entertainment activities such as queen contests, parades, dances, rodeos, and races.

[Order 1279, § 16-700-080, filed 11/28/72, effective 1/1/73.]

WAC 16-700-090 Effective date. The effective date of these amended rules shall be January 1, 1981 (WAC 16-700-001, 16-700-020, 16-700-021, 16-700-022, 16-700-024, 16-700-027, and 16-700-090).

[Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-090, filed 12/14/79, effective 1/1/81.]

Chapter 16-720 WAC

DIETARY SUPPLEMENTS—ELEMENTAL IRON

WAC

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| 16-720-001 | Promulgation. |
| 16-720-010 | Definition. |
| 16-720-020 | Requirement. |
| 16-720-030 | Penalty. |

Reviser's note: By the promulgation of Order 1483, filed in the office of the code reviser on September 2, 1976, the effective date of chapter 16-720 WAC, was extended from January 1, 1977, to June 2, 1977.

WAC 16-720-001 Promulgation. I, Stewart Bledsoe, director of agriculture of the state of Washington, by virtue of the authority vested in me under chapter 70.106 RCW, after due notice as provided under chapters 42.32 [42.30] and 34.04 RCW, and a public hearing held in Olympia, Washington on January 28, 1976 and on August 30, 1976 do hereby promulgate the following regulations requiring dietary iron supplements and dietary multiple-vitamin-with iron supplements to be packaged in child-resistant containers.

[Order 1483, § 16-720-001, filed 9/2/76, effective 6/2/77; Order 1433, § 16-720-001, filed 3/1/76, effective 1/1/77.]

WAC 16-720-010 Definition. Dietary supplement means any vitamin and/or mineral preparation offered in tablet, capsule, wafer or other similar uniform unit form; in powder, granular, flake, or liquid form; or in the physical form of a conventional food but which is not a conventional food; and which purports to be or is represented for special dietary use by humans to supplement their diets by increasing the total dietary intake of one or more of the essential vitamins and/or minerals.

[Order 1483, § 16-720-010, filed 9/2/76, effective 6/2/77; Order 1433, § 16-720-010, filed 3/1/76, effective 1/1/77.]

WAC 16-720-020 Requirement. Iron preparations. Animal and human drugs (except for injectable drugs), and dietary supplements, as defined in WAC 16-720-010, that provide an equivalent of 250 milligrams or more of elemental iron per total package, shall be packaged in accordance with the provisions of chapter 70.106 RCW, the Washington Poison Prevention Act of 1974.

[Order 1483, § 16-720-020, filed 9/2/76, effective 6/2/77; Order 1433, § 16-720-020, filed 3/1/76, effective 1/1/77.]

WAC 16-720-030 Penalty. Any person found to be in violation of WAC 16-720-020 shall be subject to the penalties provided in RCW 70.106.140.

[Order 1483, § 16-720-030, filed 9/2/76, effective 6/2/77; Order 1433, § 16-720-030, filed 3/1/76, effective 1/1/77.]

Chapter 16-750 WAC

STATE NOXIOUS WEED LIST AND SCHEDULE OF MONETARY PENALTIES

WAC

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| 16-750-001 | State noxious weed list—Purpose. |
| 16-750-003 | Definitions. |
| 16-750-004 | Noxious weed region descriptions. |
| 16-750-005 | State noxious weed list—Class A noxious weeds. |

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| 16-750-011 | State noxious weed list—Class B noxious weeds. |
| 16-750-015 | State noxious weed list—Class C noxious weeds. |
| 16-750-020 | Noxious weeds—Civil infractions—Schedule of monetary penalties. |
| 16-750-025 | Plant monitor list—Purpose. |
| 16-750-100 | State noxious weed control board—Description—Purpose. |
| 16-750-105 | State noxious weed control board—Powers—Duties—Responsibilities. |
| 16-750-110 | State noxious weed control board—Mission. |
| 16-750-115 | State noxious weed control board—Membership. |
| 16-750-120 | State noxious weed control board—Nominations—Elections—Terms of office—Vacancies. |
| 16-750-125 | State noxious weed control board position numbers—Eligibility for voting. |
| 16-750-130 | State noxious weed control board—Organization. |
| 16-750-135 | State noxious weed control board—Meetings. |
| 16-750-140 | State noxious weed control board—Committees. |
| 16-750-145 | State noxious weed control board—Executive secretary—Definition. |
| 16-750-150 | State noxious weed control board—Executive secretary—Hiring and dismissal. |
| 16-750-155 | State noxious weed control board—Exchange time. |
| 16-750-160 | State noxious weed control board—Antidiscrimination clause. |
| 16-750-165 | State noxious weed control board—Budget and finances. |
| 16-750-170 | State noxious weed control board—Legal counsel. |
| 16-750-175 | State noxious weed control board—Reports. |
| 16-750-180 | State noxious weed control board—Rules of order. |
| 16-750-185 | State noxious weed control board—Access to public records and documents. |
| 16-750-190 | State noxious weed control board—Rule amendments. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 16-750-010 | Proposed noxious weed list. [Statutory Authority: RCW 17.10.080. 87-05-016 (Order 18, Resolution No. 18), § 16-750-010, filed 2/11/87; 86-07-024 (Order 17, Resolution No. 17), § 16-750-010, filed 3/13/86; 85-07-003 (Order 16, Resolution No. 16), § 16-750-010, filed 3/7/85; 84-06-047 (Order 15, Resolution No. 15), § 16-750-010, filed 3/6/84; 83-07-042 (Order 14, Resolution No. 14), § 16-750-010, filed 3/17/83; 82-06-045 (Order 13, Resolution No. 13), § 16-750-010, filed 3/3/82. Statutory Authority: Chapter 17.10 RCW. 81-07-039 (Order 12, Resolution No. 12), § 16-750-010, filed 3/13/81; 80-03-075 (Order 11, Resolution No. 11), § 16-750-010, filed 2/29/80; 78-06-014 (Order 10, Resolution No. 10), § 16-750-010, filed 5/10/78; Order 8, § 16-750-010, filed 3/1/77; Order 7, § 16-750-010, filed 4/15/76; Order 5, § 16-750-010, filed 3/7/75; Order 4, § 16-750-010, filed 3/27/74; Order 3, § 16-750-010, filed 4/3/73; Order 2, § 16-750-010, filed 3/16/72; Order 1, § 16-750-010, filed 4/9/71.] Repealed by 88-07-016 (Order 22, Resolution No. 22), filed 3/7/88. Statutory Authority: RCW 17.10.080. |
| 16-750-900 | Noxious weeds—Civil infractions—Schedule of monetary penalties. [Statutory Authority: RCW 17.10.350. 88-07-016 (Order 22, Resolution No. 22), § 16-750-900, filed 3/7/88.] Repealed by 93-01-004, filed 12/2/92, effective 1/2/93. Statutory Authority: Chapter 17.10 RCW. |
| 16-750-950 | State noxious weed control board position numbers—Eligibility for voting. [Statutory Authority: RCW 17.10.030. 89-16-007 (Order 28, Resolution No. 28), § 16-750-950, filed 7/21/89, effective 8/21/89.] Repealed by 93-01-004, filed 12/2/92, effective 1/2/93. Statutory Authority: Chapter 17.10 RCW. |

WAC 16-750-001 State noxious weed list—Purpose. In accordance with RCW 17.10.080 a state noxious weed list comprising the names of those plants which the state noxious weed control board finds to be highly destructive, competi-

tive, or difficult to control by cultural or chemical practices is hereby adopted in this chapter.

[Statutory Authority: Chapter 17.10 RCW. 91-24-072, § 16-750-001, filed 12/2/91, effective 1/2/92. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-001, filed 3/7/88.]

WAC 16-750-003 Definitions. (1) The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise plainly requires:

(a) "Action" means the transaction of the official business of the Washington state noxious weed control board including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, and final actions.

(b) "Board" means the Washington state noxious weed control board, or a duly authorized representative.

(c) "Director" means the director of the department of agriculture, or the director's appointed representative.

(d) "Executive secretary" means the executive secretary of the Washington state noxious weed control board.

(e) "Department" means the department of agriculture of this state.

(f) "Person" means any individual, partnership, corporation, firm, or any other entity.

(g) "Final action" means a collective positive or negative decision, or an actual vote by a majority of board members when sitting as a body or entity, upon a motion, proposal, resolution, or order.

(h) "Meeting" means meetings at which action is taken.

(i) "Regular meetings" means recurring meetings held in accordance with a periodic schedule declared by statute or rule.

(2) The definitions set forth in this subsection shall apply throughout this chapter, chapter 17.10 RCW, and any rules adopted thereunder unless the context otherwise plainly requires:

(a) "Control" means to prevent all seed production.

(b) "Contain" means to confine a noxious weed and its propagules to an identified area of infestation.

(c) "Eradicate" means to eliminate a noxious weed within an area of infestation.

(d) "Prevent the spread of noxious weeds" means to contain noxious weeds.

(e) Class A noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state.

(f) Class B noxious weeds are those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region.

(g) "Class B designate" means those Class B noxious weeds whose populations in a region or area are such that all seed production can be prevented within a calendar year.

(h) Class C are any other noxious weeds.

(3) Any county noxious weed control board may enhance the clarity of any definition contained in subsection (2) of this section, making that definition more specific, but shall not change its general meaning.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-003, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-003, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-003, filed 12/7/90, effective 1/7/91; 90-01-004,

§ 16-750-003, filed 12/7/89, effective 1/7/90; 88-18-001 (Order 24, Resolution No. 24), § 16-750-003, filed 8/25/88.]

WAC 16-750-004 Noxious weed region descriptions.

The state of Washington is divided into ten regions for the purpose of designating Class B noxious weeds.

(1) Region 1 description. A region consisting of all lands lying within the boundaries of Clallam and Jefferson counties.

(2) Region 2 description. A region consisting of all lands lying within the boundaries of Whatcom, Skagit, Snohomish, San Juan, and Island counties.

(3) Region 3 description. A region consisting of:

(a) All lands lying within the boundaries of Okanogan County.

(b) All lands lying within the boundaries of Chelan and Douglas counties and north of Highway 2.

(4) Region 4 description. A region consisting of:

(a) All lands lying within the boundaries of Ferry, Stevens, and Pend Oreille counties.

(b) All lands lying within the boundaries of Spokane County and north of the Spokane River.

(5) Region 5 description. A region consisting of all lands lying within the boundaries of Grays Harbor, Mason, Kitsap, Thurston, Pierce, and King counties.

