

Chapter 16-301 WAC

GENERAL SEED REGULATIONS

(Formerly chapters 16-300, 16-304, 16-313, 16-316, 16-317, 16-318, 16-493, 16-494 and 16-495 WAC)

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 16-301-450 Bean seed-borne viral disease quarantine—Establishing the quarantine. [Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-450, filed 12/4/00, effective 1/4/01.] Repealed by WSR 04-08-043, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW.
- 16-301-455 Bean seed-borne viral disease quarantine—Regulated articles. [Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-455, filed 12/4/00, effective 1/4/01.] Repealed by WSR 04-08-043, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW.
- 16-301-460 Bean seed-borne viral disease quarantine—Regulated disease. [Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-460, filed 12/4/00, effective 1/4/01.] Repealed by WSR 04-08-043, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW.
- 16-301-465 Bean seed-borne viral disease quarantine—Quarantined area. [Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-465, filed 12/4/00, effective 1/4/01.] Repealed by WSR 04-08-043, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW.
- 16-301-470 Bean seed-borne viral disease quarantine—Regulated area. [Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-470, filed 12/4/00, effective 1/4/01.] Repealed by WSR 04-08-043, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW.
- 16-301-475 Bean seed-borne viral disease quarantine—Requirements for planting bean seed in the regulated area. [Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-475, filed 12/4/00, effective 1/4/01.] Repealed by WSR 04-08-043, filed 3/31/04, effective 5/1/04. Stat-

utory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW.

- 16-301-480 Bean seed-borne viral disease quarantine—Identification and disposition of diseased bean seed. [Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-480, filed 12/4/00, effective 1/4/01.] Repealed by WSR 04-08-043, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW.

- 16-301-485 Bean seed-borne viral disease quarantine—Penalties. [Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-485, filed 12/4/00, effective 1/4/01.] Repealed by WSR 04-08-043, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW.

WAC 16-301-005 General seed standards—Definitions. Definitions for terms used in this chapter and in chapters 16-302 and 16-303 WAC may be found in chapter 15.49 RCW, seed. For the purposes of these chapters, the following definitions shall apply unless otherwise provided for in law or rule:

"Agricultural seed" as defined in RCW 15.49.011(2) includes grass, forage, cereal, oil, fiber, and other kinds of crop seeds commonly recognized within this state as agricultural seeds, lawn seeds, and combination of such seeds, and may include common and restricted noxious weed seeds but not prohibited noxious weed seeds.

"AOSA" means the Association of Official Seed Analysts.

"AOSCA" means the Association of Official Seed Certifying Agencies.

"Approved trial grounds" means a specific parcel of land approved by the director for experimental or limited production or increase of bean seed.

"Arbitration committee" means the committee established by the director under RCW 15.49.101 to hear and make determinations in mandatory, nonbinding, arbitration cases.

"Bean" means common beans and adzuki beans.

"Blend" as defined in RCW 15.49.011(3) means seed consisting of more than one variety of a species, each in excess of five percent by weight of the whole.

"Blending" as related to this chapter shall be the process of commingling two or more lots of seed to form one lot of uniform quality.

"Buyer" means a person who purchases seeds.

"Chairperson" means the person selected by the arbitration committee from among their numbers to preside.

"Certifying agency" as defined in RCW 15.49.011(5) means:

(a) An agency authorized under the laws of any state, territory, or possession to certify seed officially and which has standards and procedures approved by the United States secretary of agriculture to assure the genetic purity and identity of the seed certified; or

(b) An agency of a foreign country determined by the United States Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed-certifying agencies under (a) of this subsection.

"Common bean" means *Phaseolus vulgaris* L.

"Complete record" means information which relates to the origin, treatment, germination and purity (including variety) of each lot of seed. Records include seed samples and records of declaration, labels, purchases, sales, cleaning, bulking, treatment, handling, storage, analyses, tests and examinations.

"Dealer" as defined in RCW 15.49.011(7) means any person who distributes seeds.

"Department" as defined in RCW 15.49.011(8) means the Washington state department of agriculture or its duly authorized representative.

