

by completing the appropriate parts of the CR-103 form. Agencies shall report information required by RCW 1.08.112 (1)(g) and (h) by a memorandum on agency letterhead to the code reviser.

[Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.230, 34.05.354 and 1997 c 409 §§ 202 and 208. 97-15-035, § 1-21-180, filed 7/10/97, effective 7/27/97. Statutory Authority: RCW 1.08.110, 34.05.385, 34.08.020, 34.08.030, 34.05.310, 34.05.320 and 1995 c 403 §§ 701 and 704. 95-17-070, § 1-21-180, filed 8/17/95, effective 9/17/95.]

Title 16 WAC AGRICULTURE, DEPARTMENT OF

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Chapter 16-08 WAC

PRACTICE AND PROCEDURE

WAC

- 16-08-031 Application for adjudicative proceeding.
- 16-08-141 Brief adjudicative proceedings.
- 16-08-171 Documents—Filing.

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-five days of service of the proposed department action giving rise to the application unless provided for otherwise by statute or rule.

[Statutory Authority: Chapter 34.05 RCW. 97-14-050, § 16-08-031, filed 6/27/97, effective 7/28/97; 91-23-051, § 16-08-031, 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) At the time any unfavorable action is taken, the presiding officer shall serve upon each party a brief statement of the reasons for the decision. Within ten days of the decision, the presiding officer shall give the parties a brief

written statement of the reasons for the decision and information about any internal administrative review available.

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

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

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

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

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

[Statutory Authority: Chapter 34.05 RCW. 97-14-050, § 16-08-141, filed 6/27/97, effective 7/28/97. 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 16-08-171 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 Administrative Regulations Program, P.O. Box 42560, 1111 Washington St., S.E., Olympia, WA 98504-2560.

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. 97-14-050, § 16-08-171, filed 6/27/97, effective 7/28/97; 91-23-051, § 16-08-171, filed 11/15/91, effective 12/16/91.]

Chapter 16-34 WAC**DEAD ANIMALS, PACKING HOUSE OFFAL,
MEAT MARKET SCRAPS—
TRANSPORTATION AND DISPOSAL****WAC**

16-34-001 through 16-34-040 Repealed.

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

- 16-34-001 Promulgation. [Order 581, Promulgation, effective 9/11/50.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
 16-34-010 Tarpaulins. [Order 581, Regulation 1, effective 9/11/50.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
 16-34-020 Other equipment. [Order 581, Regulation 2, effective 9/11/50.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
 16-34-030 Destination. [Order 581, Regulation 3, effective 9/11/50.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
 16-34-040 Disposal. [Order 581, Regulation 4, effective 9/11/50.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.

WAC 16-34-001 through 16-34-040 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-46 WAC**DOMESTIC AND IMPORTED ANIMAL SEMEN****WAC**

- 16-46-001 Repealed.
 16-46-005 Repealed.
 16-46-020 Repealed.
 16-46-030 Repealed.
 16-46-035 Repealed.
 16-46-040 Repealed.
 16-46-045 Repealed.
 16-46-070 Repealed.

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

- 16-46-001 Promulgation. [Order 854, Promulgation, effective 7/19/61.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
 16-46-005 Definitions. [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.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
 16-46-020 Health certificate. [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.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
 16-46-030 Requirements of animals producing. [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.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
 16-46-035 Test requirements for boars producing semen. [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.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
 16-46-040 Addition of bulls to stud. [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.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
 16-46-045 Addition of boars to stud. [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.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.

16-46-070 Permits. [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.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.

WAC 16-46-001 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-46-005 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-46-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-46-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-46-035 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-46-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-46-045 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-46-070 Repealed. See Disposition Table at beginning of this chapter.

**Chapter 16-50 WAC
IMPORTATION OF MINK****WAC**

16-50-001 through 16-50-020 Repealed.

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

- 16-50-001 Promulgation. [Order 760, Promulgation, effective 10/22/57.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
 16-50-010 Health certificates. [Order 760, Regulation 1, effective 10/22/57.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.
 16-50-020 Penalty. [Order 760, Penalty, effective 10/22/57.] Repealed by 97-18-042, filed 8/27/97, effective 9/27/97.

WAC 16-50-001 through 16-50-020 Repealed. See Disposition Table at beginning of this chapter.

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

16-101-800 Raw milk warning labels.

WAC 16-101-800 Raw milk warning labels. (1) **What authority does the department have to require warning labels on retail raw milk containers?** This rule is being promulgated under authority of RCW 15.36.021(1) and 69.04.398(3).

(2) **To what does this rule apply?** The labeling requirements in this rule apply to containers of raw milk intended for sale to consumers in the state of Washington.

(3) **Why is the Washington state department of agriculture adopting warning label requirements for retail raw milk sales?** The department is adopting this rule to inform consumers about possible harm that may occur from consuming raw milk that contains harmful microorganisms.

(4) **What purpose will this rule serve?** The purpose of this rule is to warn purchasers about known hazards associated with the consumption of raw milk so that they may make informed choices about buying these products.

(5) **What warning label must be on raw milk containers?** The raw milk container must bear the following labeling: *WARNING: This product has not been pasteurized and may contain harmful bacteria. Pregnant women, children, the elderly and persons with lowered resistance to disease have the highest risk of harm from use of this product.*

(6) **What are the specific requirements for warning labels on raw milk?** The raw milk warning labels must meet the following requirements:

(a) The warning label type size must be consistent with the type size of other required labeling, but not less than one-sixteenth inch in height.

(b) The warning label must be conspicuous and in contrasting color from other labeling.

(c) The warning label must be prominently displayed on the container's principal display panel.

(d) The warning label must be clearly readable.

[Statutory Authority: RCW 15.36.021(1) and 69.04.398(3). 97-19-045, § 16-101-800, filed 9/11/97, effective 10/12/97.]

Chapter 16-105 WAC PACKAGING OF BACON

WAC

16-105-001 through 16-105-030 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-105-001 Promulgation. [Order 1221, § 16-105-001, filed 11/26/71, effective 1/1/72.] Repealed by 97-18-041, filed 8/27/97, effective 9/27/97.

16-105-010 Standards for retail bacon packages. [Order 1221, § 16-105-010, filed 11/26/71, effective 1/1/72.] Repealed by 97-18-041, filed 8/27/97, effective 9/27/97.

16-105-020 Penalty. [Order 1221, § 16-105-020, filed 11/26/71, effective 1/1/72.] Repealed by 97-18-041, filed 8/27/97, effective 9/27/97.

16-105-030 Exemption. [Order 1221, § 16-105-030, filed 11/26/71, effective 1/1/72.] Repealed by 97-18-041, filed 8/27/97, effective 9/27/97.

WAC 16-105-001 through 16-105-030 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 16-139 WAC PENALTIES

WAC

16-139-001 Promulgation and purpose.
16-139-005 Definitions.
16-139-010 Calculation of penalty.
16-139-020 Penalty assignment schedule—Critical violations.
16-139-030 Penalty assignment schedule—Significant violations.
16-139-040 Penalty assignment schedule—Economic and other violations of chapters 16.49, 19.32, 69.04, 69.07, and 69.10 RCW.
16-139-050 Other dispositions of alleged violations.
16-139-060 Disposition of collected penalty money.

WAC 16-139-001 Promulgation and purpose. This chapter is promulgated by the director of agriculture for the purpose of establishing fair, uniform and equitable means for assessing civil penalties and licensing actions authorized under RCW 16.49.444, 19.32.060, 69.04.880, 69.07.060, 69.07.110, 69.07.150(2), 69.10.030 and 69.10.050. The rules adopted in WAC 16-139-005 through 16-139-060 apply to violations of chapters 16.49 RCW (Custom slaughtering), 19.32 RCW (Food lockers), 69.04 RCW (Intrastate commerce in food, drugs, and cosmetics), 69.07 RCW, (Washington Food Processing Act) and 69.10 RCW (Food storage warehouses). The director also declares:

(1) Education and technical assistance play an important role in the prevention, correction or abatement of food safety violations and are the department's preferable alternative to regulatory action. However, at times regulatory action is necessary to deter violations of food safety laws and rules, to educate persons about the consequences of such violations, and to compel compliance with food safety laws for the protection of consumers. The department initiates such actions when educational measures, technical assistance, warning letters, compliance agreements or other remedial measures fail to achieve compliance; and

(2) Any regulatory action taken by the department against any person who violates the provisions of chapters 16.49, 19.32, 69.04, 69.07 and 69.10 RCW, and 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 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 98-02-023, § 16-139-001, filed 12/31/97, effective 1/31/98.]

WAC 16-139-005 Definitions. (1) Definitions:

(a) "Violation" means commission of an act or acts prohibited by chapter 16.49, 19.32, 69.04, 69.07 or 69.10 RCW, including rules adopted under them.

(b) "Prior violation" means the same or a similar violation committed by a person within the previous three years.

(c) "Critical violation" means a violation resulting in food adulteration that could cause injury or illness in consumers or that has the potential to contribute to conditions resulting in such adulteration.

(d) "Significant violation" means a violation resulting in food adulteration or food being prepared under unsanitary conditions not apparently related to a public health danger or that has the potential to contribute to conditions resulting in

such adulteration and if not corrected could lead to a critical violation.

(e) "Economic violation" means a violation which affects the purchaser economically, either due to misbranding or adulteration where inferior or substandard quality product is substituted, by hiding defects or by false or misleading labeling.

(f) "Other violation" means a violation of chapter 16.49, 19.32, 69.04, 69.07 or 69.10 RCW, not covered under the penalty schedules in WAC 16-139-020 or 16-139-030, including, but not limited to, violation of embargo, mutilation of embargo notices, sale of food from an unlicensed processor, operating without a required license, refusal of inspection or access, interference with the director or the director's designee, or economic and labeling violations.

(g) "Same," with respect to violations, means an identical recurrence or an exact repetition of a previous violation, or a continuation of a previous violation.

(h) "Similar," with respect to violations, means related in appearance or nature; alike though not identical.

(i) "Knowingly" means that the alleged violator had previous warning, knew or reasonably should have known that a condition could result in adverse effects or that a violation would occur.

(j) "Potential," with respect to violations, means that a violation may result in food adulteration or a risk to health or that the violation supports conditions that may contribute to food adulteration or a risk to health.

(k) "Probable," with respect to violations, means that a violation is reasonably likely to result in food adulteration or a risk to health.

(2) Additional definitions for terms used in this chapter are found in the following provisions of law:

(a) Washington Food, Drug and Cosmetic Act, chapter 69.04 RCW.

(b) Washington Food Processing Act, chapter 69.07 RCW.

(c) Current Good Manufacturing Practice in Manufacturing, Packing or Holding Human Food, Title 21, Code of Federal Regulations, Chapter 1, Subchapter B, Part 110.

(d) Food storage warehouses, chapter 69.10 RCW.

(e) Custom Slaughter Act, chapter 16.49 RCW.

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 98-02-023, § 16-139-005, filed 12/31/97, effective 1/31/98.]

WAC 16-139-010 Calculation of penalty. (1) Median penalty selection. In the disposition of administrative cases, the department shall determine the penalty as follows:

(a) The department shall first determine the correct penalty assignment schedule table listed in either WAC 16-139-020 (critical violations), WAC 16-139-030 (significant violations), or WAC 16-139-040 (economic and other violations), that is applied based on the type of violation alleged.

(b) The department shall then determine the penalty range based on whether there have been prior violations in last three years.

(c) The department shall then determine:

(i) The probability of a violation causing a risk to health under WAC 16-139-020 (critical violations); or

(ii) The probability of a violation resulting in food adulteration under WAC 16-139-030 (significant violations); or

(iii) Whether the violation was knowing under WAC 16-139-040 (economic and other violations).

(d) The scheduled penalty is then applied unless a proportionate adjustment is made. In no case will a penalty less than the minimum penalty listed for the violation be applied.

(2) Proportionate adjustment of median penalty. The department reserves the right to proportionately increase the civil penalty and proportionately decrease the licensing action under certain circumstances. Such circumstances include situations where licensing action as a deterrent is ineffective and includes but is not limited to violations by persons who are not licensed. Likewise, the department reserves the right to proportionately decrease the civil penalty and proportionately increase the licensing action when circumstances in a particular case demonstrate the ineffectiveness of a civil penalty action as a deterrent.

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 98-02-023, § 16-139-010, filed 12/31/97, effective 1/31/98.]

WAC 16-139-020 Penalty assignment schedule—Critical violations.

LEVEL	DEGREE OF RISK TO HEALTH	PENALTY
1st Violation in a 3-year period	A. POTENTIAL	\$200 and 2-day license suspension
	B. PROBABLE	\$1000 and 7-day license suspension
2nd Violation in a 3-year period	A. POTENTIAL	\$400 and 4-day license suspension
	B. PROBABLE	\$1000 and 14-day license suspension
3rd Violation in a 3-year period	A. POTENTIAL	\$800 and 8-day license suspension
	B. PROBABLE	\$1000 and 30-day license suspension

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 98-02-023, § 16-139-020, filed 12/31/97, effective 1/31/98.]

WAC 16-139-030 Penalty assignment schedule—Significant violations.

LEVEL	POTENTIAL FOR FOOD ADULTERATION	PENALTY
1st Violation in a 3-year period	A. POTENTIAL	\$100 and 1-day license suspension
	B. PROBABLE	\$200 and 2-day license suspension
2nd Violation in a 3-year period	A. POTENTIAL	\$200 and 2-day license suspension
	B. PROBABLE	\$400 and 4-day license suspension
3rd Violation in a 3-year period	A. POTENTIAL	\$400 and 4-day license suspension
	B. PROBABLE	\$800 and 8-day license suspension

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 98-02-023, § 16-139-030, filed 12/31/97, effective 1/31/98.]

WAC 16-139-040 Penalty assignment schedule—Economic and other violations of chapters 16.49, 19.32, 69.04, 69.07, and 69.10 RCW.

LEVEL	DEGREE OF KNOWLEDGE OF VIOLATION	PENALTY
1st Violation in a 3-year period	A. UNKNOWING	\$100 and 1-day license suspension
	B. KNOWING	\$200 and 2-day license suspension
2nd Violation in a 3-year period	A. UNKNOWING	\$200 and 2-day license suspension
	B. KNOWING	\$400 and 4-day license suspension
3rd Violation in a 3-year period	A. UNKNOWING	\$300 and 3-day license suspension
	B. KNOWING	\$1000 and 10-day license suspension

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 98-02-023, § 16-139-040, filed 12/31/97, effective 1/31/98.]

WAC 16-139-050 Other dispositions of alleged violations. Nothing herein shall prevent the department from:

- (1) Choosing not to pursue a case administratively.
- (2) Issuing a notice of correction 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 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 98-02-023, § 16-139-050, filed 12/31/97, effective 1/31/98.]

WAC 16-139-060 Disposition of collected penalty money. Money collected by the department as civil penalties for violation of chapters 16.49, 69.04, and 69.10 RCW shall be directed to the state general fund. Money collected by the department as civil penalties for violations of chapter 69.07 RCW shall be utilized for food processing industry technical advisement and assistance in meeting food safety regulations and requirements and food safety education and training of food safety program personnel.

[Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. 98-02-023, § 16-139-060, filed 12/31/97, effective 1/31/98.]

Chapter 16-156 WAC

ORGANIC PRODUCER AND TRANSITION TO ORGANIC PRODUCER CERTIFICATION

WAC 16-156-060 Fee schedule.

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	\$ 165
\$ 12,001 - \$ 15,000	\$ 200

\$ 15,001 - \$ 20,000	\$ 220
\$ 20,001 - \$ 25,000	\$ 275
\$ 25,001 - \$ 30,000	\$ 330
\$ 30,001 - \$ 35,000	\$ 385
\$ 35,001 - \$ 42,500	\$ 465
\$ 42,501 - \$ 50,000	\$ 550
\$ 50,001 - \$ 65,000	\$ 660
\$ 65,001 - \$ 80,000	\$ 825
\$ 80,001 - \$ 100,000	\$ 990
\$ 100,001 - \$ 125,000	\$ 1,100
\$ 125,001 - \$ 150,000	\$ 1,150
\$ 150,001 - \$ 175,000	\$ 1,320
\$ 175,001 - \$ 200,000	\$ 1,375
\$ 200,001 - \$ 240,000	\$ 1,540
\$ 240,001 - \$ 280,000	\$ 1,595
\$ 280,001 - \$ 325,000	\$ 1,650
\$ 325,001 - \$ 375,000	\$ 1,720
\$ 375,001 - \$ 425,000	\$ 2,200
\$ 425,001 - \$ 500,000	\$ 2,300
\$ 500,001 - \$ 750,000	\$ 2,750
\$ 750,001 and up	\$ 2,000

plus one-tenth
of one percent
(0.10%) of gross
organic sales

(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 \$30/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 \$30/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 \$30/hr. plus mileage set at the rate established by the state office of financial management.



[Statutory Authority: Chapter 15.86 RCW, 97-24-006, § 16-156-060, filed 11/21/97, effective 12/22/97; 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

16-158-010	Purpose.
16-158-020	Definitions.
16-158-025	Repealed.
16-158-027	Application for certification.
16-158-028	Confidentiality.
16-158-030	Organic processing standards.
16-158-040	Labeling.
16-158-050	Recordkeeping requirements.
16-158-060	Minor ingredients and processing aids.
16-158-080	Use of processed organic food certification logo.
16-158-090	Inspection.
16-158-100	Sampling.
16-158-120	Decertification.
16-158-130	Fees.
16-158-135	Certification fees.
16-158-140	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-158-025	Organic certification of processors. [Statutory Authority: Chapter 15.86 RCW, 95-13-072 (Order 5068), § 16-158-025, filed 6/20/95, effective 7/21/95.] Repealed by 98-01-221, filed 12/24/97, effective 1/24/98. Statutory Authority: Chapter 15.86 RCW.
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.] Repealed by 98-01-221, filed 12/24/97, effective 1/24/98. Statutory Authority: Chapter 15.86 RCW.