(6) Region 6 description. A region consisting of:

(a) All lands lying within the boundaries of Kittitas and Grant counties.

(b) All lands lying within the boundaries of Chelan and Douglas counties and south of Highway 2.

(c) All lands lying within the boundaries of Yakima County and north of Highway 12 from the Yakima — Lewis County line to Yakima and north of Highway 82 from Yakima to the Yakima — Kittitas County line.

(d) All lands lying within the boundaries of Ranges 28E, 29E, and 30E of Adams County.

(7) Region 7 description. A region consisting of:

(a) All lands lying within the boundaries of Lincoln and Whitman counties.

(b) All lands lying within the boundaries of Spokane County and south of the Spokane River.

(c) All lands lying with the boundaries of Ranges 31E, 32E, 33E, 34E, 35E, 36E, 37E, and 38E of Adams County.

(8) Region 8 description. A region consisting of all lands lying within the boundaries of Pacific, Lewis, Wahkiakum, Cowlitz, Skamania, and Clark counties.

(9) Region 9 description. A region consisting of:

(a) All lands lying within the boundaries of Benton and Klickitat counties.

(b) All lands lying within the boundaries of Yakima County and south of Highway 12 from the Yakima — Lewis County line to Yakima and south of Highway 82 from Yakima to the Yakima — Kittitas County line.

(c) All lands lying within the boundaries of Franklin County and west of Highway 395.

(10) Region 10 description. A region consisting of:

(a) All lands lying within the boundaries of Asotin, Garfield, Columbia, and Walla Walla counties.

(b) All lands lying within the boundaries of Franklin County and east of Highway 395.

[Statutory Authority: Chapter 17.10 RCW. 91-24-072, § 16-750-004, filed 12/2/91, effective 1/2/92; 88-18-001 (Order 24, Resolution No. 24), § 16-750-004, filed 8/25/88.]

WAC 16-750-005 State noxious weed list—Class A noxious weeds.

| Common Name | Scientific Name |
|------------------------|--------------------------|
| bean-caper, Syrian | Zygophyllum fabago |
| blueweed, Texas | Helianthus ciliaris |
| buffalobur | Solanum rostratum |
| cordgrass, salt meadow | Spartina patens |
| crupina, common | Crupina vulgaris |
| four o'clock, wild | Mirabilis nyctaginea |
| hawkweed, mouseear | Hieracium pilosella |
| hogweed, giant | Heracleum mantegazzianum |
| hydrilla | Hydrilla verticillata |
| johnsongrass | Sorghum halepense |
| knapweed, bighead | Centaurea macrocephala |
| knapweed, Vochin | Centaurea nigrescens |
| mallow, Venice | Hibiscus trionum |
| nightshade, silverleaf | Solanum elaeagnifolium |
| peganum | Peganum harmala |
| sage, Mediterranean | Salvia aethiopsis |
| starthistle, purple | Centaurea calcitrapa |
| thistle, Italian | Carduus pycnocephalus |
| thistle, milk | Silybum marianum |
| thistle, slenderflower | Carduus tenuiflorus |
| unicorn-plant | Proboscidea louisianica |
| velvetleaf | Abutilon theophrasti |
| woad, dyers | Isatis tinctoria |

[Statutory Authority: RCW 17.10.080. 96-06-030, § 16-750-005, filed 2/29/96, effective 3/31/96. Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-005, filed 12/2/92, effective 1/2/93; 91-24-072, § 16-750-005, filed 12/2/91, effective 1/2/92; 91-01-016, § 16-750-005, filed 12/7/90, effective 1/7/91; 90-01-004, § 16-750-005, filed 12/7/89, effective 1/7/90; 88-24-002 (Order 26, Resolution No. 26), § 16-750-005, filed 11/29/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-005, filed 3/7/88.]

WAC 16-750-011 State noxious weed list—Class B noxious weeds.

| Name | Will be a "Class B designate" in all lands lying within: |
|---|--|
| (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 |

- (3) broom, Scotch
Cytisus scoparius
- (4) bryony, white
Bryonia alba
- (5) bugloss, common
Anchusa officinalis
- (6) bugloss, annual
Anchusa arvensis
- (7) fanwort
Cabomba caroliniana
- (8) camelthorn
Alhagi maurorum
- (9) catsear, common
Hypochaeris radicata
- (10) cinquefoil, sulfur
Potentilla recta
- (11) Cordgrass, smooth
Spartina alterniflora
- (12) cordgrass, common
Spartina anglica
- (13) daisy, oxeye
Leucanthemum vulgare
- (14) deadnettle, hybrid
Lamium hybridum
- (15) elodea, Brazilian
Egeria densa
- (16) fieldcress, Austrian
Rorippa austriaca
- Spokane River (Long Lake); thence southeasterly along the Spokane River to the point of beginning.
- (17) gorse
Ulex europaeus
- (18) hawkweed, orange
Hieracium aurantiacum
- (19) hawkweed, yellow
Hieracium caespitosum
- (20) hedgeparsley
Torilis arvensis
- (21) indigobush
Amorpha fruticosa
- (22) knapweed, black
Centaurea nigra
- (23) knapweed, brown
Centaurea jacea
- (24) knapweed, diffuse
Centaurea diffusa
- (25) knapweed, meadow
Centaurea jacea x nigra
- (26) knapweed, Russian
Acroptilon repens
- (a) regions 3,4,6,7,9,10
- (b) Skagit County of region 2
- (c) Thurston and Pierce counties of region 5
- (d) Wahkiakum, Cowlitz, and Lewis counties of region 8.
- (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.
- (a) regions 1,2,3,5,6,7,8,9,10
- (b) region 4 except Stevens and Spokane counties
- (c) Lincoln, Adams, and Whitman counties of region 7.
- (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.
- (a) regions 1,2,3,4,5,6,7,9,10
- (b) region 8 except T8N, R3W of Cowlitz County.
- (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.
- (a) regions 3,4,6,7,9,10.
- (a) regions 1,3,6,8,10
- (b) region 2 except Skagit County
- (c) region 4 except Stevens and Pend Oreille counties
- (d) region 5 except Thurston County
- (e) region 7 except Spokane County
- (f) region 8 except Lewis County
- (g) region 9 except Klickitat County.
- (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.
- (a) regions 1,3,4,5,6,7,8,9,10
- (b) region 2 except bays and estuaries of Skagit, Island, and Snohomish counties.
- (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.
- (a) regions 1,3,4,5,6,7,8,9,10
- (b) region 2 except Skagit County.
- (a) regions 3,4,6,7,9,10
- (b) Lewis County of region 8.
- (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.
- (a) regions 3,4,6,7,9,10
- (b) Skagit County of region 2
- (c) Thurston and Pierce counties of region 5
- (d) Wahkiakum, Cowlitz, and Lewis counties of region 8.
- (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.
- (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.
- (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.
- (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.
- (a) regions 1,2,3,4,5,7,9,10
- (b) region 6 except Kittitas County
- (c) region 8 except Clark County.
- (a) regions 1,2,3,4,5,7,9,10
- (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 30E. 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.

- (27) knapweed, spotted
Centaurea biebersteinii
- (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.
- (28) lepyrodiclis
Lepyrodiclis holosteoides
- (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.
- (29) loosestrife, garden
Lysimachia vulgaris
- (a) regions 1,2,3,4,6,7,8,9,10
- (b) region 5 except King County.
- (30) loosestrife, purple
Lythrum salicaria
- (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.
- (31) loosestrife, wand
Lythrum virgatum
- (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.
- (32) nutsedge, yellow
Cyperus esculentus
- (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 14 and within T2N, Ranges 13 and 14 E of Klickitat County
- (d) region 10 except Walla Walla County.
- (33) oxtongue, hawkweed
Picris hieracioides
- (a) regions 1,2,3,4,5,6,7,9,10
- (b) region 8 except Skamania County.
- (34) parrotfeather
Myriophyllum aquaticum
- (a) regions 1,2,3,4,5,6,7,9,10
- (b) region 8 except Clark, Cowlitz, and Wahkiakum counties.
- (35) pepperweed, perennial
Lepidium latifolium
- (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
- (d) Adams County of region 6.
- (36) ragwort, tansy
Senecio jacobaea
- (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.
- (37) sandbur, longspine
Cenchrus longispinus
- (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.
- (38) skeletonweed, rush
Chondrilla juncea
- (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.
- (39) sowthistle, perennial
Sonchus arvensis
ssp. arvensis
- (40) spurge, leafy
Euphorbia esula
- (a) regions 1,2,3,4,5,7,8,9,10
- (b) Adams County of region 6.
- (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
- (e) Adams County of region 6.
- (a) regions 1,2,3,5,6,7,8,9,10
- (b) Spokane and Pend Oreille counties.
- (a) regions 1,2,3,5,6,7,8,9,10
- (b) region 4 except those areas within Stevens County lying north of State Highway 20.
- (a) regions 1,2,3,4,5,6,8,9
- (b) region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border
- (c) Franklin County.
- (a) regions 1,2,5,8,10
- (b) Kittitas, Chelan, Douglas, and Adams counties of region 6
- (c) Intercountry 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 1,9,10
- (b) region 7 except Spokane County
- (c) region 8 except within 200 feet of the Columbia River
- (d) Adams County of region 6
- (e) in all water bodies of public access, except the Pend Oreille River, in Pend Oreille County of region 4.
- (42) Swainsonpea
Sphaerophysa salsula
- (43) thistle, musk
Carduus nutans
- (44) thistle, plumeless
Carduus acanthoides
- (45) thistle, Scotch
Onopordum acanthium
- (46) toadflax, Dalmatian
Linaria dalmatica
ssp. dalmatica
- (47) watermilfoil,
Eurasian
Myriophyllum spicatum
- [Statutory Authority: RCW 17.10.080. 96-06-030, § 16-750-011, filed 2/29/96, effective 3/31/96. Statutory Authority: Chapter 17.10 RCW. 95-06-002, § 16-750-011, filed 2/16/95, effective 3/19/95; 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 | Gypsophila paniculata |
| bindweed, field | Convolvulus arvensis |
| canarygrass, reed | Phalaris arundinacea |
| carrot, wild | Daucus carota |
| chervil, wild | Anthriscus sylvestris |
| cockle, white | Silene latifolia ssp. alba |
| cocklebur, spiny | Xanthium spinosum |
| cress, hoary | Cardaria draba |
| dodder, smoothseed alfalfa | Cuscuta approximata |
| goatgrass, jointed | Aegilops cylindrica |
| henbane, black | Hyoscyamus niger |
| houndstongue | Cynoglossum officinale |
| knotweed, Japanese | Polygonum cuspidatum |
| kochia | Kochia scoparia |
| mayweed, scentless | Matricaria perforata |
| mullein, common | Verbascum thapsus |
| nightshade, bitter | Solanum dulcamara |
| poison-hemlock | Conium maculatum |
| puncturevine | Tribulus terrestris |
| rocket, garden | Eruca vesicaria ssp. sativa |
| rye, cereal | Secale cereale |
| saltcedar | Tamarix species |
| snapdragon, dwarf | Chaenorhinum minus |
| spikeweed | Hemizonia pungens |
| St. Johnswort, common | Hypericum perforatum |
| tansy, common | Tanacetum vulgare |
| toadflax, yellow | Linaria vulgaris |
| thistle, bull | Cirsium vulgare |
| thistle, Canada | Cirsium arvense |
| whitetop, hairy | Cardaria pubescens |
| wormwood, absinth | Artemisia absinthium |

[Statutory Authority: RCW 17.10.080. 96-06-030, § 16-750-015, filed 2/29/96, effective 3/31/96. Statutory Authority: Chapter 17.10 RCW. 95-06-002, § 16-750-015, filed 2/16/95, effective 3/19/95; 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.]