"Director" as defined in RCW 15.49.011(9) means the director of the department of agriculture.

"Field standards" means the tolerances permitted as determined by established field inspection procedures.

"Fiscal year" means the twelve-month period July 1 through June 30.

"Flower seeds" as defined in RCW 15.49.011(11) include seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold as flower seeds in this state.

"Germination" as defined in RCW 15.49.011(13) means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions.

"Interagency certification" means the participation of two or more official certifying agencies in performing the services required to certify the same lot or lots of seed.

"Isolation standards" means the distance in feet from any contaminating source (i.e., distance from other fields of same species).

"Label" as defined in RCW 15.49.011(18) includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the information required on the seed label by chapter 15.49 RCW, and may include other information including the requirement for arbitration.

"Land standards" means the number of years that must elapse between the destruction of a stand of a kind, and establishment of a stand of a specified class of a variety of the same kind (i.e., number of years out of production of same crop kind).

"Mixture, mixed or mix" as defined in RCW 15.49.011 (22) means seed consisting of more than one species, each in excess of five percent by weight of the whole.

"Nursery" means an area of two acres or less in which grass for seed production is seeded in rows with twenty-four inch minimum spacing to facilitate roguing.

"O.E.C.D." means the Organization for Economic Cooperation and Development certification scheme.

"Off-type" means a plant or seed which deviates in one or more characteristics from that which has been described as being usual for the strain or variety.

"Official certificate" means a document issued by an official testing agency including but not limited to seed certification tags, bulk seed certification certificates, phyto-sanitary certificates, laboratory sanitary certificates, and other letters, tags, stamps, or similar documents certifying seed quality or condition.

"Official sample" as defined in RCW 15.49.011(23) means any sample taken and designated as official by the department.

"Official seed laboratory" means a seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Laboratory, 21 N 1st Avenue, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon. This definition is to include any laboratory that has an accreditation process in place.

"Origin" means the county within the state of Washington, or the state, territory, or country where a specific seed lot was grown.

"Person" as defined in RCW 15.49.011(26) means an individual, partnership, corporation, company, association, receiver, trustee or agent.

"Proprietary variety" means that crop variety for which a person has exclusive production and/or marketing rights.

"Representative sample" means a sample drawn in accordance with sampling procedures adopted in WAC 16-301-095.

"Seeds" as defined in RCW 15.49.011(33) means agricultural or vegetable seeds, or other seeds as determined by rules adopted by the department.

"Seed labeling permit" means a permit issued by the department pursuant to RCW 15.49.400 to a person labeling seed for distribution in this state.

"Seed program advisory committee" means a committee of representatives from the small grains, pea, lentil, bean, vegetable, small seeded legumes, and grass seed industries selected by the program manager in consultation with the industry.

"Seed standards" means the tolerances permitted as determined by established seed inspection procedures.

"Serology" means precipitation, agglutination, immunodiffusion, or labeled antibody test methods (such as ELISA) that use the specificity of antigen-antibody reactions to detect and identify antigenic substances and the organisms such as viruses and bacteria that carry viruses.

"Stock seed" means breeders, prebasic, or like initial generation of seed.

"Sudangrass" means *Sorghum bicolor x drummondii*.

"University" means the Washington State University.

"USDA" means the United States Department of Agriculture.

"Vegetable seeds" as defined in RCW 15.49.011(38) include the seeds of all crops that are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this state.

"WSCIA" means the Washington State Crop Improvement Association.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. WSR 06-17-041, § 16-301-005, filed 8/8/06, effective 9/8/06; WSR 03-18-072, § 16-301-005, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-005, filed 12/4/00, effective 1/4/01.]

WAC 16-301-010 What publications are adopted in chapters 16-301, 16-302, and 16-303 WAC and where can they be obtained? (1) The AOSCA rules and procedures for

certification adopted in the year 2003. A copy may be obtained by writing; AOSCA, 600 Watertower Lane, Suite D, Meridian, Idaho 83642-6286.

(2) The AOSA rules for testing seed adopted in the year 2003. A copy may be obtained by contacting the administrative office for AOSA at McBride and Associates, Inc., P.O. Box 80705, Lincoln, NB 68501-0705.