WAC 16-158-010 Purpose. This chapter provides standards for the certification of processors of organic food, pursuant to RCW 15.86.060 and 15.86.070.

[Statutory Authority: Chapter 15.86 RCW, 98-01-221, § 16-158-010, filed 12/24/97, effective 1/24/98; 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) "Gross sales" means the total monetary value of processed organic food sold.

(6) "Ingredient list" means the list on a food label of each ingredient in descending order of predominance.

(7) "Labeling" means all labels and other written, printed, or graphic matter:

(a) Upon any article or any of its containers or wrappers; or

(b) Accompanying or representing such article.

(8) "Material" means any substance or mixture of substances that is used in the processing or handling of organic agricultural products, including packaging material.

(9) "New applicant" means any person that applies for organic certification for the first time, or when previous certification status has expired for at least one year.

(10) "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, including using the term organic on the principal display panel, ingredients list, or other locations on the label.

(11) "Package" means a container, box, bin, carton or other wrapping that contains or holds organic food products.

(12) "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.

(13) "Principal display panel" means that portion of the package label that is most likely seen by the consumer at the time of purchase.

(14) "Procedure" means an act, method, or manner of proceeding in some process or course of action.

(15) "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.

(16) "Processing aids" means materials used in processing that do not become an ingredient in the food product (e.g., enzymes, boiler water additives, pressing aids, and filtering aids).

(17) "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, slaughtering or otherwise processing organic food.

(18) "Producer/processor applicant" means any person that is certified under chapter 16-156 WAC, processes organic food, and applies for certification under this chapter.

(19) "Product identity" means the name of the food as described on the principal display panel.

(20) "Prohibited" means any material or practice which does not meet the required criteria or standards for use in the processing or handling of organic agricultural products.

(21) "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.

(22) "Renewal applicant" means any person that has applied for organic certification in the previous year.

[Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-020, filed 12/24/97, effective 1/24/98; 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 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-158-027 Application for certification. (1) All processors must be certified by the department or through a recognized organic certification agency.

(2) Applications to the department for organic food certification must be made on an annual basis at least thirty days prior to the processing of organic food. The application, accompanied by the appropriate fee must be submitted to the department on forms furnished by the department.

(3) All organic food processor certificates expire on March 31st of the year following their issuance. The deadline for submitting renewal applications to the department is March 1st.

(4) When applicable, the application must include the following information:

List of organic and nonorganic ingredients and the percentage, by weight, of each ingredient in each organic food product;

Organic food product labels;

Schematic diagram of the processing method and a description of processing method;

List of all processing aids used in processing organic food.

(5) Organic labeling will be reviewed to insure that processors comply with WAC 16-158-040.

(6) Upon approval of the application by the director, an organic food processor certificate will be issued. New applicants must be inspected prior to issuance of an organic food processor certificate.

[Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-027, filed 12/24/97, effective 1/24/98; 95-13-072 (Order 5068), § 16-158-027, filed 6/20/95, effective 7/21/95.]

WAC 16-158-028 Confidentiality. Except for applications and laboratory analyses submitted for certification under this chapter, the department keeps confidential any business related information obtained under this chapter. All business related information submitted to the department under this chapter is exempt from public inspection and copying consistent with RCW 15.86.110 and 42.17.310.

[Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-028, filed 12/24/97, effective 1/24/98.]

WAC 16-158-030 Organic processing standards.

(1) **Ingredients for processed organic foods:**

(a) 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. Processors must keep organic food producer or processor certificates for all organic ingredients used in processing on file and available to the department

upon request. All organic producers or processors that supply ingredients to processor(s) must be certified by the department or a recognized organic certifying agent.

(b) 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 certification process.

(2) **Processing of organic food products:**

The processing of organic food must be done during a separate production run from the processing of nonorganic food. Prior to the processing of organic food, the processing line must be cleaned or cleared of nonorganic products.

(3) **Water:**

All water used in processing as an ingredient or as a processing aid must be potable and comply with all local, state, and federal guidelines for potable water.

(4) **Steam:**

Volatile amines are prohibited as boiler water additives when steam comes into direct contact with organic food.

(5) **Solvent extraction:**

Solvent extraction with synthetic materials is prohibited in organic food processing.

(6) **Ion exchange filters:**

Ion exchange filters are prohibited in organic food processing.

(7) **Processing aids:**

Processing aids used in organic processing must be approved under WAC 16-158-060.

(8) **Cleaning and sanitizing:**

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.

(9) **Packages:**

All packages 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.

(10) **Identification:**

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.

(11) **Storage:**

All organic food products and organic ingredients must be stored so that there is no cross contamination or confusion with nonorganic food products. Organic and nonorganic food products may be stored in the same storage area as long as there is adequate separation of products and product identification assures no mixing of products.

(12) **Controlled atmosphere storage:**

Storage techniques may be used to alter the nitrogen, oxygen and carbon dioxide levels in the storage room atmosphere.

(13) **Pest control:**

The processor must demonstrate that materials used in pest control programs do not contaminate organic products.

[Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-030, filed 12/24/97, effective 1/24/98; 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.]

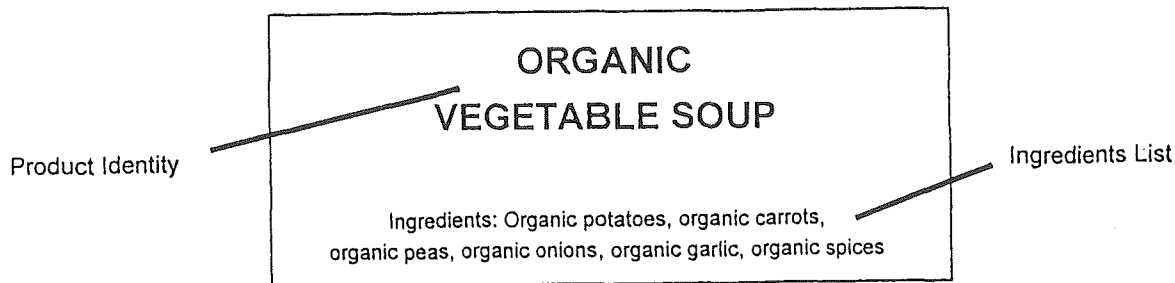
WAC 16-158-040 Labeling. All processed organic foods processed or sold in Washington state must comply with the following labeling regulations.

(1) All organically processed foods must be labeled in accordance with Title 21, C.F.R., Part 101 (as adopted in WAC 16-167-050).

(2) No organic food product may be labeled "organic when available."

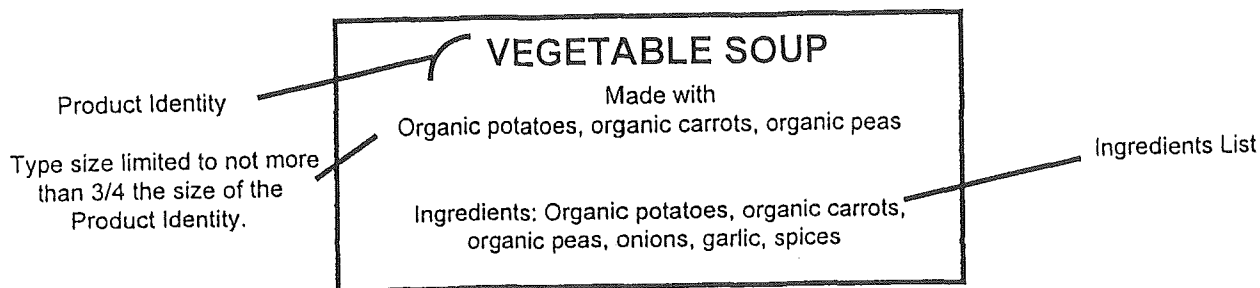
(3) Organic food products:

(a) For processed food products which contain more than ninety-five percent organic ingredients by weight excluding water, salt, and leavening agents, the term organic may be used without restriction on the principal display panel (see example illustration WAC 16-158-040 (3)(b)). Up to five percent of the ingredients, by weight, may be minor ingredients or additives which are approved under WAC 16-158-060 or by the director.



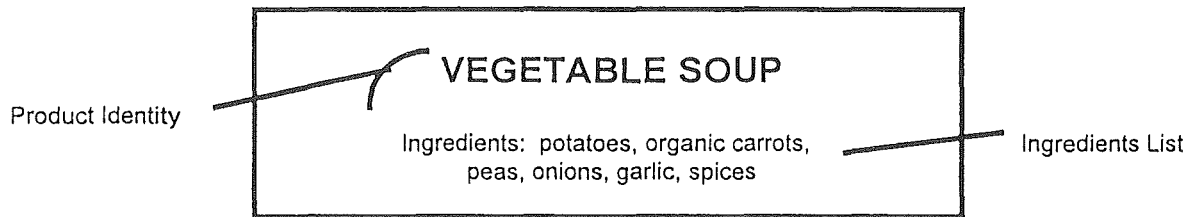
(4) Made with organic food products:

(a) For multi-ingredient food products which contain more than fifty percent organic ingredients by weight, excluding water, salt and leavening agents, the term "organic" can only modify the organic ingredient(s) and the type size of the word "organic" is restricted to not larger than three-quarters type size of the product identity (see example illustration WAC 16-158-040 (4)(b)).



(5) Food products with organic ingredients:

(a) For food products which contain less than fifty percent organic ingredients by weight, excluding water, salt and leavening agents, the term "organic" can only modify the organic ingredients on the ingredients panel (see example illustration WAC 16-158-040 (5)(b)).

**(6) Ingredients list must identify each organic ingredient.**

[Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-040, filed 12/24/97, effective 1/24/98; 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.

Processors must maintain records that track ingredients and organic food products from receiving through distribution or sale. Such records may include invoices, bills of lading, and producer 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. Processors must maintain these records for a minimum of five years from date of processing.

All processors must have available at all times, copies of organic food certificates for all organic ingredients. Organic food certificates must be current and correspond to the organic ingredients used in processing. All organic food producer and processor certificates must be from the department or recognized organic certification agencies.

[Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-050, filed 12/24/97, effective 1/24/98; 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 Minor ingredients and processing aids. In general, all minor ingredients that are agricultural ingredients used in organic food processing should be grown organically in accordance with chapter 15.86 RCW and rules adopted thereunder. The following minor ingredients and

processing aids are approved for use in processed organic foods:

- (a) Acetic acid.
- (b) Agar.
- (c) Ascorbic acid.
- (d) Atmospheric gases including nitrogen, oxygen, and carbon dioxide.
- (e) Baker's yeast.
- (f) Baking powder, aluminum free.
- (g) Bentonite.
- (h) Brewer's yeast.
- (i) Calcium carbonate.
- (j) Calcium chloride.
- (k) Calcium citrate.
- (l) Calcium hydroxide.
- (m) Calcium phosphates.
- (n) Calcium sulfate.
- (o) Carrageenan.
- (p) Charcoal as a filtering aid.
- (q) Citric acid, must be produced by microbial fermentation of carbohydrate substances.
- (r) Cornstarch.
- (s) Dairy cultures, may not be a product of recombinant DNA technology.
- (t) Diatomaceous earth as a filtering aid.
- (u) Enzymes. No preservatives allowed, may not be a product of recombinant DNA technology.
- (v) Ferrous sulfate - when required for iron fortification of foods.
- (w) Glycerin, must be from hydrolysis of fats and oils.
- (x) Gums, plant-derived. Must be mechanically or water extracted.
- (y) Kaolin.

- (z) Lactic acid.
- (aa) Lecithin.
- (bb) Lignin sulfonates as a chelating agent, flotation agent and dust suppressant.
- (cc) Magnesium carbonate.
- (dd) Magnesium chloride, must be extracted from sea water.
- (ee) Magnesium sulfate.
- (ff) Malic acid.
- (gg) Minerals when required by regulation.
- (hh) Mono and diglycerides, for use in drum drying of food only.
- (ii) Natural flavors. All flavor constituents must be from natural sources and have not been chemically modified. May not contain propylene glycol or any artificial preservatives and may not be hexane extracted.
- (jj) Ozone.
- (kk) Pectin.
- (ll) Potassium chloride.
- (mm) Potassium citrate.
- (nn) Potassium iodide, natural.
- (oo) Potassium tartrate.
- (pp) Rice hulls for juice pressing.
- (qq) Salt.
- (rr) Sand, steamed.
- (ss) Seaweed and seaweed extracts for example kelp, carrageenin, nori.
- (tt) Silicon dioxide.
- (uu) Sodium bicarbonate.
- (vv) Sodium chloride.
- (ww) Sodium citrate.
- (xx) Sodium phosphate for dairy processing only.
- (yy) Sulfur dioxide for use in organic wine processing only. May not be added to wine at levels greater than 100 ppm; the level of free sulfites may not exceed 35 ppm in the final product.
- (zz) Tartaric acid.
- (aaa) Vitamins when required by regulation.
- (bbb) Water.
- (ccc) Yeasts and other starter cultures. No synthetic preservatives or stabilizers allowed. May not be a product of recombinant DNA technology.

[Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-060, filed 12/24/97, effective 1/24/98. 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. (1) Processors certified under the Washington department of agriculture organic food program must use the words certified organic by the Washington state department of agriculture in their labeling as long as their practices comply with this chapter, chapter 15.86 RCW, and chapter 16-154 WAC.

(2) Processors certified under this chapter and handlers certified under chapter 16-164 WAC, Standards for the certification of handlers of organic food may use one of the attached logos adopted in WAC 16-158-150 on processed food which is composed of ninety-five percent or more organic ingredients, excluding water, salt and leavening agents.

[Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-080, filed 12/24/97, effective 1/24/98; 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 must 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, chapter 15.86 RCW and rules adopted thereunder. Application and certification fees cover the cost of two inspections per year. The inspection may entail a 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. 98-01-221, § 16-158-090, filed 12/24/97, effective 1/24/98; 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. Application and certification fees cover the cost of one sample analysis per year. It will be the processor's responsibility to arrange for and bear the costs for any additional testing (beyond the one sample analysis provided by application and certification fees) which is deemed necessary by the director.

[Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-100, filed 12/24/97, effective 1/24/98; 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 16-158-120 Decertification. Whenever the director finds that a processor 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 a renewal application for recertification which is false or misleading in any particular;
- (3) Violated any of the provisions of this chapter;
- (4) Failed to provide records as required by WAC 16-158-050 or rules adopted under chapter 15.86 RCW; or
- (5) Failed to allow inspection to take place.

The director may issue an order denying, suspending, or revoking that processor's certification under this program.

Any processor who has received notice that its certification may be denied, 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. 98-01-221, § 16-158-120, filed 12/24/97, effective 1/24/98; 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) **Renewal applicants** - Application fees are one hundred fifty dollars per facility. In addition, renewal applications postmarked after March 1, pay a late fee of fifty dollars.

(2) **New applicants** - Application fees are one hundred fifty dollars per facility. In addition, new applicants pay a seventy-five dollar new applicant fee.

(3) **Producer/processor applicants** - Application fees for producer/processor applications are paid under chapter 16-156 WAC.

(4) Two inspections within the state of Washington are provided for under the application and certification fee. Additional inspections, or out-of-state inspections if necessary or requested, will be charged to the applicant at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management. One sample analysis is provided under the application and certification fee. Additional samples, if required for certification or maintenance of certification by the director, or requested by the applicant, will 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 (\$30/hr.) plus mileage set at the rate established by the state office of financial management.

[Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-130, filed 12/24/97, effective 1/24/98; 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 16-158-135 Certification fees. A certification fee based on the following fee schedule must accompany the application and application fee, except for producer/processor applicants who pay fees under chapter 16-156 WAC. Certification fees are assessments on the organic products in each category. Applicants may have food products in more than one category.

CERTIFICATION FEE SCHEDULE

Category I - Organic food products: Products labeled as "organic" that contain ninety-five percent or more organic ingredients as per WAC 16-158-040(3) are assessed at two hundred seventy-five thousandths of one percent (0.275%) of the previous calendar year's gross sales for the first million dollars and one-tenth of one percent (0.10%) for gross sales above one million dollars.

Category II - Made with organic food products: Products labeled as "made with organic ingredients" that contain more than fifty percent organic ingredients as per WAC 16-158-040(4) are assessed at one hundred seventy-five thousandths of one percent (0.175%) of the previous calendar year's gross sales for the first million dollars and six hundredths of one percent (0.06%) for gross sales above one million dollars.

Category III - Food products with organic ingredients: Products packaged for retail sales that limit their organic claims to the ingredients list as per WAC 16-158-040(5) are assessed at one-tenth of one percent (0.10%) of the previous calendar year's gross sales for the first million dollars and three-hundredths of one percent (0.03%) for gross sales above one million dollars.

Category IV - Custom organic food products: Products produced by processors who charge a service fee to organic manufacturers for processing organic food are assessed at thirty-five hundredths of one percent (0.35%) of the previous calendar year's service fees received for processing organic food for the first million dollars and one-tenth of one percent (0.10%) for service fees above one million dollars.

In the event that the current calendar year's gross sales (or service fees) exceeds the previous year's gross sales (or service fees), the department may bill the processor for the additional certification fee. In the event that the current calendar year's gross sales (or service fees) is less than the previous year's gross sales (or service fees), the processor may request a refund for the reduced certification fee.

[Statutory Authority: Chapter 15.86 RCW. 98-01-221, § 16-158-135, filed 12/24/97, effective 1/24/98.]