WAC 16-750-020 Noxious weeds—Civil infractions—Schedule of monetary penalties. Civil infractions under chapter 17.10 RCW shall be assessed a monetary penalty according to the following schedule:

(1) Any owner knowing of the existence of any noxious weeds on the owner's land who fails to control such weeds in accordance with chapter 17.10 RCW and the rules and regulations in force pursuant thereto shall be assessed as follows:

(a) Any Class A noxious weed:

| | |
|--------------------------------|--------|
| 1st offense within five years | \$ 750 |
| 2nd and any subsequent offense | 1,000 |

(b) Any Class B designate noxious weed in the noxious weed control region in which the land lies:

| | |
|--------------------------------|--------|
| 1st offense within five years | \$ 500 |
| 2nd offense | 750 |
| 3rd and any subsequent offense | 1,000 |

(c) Any Class B nondesignate noxious weed in the noxious weed control region in which the land lies; or any Class C noxious weed:

| | |
|--------------------------------|--------|
| 1st offense within five years | \$ 250 |
| 2nd offense | 500 |
| 3rd offense | 750 |
| 4th and any subsequent offense | 1,000 |

(2) Any person who enters upon any land in violation of an order in force pursuant to RCW 17.10.210 shall be assessed as follows:

| | |
|--------------------------------|--------|
| 1st offense within five years | \$ 500 |
| 2nd offense | 750 |
| 3rd and any subsequent offense | 1,000 |

(3) Any person who interferes with the carrying out of the provisions of chapter 17.10 RCW shall be assessed as follows:

| | |
|--------------------------------|--------|
| 1st offense within five years | \$ 500 |
| 2nd offense | 750 |
| 3rd and any subsequent offense | 1,000 |

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-020, filed 12/2/92, effective 1/2/93.]

WAC 16-750-025 Plant monitor list—Purpose. The purpose of the monitor list is to gather more information on suspect weeds as well as monitor for occurrence or spread. Information collected may be used to justify future inclusion on the state noxious weed list. There is no legal or regulatory aspect to this list. Reasons for plant inclusion on the monitor list include:

- (1) A reason to believe the species is invasive or poses a potential threat to Washington.
- (2) Additional information is needed on distribution, abundance, or biology.
- (3) The species was once present in Washington and on the state noxious weed list. It is now being monitored for reoccurrence.
- (4) A need to verify existence (site investigation), verify identification, and/or obtain voucher specimen.
- (5) It exists in an adjacent state or province or occurs on an adjacent state or province's noxious weed list and is not known from Washington.

Native species of Washington will not be included on the monitor list. Each weed included on the monitor list will be included by vote of the noxious weed committee and will require a sponsor for monitoring. The current monitor list is kept in the state noxious weed board office.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-025, filed 12/2/92, effective 1/2/93.]

WAC 16-750-100 State noxious weed control board—Description—Purpose. The board was created pursuant to chapter 17.10 RCW, Noxious weeds—Control boards. The board is an advisory board to the department regarding the state noxious weed program and has rule-making and administrative responsibilities under chapter 17.10 RCW.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-100, filed 12/2/92, effective 1/2/93.]

WAC 16-750-105 State noxious weed control board—Powers—Duties—Responsibilities. The powers and duties of the board include:

(1) Adopting rules defining the words "control," "contain," "eradicate," and the term "prevent the spread of noxious weeds";

(2) Conducting elections to the board, and adopting rules as set forth in this chapter establishing a position number for each elected position to the board and designate in which county noxious weed control board members are eligible to vote for each elected position;

(3) Electing officers, conducting meetings, holding hearings, appointing committees, entering upon any property, and adopting the necessary rules to carry out its powers and duties identified herein;

(4) When petitioned, holding a hearing in a county to determine the need for activation of the county noxious weed control board and, if such a need is found to exist, ordering the county legislative authority to activate and appoint members to such board;

(5) Each year or more often, adopting a state noxious weed list, classifying the weeds on the list, and entering written findings for the inclusion of each weed on the list;

(6) Sending a copy of the state noxious weed list to each activated county noxious weed control board, regional noxious weed control board, weed district, and each county legislative authority of each county with an inactivated noxious weed control board;

(7) When petitioned and following a hearing, ordering any county noxious weed board to include a noxious weed from the state list on the county board or district's weed list;

(8) Adopting a schedule of monetary penalties for each violation of chapter 17.10 RCW classified as a civil infraction and submitting the schedule to the appropriate courts;

(9) Employing an executive secretary whose qualifications, duties, and responsibilities are set forth in this chapter and RCW 17.10.060;

(10) Preparing and distributing a biennial written report showing the funds disbursed by the department to each noxious weed control board or weed district, specifying how the funds were spent, recommending the continued best use of state funds, and recommending the long-term needs regarding weed control;

(11) Advising the director as provided for in chapter 17.10 RCW.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-105, filed 12/2/92, effective 1/2/93.]

WAC 16-750-110 State noxious weed control board—Mission. The mission of the board is to serve as responsible stewards of the land and resources of Washington by protecting and preserving the agricultural lands and natural resources of the state from the degrading impact of exotic, invasive noxious weeds.

The board believes that prevention is the best approach and may be achieved through full implementation of the intent of the state noxious weed law. To further that, the board strives for enhanced public awareness through improved educational efforts.

The board does not deal directly in control activities but rather works to achieve this end through others. For that

reason, the board seeks to improve communication, gain cooperation, and improve coordination of the efforts for noxious weed control.

The board believes noxious weed control is best carried out by strong, adequately funded programs at the local level. To achieve this, the board strives to build public support for local programs and to empower those programs to be more successful.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-110, filed 12/2/92, effective 1/2/93.]

WAC 16-750-115 State noxious weed control board—Membership. The board shall be comprised of nine voting members and three nonvoting members selected as follows:

(1) Four of the members shall be elected by the members of activated county noxious weed control boards eligible to vote for the elected position established by the state noxious weed board. Two such members shall be elected from the west side of the state, the crest of the Cascades being the dividing line, and two from the east side of the state.

(2) The director shall be a voting member.

(3) One member shall be elected by the directors of activated weed districts formed under chapter 17.04 or 17.06 RCW.

(4) The Washington state association of counties shall appoint one voting member who shall be a member of a county legislative authority.

(5) The director shall appoint two voting members to represent the public interest, one from the west side and one from the east side of the state.

(6) The director shall appoint three nonvoting members representing scientific disciplines relating to weed control.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-115, filed 12/2/92, effective 1/2/93.]

WAC 16-750-120 State noxious weed control board—Nominations—Elections—Terms of office—Vacancies. (1) Nominations and elections to board positions shall be conducted by regular mail.

(2) The board shall call for nominations to elected positions sixty days prior to expiration of position terms.

(3) The board shall send ballots to eligible activated county noxious weed control boards or weed district directors by regular mail forty-five days prior to expiration of each position term.

(4) Ballots shall be returned no later than thirty days before expiration of each term.

(5) The board chairperson shall appoint a committee to count ballots and certify elections thirty days prior to expiration of each term.

(6) Results of elections shall be announced prior to the next scheduled board meeting.

(7) For the purpose of conducting nominations or elections, the board shall use the current list of county noxious weed control board voting members and weed district directors.

(8) Any person who is a resident in and member of an activated county noxious weed control board in the counties represented by positions 1, 2, 3, and 4 may enter his or her

name, or that of any qualified person in nomination for election to the board position by voting members of the above activated county noxious weed control boards.

(9) Any director of an active weed district formed under chapter 17.04 or 17.06 RCW may enter a name in nomination for election to position 5 on the board.

(10) Each candidate or each person nominating such candidate shall complete a certificate of nomination, and shall return it to the board postmarked by the date specified.

(11) The board shall create a ballot listing the names in alphabetical order beginning with the last name first, of the candidates nominated to the position of the board: *Provided*, That the board shall remove the name of any person nominated who notifies the board in writing that he or she is unwilling to serve on the board.

(12) The ballot, along with the statement, if any, of each candidate in such election shall be mailed by regular mail to each voting member of an activated county noxious weed control board or director of an active weed district. Only county board members or weed district directors within the established position area are eligible to vote for the board member to represent that area.

(13) Each voting member of an activated county noxious weed control board or director of an activated weed district may cast one vote for the candidates appearing on the appropriate ballot and return it to the board as provided above and as per the dates specified thereon.

(14) The candidate receiving the highest number of votes shall be deemed elected: *Provided*, That if such candidate fails to receive more than fifty percent of the votes cast in an election, a second election shall be held between such candidate and the candidate receiving the next highest votes and: *Provided further*, That if there is only one candidate, said candidate shall be deemed elected unanimously.

(15) The term of office for all members of the board shall be three years from the date of election or appointment.

(16) Vacancies among board members appointed by the director shall be filled by the director. Vacancies among elected members shall be filled by special election by those entities eligible to elect that position for the expired term. Special elections follow the same procedure set forth for regular elections.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-120, filed 12/2/92, effective 1/2/93.]