(3) The Federal Seed Act and Code of Federal Regulations (C.F.R.) Part 201 as revised January 1, 1998. A copy may be obtained by writing to the USDA, AMS, Washington, D.C. 20250.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. WSR 03-18-072, § 16-301-010, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-010, filed 12/4/00, effective 1/4/01.]

WAC 16-301-011 What are the functions of the seed program advisory committee? The seed program advisory committee shall meet at least annually and make recommendations to the department regarding the objectives of the seed program. The review should include a review of the regulatory activities and program expenditures.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-011, filed 12/4/00, effective 1/4/01.]

PART 1 - SEED LABELING

WAC 16-301-015 Seed labeling requirements for agricultural, vegetable, and flower seeds. (1) Each container of agricultural, vegetable or flower seeds, that is sold, offered or exposed for sale, or transported within this state for sowing purposes, must bear or have attached to the container a plainly written or printed label or tag in the English language; and

(a) The label provides information required in WAC 16-301-060 through 16-301-085 on treated seeds in addition to the information required in subsection (2) of this section; and

(b) The label is placed in a conspicuous manner on the seed container; and

(c) The printed label or tag is not modified or denied in the labeling or on any label attached to the seed container.

(2) Each container of agricultural, vegetable or flower seeds, that is sold, offered or exposed for sale, or transported within this state for sowing purposes must bear "*Requirement for arbitration - The Washington State Seed Act, chapter 15.49 RCW, requires mandatory arbitration of disputes involving allegedly defective seed. See chapter 16-301 WAC or contact the Washington State Department of Agriculture, Seed Program, 509-249-6950,*" on:

(a) The analysis tag; or

(b) A separate tag or label attached securely to each container; or

(c) Printed in a conspicuous manner on the side of each container; or

(d) Alternate wording may be approved in writing by the department to meet the needs of the industry.

(3) Except for grass seed mixtures, and hybrids that contain less than ninety-five percent hybrid seed, the label for agricultural seeds must contain the following information:

(a) The name of the kind and variety of each agricultural seed present in excess of five percent of the whole and the percentage by weight of each or if the variety is not listed with the certifying agency, the name of the kind and the words, "*variety not stated.*" Hybrids must be labeled as hybrids; and

(b) The lot number or other lot identification; and

(c) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated on the label; and

(d) The percentage, by weight, of all weed seeds present. The maximum weed seed content may not exceed two percent by weight; and

(e) The name and rate of occurrence in seeds per pound of each kind of restricted noxious weed seed present; and

(f) The percentage by weight of agricultural seeds, which may be designated as "crop seeds," other than those required to be named on the label; and

(g) The percentage by weight of inert matter; and

(h) The percentage of seed germination, exclusive of hard seed, and the percentage of hard seed, if present, or "total germination and hard seed" as a single percentage; and

(i) The calendar month and year the seed germination test was completed to determine such percentages; and

(j) The name and address of the person who labels, sells, offers, or exposes for sale seed within this state.

(4) For seed that is coated the label must also contain the following:

(a) The percentage of pure seed with coating material removed;

(b) The percentage of coating material shown as a separate item in close association with the percentage of inert material;

(c) The percentage of germination as determined on four hundred coated seed pellets, with or without seeds.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. WSR 11-19-014, § 16-301-015, filed 9/8/11, effective 10/9/11. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-015, filed 12/4/00, effective 1/4/01.]

WAC 16-301-020 Other labeling requirements for small grain, field pea, lentil, and/or soybean seed. In addition to the information required on the label in WAC 16-301-015, the following requirements also apply:

(1) Small grain seed - Labels for small grain seed must include the following information:

(a) Each variety (e.g., Nugaines), whether the variety is typically a winter or spring sown variety, and kind (e.g., wheat); or may not be shown if the label conspicuously shows the words "typical sowing season not stated";

(b) A tetrazolium test may be used in lieu of germination if the label states "Tetrazolium...%," and that a germination test of the lot is in process and shall be made available to the purchaser when completed. The label shall also show the calendar month and year the tetrazolium test was completed.