WAC 16-158-140 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-162 WAC

ANIMAL PRODUCTION STANDARDS FOR ORGANIC MEAT AND DAIRY PRODUCTS

WAC

16-162-010	Purpose.
16-162-025	Certification.
16-162-030	Definitions.
16-162-031	Repealed.
16-162-032	Repealed.
16-162-033	Repealed.
16-162-034	Meat from bovine animals, swine, lamb, sheep, and goat.
16-162-036	Poultry and poultry products.
16-162-037	Dairy products.
16-162-040	Emergency feed.
16-162-045	Approved and prohibited feed additives.
16-162-050	Living conditions.
16-162-070	Disease and pest management.
16-162-100	Recordkeeping.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-162-031	"Organically produced meat." [Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-162-031, filed 5/6/92, effective 6/6/92.] Repealed by 97-24-007, filed 11/21/97, effective 12/22/97. Statutory Authority: Chapter 15.86 RCW.
16-162-032	"Organically produced milk." [Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-162-032, filed 5/6/92, effective 6/6/92.] Repealed by 97-24-007, filed 11/21/97, effective 12/22/97. Statutory Authority: Chapter 15.86 RCW.
16-162-033	"Organically produced eggs." [Statutory Authority: Chapter 15.96 [15.86] RCW. 92-11-001, § 16-162-033, filed 5/6/92, effective 6/6/92.] Repealed by 97-24-007, filed 11/21/97, effective 12/22/97. Statutory Authority: Chapter 15.86 RCW.

WAC 16-162-010 Purpose. This chapter provides standards for producers of organic animal products, including meat, dairy and eggs, pursuant to RCW 15.86.060.

[Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-010, filed 11/21/97, effective 12/22/97; 92-11-001, § 16-162-010, filed 5/6/92, effective 6/6/92.]

WAC 16-162-025 Certification. All animal products marketed and/or labeled as organic must be produced by producers certified by the department or an official organic certifying agent recognized by the department. Producers of organic animal products seeking certification as an organic food producer may apply for certification under chapter 16-156 WAC.

[Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-025, filed 11/21/97, effective 12/22/97; 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) "Botanical pesticides" are pesticides derived from plant materials.

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

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

(5) "Feed" means all edible materials which are consumed by livestock, including concentrates (grains, oilseed meals, fats and oils, vitamins and minerals) and forages (hay, straw, stover, silage, cobs, husks, hulls, pasture plants). The term "feed" encompasses all edible agricultural commodities, including crops in pasture, which is ingested by livestock for nutritional purposes.

(6) "Feed additive" means a substance or combination of substances added to feed, or offered on free-choice basis for consumption by livestock to fulfill specific nutritional or physiological needs, e.g., minerals, amino acids, and vitamins.

(7) "Fertile" means any poultry animal product that is:

(a) Marketed using the term fertile or any derivative of fertile in its labeling or advertising; and

(b) A product of an animal that is in a flock of at least one rooster per twenty hens, and that incubating the eggs at a hatchery results in at least eighty percent of the eggs being fertile.

(8) "Material" means any substance or mixture of substances that is used internally or externally in the production of animals or animal products.

(9) "Organic animal product" means any animal product labeled and offered for sale with the words organic or any derivative of organic.

(10) "Organic feed" means feed produced and processed organically in accordance with Organic crop production standards, chapter 16-154 WAC and Standards for the certification of processors of organic food, chapter 16-158 WAC. Approved feed additives may be added to organic feed.

(11) "Organic pasture" means ground covered with vegetation, which is suitable for grazing and has been managed in accordance with Organic crop production standards, chapter 16-154 WAC, for at least thirty-six months.

(12) "Organic range" means ground covered with vegetation, which is suitable for grazing and has been managed in accordance with Organic crop production standards, chapter 16-154 WAC, for at least thirty-six months.

(13) "Prohibited" means any material or practice which is disallowed by this chapter for the production of organic animal products.

(14) "Remedy" means anything that relieves or cures a disease.

[Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-030, filed 11/21/97, effective 12/22/97; 92-11-001, § 16-162-030, filed 5/6/92, effective 6/6/92.]

WAC 16-162-031 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-162-032 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-162-033 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-162-034 Meat from bovine animals, swine, lamb, sheep, and goat. Organic meat products produced from bovine animals, swine, lamb, sheep, and goat must meet the following criteria for at least twelve months prior to slaughter or, when slaughtered in less than twelve months from birth, from birth to slaughter. In addition, when animals are slaughtered in less than twelve months from birth, the animal's mother must meet the following criteria during the last third of gestation and while the slaughter animal is nursing:

(1) Animals must be raised on one hundred percent organic feed;

(2) Animals may not be administered hormones, antibiotics or synthetic parasiticides;

(3) Animals must have fresh air, daylight and access to organic pasture or organic range; and

(4) Animals may be kept in a feedlot for up to ninety days prior to slaughter as long as the animals have access to fresh air, daylight and are fed one hundred percent organic feed.

[Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-034, filed 11/21/97, effective 12/22/97.]

WAC 16-162-036 Poultry and poultry products. Organic poultry products must meet the following criteria:

(1) Birds must be raised on one hundred percent organic feed from the time the animals are one day old;

(2) Birds must be raised in either:

(a) A moveable pen management system which is moved on a daily basis and provides access to organic pasture or organic range; or

(b) A living space that provides a minimum of four square feet of living space per bird, (including both inside and outside areas), and access to the outside areas. Inside areas must provide a minimum of one and one-half square feet per bird and be sufficient to avoid stress such as cannibalism, nervousness and self-destructive behaviors such

as feather picking, self-mutilation, and limb harrowing. Outside areas must provide a minimum of one and one-half square feet per bird. Minimum living space requirements are calculated for the size of an adult chicken with a mature body weight of five pounds and requirements for other poultry animals are calculated proportionately according to the size of the species;

(3) Birds must be provided shade and dusting wallows and laying birds must also be provided nest boxes and perches;

(4) Birds may not be administered hormones, antibiotics or synthetic parasiticides from one day old to slaughter;

(5) Organic eggs are not required to be fertile.

[Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-036, filed 11/21/97, effective 12/22/97.]

WAC 16-162-037 Dairy products. Organic animal products produced from dairy animals must meet the following criteria:

(1) Dairy animals must be raised on one hundred percent organic feed for ninety days prior to milk production and have access to only organic pasture for at least one year prior to organic milk production;

(2) Dairy animals may not be administered synthetic parasiticides nor hormones for one year prior to organic milk production; and

(3) Dairy animals may not be administered antibiotics for ninety days prior to organic milk production.

[Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-037, filed 11/21/97, effective 12/22/97.]

WAC 16-162-040 Emergency feed. In situations of an organic feed shortage which results from emergency conditions (e.g., weather conditions, road closures, crop failures), the organic livestock producer may feed nonorganic feed to livestock for a limited period, provided that the organic feed shortage is temporary and unforeseeable due to emergency conditions beyond the producer's control and:

(1) The organic livestock producer must make every reasonable effort and maintain a record of every such effort to locate organically grown feed, using the following prioritization:

(a) Certified organic feed;

(b) Noncertified organic feed;

(c) Feed from farms under organic management for two years;

(d) Feed from farms under organic management for one year; and

(e) Conventional feed;

(2) The organic livestock producer notifies the department and submits the organic feed supplier record (subsection (1) of this section) to the department prior to the feeding of nonorganic feed;

(3) The department verifies the emergency conditions (e.g., weather conditions, road closures, crop failures);

(4) The department reviews the situation to determine a maximum time period during which second year transitional organic feed, first year transitional organic feed, or conventional feed may be used;

(5) The livestock producer may not represent egg and dairy products as organic animal products during the time

period the animals are fed conventional feed plus an extended time period equal to the time period that conventional feed was fed to the animals (e.g., organic feed unavailable for three days, no organic sales for six days); and

(6) The livestock producer may not represent meat products as organic animal products during the time period the animals are fed conventional feed plus an extended period of ninety days (e.g., organic feed unavailable for three days, no organic sales for ninety-three days).

[Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-040, filed 11/21/97, effective 12/22/97.]

WAC 16-162-045 Approved and prohibited feed additives. (1) The following list of feed additives are approved for adding to organic feed:

(a) Amino acids (chelated or nonchelated);

(b) Salt;

(c) Minerals;

(d) Vitamins;

(e) Molasses;

(f) Mineral oil;

(g) Enzymes;

(h) Fish meal and fish by-products.

(2) The following additives are prohibited for adding to organic feed:

(a) Synthetic additives not approved in subsection (1) of this section;

(b) Animal by-products including bloodmeal, and bonemeal except for fish meal and fish by-products;

(c) Processed or unprocessed animal waste (manure); and

(d) Feeding of plastic.

[Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-045, filed 11/21/97, effective 12/22/97.]

WAC 16-162-050 Living conditions. (1) Organic livestock producers are required to provide the following living conditions for animals raised for organic meat, dairy and egg production:

(a) Organic producers must provide 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.

(2) Organic livestock producers are prohibited from practices that are contrary to humane treatment guidelines, good sanitation practices, and good animal health programs.

[Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-050, filed 11/21/97, effective 12/22/97; 92-11-001, § 16-162-050, filed 5/6/92, effective 6/6/92.]

WAC 16-162-070 Disease and pest management. In order for animals to be considered "organically produced" an organic disease and pest management program must be in place. An organic disease and pest management program includes an integrated approach to disease and pest management that stresses preventative control. The department shall restrict producers from using the terms "organic," or "organically produced" for producers without adequate organic disease and pest management programs. 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.

Approved disease and pest management materials and practices are:

- (1) Approved botanical insecticides for external parasite control and for fly management, only if labeled for such use;
- (2) Natural materials used in homeopathic, naturopathic, and herbal remedies;
- (3) Tamed iodine, alcohol, and/or hydrogen peroxide as a disinfectant;
- (4) Vaccinations against endemic disease including coccidiosis vaccination;
- (5) Sodium hypochlorite (bleach), for use on machinery and facilities; and
- (6) Steam sterilization of equipment.

[Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-070, filed 11/21/97, effective 12/22/97; 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) Organic livestock producers must maintain the following records from birth or purchase of livestock animals and for two years after the sale of the organic animal products or slaughter of organic livestock:

- (a) All disease and pest management materials administered including dates administered, material type, dosages, and sources;
- (b) All purchased feeds including dates purchased, feed type, quantities purchased, sources, and a copy of organic certificates;
- (c) Weight of slaughter animals at slaughter and weight of post-slaughter animal products; and
- (d) Sales records of all organic animal products sold including dates, quantities and weights.

(3) Receipts for stock and materials must be kept to insure a complete audit trail.

(4) Inadequate recordkeeping may constitute cause for the director to prohibit labeling or marketing animal products as "organic" or "organically produced."

[Statutory Authority: Chapter 15.86 RCW. 97-24-007, § 16-162-100, filed 11/21/97, effective 12/22/97; 92-11-001, § 16-162-100, filed 5/6/92, effective 6/6/92.]

Chapter 16-218 WAC

HOPS—CERTIFICATION ANALYSES—FEES

WAC

16-218-02001 Schedule of charges for chemical analyses of hops, hop extract, hop pellets or hop powder.

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 with moisture, thirty cents per bale, with a minimum charge of thirty dollars for the ASBC spectrophotometric without moisture, 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 22.09.790. 97-05-003, § 16-218-02001, filed 2/5/97, effective 3/8/97. 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.]

Chapter 16-316 WAC

SEED CERTIFICATION

WAC

- 16-316-474 Buckwheat—Chickpea—Field pea—Lentil—Millet—Soybean—Sorghum—Small grain—Application and fees.
- 16-316-715 Miscellaneous field and seed inspection standards.
- 16-316-724 Small grains standards.

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 . . . \$18.27
- (b) Field inspection fee per acre
 - except millet and hybrid sorghum \$ 2.55
- (c) Millet - first acre \$27.16
 - each additional acre \$ 5.43
- (d) Hybrid sorghum - first acre \$27.16
 - each additional acre \$10.86
- (e) Special field inspection fee per acre \$ 2.27
- (f) Late application fee \$17.12
- (g) Reinspection fee \$34.26

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 \$34.26.

- (h) Final certification fee \$ 0.22 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 and 15.49.370(3). 97-16-026, § 16-316-474, filed 7/29/97, effective 8/29/97. Statutory Authority: RCW 15.49.310. 96-14-091, § 16-316-474, filed 7/2/96, 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 16-316-715 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.

(8) The official laboratory providing seed analysis for the purpose of certification shall be the Washington state department of agriculture.

[Statutory Authority: RCW 15.49.310 and 15.49.370(3), 97-16-026, § 16-316-715, filed 7/29/97, effective 8/29/97. 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 16-316-724 Small grains standards. (1) Small grains (barley, oat, rye, triticale, wheat) - land, isolation, and field standards:

CLASS	LAND	ISOLATION	FIELD STANDARDS		
	STANDARDS	STANDARDS	OFF-TYPE	OTHER CROP	WILD OAT
	MINIMUM YEARS	MINIMUM FEET	MAXIMUM HEAD RATIO	MAXIMUM HEAD RATIO	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 genus. 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(****)
Viability(*****) (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.

(*****) A certification certificate will be issued upon receipt of either an official AOSA tetrazolium or germination test which meets minimum Washington viability standards. NOTE: State and federal seed laws require seed to be labeled based on a germination test.

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 and 15.49.370(3). 97-16-026, § 16-316-724, filed 7/29/97, effective 8/29/97. 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.]

Chapter 16-324 WAC

RULES FOR THE CERTIFICATION OF SEED POTATOES

WAC

- 16-324-360 Repealed.
- 16-324-361 Definitions.
- 16-324-370 General guidance.
- 16-324-375 Application and withdrawal.
- 16-324-380 Repealed.
- 16-324-381 Certified seed potato stock—Fees.
- 16-324-382 Seed potato classification.
- 16-324-390 Repealed.
- 16-324-391 Eligibility requirements.
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- 16-324-397 Field inspection.
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- 16-324-400 Repealed.
- 16-324-401 Latent virus testing requirements.
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- 16-324-409 Post harvest test requirements.
- 16-324-410 Repealed.
- 16-324-420 Post harvest test tolerances.
- 16-324-430 Repealed.
- 16-324-431 Digging, storage and premarketing.
- 16-324-435 Repealed.
- 16-324-445 Repealed.
- 16-324-446 Grading inspection.
- 16-324-450 Repealed.
- 16-324-460 Repealed.
- 16-324-470 Repealed.
- 16-324-480 Repealed.

- 16-324-490 Repealed.
- 16-324-500 Repealed.
- 16-324-510 Repealed.
- 16-324-520 Repealed.
- 16-324-530 Repealed.
- 16-324-540 Repealed.
- 16-324-600 Repealed.
- 16-324-605 Repealed.
- 16-324-610 Repealed.
- 16-324-620 Repealed.
- 16-324-630 Repealed.
- 16-324-650 Repealed.
- 16-324-660 Repealed.
- 16-324-670 Repealed.
- 16-324-680 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-324-360 Definitions. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-380 Certified seed potato stock—Fees. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-390 Requirements for production of foundation and/or certified seed potato stock. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-400 Certified seed potato—Field inspection standards. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-410 Winter test. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-430 Certified seed potato—Digging, storage and premarketing. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.

- 16-324-435 Storage restrictions. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-435, filed 11/21/78, effective 5/1/79.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-445 Certified seed potato—Grading inspection—Diseases and 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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-450 Certified seed potato—Specific requirements. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-460 Washington No. 1 certified seed potatoes (blue tag stock). [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-460, filed 11/21/78. Formerly WAC 16-446-120.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-470 Washington No. 2 certified seed potatoes (red tag stock). [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-470, filed 11/21/78. Formerly WAC 16-446-130.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-480 Washington single drop certified seed potatoes (white tag stock). [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-480, filed 11/21/78. Formerly WAC 16-446-140.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-490 Washington buff certified seed potatoes (buff tag stock). [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-490, filed 11/21/78. Formerly WAC 16-446-150.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-500 Marking requirements. [Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-500, filed 11/21/78. Formerly WAC 16-446-160.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-510 Certified seed potato—Tolerances. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-520 Certified seed potato—Definition of terms. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-530 Certified seed potato—Definition—Damage. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-540 Certified seed potato—Definition—Serious damage. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-600 Limited generation (L.G.) certified seed potato production. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-605 Limited generation certified seed potato—Requirements for production and eligibility of pre-nuclear stock. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-610 Limited generation certified seed potato—Land requirements. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-620 Limited generation certified seed potato—Isolation requirements. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-630 Limited generation certified seed potato—Field inspection tolerances. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-650 Limited generation certified seed potato—Production phases. [Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-650, filed 9/11/87.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-660 Limited generation certified seed potato—Sanitation. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-670 Limited generation certified seed potato—Tags. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.
- 16-324-680 Limited generation certified seed potato—Storage. [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.] Repealed by 97-11-028, filed 5/14/97, effective 6/14/97. Statutory Authority: RCW 15.14.030.

WAC 16-324-360 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-361 Definitions. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

- (1) "Certification" means that the lot of seed potatoes was inspected and meets the requirements of this chapter.
- (2) "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 culls.
- (3) "Department" means the department of agriculture of the state of Washington.

(4) "Director" means the director of the department of agriculture or his/her duly appointed representative.

(5) "Disease tested" means tested for potato viruses, PVA, PVM, PVS, PVX, PVY, leafroll, spindle tuber viroid, *Erwinia carotovora* ssp. *carotovora* (soft rot), *Erwinia carotovora* ssp. *atroseptica* (black leg) and *Clavibacter michiganense* spp. *sepedonicum* (ring rot).

(6) "In vitro" means in an artificial environment outside the living organism.