WAC 16-750-125 State noxious weed control board position numbers—Eligibility for voting. Position numbers for elected members of the board and those eligible to vote for each position are as follows:

| POSITION | VOTING ELIGIBILITY |
|-----------------------------|--|
| (1) Westside, southern tier | (a) Voting members of activated county noxious weed control boards in Grays Harbor, Mason, Thurston, Pierce, Lewis, Pacific, Wahkiakum, Cowlitz, Skamania, and Clark counties. |

| | |
|-----------------------------|--|
| (2) Eastside, southern tier | (a) Voting members of activated county noxious weed control boards in Adams, Whitman, Asotin, Garfield, Columbia, Walla Walla, Franklin, Benton, Klickitat, and Yakima counties. |
| (3) Westside, northern tier | (a) Voting members of activated county noxious weed control boards in Whatcom, Skagit, San Juan, Island, Snohomish, King, Kitsap, Clallam, and Jefferson counties. |
| (4) Eastside, northern tier | (a) Voting members of activated county noxious weed control boards in Okanogan, Ferry, Stevens, Pend Oreille, Spokane, Lincoln, Grant, Kittitas, Chelan, and Douglas counties. |
| (5) Weed districts | (a) Directors of activated weed districts in Washington. |

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-125, filed 12/2/92, effective 1/2/93.]

WAC 16-750-130 State noxious weed control board—Organization. The organization of the board is as follows:

(1) The officers of the board shall be chairperson, vice-chairperson, and secretary. The title of chief administrative officer shall be the executive secretary.

(2) Duties of officers.

(a) The chairperson shall preside at all meetings of the board, has the power to appoint committees, shall act as ex officio member of all committees except the executive committee, serves as chairperson of the executive committee, serves as official signer of agreements between the board and public or private agencies, and shall perform such other duties as pertain to the office.

(b) The vice-chairperson shall perform the duties of the chairperson in his or her absence, shall act as an ex officio member of all committees, and any other duties delegated by the chairperson. The vice-chairperson shall assume the duties of and serve out the term of the chairperson upon permanent departure of same.

(c) The secretary shall be the official keeper of the minutes and shall approve them and present the minutes to the board for adoption. In the absence of the chairperson and vice-chairperson, the secretary will perform the duties of the chairperson.

(d) The duty of the executive secretary, in addition to administrative duties assigned elsewhere in this chapter, will be to keep a record of the proceedings of the board, notify all board members, county noxious weed control boards, and weed districts of meetings, act as an ex officio nonvoting member of all committees, negotiate agreements with public and private agencies on behalf of the board, and perform other responsibilities as delegated by the chairperson.

(3) Term of office. Term of office for officers of the board shall be for twelve months effective July 27 of the year elected and ending July 26 of the following year.

Officers may serve for and be reelected for a maximum of three consecutive terms.

(4) Election of officers. The nominating committee shall be responsible for presenting nominations for officers. The board chairperson shall appoint a nominating committee in May. This nominating committee shall consist of not less than three voting members: One from the west side of the state, one from the east side, and one member at large. The nominations shall be presented and elections held at the first meeting of the fiscal year in July. Officers shall be elected by a majority vote of the voting members present.

(5) Vacancies of officers other than chairperson, shall be filled by election of the voting board members present.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-130, filed 12/2/92, effective 1/2/93.]

WAC 16-750-135 State noxious weed control board—Meetings. (1) All meetings of the board shall be open and public and all persons shall be permitted to attend any meeting of the board, except as otherwise provided in the Open Public Meetings Act, chapter 42.30 RCW.

(2) Members of the public shall not be required, as a condition to attendance at a board meeting, to register names, other information, or otherwise to fulfill any condition precedent to attendance.

(3) Interruptions. In the event that any meeting is interrupted by any person as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the chairperson may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by a majority vote of the board members present. In such a session, the board will follow the procedures set forth in the Open Public Meetings Act (RCW 42.30.050).

(4) Adoption of rules, regulations, resolution, etc. The board shall not adopt any rules, regulations, resolution, etc. except in a meeting open to the public and then only at a meeting, the date of which is fixed by rule, or at a meeting of which notice has been given according to the provisions of the Open Public Meetings Act. Any action taken at meetings failing to comply with this section shall be null and void.

(5) Regular meetings—Schedule—Publication in State Register—Notice of change. The board shall meet once every two months and at other times determined by the chairperson or by a majority of the voting members. If any regular meeting falls on a holiday, such regular meetings shall be held on the next business day. The executive secretary shall file with the code reviser a schedule of the time and place of such meetings on or before January of each year for publication in the Washington State Register. Notice of any change from such meeting schedule shall be published in the State Register for distribution at least twenty days prior to the rescheduled meeting date.

(6) Notice. Ten days notice of all meetings shall be given by mailing a copy of the notice and agenda to each board member, county noxious weed control board, and weed district.

(7) Special meetings. The ten-day notice may be waived for special meetings which may be called at any time

by the chairperson, director, or a majority of the voting board members. Special meeting notification shall follow the procedures for special meetings set forth in the Open Public Meetings Act (RCW 42.30.080).

(8) Adjournments. The chairperson may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the executive secretary may declare the meeting adjourned to a stated time and place. He or she shall cause a written notice of the adjournment to be given in the same manner as provided for special meetings, unless such notice is waived as provided for special meetings. Whenever any meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

(9) Executive sessions.

(a) The board may hold an executive session during a regular meeting which may be called by the chairperson or a majority of voting board members present. No official actions shall be taken at executive sessions which shall be binding. Executive sessions shall deal only with matters authorized by RCW 42.30.110.

(b) Before convening in executive session, the chairperson shall publicly announce the purpose of excluding the public from the meeting place and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the chairperson.

(10) Agenda. The agenda shall be prepared by the executive secretary in consultation with the chairperson. Items may be submitted by all board members to the executive secretary at least fifteen days prior to the board meeting.

(11) Attendance. Each board member is expected to attend all board and assigned committee meetings. In the event a board member is unable to attend, he or she is requested to provide the chairperson or executive secretary with the reasons for the absence prior to the meeting.

(12) Voting procedures. Board voting procedures on all matters shall be as follows:

(a) Five voting members shall constitute a quorum to conduct the affairs of the board.

(b) The chairperson may vote on all matters coming before the board.

(c) A roll call of all voting board members present may be requested on all motions by any member.

(d) All members have the right to move and second motions.

(e) There shall be no proxy voting.

(13) Minutes. The minutes of all regular and special meetings, except executive sessions, shall be promptly recorded and such records shall be open to public inspection.

(14) Press releases. All press releases and official information concerning board activities shall be released from the board office.

(15) Public participation.

(a) Any person wishing to make a formal presentation at a regularly scheduled meeting of the board shall notify the executive secretary of the subject matter at least fifteen days before the meeting.

(b) Permission to appear before the board shall be granted by the executive secretary in consultation with the chairperson before the meeting. Permission shall include the date and time of the meeting and the time set for formal presentation.

(c) The chairperson may, at his or her discretion, recognize anyone in the audience who indicates at the time of the meeting a desire to speak.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-135, filed 12/2/92, effective 1/2/93.]

WAC 16-750-140 State noxious weed control board—Committees. Standing committees shall fairly reflect the composition of the board and unless advertised and open to the public, not more than four voting members may attend a committee meeting.

(1) Executive committee. There shall be an executive committee authorized to deal with housekeeping and personnel matters, subject to board approval at the next scheduled board meeting. The chairperson shall appoint the executive committee with approval of the board.

(2) Standing committees. The standing committees of the board shall be: Budget, executive, grant program, noxious weed, and education. The board chairperson shall appoint the chairperson and other members of each committee.

(3) Ad-hoc committees may be appointed from time to time.

(4) Committee voting procedures.

(a) All members of a particular committee shall have the right to vote. Other members in attendance may enter into discussion, but shall have no vote.

(b) There shall be no proxy voting.

(c) All questions decided by the committee shall be by majority of the committee members present.

(5) Advisory committees. Advisory committees shall be established by the board as deemed necessary to the functioning of the board. Advisory committees shall be limited in their scope to the purposes determined by the board.

(6) Committee of the whole. The chairperson may, from time to time, direct that items of major importance be discussed in the committee of the whole. Meetings of the committee of the whole shall be chaired by the chairperson. When meeting as a committee of the whole, all voting members shall have the right to vote. There shall be no proxy voting.

(7) Notice. Notice of committee meetings shall be given to the executive secretary.

(8) Committee reports.

(a) Committee reports and recommendations shall be submitted to the board in writing except when committees meet in conjunction with the board.

(b) Minority reports may be submitted by members of a committee, if signed by said members.

(9) Committee compensation. Board members attending meetings of committees shall be reimbursed on the same basis as for attendance at regularly called board meetings.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-140, filed 12/2/92, effective 1/2/93.]

WAC 16-750-145 State noxious weed control board—Executive secretary—Definition. The executive secretary acts as the chief administrative officer for the board and:

(1) Implements and administers the statutes, administrative rules, and policies of the noxious weed control program assigned to the board;

(2) Plans, develops, and prepares administrative rules and policies for the state noxious weed control program in conjunction with the board and the department; arranges public hearings in compliance with the Administrative Procedure Act and acts as chief hearing officer for the board; conducts elections for positions on the board;

(3) Coordinates the educational and weed control efforts of county and regional noxious weed control boards and weed districts;

(4) Coordinates board activities with the department, maintains a liaison and performs coordinating activities with other public and private agencies;

(5) Negotiates agreements, on behalf of the board, with federal agencies, tribes, and other public and private agencies;

(6) Represents the board before the state legislature; coordinates the development, edits, and oversees the production of the biennial report to the governor, legislature, county noxious weed boards, and weed districts on how state funds were spent and recommendations for the continued best use of state funds for noxious weed control;

(7) Plans, prepares, and presents programs on noxious weed control, specific weed species, and the role of the board; acts as the principal spokesperson of the board to the media, technical audiences, and the public;

(8) Maintains a collection of scientific and technical information relating to noxious weeds and integrated vegetation management; prepares written findings for the inclusion of species on the state noxious weed list;

(9) Develops, maintains, and ensures dissemination of information relating to noxious weeds to county noxious weed control boards and weed districts and keeps the general public and program participants informed of board activities and accomplishments;

(10) Coordinates with the department on the administration of the noxious weed grant program; advises and assists local county and weed district agencies in preparing state noxious weed control grants; provides technical advice to county noxious weed boards and weed districts on the state noxious weed law and related rules;

(11) Plans and coordinates state-wide approaches to selected noxious weeds, assists in the development of state-wide noxious weed survey standards, coordinates efforts with department weed specialists;

(12) Coordinates the activities of the board by scheduling all regular and committee meetings; in consultation with

the chair, prepares meeting agendas; prepares all board correspondence; updates board on local, state, and federal noxious weed activities; acts as an ex officio, nonvoting member of all committees;

(13) Records the official minutes of the board and ensures their distribution; maintains records on the noxious weed grant program and on county noxious weed boards and weed districts; maintains all board records, acts as public record officer;

(14) Oversees fiscal management of the board's administrative budget and cooperates with the department in budget development;

(15) Supervises all board employees, approves hiring, rehiring, promotion, and termination of all board employees and ensures these processes and any disciplinary actions comply with state and department personnel policies; notifies board and department prior to initiating an adverse personnel action against any employee;

(16) Performs other assignments as determined by the board.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-145, filed 12/2/92, effective 1/2/93.]