(2) Small grain, field pea, lentil, and/or soybean seed - The following shall apply for labeling of small grain, field pea, lentil, and/or soybean seed:

(a) When seed is distributed in bulk the required label information must be on the invoice or other document accompanying the distribution of the seed;

(b) The seed labeling registrant may provide the required label information as a guaranteed analysis at the time of distribution if the label, invoice, or other document accompanying the seed states "guaranteed analysis," and the results of a purity and germination test of a representative sample are made available to the purchaser no later than thirty days following the initial distribution of the lot;

(c) Seed held in storage for bulk distribution or invoice labeling, shall be plainly identified on the storage unit(s) with the required label information;

(d) Small grain, field pea, lentil, and/or soybean seed is deemed mislabeled if the seed contains restricted noxious weed singly or collectively in excess of 100 per pound.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-020, filed 12/4/00, effective 1/4/01.]

WAC 16-301-025 Special requirements for labeling of vegetable and flower seed as prepared for use in the home. In addition to the information required on the label in WAC 16-301-015, the following requirements also apply to vegetable and flower seed as prepared for use in home:

(1) **Vegetable seeds in packets or preplanted devices** - Labeling for vegetable seeds in packets as prepared for use in home gardens or household plantings or vegetable seeds in preplanted containers, mats, tapes, or other planting devices must include the following information:

(a) The year in which the seed was packed for sale as "packed for planting in..." or the percentage germination and the calendar month and the year the test was completed to determine that percentage;

(b) Label for seeds which germinate less than the standard established in WAC 16-301-090 must include the following:

- (i) Percentage of germination, exclusive of hard seed;
- (ii) Percentage of hard seed, if present;
- (iii) The words "below standard" in not less than eight-point type;

(c) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quality of seed without removing the seed from the medium, mat, tape or device, a statement to indicate the minimum number of seeds in the container.

(2) **Vegetable seeds in containers** - The labeling requirements for vegetable seeds in containers, other than packets prepared for use in home gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices, is considered met if the seed is weighed from a properly labeled container of more than one pound in the presence of the purchaser.

(3) **Flower seeds in packets or preplanted devices** - Labeling for flower seeds in packets prepared for use in home gardens or household plantings or flower seeds in preplanted containers, mats, tapes, or other planting devices must include the following information:

- (a) For all kinds of flower seeds:
 - (i) The name of the kind and variety or a statement of the kind and performance characteristics as prescribed in chapter 15.49 RCW and rules adopted thereunder;
 - (ii) The calendar month and year the seed was tested or the year for which the seed was packaged;

(9/8/11)

(b) Labels for seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard established under the provisions of chapter 15.49 RCW must include the following:

- (i) The percentage of germination exclusive of hard seeds;
- (ii) The words "below standard" in not less than eight-point type.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. WSR 02-12-060, § 16-301-025, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-025, filed 12/4/00, effective 1/4/01.]

WAC 16-301-030 Exemptions for small grain, field pea, lentil and/or soybean seed. (1) Small grain, field pea, lentil, and/or soybean seed distributed in packaged form to a wholesaler or a commercial grower for the grower's own use and accompanied by an invoice or other document containing the labeling information required in this chapter may attach labels containing information required in treated seed label requirements listed in WAC 16-301-060 through 16-301-085; and the net weight of the seed if the purchaser has knowledge of, and consents to, the invoice labeling. Small grain seed labels must also contain information in WAC 16-301-020 (1)(a).

(2) When small grain, field pea, lentil, and/or soybean seed is needed for immediate planting, a purchaser may waive the seed analysis information requirement for the purchase by completion of the following waiver:

CUSTOMER WAIVER AFFIDAVIT

Date

.....
.....
.....
.....

(Seed Dealer's Name and Address)

I,....., because of an emergency need for..... seed, am waiving my rights as provided in RCW 15.49.021 to receive the germination and purity information required in chapter 16-301 WAC on lot(s)..... purchased on.....: Provided, That within thirty days,..... the supplier provides the above information to me in writing.