(7) "Micropropagated" means potato stock propagated using aseptic laboratory techniques and culture media to promote plant tissue growth.

(8) "Microtubers" means tubers produced in vitro by a micropropagated plant or plantlet.

(9) "Minitubers" means tubers produced under controlled greenhouse conditions.

(10) "Nematode" means a disease (infestation) of plant parasitic nematodes of potatoes including but not limited to the genus *Meloidogyne*.

(11) "Nuclear stock" means plantlets, microtubers, minitubers, or seed potatoes produced from prenuclear stock, and grown in the field for the first time.

(12) "Plot" means a seed potato planting that is 0.25 acre or less in size.

(13) "Powdery scab" means the disease caused by the fungus *Spongospora subterranea*.

(14) "Prenuclear" means micropropagated plants in vitro or tubers in vitro. Also included are plants or minitubers produced in a greenhouse.

(15) "Recertification" means the process of certifying a seed lot that was certified the previous year.

(16) "Ring rot" means the disease caused by the bacterium *Clavibacter michiganense* ssp. *sepedonicum*.

(17) "Rogue" means a method of removing undesired plant specimens from a lot whereby all plant parts including vines, tubers, and seed pieces are completely removed from a field. Roguing for plant disease shall also include removing all plants and their parts immediately adjacent to the diseased suspect plant.

(18) "Seed lot" means a field, in whole or in part, or a group of fields producing seed potatoes, or the potato tubers harvested from a seed potato field.

(19) "Seed potatoes" mean vegetatively propagated tubers used for potato production 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.

(20) "Seed source" means seed potatoes produced by an individual grower within a particular seed production area.

(21) "Trace" means a barely perceivable indication of plant disease that amounts to less than 0.001 percent of sample.

(22) "Tolerance" means the maximum acceptable percentage of potato plants or tubers exhibiting visual symptoms of disease or defect during inspection of a representative sample.

(23) "Unit method" means a method of planting in which cut seed pieces from one tuber are dropped consecutively in a row, or in which all tubers from one plant are dropped consecutively in a row.

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-361, filed 5/14/97, effective 6/14/97.]

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) 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.

(3) 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 chapter.

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-370, filed 5/14/97, effective 6/14/97. Statutory Authority: Chapter 15.14 RCW. 78-12-034 (Order 1587), § 16-324-370, filed 11/21/78; Order 1199, § 16-324-370, filed 5/5/71, effective 6/7/71.]

WAC 16-324-375 Application and withdrawal. (1) Application shall be made on a form provided by the department. Applications for certification shall reach the state department of agriculture, 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.

(2) Prospective growers entering the certification program for the first time shall be interviewed by the department before their applications are processed. This is in order that the applicant knows what is expected and what may be expected from the certifying agency.

(3) Separate applications shall be required for each variety, seed source, and seed lot.

(4) Separate applications shall be required for each seed source field location that is separated by more than one hundred feet.

(5) Applications shall be accompanied by a field location map so that any inspector can identify each lot and the lot location.

(6) Withdrawal of a seed lot from the certification program shall be made on a form provided by the department.

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-375, filed 5/14/97, effective 6/14/97. 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 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-381 Certified seed potato stock—Fees. (1) Seed potato certification fees shall be twenty-nine dollars per acre or fraction thereof.

(2) The certification fee for a field plot shall be twenty dollars per application.

(3) The department may assess an additional fee charged on a time and mileage basis.

(4) Applications shall be accompanied by fifty percent of the total certification fee and payable on or before June 15 of each year. For purposes of certification fee assessment, acreage may be adjusted by no more than ten percent on or before July 15 of each year.

(5) Final payment of the certification fees 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.

(6) Refunds of the certification fee may be made only if the withdrawal form is received by the department prior to the first field inspection.

(7) Lots rejected before the second inspection shall not be subject to the final one-half payment of the certification fee.

(8) Certification fees shall not be refunded after two field inspections have been completed.

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

(10) No application from any grower owing the Washington state department of agriculture for previous fees may be considered.

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-381, filed 5/14/97, effective 6/14/97.]

WAC 16-324-382 Seed potato classification. (1) All seed potatoes entered for certification shall be classified on the basis of production phases as follows:

(a) Prenuclear (PN) - Prefield seed stocks for laboratory and greenhouse production or direct field plantings.

(b) Nuclear (N) - First field production year.

(c) Generation 1 (G1) - Second field production year.

(d) Generation 2 (G2) - Third field production year.

(e) Generation 3 (G3) - Fourth field production year.

(f) Generation 4 (G4) - Fifth field production year.

(g) Generation 5 (G5) - Sixth field production year.

(2) The class of any seed lot shall be determined by its production phase as defined in subsection (1) of this section. If a seed lot fails to meet the standards established in this chapter for its production phase, then it shall be reclassified to the next later generation for which it meets established standards. If a seed lot fails to meet minimum standards established for G5, it shall be rejected from certification.

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-382, filed 5/14/97, effective 6/14/97.]

WAC 16-324-390 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-391 Eligibility requirements. (1) Planting 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.

(2) To be eligible for recertification, a seed stock shall meet or exceed the minimum requirements for field inspection, latent virus testing, and post harvest testing as estab-

lished in this chapter. A seed stock that has more than a trace amount of virus disease noted during any field inspection shall not be recertified, unless it has been post harvest tested and meets the minimum standards established in WAC 16-324-420.

(3) Planting stocks from other states or countries shall be eligible for current season certification if the planting stock meets or exceeds the minimum requirements of Washington standards for certification of seed potatoes and is eligible for recertification in the state or country of origin.

(4) A seed lot shall not be eligible for current season certification if it is blended from two or more different sources of seed.

(5) Tubers culled out during the grading process shall not be eligible for recertification.

(6) Seed stocks shall be eligible for current season certification for a maximum of six field production years.

(7) Generation 5 (G5), shall not be eligible for recertification.

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-391, filed 5/14/97, effective 6/14/97.]

WAC 16-324-392 Isolation requirements. (1) Prenuclear stock shall be produced in a laboratory or greenhouse approved by the department.

(2) Nuclear and Generation 1 shall be produced only in field locations approved by the department.

(3) Generation 2 through Generation 5 shall be isolated by at least three hundred fifty feet from other potatoes except seed potatoes entered for certification.

(4) 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 between lots has been left unplanted or planted to some other crop.

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-392, filed 5/14/97, effective 6/14/97.]

WAC 16-324-393 Land requirements. (1) Any land known to be infested with parasitic potato nematode shall not be accepted.

(2) Any land planted with seed potatoes found to have ring rot shall not be eligible for certified seed potato production for at least three years. Presence of volunteer potato plants in a field with ring rot history shall disqualify the current field crop for certification. Plants outside of the defined row shall be considered volunteers. Exceptions to this may be approved by the department when cultural practice has been proven to be successful. Cultural practices may include, but are 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 recorded with the department. Whichever method is used, it shall be approved by the department and shall be adequate to maintain variety and disease purity.

(3) Nuclear class shall be produced on land that has not been planted with potatoes for any of the previous six years. (New ground is preferred.)

(4) Generation 1 class shall be produced on land that has not been planted with potatoes for any of the previous four years.

(5) Generation 2, 3, 4, and 5 classes shall be produced on land that has not been planted with potatoes during the previous year unless the prior potato crop was certified seed potatoes of a higher class and of the same variety. Volunteer plants from a previously planted seed potato crop that are present at the time of the field inspection shall cause the designated class of the current crop to be changed to an appropriate later generation designation.

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-393, filed 5/14/97, effective 6/14/97.]

WAC 16-324-394 Production requirements—Prenuclear class. Requirements for production of pre-nuclear class of seed potatoes 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 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 shall be required as follows:

(a) *Clavibacter michiganense* ssp. *sepedonicum* by gram stain, or immunofluorescent antibody stain, or Richardson's Media, or other methods approved by the department.

(b) *Erwinia species* by crystal violet pectate, or other methods approved by the department.

(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 in this subsection.

(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 (of 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 leafroll virus, *Erwinia* spp. and *Clavibacter michiganense* ssp. *sepedonicum* in the manner described for testing requirements for mother plants in subsection (2) of this section. 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 department or private labs engaged in the production of pre-nuclear 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 pre-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 phytosanitary standards established in this chapter.

(8) The laboratory and/or greenhouses used to produce material to be accepted as pre-nuclear 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) Tubers and tuber storage facilities shall be inspected by the certification agency in the state of origin and satisfy 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.

(12) Well water shall be the source of irrigation for pre-nuclear stock.

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-394, filed 5/14/97, effective 6/14/97.]

WAC 16-324-395 Production requirements—Field grown seed potatoes. (1) Nuclear class.

(a) Material planted for recertification at a nuclear level shall have been produced either under standard aseptic microbiological techniques or in an insect proofed greenhouse using sterilized potting media and water known to be free of bacterial potato pathogens.

(b) Each lot shall be distinctly separated in the field and in storage.

(c) If a ground rig is used for spraying, a wide enough spray row shall be allowed so that tires will not touch plants during the growing season.

(d) Cut seed and single drop seed shall be sorted and planted separately, with single drop seed identified.

(e) Access to fields shall be severely restricted. Entrance shall only be allowed in the presence of the grower.

(2) To produce nuclear, Generation 1 and Generation 2 stock, a grower shall have successfully produced certified seed potatoes the previous two years with no ring rot disease noted during this period. Exceptions to this are possible on approval by the department.

(3) Generations 1, 2, 3, 4 and 5.

(a) A distinct separation of at least six feet shall be left unplanted or planted to some other crop between lots of a different class and between different varieties of potatoes that have a similar enough tuber type, color skin or shape characteristics that varietal mixture would not be readily identifiable during the storage, sorting and grading process.

(b) No separation shall be required between lots of a red variety and another variety with obviously different skin color.

(c) When more than one lot of seed potatoes is planted in the same field, each lot shall be staked or marked so that any inspector not previously having been at the location can identify each lot, variety, single drop planting and different seed source.

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-395, filed 5/14/97, effective 6/14/97.]

WAC 16-324-396 Sanitation requirements. (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 recommended by the *Pacific Northwest Plant Disease Control Handbook*.

(2) Seed stocks entered for certification shall be planted and harvested prior to handling any other seed stock. The earliest 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) Only department-approved containers shall be used during the digging, storage, and packing process.

(5) 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: RCW 15.14.030. 97-11-028, § 16-324-396, filed 5/14/97, effective 6/14/97.]

WAC 16-324-397 Field inspection. (1) Each seed lot shall be visually inspected on a sample basis. Seed 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 seed lots shall be traversed sufficiently to accurately evaluate the factors to be considered with a minimum sample of one hundred plants per acre. Seed lots shall be considered ready for inspection at all times. Notification shall be given to grower or grower representative when the first inspection is to be performed. A second inspection shall be performed at a time determined by the inspector, considering the variety and the growing season.

Additional inspections shall be made when deemed necessary.

(2) Seed lots not meeting minimum field inspection standards at the time of inspection shall be rejected.

(3) The grower shall be responsible for notifying the department of unusual field conditions which will cause premature dying from any cause prior to the final reading of the field.

(4) 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:

(a) Post harvest testing shall be required for any seed lot with any field condition preventing adequate field evaluation at the time of the first field inspection.

(b) At the discretion of the department, inability to perform the final field inspection evaluation of a seed lot for any reason may be cause for rejection from certification, and/or the seed lot shall not be eligible for recertification and shall be required to be post harvest tested.

(5) Ring rot found in a seed lot of a seed operation shall be cause for removing the lot from certification. Additional inspections shall be required on remaining seed lots. All other seed lots associated with or planted after the rejected lot shall be ineligible for recertification.

(6) In the suspected presence of ring rot disease in plants and tubers, or nematode infestation of tubers, or powdery scab disease on tubers, samples shall be submitted to a department-approved laboratory for testing. Samples may be sent to more than one laboratory to determine the presence or absence of plant disease or infestation.

(7) A certified seed production growers list shall be published annually after the final field inspection showing the inspection results.

(8) At the option of the grower, seed sources shall be represented in a seed lot source trial. The presence of 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: RCW 15.14.030. 97-11-028, § 16-324-397, filed 5/14/97, effective 6/14/97.]

WAC 16-324-398 Field inspection disease tolerance. (1) 0.0% tolerance is not intended, nor shall be construed, to mean that the lot inspected is free from the disease. In case of ring rot, nematode, or powdery scab, it means that the disease was not identified during any visual inspection.

(2) First and second field inspection tolerances.

Factor	Nuclear		G 1		G 2		G 3		G 4		G 5	
	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
Varietal mixture	0.00	0.00	0.00	0.00	0.02	0.01	0.05	0.01	0.08	0.05	0.20	0.10
Mosaic	0.00	0.00	0.00	0.00	0.01	TR (*)	0.50	0.25	0.50	0.25	2.00	1.00
Leafroll	0.00	0.00	0.00	0.00	0.01	TR (*)	0.03	0.01	0.08	0.05	0.40	0.20
Total visible virus	0.00	0.00	0.10	0.00	0.50	0.50	2.00	1.00	2.00	1.00	2.00	2.00
Phytoplasmas	0.00	0.00	0.00	0.00	0.10	0.10	0.20	0.20	0.50	0.50	1.00	1.00
Black leg	0.00	0.00	0.10	0.10	0.50	0.50	1.00	1.00	2.00	2.00	4.00	2.00
Ring rot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	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	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	0.00	0.00
Powdery scab	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

*TR=Trace

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-398, filed 5/14/97, effective 6/14/97.]

WAC 16-324-400 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-401 Latent virus testing requirements.

(1) PVX testing shall be required for Nuclear, Generation 1 and Generation 2 class seed potatoes. PVX testing shall be optional for all other classes.

(2) Petiole samples shall be submitted by the grower in late August, or prior to vine kill, to a laboratory approved by the department. The cost of laboratory testing shall be borne by the applicant.

(3) The minimum number of plants per seed lot to be sampled for latent virus determination shall be one hundred. For nuclear class, a minimum of ten percent of the total number of plants per lot shall be sampled. For Generation 1, a minimum of two percent of the total number of plants per lot shall be sampled. For Generation 2, a minimum of fifty leaves per acre shall be sampled. For Generation 3, 4 and 5, a minimum of twenty leaves per acre shall be sampled. No more than five leaves shall be bulked per sample. The department may require additional testing.

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-401, filed 5/14/97, effective 6/14/97.]

WAC 16-324-402 Latent virus tolerance. (1) Latent virus disease tolerances listed in the table that follows and shall be based on positive ELISA test results.

PVX TOLERANCE TABLE: PERCENT DISEASE

NUCLEAR	G1	G2	G3	G4	G5
0.00	0.50	1.00	3.00	4.00	5.00

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-402, filed 5/14/97, effective 6/14/97.]

WAC 16-324-409 Post harvest test requirements.

(1) Post harvest testing of all seed classes shall be optional. Seed lots which fail the minimum requirements of the field inspection standards shall not be eligible for post harvest testing.

(2) The purpose of this test is to visually detect virus and virus-like plant symptoms in seed potato samples

submitted by the grower. Diseases which cannot be observed visually at the time of inspection may be present.

(3) A minimum of four hundred tubers shall be submitted for each seed lot entered for post harvest testing. Seed lots less than one acre in size shall submit four tubers per total hundred weight with a minimum of fifty tubers. The applicant shall have the option of submitting additional tubers greater than the minimum number.

(4) The cost of post harvest testing shall be borne by the applicant.

(5) Seed stocks represented in the post harvest test which fail to meet the disease tolerance requirements set forth in this chapter shall not be eligible for recertification.

(a) The applicant shall notify in writing all receivers of a seed stock or seed lot that failed to meet post harvest test requirements set forth in WAC 16-324-420.

(b) Acceptance of this seed lot shall be based on a written buyer/seller agreement. A copy of the written notice and buyer/seller agreement shall be provided to the department as soon as practicable.

(6) Upon request of the applicant, the department shall submit samples of seed potatoes to an approved laboratory for ELISA testing to confirm a finding of visual virus disease symptoms. The applicant shall bear the cost of ELISA testing.

(7) In the event of a serious malfunction of the post harvest test facility, certification eligibility shall be based on field inspection readings.

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-409, filed 5/14/97, effective 6/14/97.]

WAC 16-324-410 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-420 Post harvest test tolerances.

TOLERANCE TABLE: PERCENT DISEASE

Factor	NUCLEAR	G1	G2	G3	G4	G5
Leafroll	0.00	0.25	0.50	0.75	1.00	2.00
Mosaic (well defined)	0.00	0.25	0.50	1.00	1.50	2.00
Total virus	0.00	0.50	0.75	1.00	1.50	3.00

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-420, filed 5/14/97, effective 6/14/97. 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 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-431 Digging, storage and premarketing. (1) Each seed lot shall be stored so as to maintain its identity. The storage bin or room (an area with a controlled access and enclosed by solid barriers) shall be so marked that any inspector not previously having been in the room or storage bin could identify each lot. All tubers from a unit planting method shall be numbered and stored as an identifiable unit for the next year's planting.

(2) Each storage or room containing more than one seed lot shall have a solid barrier between each lot that is not of the same seed source, variety or classification.

(a) The presence of ring rot or nematode in a seed lot that is stored with other seed lots shall be cause for rejection of all seed lots that are not isolated or separated by a solid barrier.

(b) Seed lots previously known or found to be infected with ring rot at time of storage or noncertified potatoes shall not be stored within the same storage with certified seed potatoes.

(3) 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 ring rot. The applicant shall provide the department with a copy of this notification when it is sent to the receiver.

(4) All seed classes shall be graded according to state of Washington standards for seed potatoes and United States Standards for Grades of Seed Potatoes.