WAC 16-750-150 State noxious weed control board—Executive secretary—Hiring and dismissal. The board shall have the responsibility for hiring and removing from office the executive secretary. The executive secretary may be dismissed by a majority vote of the full board upon the recommendation of the chairperson and the executive committee. Prior to initiating a dismissal the executive committee will notify the department. Neglect of duty, gross inefficiency, gross incompetence, gross misconduct, malfeasance or willful violation of obligations may give cause for a recommendation for dismissal or dismissal. Before any action is taken by the board to dismiss the executive secretary, the chairperson and one member of the executive committee will confer with the executive secretary and provide in writing and fully explain the charges and contemplated recommendation for dismissal. The privilege of a hearing before the executive committee or full board will be granted to the executive secretary prior to any formal action taken by the board. The executive secretary is granted thirty days preparation time for the hearing and is entitled to present evidence, to be assisted by favorable witnesses, and to confront unfavorable witnesses at the hearing.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-150, filed 12/2/92, effective 1/2/93.]

WAC 16-750-155 State noxious weed control board—Exchange time. The board shall provide exchange time in lieu of overtime pay to its employees for hours worked in excess of forty hours per week. The time shall accrue on an hour-for-hour basis.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-155, filed 12/2/92, effective 1/2/93.]

WAC 16-750-160 State noxious weed control board—Antidiscrimination clause. No person shall be denied participation in any phase of the board's program activities because of race, color, religion, sex, marital status, national origin, age, physical, sensory, or mental handicap,

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or sexual orientation. This nondiscrimination shall extend to employment by the board including retirement, selection, hiring, promotion, benefits, and dismissal.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-160, filed 12/2/92, effective 1/2/93.]

WAC 16-750-165 State noxious weed control board—Budget and finances. (1) All board funds shall be expended in a manner consistent with board wishes. The executive secretary is authorized to make these expenditures as appropriate. All matters related to payment of compensation and other expenses of the board shall be subject to the State Budget and Accounting Act (chapter 43.88 RCW).

(2) Budget approval. The executive secretary shall prepare the biennial budget after consulting the budget committee. The budget will provide for costs associated with salary, personal benefits, travel, equipment, and goods and services for the operation of the board. The budget shall be reviewed by the board for recommendation to and approval by the department and office of financial management.

(3) The board reserves the right to pursue additional funds for its administrative budget or the noxious weed grant account independent of the department.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-165, filed 12/2/92, effective 1/2/93.]

WAC 16-750-170 State noxious weed control board—Legal counsel. On an as needed basis, a member of the attorney general's staff will serve as legal counsel for the board.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-170, filed 12/2/92, effective 1/2/93.]

WAC 16-750-175 State noxious weed control board—Reports. The board shall provide a written report before January 1 of each odd-numbered year to the governor, the legislature, the county noxious weed control boards, and weed districts. The report shall include:

- (1) Funds disbursed by the department to each noxious weed control board or district;
- (2) Specifically how funds were spent;
- (3) Recommendations for the continued best use of state funds; and
- (4) Long-term needs regarding weed control.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-175, filed 12/2/92, effective 1/2/93.]

WAC 16-750-180 State noxious weed control board—Rules of order. *Robert's Rules of Order* newly revised shall serve as parliamentary authority for procedures not covered in these rules.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-180, filed 12/2/92, effective 1/2/93.]

WAC 16-750-185 State noxious weed control board—Access to public records and documents. (1) In accordance with the Public Records Disclosure Act of Washington, the board shall make available for public inspection and copying all public records, unless the record

falls within the specific exemptions of RCW 42.17.260(5), 42.17.310, 42.17.315, or other statute which exempts or prohibits disclosure of specific information or records.

(2) The provisions of chapter 42.17 RCW shall be liberally construed to promote full access to public records so as to assure continuing public confidence and to assure the public interest will be fully protected.

(3) Place and times for inspection and copying. The executive secretary will make public records available for inspection upon request.

(4) Charges for copying. No fee shall be charged for the inspection of public records. The executive secretary may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records, which charges shall not exceed the amount necessary to reimburse the board for its actual costs incident to such copying.

(5) Responses to requests. Responses to requests for public records shall be made promptly. Within five business days of receiving a public record request the board will respond as follows:

(a) With the record requested;

(b) Acknowledgment of the request and a reasonable estimate of the time it will take to provide the requested records or documents;

(c) Denying the public record request.

Denials of requests will be accompanied by a written statement of the specific reasons the request is being denied and shall have received a prompt review and final determination by the board's executive committee. Additional time may be required to respond to a request due to time needed to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt. In acknowledging receipt of a public record request that is unclear, the executive secretary may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the board will not respond to it.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-185, filed 12/2/92, effective 1/2/93.]

WAC 16-750-190 State noxious weed control board—Rule amendments. Rules will be reviewed annually and may be amended at any regular or special meeting by a majority vote of voting members present, after appropriate rule-making notification and a public hearing.

[Statutory Authority: Chapter 17.10 RCW. 93-01-004, § 16-750-190, filed 12/2/92, effective 1/2/93.]

Chapter 16-752 WAC

NOXIOUS WEED CONTROL

WAC

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| 16-752-200 | Emergency noxious weeds grant program—Purpose. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-200, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW. |
| 16-752-201 | Emergency noxious weeds grant program—Allotment. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-201, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW. |
| 16-752-202 | Emergency noxious weeds grant program—Application. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-202, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW. |

- 16-752-203 Emergency noxious weeds grant program—Requirements. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-203, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW.
- 16-752-204 Emergency noxious weeds grant program—Payment. [Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-204, filed 1/29/88.] Repealed by 90-20-002 (Order 2054), filed 9/20/90, effective 10/21/90. Statutory Authority: Chapter 17.10 RCW.
- 16-752-325 Duration. [Statutory Authority: Chapter 17.10 RCW. 89-24-090, § 16-752-325, filed 12/6/89, effective 1/6/90.] Repealed by 91-03-045 (Order 2069), filed 1/11/91, effective 2/11/91. Statutory Authority: Chapter 17.10 RCW.

WAC 16-752-001 Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

- (1) "Director" means the director of agriculture of this state, or a duly authorized representative.
- (2) "Department" means the Washington state department of agriculture.
- (3) "Person" means any individual, partnership, corporation, association, agency, or organized group of persons whether or not incorporated.
- (4) "Hay" means the harvested herbage of forage plants, including but not limited to grasses, legumes, sedges and rushes.
- (5) "State board" means the Washington state noxious weed control board.
- (6) "Applicant" means a project sponsor.
- (7) "BARS" means the budgeting, accounting, and reporting system of municipal fiscal management.
- (8) "Environmental checklist" means the form in WAC 197-11-960.
- (9) "Executive secretary" means the state noxious weed control board executive secretary.
- (10) "Integrated pest management" means a decision-making process which combines all feasible control techniques into a program for managing targeted noxious weeds including but not limited to prevention, monitoring, consideration of alternative methods, and evaluation.
- (11) "Local noxious weed control agency" means any activated county or regional noxious weed control board created under chapter 17.10 RCW, any weed district created under chapter 17.04 RCW, or any intercounty weed district created under chapter 17.06 RCW.
- (12) "Monitoring" means inspecting to gather and record site specific information on which decisions about treatment choices are to be based.
- (13) "Objectives" means statements of precise outcomes which can be measured to determine actual accomplishments.
- (14) "Principal investigator" means the person under whose direction the noxious weed control project will be carried out such as the county weed control coordinator or county weed control board chairperson.
- (15) "Project sponsor" means the county legislative authority of a county with an activated noxious weed control board, a local weed control agency, or a combination of two or more agencies acting through a lead agency, responsible for implementing an approved project.

(16) "Public benefits" means those services, goods, or other benefits, whether tangible or intangible, which accrue to persons other than those on whose property weed control measures pursuant to this chapter are undertaken.

(17) "Public costs" means those costs, whether tangible or intangible, which accrue to persons other than those on whose property weed control measures pursuant to this chapter are undertaken.

(18) "Significant environmental harm" means a reasonable likelihood of more than a moderate adverse impact on environmental quality as set forth in WAC 197-11-794.

[Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-001, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-001, filed 1/29/88. Statutory Authority: RCW 17.10.235(2). 86-19-060 (Order 1907), § 16-752-001, filed 9/16/86.]

WAC 16-752-005 Noxious weed—Tansy ragwort in hay. The director finds that tansy ragwort, a noxious weed which is poisonous to livestock, is known to infest hay fields in Washington state. Under the authority of RCW 17.10.235, the following applies to the selling of hay in the state of Washington containing tansy ragwort (*Senecio jacobaea*) plants and parts thereof:

No person shall knowingly sell hay containing:

- (1) Any viable tansy ragwort seed; or
- (2) Greater than one-half of one percent of tansy ragwort by weight: *Provided*, That this section shall not be construed as establishing a safe level of tansy ragwort in hay for livestock consumption.

[Statutory Authority: RCW 17.10.235(2). 86-19-060 (Order 1907), § 16-752-005, filed 9/16/86.]

WAC 16-752-010 Tansy ragwort in hay—Penalties. All violations of WAC 16-752-005 are punishable under RCW 17.10.230.

[Statutory Authority: RCW 17.10.235(2). 86-19-060 (Order 1907), § 16-752-010, filed 9/16/86.]

WAC 16-752-115 Noxious weeds grant program—Purpose. The purpose of the noxious weeds grant program is to control and prevent noxious weed infestations that pose a potential economic or environmental threat to the state by funding educational projects, weed surveys, biological control activity and control projects with strategies that are well planned, documented, and specific to targeted weed species.

[Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-115, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-115, filed 1/29/88.]