(5) Each container or sack shall be identified with the official Washington seed potato tags which shall show the grower's name, address, seed lot number, net weight, variety and classification unless such information is printed on the sacks or containers.

(6) The department shall issue tags to the grower. The grower shall:

(a) Tag the sack or container as the potatoes are sorted;

(b) Allow inspection of graded seed potatoes at any time;

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

(d) Return all unused tags to the inspector.

(7) Failure to comply with any of the requirements of this chapter shall be cause for the inspector to withhold the privilege of permitting the grower to tag at the grower's convenience.

(8) Failure to comply with subsection (6)(b) and (c) of this section shall be cause to reject a grower from the certification program.

(9) In order to maintain its certification status, a bulk shipment must be identified with information required in subsection (5) of this section.

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-431, filed 5/14/97, effective 6/14/97.]

WAC 16-324-435 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-445 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-446 Grading inspection. (1) The quality of the grading of seed potatoes is the full responsibility of the grower. The department shall monitor grading activities for compliance with the United States Standards for Seed Potatoes and established state standards for seed potatoes.

(2) Upon request, shipping point inspections for seed potatoes shall be performed by the department at the established rate for time and mileage. A federal-state inspection certificate shall be issued.

(3) Three colors of tags shall be permitted for use.

(a) Blue tags shall be used for seed potatoes which meet or exceed minimum requirements of United States Standards for US Number 1 grade of seed potatoes.

(b) Yellow tags shall indicate a contract grade between buyer and seller.

(c) White tags shall be used for seed potatoes which meet or exceed minimum requirements of US Number 1 standards for grade of seed potatoes: *Provided*, That the size shall not be less than one ounce or more than three ounces in weight.

(4) Compliance with the provisions of these standards shall not relieve the applicant or grower from responsibility for conforming with compliance agreements and applicable provisions of federal and state laws.

[Statutory Authority: RCW 15.14.030. 97-11-028, § 16-324-446, filed 5/14/97, effective 6/14/97.]

WAC 16-324-450 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-460 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-470 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-480 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-490 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-500 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-510 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-520 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-530 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-540 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-600 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-605 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-610 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-620 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-630 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-650 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-660 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-670 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-324-680 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-409 WAC STANDARDS FOR ASPARAGUS

WAC

16-409-020 Washington standards—Grades.

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:

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(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, fairly uniform in length, fairly well trimmed, 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 have at least eighty-five percent green color.

(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. 97-05-054 (Order 6015), § 16-409-020, filed 2/19/97, effective 3/22/97; 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.]

Chapter 16-470 WAC

QUARANTINE—AGRICULTURAL PESTS

WAC

16-470-100 Quarantine—Apple maggot and plum curculio—Area under order.

WAC 16-470-100 Quarantine—Apple maggot and plum curculio—Area under order. (1) The following areas are declared by the director to be under quarantine for apple maggot:

(a) Exterior quarantine. All states or foreign countries where apple maggot is established, 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 established.

(b) Interior quarantine. The entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, Snohomish, Spokane, Skamania, Thurston and Wahkiakum, and any other counties where apple maggot is established.

(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 established.

(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) "Established" means present in a country, state, county or other area, multiplying and expected to continue.

(c) "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.

(d) "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: RCW 17.24.041, 97-09-098, § 16-470-100, filed 4/23/97, effective 5/24/97. Statutory Authority: Chapter 17.24 RCW. 91-03-115 (Order 2071), § 16-470-100, filed 1/23/91, effective 2/23/91; 90-24-034 (Order 2064), § 16-470-100, filed 11/30/90, effective 12/31/90; 86-07-020 (Order 1881), § 16-470-100, filed 3/12/86; 85-15-007 (Order 1862), § 16-470-100, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-100, filed 5/1/84, effective 7/1/84.]

Chapter 16-473 WAC

LENTIL ANTHRACNOSE QUARANTINE

WAC

16-473-001	Promulgation—Establishing quarantine.
16-473-010	Regulated articles.
16-473-015	Quarantine areas.
16-473-020	Prohibited acts.
16-473-025	Permits.

WAC 16-473-001 Promulgation—Establishing quarantine. The disease anthracnose of lentils (caused by the plant pathogen *Colletotrichum truncatum* (Schwein)) is potentially devastating to the Washington lentil crop. The disease has become established in central Canada and contiguous lentil growing areas of North Dakota and South Dakota, all of which produce lentil varieties grown in Washington. Anthracnose of lentils is a seed borne disease. In order to prevent its introduction, the director, under authority provided in chapter 17.24 RCW, establishes a quarantine.

[Statutory Authority: RCW 17.24.041, 97-11-015, § 16-473-001, filed 5/12/97, effective 6/12/97.]

WAC 16-473-010 Regulated articles. Regulated articles include lentils used, or intended to be used, as seed.

[Statutory Authority: RCW 17.24.041, 97-11-015, § 16-473-010, filed 5/12/97, effective 6/12/97.]

WAC 16-473-015 Quarantine areas. Quarantine areas are the Canadian provinces of Manitoba, Saskatchewan, and Alberta, the states of North Dakota and South Dakota, and any other states and territories of the United States and foreign countries known to have confirmed the presence of anthracnose of lentils.

[Statutory Authority: RCW 17.24.041, 97-11-015, § 16-473-015, filed 5/12/97, effective 6/12/97.]

WAC 16-473-020 Prohibited acts. The sale, offering to sell, transporting, disposing of, distributing and/or planting of regulated articles as defined in WAC 16-473-010 from or originating in the quarantine area as listed in WAC 16-473-015 is prohibited.

[Statutory Authority: RCW 17.24.041, 97-11-015, § 16-473-020, filed 5/12/97, effective 6/12/97.]

WAC 16-473-025 Permits. The director may allow, by special permit, the transportation, distribution, disposal of or planting of regulated articles, listed in WAC 16-473-010. Such permit shall specify terms and conditions, pursuant to RCW 17.24.041 and 17.24.091. Permits may be requested from the Washington state department of agriculture, plant protection program at telephone number (360) 902-2071.

[Statutory Authority: RCW 17.24.041, 97-11-015, § 16-473-025, filed 5/12/97, effective 6/12/97.]

Chapter 16-532 WAC

HOPS

WAC

16-532-010	Definitions.
16-532-040	Assessments and collections.
16-532-110	Requirements for collection of assessments.
16-532-120	Labeling.

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) "Processed" means and includes all hops which are converted into pellets, extracts, oils, lupulin, and/or other forms, including hops which are frozen in undried form, but excluding whole, dried hop cones, whether loose or baled.

(11) "Marketing season" means the twelve month period beginning with January 1 of any year and ending December 31, both dates being inclusive.

(12) "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.

(13) "Affected area" means the state of Washington.

(14) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(15) "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.

(16) "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.

(17) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

(18) "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. 97-17-096, § 16-532-010, filed 8/20/97, effective 9/20/97. 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 16-532-040 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; or

(iii) Require the person subject to the assessment to remit assessments for any hops which are processed prior to the first sale; or

(iv) Require the person subject to the assessment to remit an inventory report for any hops which are not processed or sold prior to December 31 of the year in which they are produced.

(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. 97-17-096, § 16-532-040, filed 8/20/97, effective 9/20/97; 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 16-532-110 Requirements for collection of assessments. (1) Assessments on all hops marketed or processed 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, or by the producer if processing occurs before the first sale. 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, or following the date of processing, if processed prior to the first sale, by said first handler or producer.

(3) An inventory report on all hops which are not marketed or processed prior to December 31 of the year in which those hops are produced shall be submitted by the producer no later than January 31 of the following year.

(4) Any handler or producer 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: RCW 15.65.050, 97-17-096, § 16-532-110, filed 8/20/97, effective 9/20/97. 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
 CE - Chelan
 CH - Chinook
 CL - Cluster
 CS - Columbus
 CR - Crystal
 ER - Eroica
 EX - Experimental
 FU - Fuggle
 GA - Galena
 GO - Golding
 HA - Hallertauer
 HE - Hersbrucker
 LI - Liberty
 MG - Magnum
 MH - Mt. Hood
 NB - Northern Brewer
 NU - Nugget
 OL - Olympic
 OT - Other
 SA - Saaz
 SP - Spalter
 SY - Symphony
 PE - Perle

TE - Tettninger

UL - Ultra

VA - Vanguard

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, 97-17-096, § 16-532-120, filed 8/20/97, effective 9/20/97; 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 16-580 WAC

WASHINGTON FARMED SALMON COMMISSION

WAC

16-580-020 Farmed salmon commodity board.
 16-580-040 Assessments and collections.

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 members. Four shall be affected producer representatives

elected as provided in this section. 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 four and the member appointed by the director, position five.

(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.

Position four - 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. 97-21-110, § 16-580-020, filed 10/21/97, effective 11/21/97. 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 16-580-040 Assessments and collections. (1)

The assessment on all farmed salmon products shall be one tenth of one cent (\$.001) per pound (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 prohibition 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 assess-

ment 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 15.65.050. 97-21-110, § 16-580-040, filed 10/21/97, effective 11/21/97. 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.]

**Chapter 16-602 WAC
APIARIES**

WAC

- 16-602-026 Broker registration fees.
- 16-602-045 Civil penalty authority and application.
- 16-602-050 Types of offenses and level of civil penalty assessment.

WAC 16-602-026 Broker registration fees. In accordance with RCW 15.60.050, there is assessed an annual broker registration fee of \$100 due and payable to the department on April 1 of each year. If a person registers as both a broker and an apiarist, only one of the registration fees shall be owed. The lesser of the two registration fees shall be waived.

[Statutory Authority: RCW 15.60.025 and 15.60.170(2). 97-24-066, § 16-602-026, filed 12/2/97, effective 1/2/98.]

WAC 16-602-045 Civil penalty authority and application. (1) The statutory authority for the assessment of civil penalties for violations of the Apiaries act is located in RCW 15.60.170.

(2) The assessment of civil penalties will be in accordance with chapter 43.05 RCW, Technical Assistance Programs, and chapter 34.05, the Administrative Procedure Act, and chapter 15.60 RCW, Apiaries.

[Statutory Authority: RCW 15.60.025 and 15.60.170(2). 97-24-066, § 16-602-045, filed 12/2/97, effective 1/2/98.]

WAC 16-602-050 Types of offenses and level of civil penalty assessment. (1) Violations of the Apiaries Act include, but are not limited to:

- (a) Failure to register as a resident or non-resident apiarist (reference WAC 16-602-025 and RCW 15.60.050);
- (b) Failure to register as a broker (reference WAC 16-602-026 and RCW 15.60.050);
- (c) Failure to remit apiary registration fees (reference WAC 16-602-025 and RCW 15.60.050);
- (d) Failure to remit broker registration fees (reference WAC 16-602-026 and RCW 15.60.050);
- (e) Failure to remit pollination service fees (reference WAC 16-602-027 and RCW 15.60.040);
- (f) Failure to mark apiaries in accordance with WAC 16-602-040 (reference RCW 15.60.020);

(g) Altering an official certificate or other official inspection document or misrepresenting a document, as described in RCW 15.60.150(2).

(2) The level of civil penalty assessed for each individual violation shall be as follows:

- First violation \$100
- Second violation \$500
- Third and each subsequent violation \$1,000

[Statutory Authority: RCW 15.60.025 and 15.60.170(2). 97-24-066, § 16-602-050, filed 12/2/97, effective 1/2/98.]

**Chapter 16-650 WAC
WEIGHTS AND MEASURES—ABSORBENT
TISSUES**

WAC

- 16-650-001 Repealed.

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

- 16-650-001 Promulgation. [Order 792, Promulgation, effective 3/1/60.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

WAC 16-650-001 Repealed. See Disposition Table at beginning of this chapter.

**Chapter 16-654 WAC
WEIGHTS AND MEASURES—FLUID DAIRY
PRODUCTS**

WAC

- 16-654-030 through 16-654-060 Repealed.

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

- 16-654-030 Fluid milk products. [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.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
- 16-654-040 Other milk products. [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.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
- 16-654-050 Frozen desserts. [Statutory Authority: RCW 19.94.420. 86-04-026 (Order 1877), § 16-654-050, filed 1/29/86.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
- 16-654-060 Novelty items. [Statutory Authority: RCW 19.94.420. 86-04-026 (Order 1877), § 16-654-060, filed 1/29/86.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

WAC 16-654-030 through 16-654-060 Repealed. See Disposition Table at beginning of this chapter.

Chapter 16-660 WAC

WEIGHTS AND MEASURES—SOLID WOOD FUEL

WAC

16-660-001 through 16-660-010 Repealed.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

16-660-001 Promulgation. [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.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

16-660-010 Solid wood sold as 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.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

WAC 16-660-001 through 16-660-010 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 16-662 WAC

WEIGHTS AND MEASURES—NATIONAL
HANDBOOKS

WAC

16-662-070 Repealed.

16-662-071 Repealed.

16-662-100 Purpose.

16-662-105 Adoption—Weighing and measuring equipment requirements—Package checking—Packaging and labeling—Method of sale—Price verification.

16-662-110 Modifications to NIST Handbook 44.

16-662-115 Modifications to NIST Handbook 130.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

16-662-070 Promulgation. [Order 1480, § 16-662-070, filed 8/18/76. Formerly WAC 16-662-040.] Repealed by 97-12-075, filed 6/4/97, effective 7/5/97. Statutory Authority: Chapter 19.94 RCW.

16-662-071 Replacement of amendments. [Order 1480, § 16-662-071, filed 8/18/76. Formerly WAC 16-662-060.] Repealed by 97-12-075, filed 6/4/97, effective 7/5/97. Statutory Authority: Chapter 19.94 RCW.

WAC 16-662-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-662-071 Repealed. See Disposition Table at beginning of this chapter.

WAC 16-662-100 Purpose. The purpose of this rule is to establish requirements for the state of Washington that are reasonably consistent with uniform state rules that have been adopted by the National Conference on Weights and Measures and that are in effect in other states. This chapter applies specifically to subject areas for:

(1) Uniform specifications, tolerances and other technical requirements for weighing and measuring devices addressed in the *National Institute of Standards and Technology Handbook 44*;

(2) Uniform procedures for checking the net contents of packaged goods addressed in the *National Bureau of Standards Handbook 133* with supplements;

(3) Uniform packaging and labeling requirements;

(4) Uniform method of sale of commodities requirements; and

(5) Uniform examination procedures for price verification addressed in the *National Institute of Standards and Technology Handbook 130*. The publications cited in this chapter, Handbook 44, Handbook 130 and Handbook 133, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. For information regarding the contents of these publications, contact weights and measures in the Department of Agriculture, P.O. Box 42560, Olympia, Washington 98504-2560.

[Statutory Authority: Chapter 19.94 RCW. 97-12-075, § 16-662-100, filed 6/4/97, effective 7/5/97.]

WAC 16-662-105 Adoption—Weighing and measuring equipment requirements—Package checking—Packaging and labeling—Method of sale—Price verification.

(1) The specifications, tolerances, and other technical requirements for the design, manufacture, installation, performance test, and use of weighing and measuring equipment shall be those contained in the 1997 Edition of the National Institute of Standards and Technology (NIST) Handbook 44, published by the U.S. Department of Commerce, entitled the *National Institute of Standards and Technology Handbook 44 - Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices*.

(2) The procedures for checking the accuracy of the net contents of packaged goods shall be those contained in the Third Edition of National Bureau of Standards (NBS) Handbook 133 published by the United States Department of Commerce, entitled the *National Bureau of Standards Handbook 133 - Third Edition - Checking the Net Contents of Packaged Goods* as modified by NIST Handbook 133 Supplements 1, 2, 3, and 4, issued in 1990, 1991, 1992, and 1994 respectively.

(3) The requirements for packaging and labeling, method of sale of commodities, and the examination procedures for price verification shall be those contained in the 1997 Edition of National Institute of Standards and Technology Handbook 130, entitled the *NIST Handbook 130 - Uniform Laws And Regulations in the areas of legal metrology and motor fuel quality*, specifically:

(a) Weights and measures requirements for all food and nonfood commodities in package form shall be the *Uniform Packaging and Labeling Regulation* requirements as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, 1997 Edition.

(b) Weights and measures requirements for the method of sale of food and nonfood commodities shall be those found in the *Uniform Regulation for the Method of Sale of Commodities* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, 1997 Edition.

(c) Weights and measures requirements for price verification shall be the *Examination Procedures for Price Verification* as adopted by the National Conference on Weights and Measures and published in NIST (National Institute of Standards and Technology) Handbook 130, 1997 Edition.

[Statutory Authority: Chapter 19.94 RCW. 97-12-075, § 16-662-105, filed 6/4/97, effective 7/5/97.]

WAC 16-662-110 Modifications to NIST Handbook

44. The following modifications are made to Handbook 44, identified in WAC 16-662-105:

(1) General Code:

(a) Section G-T. Tolerances. In paragraphs (b), (c), and (d) of subsection G-T.1. "Acceptance Tolerances", change "30 days" to "90 days."

(b) Section G-UR. User Requirements. In the last sentence of subsection G-UR.4.1. "Maintenance of Equipment", change "device user" to "device owner or operator."

(2) Scale Code: Section UR.3. Use Requirements. At the end of subsection UR.3.7.(a) add "and homeowner refuse."

(3) Appendix D Definitions, Direct Sale. Replace with the following: "A sale in which both parties in the transaction are present when the quantity is being determined."

[Statutory Authority: Chapter 19.94 RCW. 97-12-075, § 16-662-110, filed 6/4/97, effective 7/5/97.]

WAC 16-662-115 Modifications to NIST Handbook

130. The following modifications are made to the *Uniform Regulation for the Method of Sale of Commodities* requirements published in NIST Handbook 130, identified in WAC 16-662-105 (3)(b):

(1) Section 2.5. Peat and Peat Moss. Modify Section 2.5.2.2. Cubic Measure by deleting the struck-through words as follows: 2.5.2.2. Cubic Measure. — Peat and peat moss sold in terms of cubic measures shall be offered and exposed for sale only in liters and/or cubic feet. If the commodity is labeled in terms of compressed cubic measurement, the quantity declaration shall represent the quantity in the compressed state.

(2) Section 2.20. Gasoline-Oxygenate Blends. Delete Section 2.20 because requirements for this subject are addressed in RCW 19.94.505 and chapter 16-657 WAC.

(3) Section 2.23. Animal Bedding. Add a new subsection 2.23.1. Sawdust, Barkdust, Decorative Wood Particles, and Similar Products. As used in this subsection, "unit" means a standard volume equal to 200 cubic feet. Quantity representations for sawdust, barkdust, decorative wood particles, and similar loose bulk materials when advertised, offered for sale, or sold within the state of Washington shall be in terms of cubic measure or units and fractions thereof.

[Statutory Authority: Chapter 19.94 RCW. 97-12-075, § 16-662-115, filed 6/4/97, effective 7/5/97.]

Chapter 16-664 WAC

NATIONAL TYPE EVALUATION PROGRAM

WAC

16-664-010	Purpose.
16-664-020	Definitions.
16-664-030	Certificate of Conformance—When required.
16-664-040	Commercial and law enforcement equipment— Certificate of Conformance—Requirements— Exemptions—One-of-kind device—Repaired device—Remanufactured device—Device copy— Components.
16-664-050	Unlawful acts.
16-664-060	Penalty.

WAC 16-664-010 Purpose. The purpose of this rule is to assure users, sellers, manufacturers and weights and measures officials that a particular model or type of device and/or equipment is capable of meeting applicable standards.

[Statutory Authority: RCW 19.94.190 and 19.94.195. 97-12-076, § 16-664-010, filed 6/4/97, effective 7/5/97.]

WAC 16-664-020 Definitions. For purposes of this rule:

(1) "Certificate of Conformance" means a document issued by the National Institute of Standards and Technology based on testing by a participating laboratory. The certificate evidences conformance of a type with the requirements of the National Institute of Standards and Technology Handbooks 44, 105-1, 105-2, or 105-3.

(2) "Device" means any weighing and measuring device as defined in subsection (4) of this section, Commercial and law enforcement equipment.

(3) "Director" means the director of the Washington state department of agriculture.

(4) "Commercial and law enforcement equipment" means:

(a) Any weighing or measuring equipment 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.

(b) Any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed that its operation affects the accuracy of the device.

(c) Weighing and measuring equipment in official use for the enforcement of law or for the collection of statistical information by government agencies.

(5) "National type evaluation program" means a program of cooperation between the National Institute of Standards and Technology, other federal agencies, the National Conference on Weights and Measures, the states, and the private sector for determining, on a uniform basis, conformance of a type with the relevant provisions of National Institute of Standards and Technology Handbook 44, "*Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*" and National Conference on Weights and Measures, Publication 14, "*National Type Evaluation Program, Administrative*

Procedures, Technical Policy, Checklists, and Test Procedures."

(6) "One-of-a-kind device" means a device manufactured for sale that has been categorized and tested as a "one-of-a-kind" device. If the manufacturer constructs an additional device or devices, the device is no longer considered to be "one-of-a-kind." This definition also applies to any device that has been determined to be a "one-of-a-kind" device by a weights and measures jurisdiction in one state and the manufacturer decides to manufacture and install the device in another state. In this case, the device must be traceable to a Certificate of Conformance, unless NTEP decides that a Certificate of Conformance will not be required.

(7) "Participating laboratory" means any state measurement laboratory that has been accredited by the National Institute of Standards and Technology in accordance with its program for the Certification of Capability of State Measurement Laboratories, or any state weights and measures agency or other laboratory that has been authorized to conduct a type evaluation under the National Type Evaluation Program.

(8) "Person" means both plural and singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations.

(9) "Remanufactured device" means a device to which an overhaul or replacement of parts has been performed so the device can be installed in a new location.

(10) "Repaired device" means the maintenance or replacement of parts for a device to remain or return to service in the same location.

(11) "Type" means a model or models of a particular device, measurement system, instrument, or element that positively identifies the design. A specific type may vary in its measurement ranges, size, performance, and operating characteristics as specified in the Certificate of Conformance.

(12) "Type evaluation" means the testing, examination, and/or evaluation of a type by a participating laboratory under the National Type Evaluation Program.

[Statutory Authority: RCW 19.94.190 and 19.94.195. 97-12-076, § 16-664-020, filed 6/4/97, effective 7/5/97.]

WAC 16-664-030 Certificate of Conformance—When required. The director shall require a device to be traceable to a Certificate of Conformance prior to its installation or use for commercial or law enforcement purposes.

[Statutory Authority: RCW 19.94.190 and 19.94.195. 97-12-076, § 16-664-030, filed 6/4/97, effective 7/5/97.]

WAC 16-664-040 Commercial and law enforcement equipment—Certificate of Conformance—Requirements—Exemptions—One-of-kind device—Repaired device—Remanufactured device—Device copy—Components. (1) Except for a device exempted under subsection (6) of this section, no person shall sell a device, within the state of Washington, unless it is traceable to a Certificate of Conformance. Certificate of Conformance documentation must be provided as part of the sales transaction.

(2) No person shall use a device within the state of Washington, unless it is traceable to a Certificate of

Conformance, except when the device is exempted by subsection (3), (4), or (5) of this section. Certificate of Conformance documentation must be maintained at the device location.

(3) A device in service in Washington prior to July 5, 1997, that meets the specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44, is not required to be traceable to a Certificate of Conformance.

(4) A device in service in Washington prior to July 5, 1997, removed from service by the owner or on which the department has issued a removal order after July 5, 1997, and returned to service at a later date shall be modified to meet all specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 effective on the date of the return to service. Such a device is not required to be traceable to a Certificate of Conformance.

(5) A device in service in Washington prior to July 5, 1997, which is repaired after such date shall meet the specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 is not required to be traceable to a Certificate of Conformance.

(6) A device in service in Washington prior to July 5, 1997, and sold after such date shall be modified by the seller to meet the specifications, tolerances, and other technical requirements of National Institute of Standards and Technology Handbook 44 on or before the date sold, unless the buyer and seller agree by written contract to exchange the modification responsibility in which case modification must be completed before further commercial application. Such commercial weighing or measuring device is not required to be traceable to a Certificate of Conformance.

(7) A device in service in another state prior to July 5, 1997, may be installed in Washington; however, the device shall meet the specifications, tolerances, and technical requirement for weighing and measuring devices in National Institute of Standards and Technology Handbook 44 and be traceable to a Certificate of Conformance.

(8) One-of-a-kind device — A "one-of-a-kind" device is not required to be traceable to a Certificate of Conformance. However, if the manufacturer decides to make an additional device or devices, the device will no longer be considered to be "one-of-a-kind" and it shall be traceable to a Certificate of Conformance. For scales, the load cells and electronic indicators must be traceable to a Certificate of Conformance.

(9) Repaired device — If a person makes changes to a device to the extent that the metrological characteristics are changed, that specific device is no longer traceable to the Certificate of Conformance.

(10) Remanufactured device — If a person repairs or remanufactures a device, they are obligated to repair or remanufacture it consistent with the manufacturer's original design; otherwise, that specific device is no longer traceable to a Certificate of Conformance.

(11) Copy of a device — The manufacturer who copies the design of a device that is traceable to a Certificate of Conformance, but which is made by another company, must obtain a separate Certificate of Conformance for the device.

The Certificate of Conformance for the original device shall not apply to the copy.

(12) Device components — If a person buys a load cell(s) and an indicating element that are traceable to Certificates of Conformance and then manufactures a device from the parts, that person shall obtain a Certificate of Conformance for the device.

[Statutory Authority: RCW 19.94.190 and 19.94.195. 98-01-014, § 16-664-040, filed 12/5/97, effective 1/5/98; 97-12-076, § 16-664-040, filed 6/4/97, effective 7/5/97.]

WAC 16-664-050 Unlawful acts. It shall be unlawful for a person to:

(1) Use a device in commercial application if a Certificate of Conformance has not been issued for such device, unless exempt under WAC 16-664-040;

(2) Sell a device for use in commercial application if a Certificate of Conformance has not been issued for such device, unless exempt under WAC 16-664-040.

[Statutory Authority: RCW 19.94.190 and 19.94.195. 97-12-076, § 16-664-050, filed 6/4/97, effective 7/5/97.]

WAC 16-664-060 Penalty. Any person who violates the provisions of this chapter is subject to penalties as provided under chapter 19.94 RCW.

[Statutory Authority: RCW 19.94.190 and 19.94.195. 97-12-076, § 16-664-060, filed 6/4/97, effective 7/5/97.]

Chapter 16-666 WAC

WEIGHTS AND MEASURES—PACKAGING AND LABELING REGULATIONS

WAC

16-666-002 through 16-666-130 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-666-002	Promulgation. [Order 1147, § 16-666-002, filed 4/14/70. See also WAC 16-654-002.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
16-666-003	Promulgation. [Order 1135, § 16-666-003, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
16-666-030	Application. [Order 1135, § 16-666-030, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
16-666-040	Definitions. [Order 1135, § 16-666-040, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
16-666-050	Identity. [Order 1135, § 16-666-050, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
16-666-060	Declaration of responsibility—Consumer and nonconsumer packages. [Order 1135, § 16-666-060, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
16-666-070	Declaration of quantity—Consumer packages. [Order 1135, § 16-666-070, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
16-666-080	Declaration of quantity—Nonconsumer packages. [Order 1135, § 16-666-080, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
16-666-090	Prominence and placement—Consumer packages. [Order 1135, § 16-666-090, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

16-666-100	Prominence and placement—Nonconsumer package. [Order 1135, § 16-666-100, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
16-666-110	Requirements—Specific consumer commodities, packages, containers. [Order 1135, § 16-666-110, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
16-666-120	Exemptions. [Order 1135, § 16-666-120, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
16-666-130	Variations to be allowed. [Order 1135, § 16-666-130, filed 12/29/69, effective 2/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

WAC 16-666-002 through 16-666-130 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 16-670 WAC

WEIGHTS AND MEASURES—PREPACKAGE CHECKING PROCEDURE

WAC

16-670-001 through 16-670-010 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-670-001	Promulgation. [Order 1144, § 16-670-001, filed 2/27/70, effective 4/1/70. Formerly WAC 16-650-001.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.
16-670-010	Prepackage checking procedure. [Order 1144, § 16-670-010, filed 2/27/70, effective 4/1/70.] Repealed by 97-18-040, filed 8/27/97, effective 9/27/97.

WAC 16-670-001 through 16-670-010 Repealed.
See Disposition Table at beginning of this chapter.

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.

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, tolerance testing and calibration services performed by the metrology laboratory on weights and measures standards.

[Statutory Authority: RCW 19.94.216 and 19.94.325. 97-12-024, § 16-675-010, filed 5/29/97, effective 6/29/97; 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 the metrology laboratory operated by the department.

(4) "Tolerance testing" means a measurement operation performed to determine whether the actual value of a standard, artifact, or instrument is within a permitted tolerance of its nominal value.

(5) "Calibration" means the comparison of a measurement standard or instrument with another standard or instrument to detect, correlate, report, or eliminate by adjustment any inaccuracy of the compared standard or instrument.

[Statutory Authority: RCW 19.94.216 and 19.94.325. 97-12-024, § 16-675-020, filed 5/29/97, effective 6/29/97. 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 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 \$65.00 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. 97-12-024, § 16-675-030, filed 5/29/97, effective 6/29/97; 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 sixty-five dollars per hour will be charged for inspection, tolerance testing and calibration services performed at the metrology laboratory.

(2) Inspection, tolerance testing and calibration services performed at other than the metrology laboratory will be charged an hourly rate of sixty-five 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. 97-12-024, § 16-675-040, filed 5/29/97, effective 6/29/97; 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 16-695 WAC

RULES RELATING TO GINSENG MANAGEMENT

WAC

16-695-005	Purpose.
16-695-010	Definitions.
16-695-015	Collection of wild ginseng.
16-695-020	Dealers and growers—Annual registration with the department—Requirements.
16-695-025	Grower records.
16-695-030	Dealer records.
16-695-035	Out-of-state ginseng.
16-695-040	Selling and/or shipping of ginseng - certificates.
16-695-045	Maintaining separate lots of ginseng.
16-695-050	Dealer and/or grower holding ginseng after March 31 of the year.
16-695-055	Inspection or submission of records.
16-695-060	Export procedures.
16-695-065	Fees—Hourly, overtime.
16-695-070	Schedule of fees and charges.
16-695-075	Unlawful activities.
16-695-080	Enforcement actions.

WAC 16-695-005 Purpose. These rules are promulgated under chapter 34.05 RCW to establish standards and administer a ginseng management program. This program will promote the production and export of cultivated ginseng and prohibit acts detrimental to the survival of the indigenous wild ginseng population of the United States. These rules shall regulate the sale and export of ginseng, establish a registration program for dealers and growers, and provide for the certification of cultivated American ginseng.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-005, filed 11/18/97, effective 12/19/97.]

WAC 16-695-010 Definitions. The following definitions shall apply:

(1) "Cultivated ginseng" means any part of a ginseng plant that is growing or grown in managed beds under artificial or natural shade and cultivated according to recognized ginseng horticultural practices. Cultivated ginseng includes woodsgrown ginseng.

(2) "Dealer" means anyone who buys ginseng for resale, or grows and sells it for export. This definition does not apply to persons who buy ginseng solely for the purpose of final retail sale to consumers in the United States.

(3) "Dealer registration" means an annual registration issued by the department authorizing a dealer to buy, collect, or otherwise acquire ginseng for resale or export.

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

(5) "Director" means the director of the department or his duly appointed representative.

(6) "Dry weight" means the weight in pounds and ounces of harvested or collected ginseng root that is dried and is no longer viable.

(7) "Export" means export outside the boundaries of the United States.

(8) "Out-of-state ginseng" means ginseng that is grown or originated outside the state of Washington.

(9) "Ginseng" means any and all parts of the plant known as American ginseng (*Panax quinquefolius* L.) including but not limited to: plants, whole roots, essentially intact roots, root chunks, slices, seeds, and tissue.

(10) "Green ginseng" means a ginseng root from which the moisture has not been removed by drying.

(11) "Green weight" means the weight in pounds and ounces of freshly harvested or collected ginseng root that is not dried and is still viable.

(12) "Grower" means a person who grows "cultivated," "wild simulated" and or "woodsgrown" ginseng, and sells it to a dealer.

(13) "Grower registration" means an annual registration issued by the department which enables a grower to sell cultivated ginseng that the grower has produced.

(14) "Person" means any individual, firm, partnership, corporation, company, society, association or other business entity, and every officer, agent or employee thereof, agency or organized group of persons whether or not incorporated.

(15) "Wild ginseng" means ginseng growing naturally within its native range.

(16) "Wild simulated ginseng" means cultivated ginseng grown in a wooded site where wild ginseng is not established.

(17) "Woodsgrown ginseng" means ginseng grown in managed beds under natural shade.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-010, filed 11/18/97, effective 12/19/97.]

WAC 16-695-015 Collection of wild ginseng. No grower's or dealer's registration will be issued for the collection, sale or distribution of wild ginseng for the purpose of sale or distribution.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-015, filed 11/18/97, effective 12/19/97.]

WAC 16-695-020 Dealers and growers—Annual registration with the department—Requirements. Dealers and growers must register with the Washington state department of agriculture, and the following requirements apply.

(1) No person may act as a dealer without first registering with the department. Registration shall be made annually on a form provided by the department and will expire on March 31 of each year. The department will assign a registration number to each person registered under this subsection.

(2) No person shall act as a grower without first registering with the department. Registration shall be made annually on a form provided by the department and will expire on March 31 of each year. The department will assign a registration number to each person registered under this subsection.

(3) Any person who acts as a dealer and a grower must register as both.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-020, filed 11/18/97, effective 12/19/97.]

WAC 16-695-025 Grower records. A grower selling cultivated ginseng shall do all of the following when selling to a dealer:

(a) Provide a record of sale containing all of the following information to the dealer:

- (i) Grower's name and address;
- (ii) Grower's registration number;
- (iii) Ginseng certificate number;

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(iv) Ginseng dry weight;

(v) Year harvested;

(vi) County of harvest;

(vii) Date of transaction;

(b) Certify that the ginseng was grown in Washington state. The certificate of origin shall be in the form prescribed by the director;

(c) Maintain records of all ginseng production and sales. Records must be maintained for a period of three years.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-025, filed 11/18/97, effective 12/19/97.]

WAC 16-695-030 Dealer records. Dealers shall keep true and accurate records of transactions, including both sales and purchase records, in a format prescribed by the director. Records must be maintained for a period of three years.

(1) Purchase records shall include:

- (a) Dealer's name;
- (b) Dealer's registration number;
- (c) Dealer's address;
- (d) Grower/seller name;
- (e) Grower/seller registration number;
- (f) Ginseng weight in pounds and ounces;
- (g) Designation of green or dry ginseng;
- (h) Designation of wild or cultivated ginseng;
- (i) Harvest year of ginseng;
- (j) County in which the ginseng was harvested;
- (k) Date of transaction;

(2) Sales records shall include the following information:

- (a) Dealer's name;
- (b) Dealer's registration number;
- (c) Dealer's address;
- (d) Buyer's name;
- (e) Buyer's registration number;
- (f) Ginseng weight in pounds and ounces;
- (g) Designation of green or dry ginseng;
- (h) Designation of wild or cultivated ginseng;
- (i) Harvest year;
- (j) County in which the ginseng was harvested;
- (k) Date of transaction.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-030, filed 11/18/97, effective 12/19/97.]