WAC 16-752-120 Noxious weeds grant program—Forms. The director with advice from the state board may prescribe forms for grant applications, project reports, financial reports, contracts or any other activity conducted pursuant to this section, and may require additional information or documentation as needed.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-120, filed 1/29/88.]

WAC 16-752-125 Noxious weeds grant program—Who may apply. The legislative authority of any county

with an activated county noxious weed control board, or the board of any weed control district may apply for noxious weed control grant program funds. In addition, pursuant to RCW 17.10.074(3), the Washington state noxious weed control board may advise the director to reallocate funds designated for the noxious weed grant program to identified projects of general benefit to activated county weed boards and weed districts and/or of benefit to noxious weed control efforts state-wide.

[Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-125, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-125, filed 1/29/88.]

WAC 16-752-130 Noxious weeds grant program—Application procedure. (1) The department shall specify funding cycles, and application and reporting deadlines as necessary, and shall give reasonable notice in writing and shall send by regular mail to the legislative authority of each county with an activated county noxious weed control board and each local weed control district notice of such cycles and deadlines.

(2) The applicant may request assistance from the state board executive secretary or from the department in completing the application. The state board executive secretary and the department may provide such assistance subject to the availability of staff and funds for this purpose.

(3) The state board may establish a committee to provide a preliminary review of grant applications. The committee may refer back to the applicant or the state board may reject those applications which it finds are:

- (a) Insufficiently documented; or
- (b) Incomplete; or
- (c) Inadequate; or
- (d) Postmarked after the deadline.

[Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-130, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-130, filed 1/29/88.]

WAC 16-752-135 Noxious weeds grant program—Content of grant application. Applications for grants shall include, but not be limited to, the following information:

- (1) The legal name and address of the organization to whom the award should be made;
- (2) The scientific name of targeted noxious weed species if applicable;
- (3) The weed classification status if applicable;
- (4) The project title and status (new or renewal);
- (5) The amount of money being requested from the state;
- (6) The estimated length of the project and the starting and ending dates;
- (7) The name, business address, and telephone number of the principal investigators;
- (8) The type of performing organization;
- (9) The signature of the principal investigator;
- (10) Background information which demonstrates the applicant's familiarity with similar projects;
- (11) The objectives of the project;
- (12) The statement of the approach and procedures to be used to accomplish objectives. This section of the proposal shall describe how the applicant plans to approach the

problem and indicate the method the applicant will employ to accomplish the objective;

(13) A description of actual project activity, utilization of personnel, and compilation of data;

(14) A projected breakdown of the work to be accomplished on a monthly basis during the funding period;

(15) A budget consistent with the BARS format which indicates revenues and expenditures by source;

(16) A quarterly expenditure plan;

(17) A list of any in-kind contributions committed to the proposed project;

(18) If the project is sponsored by several agencies, a draft copy of the interlocal cooperation agreement, memorandum of understanding, or other contract showing the relationship and responsibilities of the agencies;

(19) A statement that the project sponsor will enter into a contract with the department for utilization of grant program funds upon approval of the application.

[Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-135, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-135, filed 1/29/88.]

WAC 16-752-140 Noxious weeds grant program—Application evaluation—Ranking and notice of acceptance or rejection of application. (1) The state board shall review, evaluate, assign points to, and rank each application by grant type according to the criteria contained in WAC 16-752-145: *Provided*, That board members who are also officials of the project sponsor shall not be eligible to rank that project sponsor's application. The state board may establish funding targets by grant application type prior to review of grant applications: *Provided*, That grant applicants are advised of such targets prior to the final recommendations for grant funding. Each grant application type may be considered separately in line with funding targets.

(2) For control, other than biocontrol, first priority in funding will be given to class "A" and class "B" designate noxious weed species: *Provided*, That the minimal acceptable standards set forth in WAC 16-752-145(2) are met.

(3) Each state board member shall independently evaluate and score each application by grant type according to WAC 16-752-145(3), after which the state board shall discuss the applications and review the scores. During such discussions, any state board member may change her or his scores. Following the review, the sum of the individual state weed board member scores for each application shall be determined and divided by the number of members scoring the application. This product shall constitute the board's score for the application. The applications thus scored shall be ranked from highest to lowest score.

(4) The results of the state board's scores and ranking shall be submitted to the director for final scoring, ranking, and acceptance or rejection of the application: *Provided*, That in scoring applications, the director shall use the same criteria as that used by the state board and shall consult with the state board prior to any change in an applicant's rank.

(5) The department shall give notice to each applicant in writing and send by regular mail notice of the action taken on their application. Such notice shall include the applicant's final score and ranking among the applications considered during that cycle.

[Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-140, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-140, filed 1/29/88.]

WAC 16-752-145 Noxious weeds grant program—Evaluation criteria. (1) The state board shall evaluate each application to determine if it meets all the minimal acceptable standards set forth in subsection (2) of this section. Any application which does not meet these standards shall be rejected and no further consideration shall be given to the application.

(2) The minimal acceptable standards are as follows:

(a) The grant applicant employs adequate administrative personnel to supervise the proposed project for the duration of such project;

(b) The proposed project is technically feasible;

(c) The grant application does not represent an unreasonable portion of the weed board or weed districts total budget;

(d) The project provides public benefits in excess of public costs;

(e) The project will not cause significant environmental harm;

(f) Past grants have been used according to the terms of the grant, reports have been compiled as required, and no serious problems have been identified in project audits;

(g) For control projects, adequate insurance coverage is in place.

(3) Any application which meets all of the minimal acceptable standards shall be assigned points by the state board for each of several specific scientific, technical, economic, and environmental measures established by the state board.

[Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-145, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-145, filed 1/29/88.]

WAC 16-752-146 Minimum standards for all grant project performance. All grants funded by the department shall meet the following requirements:

(1) All treatments of A, B designate, B, or C weeds will be done in a timely manner, at the most susceptible stage.

(2) Record keeping will be consistent with good accounting practices. All records will be available for audit during regular business hours.

(3) All statutory requirements of chapter 17.10 RCW will be met.

[Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-146, filed 9/20/90, effective 10/21/90.]

WAC 16-752-147 Minimum standards for A and B designate control work—Grant funding. In addition to the requirements of WAC 16-752-146, all grants for A and B designate control shall meet the following performance requirements:

(1) Principal goal of designed projects will be immediate containment, and control to the extent that containment is assured; medium range reduction in size of infestation, and long range eradication.

(2) Infestations must be adequately surveyed (as per guidelines provided by the survey committee) to assure that the species is not growing outside the project containment.

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In cases of newly discovered infestations, where prompt control action is necessary and the survey has not been done, grant applications may be approved if:

(a) The local weed board or weed district has a survey plan to accompany the grant application as a condition of the grant; or

(b) The control grant application is accompanied by a survey grant application.

(3) A and B designates must be treated in a timely fashion at the most susceptible stage of growth and soon enough to prevent viable seed production. Late treatments are not acceptable except in case of newly identified infestation.

(4) All herbicide treatments of A and B designates will be performed by licensed applicators/operators.

(5) Target areas will be inspected after treatment but before seed set to determine if seed production has been prevented. If seed may still be produced then appropriate follow-up action will be required to prevent seed set.

(6) Landowners who employ alternative methods to that approved in the grant will do so at their own expense. Landowners who opt for hand removal must have an approved disposal method, and both infestation and disposal sites are subject to inspection.

(7) In cases of noncompliance, where the landowner fails to control A and B designates, legal enforcements by counties and districts for immediate control and containment will be mandatory for all state funded programs.

[Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-147, filed 9/20/90, effective 10/21/90.]

WAC 16-752-150 Noxious weeds grant program—Legal requirements. (1) Noxious weed control projects carried out pursuant to this chapter shall be subject to all applicable laws and rules including but not limited to the provisions of the State Environmental Policy Act, chapter 43.21C RCW, the Water Pollution Control Act, chapter 90.48 RCW, the Washington Pesticide Control Act, chapter 15.58 RCW, and the Washington Pesticide Application Act, chapter 17.21 RCW.

(2) Decisions by the department to reject noxious weed control grant requests shall be subject to an informal appeals process set forth as follows:

(a) The applicant has ten days from the date a notice of rejection is received from the department to file a request for an informal hearing;

(b) The requests for an informal hearing shall be in writing and shall be sent by certified mail to the state board executive secretary;

(c) Upon receipt of the request for an informal hearing, the state board executive secretary shall immediately notify the state board chairperson of the request;

(d) The state board chairperson shall then appoint a four-person appeal committee which shall consist of one state board member representing the agricultural community, one state board member representing the scientific community, one state board member representing the public interest, and a representative of the department;

(e) On the advice of the state board chairperson, the state board executive secretary shall schedule an informal

hearing which shall be held the evening before the regularly scheduled state board meeting;

(f) The state board executive secretary shall notify the applicant and the appeal committee of the date, place, and time of said informal hearing;

(g) Based on the evidence presented by the applicant, the appeal committee shall make a recommendation to the state weed board at the regular meeting to either uphold the department's original decision or request that the state weed board make a recommendation that the grant application in question be approved for funding by the department;

(h) The state board shall vote to either accept or reject the appeal committee recommendation;

(i) The director shall have five working days from receiving a recommendation from the state board to make a final decision;

(j) The department shall notify the state weed board and the applicant of the final decision in writing within five working days.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-150, filed 1/29/88.]

WAC 16-752-155 Noxious weeds grant program—Project monitoring, evaluation and reporting. (1) The principal investigator shall monitor the progress of the project; evaluate the effects of the project; account for all project funds and expenditures; and submit a biennial and/or final report of its findings to the department and state board.

(2) The department shall conduct financial, compliance, or performance audits as necessary to review project accounting, ensure program compliance, and determine project efficiency and effectiveness.

(3) If the department determines that the project's progress effectiveness or fiscal management is deficient, the department may take one or more of the following actions:

(a) Advise the project sponsor in writing of the deficiency and direct the necessary corrective action;

(b) Suspend the project for a period of not more than sixty days during which time the department shall evaluate the project and determine what, if any, corrective action shall be taken to correct the deficiency: *Provided*, That the department shall notify the project sponsor by certified mail of such suspension and shall forward a copy of such notice to the state board;

(c) Terminate the project: *Provided*, That the department shall consult with the state weed board before termination of a project.

[Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-155, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-155, filed 1/29/88.]

WAC 16-752-160 Noxious weeds grant program—Billing of expenses. Billable project expenses shall be submitted to the department each quarter accompanied by a completed financial report. All payments shall be contingent on funds appropriated by the legislature and made available for this purpose.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-160, filed 1/29/88.]

WAC 16-752-165 Noxious weeds grant program—Records retention, final report, unused allocated moneys.

(1) Grant program records shall be retained by the project sponsor and a copy forwarded to the department and the executive secretary upon request upon project completion or termination.

(2) The project sponsor shall submit a financial statement within thirty days and a final report within one hundred eighty days of the completion or termination of a project to the department and the executive secretary which shall include:

(a) A brief listing of the primary objectives of the project;

(b) A review of the effectiveness of the project summarized according to project objectives;

(c) A brief summary of the public benefits accrued to the state as a result of the project;

(d) An itemized accounting of all grant moneys spent consistent with the BARS format.

(3) Grant applicants shall notify the department at the earliest possible date, but no later than thirty days from the termination of the project or the end of the biennium, of any allocated grant funds that will not be expended. The director, with the advice of the state board, may reallocate those funds consistent with WAC 16-752-125.

[Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-165, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-165, filed 1/29/88.]

WAC 16-752-170 Noxious weeds grant program—Emergency and interim funding. Nothing in this chapter shall prevent the use of available noxious weed grant funds when it is determined by the director with advice of the state board that a noxious weed emergency exists because of:

(1) The discovery of a new infestation of an A or B designate weed in a county or weed district;

(2) A significant underestimation of the cost of control by the principal investigator due to circumstances beyond his or her control;

(3) The failure of a control strategy to be as efficacious as the investigator and the state board had anticipated.

Interim funding may be provided where unallocated grant funds are available according to the criteria in WAC 16-752-125.

[Statutory Authority: Chapter 17.10 RCW. 90-20-002 (Order 2054), § 16-752-170, filed 9/20/90, effective 10/21/90; 88-04-044 (Order 1963), § 16-752-170, filed 1/29/88.]

WAC 16-752-300 Establishing quarantine. Yellow nutsedge (*Cyperus esculentus* L.) is a herbaceous perennial that is one of the most serious noxious weeds of agronomic crops. It propagates by seed, rhizomes, bulbs, and nutlets. Soil containing nutlets is the primary mode of spread in cultivated land. It is highly invasive and its unchecked spread would entail great economic loss to the agricultural industries of the state. It is a class B noxious weed designated for control in Cowlitz County (WAC 16-750-011(27)). Yellow nutsedge infests a dredging spoil site at the Port of Kalama in Kalama, Washington. Movement of material from this site has initiated additional infestations. RCW 17.10.210 provides that either the director or the county

noxious weed control board or a weed district may issue an order for quarantine and restriction or denial of access to land determined to be so seriously infested that control measures cannot be undertaken without quarantine of the land. The director has determined:

- (1) That the identified site is so seriously infested as to require quarantine; and
- (2) That the movement of contaminated materials from this site presents an immediate threat of infestation to the rest of the county agricultural and nonagricultural areas; and
- (3) That the restriction of such spread is critical to control efforts.

[Statutory Authority: Chapter 17.10 RCW. 91-03-045 (Order 2069), § 16-752-300, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-300, filed 12/6/89, effective 1/6/90.]

WAC 16-752-305 Quarantine area. The quarantine area shall encompass the dredge spoil site at and owned by the Port of Kalama, located along Hendrickson Drive, Kalama, Washington, and more particularly described as follows:

The following described real estate, situated in the county of Cowlitz, state of Washington:

Parcel - containing twenty-three acres, more or less.

A tract of land in the Jacob Ahles D.L.C. No. 44 in Section 20, Township 6 north, Range 1 west of the Willamette Meridian, more particularly described as follows:

Beginning at a point on the north line of a tract of land leased to the North Pacific Grain Growers, Inc., said point being north 2374.49 feet, and north 88 degrees 46'22" west parallel with the south line of said Ahles D.L.C., 263.94 feet from the southeast corner of said Section 20; thence north 1 degree 12'00" west 612.50 feet; thence north 20 degrees 23'00" west 186.52 feet to a point 30.00 feet westerly when measured at right angles from the westerly line of the Northern Pacific Railway right of way; thence parallel with and 30.00 feet from said right of way north 37 degrees 24'37" west 1325.90 feet; thence south 61 degrees 05'28" west 344.47 feet to the inner harbor line as shown on the Plat of Kalama Tidelands; thence south 27 degrees 54'56" east along said inner harbor line 1045.78 feet to the one mile limit as shown on said plat; thence south 62 degrees 05'04" west 100 feet to the low water line of the Columbia River; thence south 22 degrees 48'46" east along said low water line 751.17 feet to said north line of the North Pacific Grain Growers, Inc. lease; thence south 88 degrees 46'22" east parallel with said south line of the Ahles D.L.C. 492.48 feet to the true point of beginning.

[Statutory Authority: Chapter 17.10 RCW. 91-03-045 (Order 2069), § 16-752-305, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-305, filed 12/6/89, effective 1/6/90.]

WAC 16-752-310 Articles whose movement is restricted. The movement of all plants and parts of plants of yellow nutsedge and soil contaminated with propagules (nutlets or seeds) of the plant, is covered by this quarantine.

[Statutory Authority: Chapter 17.10 RCW. 91-03-045 (Order 2069), § 16-752-310, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-310, filed 12/6/89, effective 1/6/90.]

WAC 16-752-315 Regulations. Use of the property identified in WAC 16-752-305 is restricted as follows:

(1) All removal of sand or soil from the quarantine site, except as provided in subsection (6) of this section, is prohibited without a permit from the Cowlitz County noxious weed control board that details the end use and exact geographic destination.

(2) All land disturbing operations including excavation, utilities work, and similar activities require a one time, no fee permit from the weed board that obligates the operator to thoroughly hose down all equipment before leaving the quarantine area and record the next two areas where the equipment is used after leaving the quarantine area.

(3) All off-road vehicles are banned in the quarantine area without the written permission of the Cowlitz County noxious weed control board, except in designated parking areas.

(4) All weed control measures in the quarantine area are to be undertaken in consultation with the Cowlitz County noxious weed control board.

(5) Yellow nutsedge control shall take precedence over all other land uses in the quarantine area.

(6) The Cowlitz County noxious weed control board may designate and clearly mark portions of the site as free from infestation and allow removal of sand or soil from these areas without specific permit to nonagricultural sites: *Provided*, That adequate precautions are taken to prevent commingling of infested and noninfested soils and equipment used in the infested area is thoroughly cleaned before use in the area designated as uninfested.

[Statutory Authority: Chapter 17.10 RCW. 91-03-045 (Order 2069), § 16-752-315, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-315, filed 12/6/89, effective 1/6/90.]

WAC 16-752-320 Costs of quarantine. The costs of serving the notice required by RCW 17.10.210(2) shall be borne by the department. The costs of control work shall be borne by the landowner unless otherwise determined by the Cowlitz County noxious weed control board or the director in consultation with the Washington state noxious weed control board.

[Statutory Authority: Chapter 17.10 RCW. 91-03-045 (Order 2069), § 16-752-320, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-320, filed 12/6/89, effective 1/6/90.]

WAC 16-752-330 Violation and penalty. Any person who violates this quarantine shall have committed a civil infraction and shall be subject to the provisions of RCW 17.10.350 and WAC 16-750-900(3) which provides a monetary penalty of up to one thousand dollars per infraction.

[Statutory Authority: Chapter 17.10 RCW. 91-03-045 (Order 2069), § 16-752-330, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-330, filed 12/6/89, effective 1/6/90.]

LYTHRUM QUARANTINE

WAC 16-752-400 Establishing quarantine. The Lythrum species (Purple loosestrife) is an aggressive, semi-aquatic, herbaceous perennial weed that has infested wetlands in the state of Washington causing serious harm to

native plants and destroying habitat for birds and small mammals. Some varieties of loosestrife are cultivated and sold as nursery stock in the horticultural industry. The director of agriculture, pursuant to the powers provided in chapter 17.24 RCW and RCW 17.10.074 (1)(c), and chapter 15.13 RCW, has determined that the regulation and exclusion of this plant, plant parts, and seeds is necessary to preserve Washington wetlands from further infestation.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-400, filed 7/18/90, effective 8/18/90.]

WAC 16-752-405 Lythrum quarantine—Regulated articles. The following are regulated articles:

(1) All plants and plant parts of the Lythrum species, *Lythrum salicaria* and *Lythrum virgatum*, and any hybrid cross thereof. This includes, but is not limited to, purple loosestrife and plants with horticultural names: The beacon, fire candle, brightness, lady sackville, Mr. Robert, Robert's, happy, roseum superbum, purple spire, rose queen, the rocket, morden pink, morden gleam, morden rose, dropmore purple, and tomentosum.

(2) All seeds of plants of the Lythrum species *Lythrum salicaria* and *Lythrum virgatum*.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-405, filed 7/18/90, effective 8/18/90.]

WAC 16-752-410 Lythrum quarantine—Prohibited acts. It is prohibited to transport, buy, sell, offer for sale, or to distribute plants or seeds of the species *Lythrum salicaria* or *Lythrum virgatum* into or within the state of Washington. It is further prohibited to transplant wild plants and/or plant parts of these species in the state of Washington.

This prohibition shall not apply to plants or seeds collected for herbariums, research in control methods, creation of pressed specimens for educational or identification purposes and other scientific activities: *Provided*, That all activities requiring live plants and/or viable seed, except pressed specimens, are conducted under a permit from the director and are conducted so as to ensure that no infestation is created.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-410, filed 7/18/90, effective 8/18/90.]

WAC 16-752-415 Disposition of regulated articles. Any plants, plant parts or seeds transported, bought, sold, offered for sale, or planted in violation of this order shall be subject to destruction or shipment back out-of-state if the director determines that such shipment does not present a danger of infestation.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-415, filed 7/18/90, effective 8/18/90.]

WAC 16-752-420 Penalties. Any person who violates the terms of this quarantine shall be guilty of a misdemeanor and for each subsequent violation, shall be guilty of a gross misdemeanor. The director may also impose a civil penalty in an amount not more than one thousand dollars for each violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be

considered to have violated this chapter and may be subject to the civil penalty.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 90-15-062 (Order 2050), § 16-752-420, filed 7/18/90, effective 8/18/90.]