WAC 16-695-035 Out-of-state ginseng. (1) No dealer may purchase, receive or import out-of-state ginseng unless it is accompanied by a valid certificate of origin issued by the state or country of origin. The certificate must include the state or country of origin, the source (wild or cultivated), year of harvest, and dry weight of the out-of-state ginseng.

(2) The dealer shall retain for a period of three years a copy of each written certificate of origin received.

(3) If a dealer receives ginseng not accompanied by a valid certificate of origin, the uncertified ginseng must be returned within 30 days to the state or country of origin. Failure to do so shall render the ginseng illegal for commerce.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-035, filed 11/18/97, effective 12/19/97.]

WAC 16-695-040 Selling and/or shipping of ginseng - certificates. (1) Except as described in subsection (7) of this section, no person shall sell or ship ginseng out-of-state or export Washington grown ginseng unless it is accompanied by a valid, prenumbered certificate of origin on a form issued by the department. The department shall, upon request and payment of the required fee(s), provide each registered grower or dealer with forms for certificates of origin. The department shall identify each certificate of origin form with a serial number, the registration number of the grower or dealer, and the expiration date of the certificate. The expiration date shall be the following March 31. Registered growers or dealers may certify their own cultivated ginseng by filling out and signing a certificate of origin form. The certificate of origin shall contain the following information:

(a) State of origin;
 (b) Serial number of certificate;
 (c) Dealer's and/or grower's state registration number;
 (d) Year of harvest of ginseng being certified;
 (e) Designation as cultivated roots or plants;
 (f) Designation as dried or fresh (green) roots, or live plants;
 (g) Weight of roots or plants (or number of plants) separately expressed both numerically and in writing;

(h) Date of certification;

(i) Signature of grower or dealer making certification.

(2) All of the following conditions must be met in order for a Washington certificate of origin to be valid:

(a) the certificate of origin form must be used on or prior to its expiration date,

(b) the certificate must be signed by the grower or dealer whose registration number was entered on it by the department, and

(c) the ginseng must be cultivated ginseng grown in Washington state.

(3) Forms for certificates of origin are issued by the department in triplicate. The original is designated for the dealer's use in commerce; the first copy is for the dealer's records; and the second copy shall be sent within two weeks of issuance by the grower or dealer to the Washington State Department of Agriculture, Laboratory Services Division, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560.

(4) Unused forms for certificates of origin shall become void on the March 31 following issuance by WSDA. All voided certificates of origin and forms for certificates of origin shall be sent within two weeks to the Washington State Department of Agriculture, Laboratory Services Division, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560.

(5) No person shall export ginseng grown in Washington using an out-of-state issued certificate.

(6) Certificates of origin shall not be issued for wild ginseng.

(7) Subsection (1) of this section shall not apply to a person who sells or ships cultivated ginseng out-of-state to a person who is buying or receiving it solely for the purpose of final retail sale to consumers in the United States, if the person selling or shipping keeps a record for a period of three years which includes:

- (a) Name and address of the buyer or receiver;
- (b) Weight of the ginseng in pounds and ounces;
- (c) Date of the sale or shipment;
- (d) County of harvest of the ginseng;
- (e) Year of harvest of the ginseng.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-040, filed 11/18/97, effective 12/19/97.]

WAC 16-695-045 Maintaining separate lots of ginseng. Dealers shall maintain separation between lots of out-of-state ginseng and that harvested in Washington until a certificate of origin has been issued for the ginseng harvested in the state.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-045, filed 11/18/97, effective 12/19/97.]

WAC 16-695-050 Dealer and/or grower holding ginseng after March 31 of the year. Any grower or dealer holding ginseng on or after March 31 must report all carryover stocks on a form provided by the department, which shall list name and address of the grower or dealer, location of the lot, lot identification, county of harvest, dry or green weight in pounds and ounces, and year of harvest.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-095-050, filed 11/18/97, effective 12/19/97.]

WAC 16-695-055 Inspection or submission of records. (1) All records required to be kept under this chapter must be made available to the Washington state department of agriculture upon request for audit, inspection, and/or copying.

(2) Pursuant to the authority provided in chapter 15.17 RCW, the department shall not disclose information obtained regarding purchases, sales, or production of an individual American ginseng dealer, except for providing reports to the United States Fish and Wildlife Service. This information is exempt from public disclosure required by chapter 42.17 RCW.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-055, filed 11/18/97, effective 12/19/97.]

WAC 16-695-060 Export procedures. Valid federal CITES documents are necessary to export ginseng.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-060, filed 11/18/97, effective 12/19/97.]

WAC 16-695-065 Fees—Hourly, overtime. Fees shall be charged sufficient to cover the department's cost of implementing this chapter.

(1) Ginseng certification activities shall be provided at an hourly and overtime rate. The overtime rate shall apply for service provided subsequent to a regularly scheduled eight-hour week day shift or on Saturdays, Sundays, and state legal holidays. No service will be performed on Thanksgiving Day, Christmas Day or New Years Day, beginning at 5:00 p.m., on the previous day.

(2) Charges shall be for a minimum of one hour. Additional time shall be charged in one-half hour increments.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-065, filed 11/18/97, effective 12/19/97.]

WAC 16-695-070 Schedule of fees and charges.

The following schedule for ginseng certification activities shall apply:

- (1) Certificate of origin form, each \$25.00
- (2) Hourly rate \$28.00
- (3) Overtime rate \$42.00
- (4) Travel time at the appropriate hourly or overtime rate shall be assessed.

(5) Mileage and per diem shall be charged at the rate established by the state office of financial management.

(6) Postage and other miscellaneous costs shall be charged back at actual cost.

(7) Certification activities shall include auditing records of the production, sales and storage of ginseng, and issuing certificates.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-070, filed 11/18/97, effective 12/19/97.]

WAC 16-695-075 Unlawful activities. A person shall not do any of the following:

- (1) Fail to maintain all required records.
- (2) Fail to submit information to the department as required in WAC 16-695-050.
- (3) Fail to submit voided certificates of origin or forms for certificates of origin to the department.
- (4) Buy, otherwise acquire, or possess uncertified ginseng, which is required by this chapter to be certified.
- (5) Export uncertified ginseng from this state.
- (6) Possess ginseng originating from another state without authorization from the state of origin.
- (7) Violate chapter 15.17 RCW or any rule promulgated thereunder, or any lawful order of the director.
- (8) Knowingly provide incorrect or false information on a registration application, report, certificate of origin, or other document required under this act.
- (9) Provide a purchaser with a record of sale for more ginseng than is actually sold or otherwise exchanged.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-075, filed 11/18/97, effective 12/19/97.]

WAC 16-695-080 Enforcement actions. (1) The director may take any enforcement action authorized by chapter 15.17 RCW.

(2) Upon determination that an applicant or registered ginseng dealer or grower has violated this chapter, and after following the notice and hearing requirements and provisions of chapter 34.05 RCW concerning adjudicative proceedings, the director of the department may deny, suspend, or revoke any registration or application for registration.

[Statutory Authority: Chapter 15.17 RCW. 97-23-059, § 16-695-080, filed 11/18/97, effective 12/19/97.]

Chapter 16-700 WAC

STATE FAIR FUND—PRORATION

WAC

16-700-010	Activity reports required.
16-700-021	Qualifications.
16-700-040	Consideration given to community support.
16-700-050	Merit criteria.
16-700-060	Criteria for youth shows and fairs.

16-700-080 Qualifying premiums and prizes.

WAC 16-700-010 Activity reports required. Any area 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 certified auditor's report of receipts and expenditures attributed to the fair. Any 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.

[Statutory Authority: RCW 15.76.180. 97-04-078, § 16-700-010, filed 2/5/97, effective 3/8/97; Order 1279, § 16-700-010, filed 11/28/72, effective 1/1/73; Order 847, Regulation 1, effective 6/8/61.]

WAC 16-700-021 Qualifications. (1) Any 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:

(a) Three or more of the following animal categories: Beef, sheep, swine, horses, dairy, goats, llamas, dogs, and poultry and rabbits (poultry and rabbits being in one category) with at least five exhibits in each category, except poultry and rabbits and dogs which shall have ten; and

(b) At least three of the following categories: Foods, clothing, horticulture, crops, floriculture, arts and crafts, with at least five exhibits in each category.

(c) Each category, to qualify as per above, shall have at least three exhibitors.

(d) Each fair shall have at least twenty-five exhibitors in total.

(2) Such community fair, whose application is accepted by the director, shall be entitled to an annual allocation of up to fifty percent of the premiums and prizes paid to the participants. An allocation of up to one hundred percent reimbursement of premiums and prizes 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:

(a) Three or more of the following categories: Beef, sheep, swine, dairy, horses, llamas or goats; or

(b) At least two of the following categories: Beef, sheep, swine, dairy, llamas 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).

(c) Each category, to qualify as per above, shall have at least three exhibitors.

(d) Each fair shall have at least twenty-five exhibitors in total.

(e) 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 a maximum annual allocation of up to fifty percent reimbursement of premiums and prizes.

(3) Any area fair may not receive an allocation in excess of the total reimbursement of premiums and prizes.

[Statutory Authority: RCW 15.76.180. 97-12-028, § 16-700-021, filed 5/30/97, effective 6/30/97; 97-04-078, § 16-700-021, filed 2/5/97, effective 3/8/97. Statutory Authority: Chapter 15.76 RCW. 80-01-019 (Order 1662), § 16-700-021, filed 12/14/79, effective 1/1/81.]

WAC 16-700-040 Consideration given to community support. Special consideration may 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.

[Statutory Authority: RCW 15.76.180. 97-04-078, § 16-700-040, filed 2/5/97, effective 3/8/97; 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 facilities and financial resources 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) **Success of the fair:** How successful does the fair appear, measured by its accomplishment in relation to resources available?

[Statutory Authority: RCW 15.76.180. 97-04-078, § 16-700-050, filed 2/5/97, effective 3/8/97; 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, 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?

[Statutory Authority: RCW 15.76.180. 97-04-078, § 16-700-060, filed 2/5/97, effective 3/8/97; Order 847, Regulation 6, effective 6/8/61.]

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, livestock sale revenues, prizes or premiums for promotion or entertainment activities such as queen contests, parades, dances, rodeos, and races.

[Statutory Authority: RCW 15.76.180. 97-04-078, § 16-700-080, filed 2/5/97, effective 3/8/97; Order 1279, § 16-700-080, filed 11/28/72, effective 1/1/73.]

Chapter 16-750 WAC

STATE NOXIOUS WEED LIST AND SCHEDULE OF MONETARY PENALTIES

WAC

16-750-003	Definitions.
16-750-005	State noxious weed list—Class A noxious weeds.
16-750-011	State noxious weed list—Class B noxious weeds.
16-750-015	State noxious weed list—Class C noxious weeds.
16-750-020	Noxious weeds—Civil infractions—Schedule of monetary penalties.
16-750-130	State noxious weed control board—Organization.

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 and to prevent the dispersal of the following propagules of aquatic noxious weeds - turions, fragments, tubers, and nutlets.

(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. 97-06-108, § 16-750-003, filed 3/5/97, effective 4/5/97; 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 16-750-005 State noxious weed list—Class A noxious weeds.

Common Name	Scientific Name
bean-caper, Syrian	Zygophyllum fabago
blueweed, Texas	Helianthus ciliaris
broom, Spanish	Spartium junceum
buffalobur	Solanum rostratum
clary, meadow	Salvia pratensis
cordgrass, salt meadow	Spartina patens
crupina, common	Crupina vulgaris
four o'clock, wild	Mirabilis nyctaginea
hawkweed, mouseear	Hieracium pilosella
hawkweed, yellow devil	Hieracium floribundum
hogweed, giant	Heracleum mantegazzianum
hydrilla	Hydrilla verticillata
johnsongrass	Sorghum halepense
knapweed, bighead	Centaurea macrocephala
knapweed, Vochin	Centaurea nigrescens
lawnweed	Soliva sessilis

mallow, Venice
 nightshade, silverleaf
 peganum
 sage, clary
 sage, Mediterranean
 starthistle, purple
 thistle, Italian
 thistle, milk
 thistle, slenderflower
 unicorn-plant
 velvetleaf
 woad, dyers

Hibiscus trionum
 Solanum elaeagnifolium
 Peganum harmala
 Salvia sclarea
 Salvia aethiops
 Centaurea calcitrapa
 Carduus pycnocephalus
 Silybum marianum
 Carduus tenuiflorus
 Proboscidea louisianica
 Abutilon theophrasti
 Isatis tinctoria

[Statutory Authority: Chapter 17.10 RCW. 97-24-051, § 16-750-005, filed 11/26/97, effective 1/2/98. 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 Spokane River (Long Lake); thence southeasterly along the Spokane River to the point of beginning.
(3) broom, Scotch <i>Cytisus scoparius</i>	(a) regions 3,4,6,7,9,10.
(4) bryony, white <i>Bryonia alba</i>	(a) regions 1,2,3,4,5,6,8,9 (b) region 7 except Whitman County (c) Franklin County of region 10.
(5) bugloss, common <i>Anchusa officinalis</i>	(a) regions 1,2,3,5,6,8,9,10 (b) region 4 except Stevens and Spokane counties (c) Lincoln, Adams, and Whitman counties of region 7.
(6) bugloss, annual <i>Anchusa arvensis</i>	(a) regions 1,2,3,4,5,6,8,9 (b) Lincoln and Adams counties (c) Whitman County except ranges 43 through 46 East of Townships 16 through 20 North.

Noxious Weed List

16-750-011

- (7) fanwort
Cabomba caroliniana
 - (a) regions 1,2,3,4,5,6,7,9,10
 - (b) region 8 except T8N, R3W of Cowlitz County.
- (8) camelthorn
Alhagi maurorum
 - (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 and except the area west of Highway 17 and north of Highway 26 in Adams 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.
- (9) catsear, common
Hypochaeris radicata
- (10) cinquefoil, sulfur
Potentilla recta
 - (a) regions 3,4,6,7,10
 - (b) region 9 except Klickitat County.
- (11) Cordgrass, smooth
Spartina alterniflora
 - (a) regions 1,3,4,5,6,7,9,10
 - (b) region 2 except Padilla Bay of Skagit County
 - (c) region 8 except bays and estuaries of Pacific County.
- (12) cordgrass, common
Spartina anglica
 - (a) regions 1,3,4,5,6,7,8,9,10
 - (b) region 2 except bays and estuaries of Skagit and Island counties and except bays and estuaries north of Everett in Snohomish County.
- (13) daisy, oxeye
Leucanthemum vulgare
 - (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.
- (14) deadnettle, hybrid
Lamium hybridum
- (15) elodea, Brazilian
Egeria densa
- (16) fieldcress, Austrian
Rorippa austriaca
- (17) gorse
Ulex europaeus
 - (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.
- (18) hawkweed, orange
Hieracium aurantiacum
 - (a) regions 3,6,9,10
 - (b) Clallam County of region 1
 - (c) Skagit County of region 2
 - (d) Ferry County of region 4
 - (e) Thurston and King counties of region 5
 - (f) Lincoln and Adams counties of region 7.
- (19) hawkweed, polar
Hieracium atratum
- (20) hawkweed, smooth
Hieracium laevigatum
 - (a) regions 1,2,3,4,6,7,8,9,10
 - (b) region 5 outside the boundaries of Mt. Rainier National Park.
- (21) hawkweed, yellow
Hieracium caespitosum
 - (a) regions 1,3,4,5,6,7,8,9,10
 - (b) San Juan and Island counties of region 2.
- (22) hedgeparsley
Torilis arvensis
 - (a) regions 1,2,3,4,5,6,7,8,10
 - (b) region 4 except north of T32N in Pend Oreille County and east Highway 395 and north of Highway 20 in Stevens County
 - (c) region 9 except sections 32, 33 and 34 of T6N, R12E, and sections 4, 5, 6, and 7 of T5N, R12E, and section 12 of T5N, R11E of Klickitat County.
- (23) herb-Robert
Geranium robertianum
 - (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.
 - (d) regions 3,4,6,7,8,9,10
 - (e) Clallam County of region 1
 - (f) Whatcom, San Juan, and Island counties of region 2
 - (g) Grays Harbor, Mason, and Kitsap counties of region 5
 - (h) portions of King County lying in:
 - (i) Issaquah Alps: T24N, R5E, sections 25, 26, 35, and 36; T24N, R6E, sections 30 and 31; T23N, R6E, sections 4, 5, 6 (north 1/2 and west of SR900), 9, and 10 (north 1/2); T23N, R8E, sections 8 (SW 1/4 SW 1/4), 17, 18 (eastern half), 20, 21 (western half), 28, and 29 (eastern half).
 - (ii) Tradition Plateau area: T24N, R6E, sections 26 (south of I-90), 27 (south of I-90, east of E. Sunset Way), and 35.
- (24) indigobush
Amorpha fruticosa
 - (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.
- (25) knapweed, black
Centaurea nigra
 - (a) regions 1,2,3,4,5,7,9,10
 - (b) region 6 except Kittitas County
 - (c) region 8 except Clark County.
- (26) knapweed, brown
Centaurea jacea
 - (a) regions 1,2,3,4,5,7,9,10
 - (b) region 6 except Kittitas County
 - (c) region 8 except Clark County.
- (27) knapweed, diffuse
Centaurea diffusa
 - (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.
- (28) knapweed, meadow
Centaurea jacea x nigra
- (29) knapweed, Russian
Acroptilon repens
- (30) knapweed, spotted
Centaurea biebersteinii
- (31) kochia
kochia scoparia
- (32) lepyrodiclis
Lepyrodiclis holosteoides
- (33) loosestrife, garden
Lysimachia vulgaris
- (34) loosestrife, purple
Lythrum salicaria
- (35) loosestrife, wand
Lythrum virgatum
- (36) nutsedge, yellow
Cyperus esculentus
- (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 except for the area west of Highway 17 and North of Highway 26
- (d) Intercounty Weed District No. 52
- (e) region 10 except Franklin County.
- (a) regions 1,2,3,5,6,8,9
- (b) Ferry County of region 4
- (c) Adams and Whitman counties of region 7
- (d) region 10 except Garfield County.
- (a) Skagit County of region 2
- (b) Pend Oreille County of region 4
- (c) Kittitas County of region 6.
- (a) regions 1,2,3,4,5,6,8,9,10
- (b) region 7 except an area within Whitman County east of the Pullman — Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho.
- (a) regions 1,2,3,4,6,7,8,9,10
- (b) region 5 except King County.
- (a) regions 1,4,7,8
- (b) region 2 except Snohomish County
- (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside
- (d) region 5 except the area west of the Urban Growth Line, as defined in the King County Comprehensive Plan, and south of I-90, but not including Vashon Island, of King County
- (e) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
- (f) region 9 except Benton County
- (g) region 10 except Walla Walla County
- (h) Intercounty Weed Districts No. 51 and No. 52.
- (a) regions 1,4,7,8
- (b) region 2 except Snohomish County
- (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside
- (d) region 5 except King County
- (e) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
- (f) region 9 except Benton County
- (g) region 10 except Walla Walla County
- (h) Intercounty Weed Districts No. 51 and No. 52.
- (a) regions 1,2,3,4,5,7,8
- (b) region 6 except those areas lying between State Highway 26 and State Highway 28, and westerly of Dodson Road in Grant County, and except S 1/2, Sec. 2, T20N, R25E., W.M.
- (c) region 9 except:
- (i) except those areas lying within the following boundary description within Yakima County: Beginning at the intersection of Highway 12 and Parker Heights Road and continuing easterly to Konnowac Pass Road follow said road north to the intersection of Konnowac Pass Road and Nightingale Road. The northern boundary shall be the Roza Canal, continuing from the established point at Nightingale Road. The boundaries will follow the Roza Canal easterly to the County Line Road. The east boundaries will be the Yakima/Benton County Line from a point beginning at the County Line and Highway 22 (near Byron) continuing westerly along Highway 22 (to near the city of Mabton) to the intersection of Highway 22 and the Reservation Boundary (Division Road) and continuing north to the Yakima River. Then it will follow the river northwest to the Wapato-Donald Road continuing north along said road to Highway 12 then Highway 12 to Parker Heights Road.
- (ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E of Klickitat County
- (d) region 10 except Walla Walla County.