WETLAND AND AQUATIC WEED QUARANTINE

WAC 16-752-500 Establishing wetland and aquatic weed quarantine. Washington waters and wetlands are threatened by nonnative, aggressive, perennial weeds that destroy the commercial, aesthetic, and recreational value of these areas. Parrot's Feather (or parrotfeather or waterfeather), Brazilian elodea (or egeria), eurasian watermilfoil, and hydrilla, when established, will clog irrigation systems and waterways and seriously impact recreational use of the waterways. Salt meadow cordgrass, common cordgrass, and smooth cordgrass are noxious weeds that have invaded a small part of the salt water estuarine areas on the Washington coast displacing native species, threatening bird and mammal habitats and the shellfish industry. The director of agriculture, pursuant to the powers provided in chapters 17.10 and 17.24 RCW, finds that the regulation and exclusion of these plants and plant parts are necessary to preserve Washington waters and wetlands, both fresh water and estuarine, from new or additional infestation. These requirements and restrictions, contained in WAC 16-752-500 through 16-752-525, are in addition to the requirements contained in WAC 232-12-271, "Criteria for planting aquatic plants and releasing wildlife," administered by the Washington state department of wildlife.

[Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-500, filed 3/10/92, effective 4/10/92.]

WAC 16-752-505 Wetland and aquatic weed quarantine—Regulated articles. All plants and plant parts of the following are regulated articles under this chapter: Eurasian watermilfoil (*Myriophyllum spicatum*); hydrilla (*Hydrilla verticillata*); salt meadow cordgrass (*Spartina patens*); common cordgrass (*Spartina anglica*); smooth cordgrass (*Spartina alterniflora*); Parrot's Feather, parrotfeather or waterfeather (*Myriophyllum aquaticum* also known as *M. brasiliense* or *M. proserpinacoides*); and Brazilian elodea or egeria (*Egeria densa* or *Elodea densa*).

[Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-505, filed 3/10/92, effective 4/10/92.]

WAC 16-752-507 Wetland and Aquatic weed quarantine—Quarantine area. The area under the wetland and aquatic weed quarantine includes all counties within the state of Washington and all states, territories, and districts of the United States.

[Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-507, filed 3/10/92, effective 4/10/92.]

WAC 16-752-510 Wetland and aquatic weed quarantine—Prohibited acts. It is prohibited to transport, buy, sell, offer for sale, or to distribute plants or plant parts of the regulated plants, listed in WAC 16-752-505, into or within the state of Washington. It is further prohibited to

intentionally transplant wild plants and/or plant parts of these species within the state of Washington.

[Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-510, filed 3/10/92, effective 4/10/92.]

WAC 16-752-515 Wetland and aquatic weed quarantine—Exemptions. The prohibition on transporting plants or plant parts in WAC 16-752-510 shall not apply to plants or plant parts collected for herbariums, research in control methods, creation of pressed specimens for educational or identification purposes and other scientific activities: *Provided*, That all activities requiring live plants, except pressed specimens, are conducted under permit from the director and are conducted in such a way that no infestation is created. No permit is required to transport plants or plant parts, as a part of a noxious weed control activity, to a sanitary landfill, to be burned, or otherwise for disposition: *Provided*, That such activities are conducted under the supervision of an official weed control agency or other public agency with management responsibilities for the control efforts and are conducted in such a manner that seed dispersal or dispersal of propagative materials to uninfested areas are prevented. Live plants for educational or training purposes shall not require a permit provided that specimens are disposed of in such a manner as to prevent infestation.

[Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-515, filed 3/10/92, effective 4/10/92.]

WAC 16-752-520 Wetland and aquatic weed quarantine—Disposition of regulated articles. Any plants or plant parts transported, bought, sold, offered for sale, or planted in violation of this order shall be subject to destruction or shipment back out-of-state if the director determines that such shipment may be done without danger of infestation. Any action shall be at the expense of the owner or the owner's agent and without compensation.

[Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-520, filed 3/10/92, effective 4/10/92.]

WAC 16-752-525 Wetland and aquatic weed quarantine—Penalties. Any person who violates the terms of this quarantine, as provided in WAC 16-752-500 through 16-752-520, or who aids and abets in such violation, shall be subject to criminal and/or civil penalties provided by law.

[Statutory Authority: RCW 17.10.235 and chapter 17.24 RCW. 92-07-024, § 16-752-525, filed 3/10/92, effective 4/10/92.]

NOXIOUS WEED SEED AND PLANT QUARANTINE

WAC 16-752-600 Establishing the noxious weed seed and plant quarantine. Washington agriculture and natural resources are threatened by nonnative, aggressive species of noxious weeds. A number of these noxious weeds are transported and sold within the state of Washington both as nursery plants and as seeds in packets of flower seeds or "wildflower mixes." Subsequent "escape" of these ornamentals has been a documented source of a number of infestations and has resulted in large public and private expenditures by landowners and land managers, weed

boards, and weed districts and the department of agriculture to achieve the control mandated in chapter 17.10 RCW. The director of agriculture, pursuant to the powers provided in chapters 17.10 and 17.24 RCW, finds that regulation of the sale of these seed packets and plants is necessary to protect Washington agriculture and natural resources and prevent public and private costs of control.

Note: For rules prescribing the limits of prohibited and restricted noxious weed seeds as contaminants in certified seed, see WAC 16-300-010 through 16-300-025.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-600, filed 3/10/92, effective 4/10/92.]

WAC 16-752-605 Noxious weed seed and plant quarantine—Quarantine area. The area under the noxious weed seed and plant quarantine includes all counties within the state of Washington and all states, territories, and districts of the United States.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-605, filed 3/10/92, effective 4/10/92.]

WAC 16-752-610 Noxious weed seed and plant quarantine—Regulated articles. All plants, plant parts, and seeds in packets, blends, and "wildflower mixes" of the following listed species are regulated under the terms of this noxious weed quarantine:

| Scientific Name | Common Names |
|-----------------------------------|--|
| <i>Amorpha fruticosa</i> | indigobush, lead plant |
| <i>Anchusa officinalis</i> | common bugloss, alkanet, anchusa |
| <i>Anthriscus sylvestris</i> | wild chervil |
| <i>Carduus acanthoides</i> | plumeless thistle |
| <i>Carduus nutans</i> | musk thistle, nodding thistle |
| <i>Centaurea diffusa</i> | diffuse knapweed |
| <i>Centaurea jacea</i> | brown knapweed, rayed knapweed, brown centaury |
| <i>Centaurea maculosa</i> | horse-knobs, hardheads |
| <i>Centaurea macrocephala</i> | spotted knapweed |
| <i>Centaurea nigra</i> | bighead knapweed |
| <i>Centaurea nigrescens</i> | black knapweed |
| <i>Chaenorrhinum minus</i> | Vochin knapweed |
| <i>Chrysanthemum leucanthemum</i> | dwarf snapdragon |
| <i>Cytisus scoparius</i> | oxeye daisy, white daisy, Scotch broom |
| <i>Daucus carota</i> | whiteweed, field daisy, wild carrot, Queen Anne's lace |
| <i>Echium vulgare</i> | marguerite, poorland flower |
| <i>Heracleum mantegazzianum</i> | blueweed, blue thistle, blue devil, viper's bugloss, snake flower |
| <i>Hibiscus trionum</i> | giant hogweed, giant cow parsnip |
| <i>Hieracium aurantiacum</i> | Venice mallow, flower-of-an-hour, bladder ketmia, modesty, shoo-fly |
| <i>Hieracium pratense</i> | orange hawkweed, orange paintbrush, red daisy, flameweed, devil's weed, grim-the-collier |
| | yellow hawkweed, yellow paintbrush, devil's paintbrush, yellow devil, field hawkweed, king devil |

| | |
|--|---|
| Hypericum perforatum | common St. Johnswort, goatweed, St. Johnswort |
| Isatis tinctoria | dyers' woad |
| Kochia scoparia | kochia, summer-cyprus, burning-bush, fireball, Mexican fireweed |
| Linaria genistifolia spp. dalmatica | Dalmatian toadflax |
| Lepidium latifolium | perennial pepperweed |
| Mirabilis nyctaginea | wild four o'clock, umbrella-wort |
| Onopordum acanthium | Scotch thistle |
| Proboscidea louisianica | unicorn-plant |
| Salvia aethiopsis | Mediterranean sage |
| Silybum marianum | milk thistle |
| Torilis arvensis | hedgearsley |
| Ulex europaeus | gorse, furze |
| Zygophyllum fabago | Syrian bean-caper |

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-610, filed 3/10/92, effective 4/10/92.]

WAC 16-752-620 Noxious weed seed and plant quarantine—Prohibited acts. It is prohibited to transport, buy, sell, offer for sale, or to distribute plants or plant parts of the regulated species listed in WAC 16-752-610 into or within the state of Washington or to sell, offer for sale, or distribute seed packets of the seed, flower seed blends, or wildflower mixes of these regulated species into or within the state of Washington.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-620, filed 3/10/92, effective 4/10/92.]

WAC 16-752-630 Noxious weed seed and plant quarantine—Exceptions. The prohibition on transporting of plants and plant parts shall not apply to plant or plant parts collected for herbariums, research in control methods, creation of pressed specimens, or for educational or identification purposes and other scientific activities: *Provided*, That all activities requiring live plants are conducted in such a manner as to prevent infestation. In addition, plants or plant parts may be transported, as a part of a noxious weed control activity, to a sanitary landfill, to be burned, or otherwise for disposition under the supervision of a noxious weed control agency.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-630, filed 3/10/92, effective 4/10/92.]

WAC 16-752-640 Noxious weed seed and plant quarantine—Permits. The director may allow the movement of materials, otherwise prohibited, by special permit. Such permit shall specify the terms and conditions under which movement is allowed.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-640, filed 3/10/92, effective 4/10/92.]

WAC 16-752-650 Noxious weed seed and plant quarantine—Disposition of regulated articles. Any plants, plant parts, or seed packets transported, bought, sold, or offered for sale in violation of this noxious weed quarantine shall be subject to destruction or shipment out-of-state or other disposition in a manner prescribed by the director to prevent infestation. Any action shall be at the expense of the owner or the owner's agent and without compensation.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-650, filed 3/10/92, effective 4/10/92.]

WAC 16-752-660 Noxious weed seed and plant quarantine—Penalties. Any person who violates the terms of the noxious weed quarantine, as provided in WAC 16-752-600 through 16-752-650, or who aids or abets in such violation, shall be subject to the civil and/or criminal penalties provided in chapter 17.24 RCW.

[Statutory Authority: Chapters 17.10 and 17.24 RCW. 92-07-025, § 16-752-660, filed 3/10/92, effective 4/10/92.]