- (37) oxtongue,
hawkweed
Picris hieracioides
- (38) parrotfeather
Myriophyllum aquaticum
- (39) pepperweed,
perennial
Lepidium latifolium
- (40) puncturevine
Tribulus terrestris
- (41) ragwort, tansy
Senecio jacobaea
- (42) sandbur, longspine
Cenchrus longispinus
- (43) skeletonweed, rush
Chondrilla juncea
- (a) regions 1,2,3,4,5,6,7,9,10
(b) region 8 except Skamania County.
- (a) regions 1,2,3,4,5,6,7,9,10
(b) region 8 except Clark, Cowlitz, and Wahkiakum counties.
- (a) regions 1,2,3,4,5,7,8,10
(b) Grant County lying northerly of Township 21, North, W.M.
(c) Intercounty Weed Districts No. 51 and 52
(d) Kittitas County of region 6
(e) Adams County of region 6 except for the area west of Highway 17 and north of Highway 26.
- (a) Skagit County of region 2
(b) Kittitas County of region 6
(c) Adams County.
- (a) regions 3,4,6,7,9,10
(b) region 5, that portion of Pierce County lying south or east of a boundary beginning at the White River and State Highway 410, then west along State Highway 410 to intersection with State Highway 162 (Orting) to intersection with Orville Road, then south along Orville Road to intersection with Kapowsin Highway (304th Street East), then west following Kapowsin Highway to intersection with State Route 7, then south along State Route 7 to intersection with State Route 702, then west along State Route 702 to intersection with State Route 507, then southwest along State Route 507 to intersection with the Nisqually River.
- (a) regions 1,2,3,4,5,7,8
(b) Adams County of region 6 except for that area lying within Intercounty Weed District No. 52
(c) Intercounty Weed District No. 51.
- (a) regions 1,2,3,5,8,9
(b) Franklin County except T13N, R36E; and T14N, R36E
(c) Adams County except those areas lying west of a line running north from Franklin County along the western boundary of Range 36 East to State Highway 26 then north on Sage Road until it intersects Lee Road, then due north until intersection with Providence Road, then east to State Highway 261, then north along State Highway 261 to its intersection with Interstate 90, henceforth on a due north line to intersection with Bauman Road, then north along Bauman Road to its terminus, then due north to the Lincoln County line.
(d) region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road E Northwest
(e) Stevens county north of Township 33 North of region 4
(f) Ferry and Pend Oreille counties of region 4
(g) Asotin County of region 10
- (44) sowthistle, perennial
Sonchus arvensis
ssp. arvensis
- (45) spurge, leafy
Euphorbia esula
- (46) starthistle, yellow
Centaurea solstitialis
- (h) Garfield and Columbia counties south of Highway 12
(i) Whitman County lying in Ranges 43 through 46 East of Townships 15 through 20 North; T14N, Ranges 44 through 46 East; and T13N, Ranges 45 and 46 East.
- (a) regions 1,2,3,4,7,8,9,10
(b) Adams County of region 6
(c) region 5 except for sections 28, 29, 30, 31, 32, and 33 in T19N, R1E of Thurston and Pierce counties.
- (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 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.
- (48) thistle, musk
Carduus nutans
- (49) thistle, plumeless
Carduus acanthoides
- (50) thistle, Scotch
Onopordum acanthium
- (51) toadflax, Dalmatian
Linaria dalmatica
ssp. dalmatica
- (52) watermilfoil, Eurasian
Myriophyllum spicatum

- (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) Douglas County of region 3 lying south of T25N, west of R25E, and east of R28E
- (c) Kittitas, Chelan, Douglas, and Adams counties of region 6
- (d) Intercounty Weed District No. 51
- (e) Weed District No. 3 of Grant County
- (f) Lincoln and Adams counties
- (g) The western two miles of Spokane County of region 7
- (h) 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.

Common Name

- babysbreath
- bindweed, field
- canarygrass, reed
- carrot, wild
- chervil, wild
- cockle, white
- cocklebur, spiny
- cress, hoary
- dodder, smoothseed alfalfa
- goatgrass, jointed
- henbane, black
- houndstongue
- knotweed, Japanese
- mayweed, scentless
- mullein, common
- nightshade, bitter
- poison-hemlock
- rocket, garden
- rye, cereal
- saltcedar
- snaptail, dwarf
- spikeweed
- St. Johnswort, common
- tansy, common
- toadflax, yellow
- thistle, bull
- thistle, Canada
- whiteweed, hairy
- wormwood, absinth

Scientific Name

- Gypsophila paniculata*
- Convolvulus arvensis*
- Phalaris arundinacea*
- Daucus carota*
- Anthriscus sylvestris*
- Silene latifolia ssp. alba*
- Xanthium spinosum*
- Cardaria draba*
- Cuscuta approximata*
- Aegilops cylindrica*
- Hyooscyamus niger*
- Cynoglossum officinale*
- Polygonum cuspidatum*
- Matricaria perforata*
- Verbascum thapsus*
- Solanum dulcamara*
- Conium maculatum*
- Eruca vesicaria ssp. sativa*
- Secale cereale*
- Tamarix species*
- Chaenorhinum minus*
- Hemizonia pungens*
- Hypericum perforatum*
- Tanacetum vulgare*
- Linaria vulgaris*
- Cirsium vulgare*
- Cirsium arvense*
- Cardaria pubescens*
- Artemisia absinthium*

[Statutory Authority: Chapter 17.10 RCW. 97-06-108, § 16-750-015, filed 3/5/97, effective 4/5/97. 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 the following monetary penalties. The penalties shall be assessed per parcel, per noxious weed species, per day after expiration of the notice to control filed pursuant to RCW 17.10.170:

- (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

[Statutory Authority: Chapter 17.10 RCW. 97-24-051, § 16-750-011, filed 11/26/97, effective 1/2/98; 97-06-108, § 16-750-011, filed 3/5/97, effective 4/5/97. 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.

(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. 97-06-108, § 16-750-020, filed 3/5/97, effective 4/5/97; 93-01-004, § 16-750-020, 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.

(4) Election of officers. Elections will be 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. 97-06-108, § 16-750-130, filed 3/5/97, effective 4/5/97; 93-01-004, § 16-750-130, filed 12/2/92, effective 1/2/93.]

**Chapter 16-752 WAC
NOXIOUS WEED CONTROL**

WAC

16-752-300	Establishing quarantine.
16-752-305	Quarantine area.
16-752-310	Articles whose movement is restricted.
16-752-315	Regulations.
16-752-320	Costs of quarantine.
16-752-330	Violation and penalty.

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 and Thurston counties (WAC 16-750-011(33)(a)). Yellow nutsedge infests a dredging spoil site at the Port of Kalama in Kalama, Washington and a plant nursery site at the Port of Olympia in Tumwater, Washington. Movement of material from these sites initiates 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 sites are so seriously infested as to require quarantine; and

(2) That the movement of contaminated materials from these sites 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. 98-01-056, § 16-752-300, filed 12/11/97, effective 1/11/98; 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 the Port of Olympia, located at the Olympia Airport, Tumwater, Washington, and more particularly described in subsections (1) and (2) of this section.

Real estate situation in the counties of Cowlitz and Thurston, state of Washington:

(1) Cowlitz County 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.

(2) County of Thurston, state of Washington:

Parcel number 12711230000 - a portion of this parcel containing twenty-two acres of nursery production, more or less and three access roads one of which begins at 85th Avenue SW, the other two begin at Old Highway 99 SW.

A tract of land in Section 11, Township 17 north, Range 2 west of the Willamette Meridian, more particularly described as follows:

A portion of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter, Section 11, Township 17 North, Range 2 West, W.N., Thurston County, Washington.

Beginning at the South Quarter corner of Section 11; thence north 01°53'09"E, along the center of the section line 77.6 feet to the southerly edge of the infestation, said point being 75 feet northerly of the center of taxiway 5 and the point of beginning; thence south 88°14'46"E parallel to and 75 feet northerly of taxiway 5, 1254.2 feet to coordinate pair N 604966 E 1043268 North American Datum 83/91, Washington State Lambert projection South Zone; thence north 01°32'43"E parallel to and 75 feet westerly of taxiway 5, 256.1 feet (N 605222 E 1043275); thence north 74°44'42" W, parallel to and 200 feet southerly of runway 8-26, 2031.7 feet (N 605757 E 1041315); thence south 12°53'58"W, parallel to and 75 feet easterly of taxiway 4, 744.6 feet (N 605031 E 1041148); thence south 88°14'46"E parallel to and 75 feet northerly of taxiway 5, 866.5 feet to the point of beginning. TOGETHER WITH: Two (2) 50 foot easements for ingress and egress described as follows: Beginning at the centerline of Old Highway 99 at coordinate pair N 605688 E 1044159; thence south 62°13'04"W, 337 feet (N 605531 E 1043861); thence south 37°34'07"W, 66 feet (N 605479 E 1043821); thence south 15°34'51"W, 432 feet (N 605063 E 1043705); thence south 56°50'31"W, 90 feet (N 605014 E 1043630); thence north 73°42'21"W, 135 feet (N 605052 E 1043500); thence south 73°31'23"W, 47 feet (N 605031 E 1043429).

Beginning at the coordinate pair N 605479 E 1043821; thence north 10°18'17"W, 78 feet (N 605556 E 103807); thence north 52°23'38"W, 93 feet (N 605613 E 1043733); thence north 74°34'40"W, 331 feet (N 605701 E 1043414); thence north 24°31'11"W, 63 feet (N 605758 E 1043388); thence north 0°58'36"W, 352 feet (N 606110 E 1043382).

Beginning at the end of 85th Avenue SE; thence north 14°36'57"W, 44 feet; thence north 1°44'13"E, 103 feet; thence north 1°44'13"E, 122 feet; thence north 4°2'36"E, 103 feet; thence north 1°44'13"E, 140 feet; thence north 3°31'10"E, 134 feet; thence north 1°44'13"E, 146 feet; thence north 6°43'41"W, 141 feet; thence north 6°3'35"W, 92 feet; thence north 1°44'13"E, 128 feet; thence north 15°58'50"W, 96 feet; thence south 85°33'49"W, 113 feet; thence north 88°15'39"W, 100 feet; thence north 85°38'49"W, 133 feet; thence north 88°15'36"W, 137 feet; thence north 85°28'20"W, 125 feet; thence south 89°35'45"W, 162 feet; thence north 88°15'32"W, 129 feet; thence north 88°15'30"W, 200 feet; thence north 88°15'28"W, 150 feet; thence north 85°43'23"W, 137 feet; thence north 88°38'45"E, 113 feet; thence north 83°56'12"W, 242 feet; thence north 40°38'52"W, 25 feet; thence north 40°6'3"W, 25 feet.

[Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-305, filed 12/11/97, effective 1/11/98; 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 of the plant, including soil in nursery pots, is covered by this quarantine. The movement of all balled and burlap nursery stock is covered by this quarantine.

[Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-310, filed 12/11/97, effective 1/11/98; 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, potted nursery plants and other plants from the quarantine site, except as provided in subsection (6) of this section, is prohibited without a permit from the Cowlitz or Thurston 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 or Thurston County noxious weed control board, except in designated parking areas.

(4) All weed control measures and irrigation practices in the quarantine area are to be conducted at the direction of the Cowlitz or Thurston County noxious weed control board.

(5) Yellow nutsedge control shall take precedence over all other land uses in the quarantine area.

(6) The Cowlitz or Thurston 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. 98-01-056, § 16-752-315, filed 12/11/97, effective 1/11/98; 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 or Thurston County noxious weed control board or the director in consultation with the Washington state noxious weed control board.

[Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-320, filed 12/11/97, effective 1/11/98; 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 17.10.310 and 17.10.350 and WAC 16-750-020 which provides monetary penalties of up to one thousand dollars per infraction.

[Statutory Authority: Chapter 17.10 RCW. 98-01-056, § 16-752-330, filed 12/11/97, effective 1/11/98; 91-03-045 (Order 2069), § 16-752-330, filed 1/11/91, effective 2/11/91; 89-24-090, § 16-752-330, filed 12/6/89, effective 1/6/90.]

**Title 25 WAC
COMMUNITY, TRADE, AND
ECONOMIC
DEVELOPMENT,
DEPARTMENT OF
(ARCHAEOLOGY AND
HISTORIC
PRESERVATION)**

Chapters
25-30 Washington state heritage council.

**Chapter 25-30 WAC
WASHINGTON STATE HERITAGE COUNCIL**

WAC
25-30-010 through 25-30-050 Repealed.

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

- 25-30-010 Purpose. [Statutory Authority: Chapter 27.34 RCW. 84-23-004 (Order 7), § 25-30-010, filed 11/8/84.] Repealed by 97-19-018, filed 9/8/97, effective 10/9/97. Statutory Authority: RCW 43.330.040 (2)(g).
- 25-30-020 Definitions. [Statutory Authority: Chapter 27.34 RCW. 84-23-004 (Order 7), § 25-30-020, filed 11/8/84.] Repealed by 97-19-018, filed 9/8/97, effective 10/9/97. Statutory Authority: RCW 43.330.040 (2)(g).
- 25-30-030 Description of purpose and staff. [Statutory Authority: Chapter 27.34 RCW. 84-23-004 (Order 7), § 25-30-030, filed 11/8/84.] Repealed by 97-19-018, filed 9/8/97, effective 10/9/97. Statutory Authority: RCW 43.330.040 (2)(g).
- 25-30-040 Procedures. [Statutory Authority: Chapter 27.34 RCW. 84-23-004 (Order 7), § 25-30-040, filed 11/8/84.] Repealed by 97-19-018, filed 9/8/97, effective 10/9/97. Statutory Authority: RCW 43.330.040 (2)(g).
- 25-30-050 Public records available. [Statutory Authority: Chapter 27.34 RCW. 84-23-004 (Order 7), § 25-30-050, filed 11/8/84.] Repealed by 97-19-018, filed 9/8/97, effective 10/9/97. Statutory Authority: RCW 43.330.040 (2)(g).

WAC 25-30-010 through 25-30-050 Repealed. See Disposition Table at beginning of this chapter.

**Title 44 WAC
ATTORNEY GENERAL'S
OFFICE**

Chapters
44-06 Public records.

**Chapter 44-06 WAC
PUBLIC RECORDS**

- WAC**
- 44-06-030 Function—Organization—Administrative offices.
 - 44-06-040 Public records available.
 - 44-06-050 Index.
 - 44-06-060 Public records officer.
 - 44-06-080 Requests for public records.
 - 44-06-085 Response to public records requests.
 - 44-06-090 Copying fees.
 - 44-06-140 Adoption of form.
 - 44-06-150 Availability of pamphlet.

WAC 44-06-030 Function—Organization—Administrative offices. The attorney general's office is charged by the constitution and statutes with the general