.....
(Customer's Signature)

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-030, filed 12/4/00, effective 1/4/01.]

WAC 16-301-035 Labeling requirements for agricultural and vegetable hybrid seed that contains less than ninety-five percent hybrid seed. The labeling for agricultural and vegetable hybrid seed that contains less than ninety-five percent hybrid seed must include the following:

- (1) The lot number or other lot identification.
- (2) The origin state or foreign country, if known. If the origin is not known, that fact must be stated.

(3) The kind or variety labeled as "hybrid" except that varieties in which pure seed contain less than seventy-five percent hybrid seed may not be labeled as hybrids.

(4) The percent which is hybrid labeled parenthetically in direct association following named variety; i.e., Comet (eighty-five percent hybrid).

(5) The calendar month and year of a germination test of pure live seed or the year in which the seed was packaged.

(6) The percentage by weight of inert matter.

(7) The percentage, by weight, of all weed seeds present. The maximum weed seed content may not exceed two percent by weight.

(8) The name and address of the person who labels seed, or sells, offers, or exposes the seed for sale within this state.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-035, filed 12/4/00, effective 1/4/01.]

WAC 16-301-040 Labeling—Requirements for seed mixtures for lawn and/or turf purposes. The labeling of seed mixtures for lawn or turf purposes must include the following:

(1) The lot number or other lot identification.

(2) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated on the label.

(3) The word "mixed" or "mixture" stated with the name of the mixture.

(4) The heading "pure seed" and "germination" or "germ" used in the proper places.

(5) The commonly accepted name of kind or kind and variety of each agricultural seed component in excess of five percent of the whole, and the percentage by weight, in columnar form, of pure seed in order of its predominance.

(6) The percentage by weight of agricultural seed other than those required to be named on the label which shall be designated as "crop seed." If the mixture contains no crop seed, the statement, "contains no other crop seed," may be used and may be flagged.

(7) The percentage by weight of inert matter.

(8) The percentage, by weight, of all weed seeds present. The maximum weed seed content may not exceed two percent by weight.

(9) For each agricultural seed named under subsection (3) of this section:

(a) The percentage of germination, exclusive of hard seed.

(b) The percentage of hard seed, if present.

(c) The calendar month and year of the most recent test completed to determine such percentages.

(10) The name and address of the person who labels, or sells, offers, or exposes the seed for sale within this state.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-040, filed 12/4/00, effective 1/4/01.]

WAC 16-301-045 Prohibited noxious weed seeds. Prohibited noxious weed seeds are the seeds of weeds which when established are highly destructive, competitive and/or difficult to control by cultural or chemical practices. Seed is deemed mislabeled if the seed consists of or contains any of the prohibited noxious weed seeds listed below. For the pur-

pose of seed certification, see WAC 16-302-100 for the list of prohibited noxious weeds.

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Austrian fieldcress	<i>Rorippa austriaca</i> (Crantz) Bess.
Field bindweed	<i>Convolvulus arvensis</i> L.
Hedge bindweed	<i>Convolvulus sepium</i> L.
Bladder campion	<i>Silene vulgaris</i>
(only in timothy- <i>Phleum pratense</i>)	
Camelthorn	<i>Alhagi maurorum</i>
Canada thistle	<i>Cirsium arvense</i> (L.) Scop.
Hairy whitetop	<i>Lepidium appelianum</i>
Hoary cress	<i>Lepidium draba</i>
Jointed goatgrass (only in small grain)	<i>Aegilops cylindrica</i>
Knapweed complex (including bighead,	<i>Centaurea macrocephala</i> ,
Vochin,	<i>Centaurea nigrescens</i> ,
black,	<i>Centaurea nigra</i> ,
brown,	<i>Centaurea jacea</i> ,
diffuse,	<i>Centaurea diffusa</i> ,
meadow,	<i>Centaurea jacea x nigra</i> ,
Russian,	<i>Rhaponticum repens</i> ,
spotted knapweeds	<i>Centaurea stoebe</i> ,
Purple starthistle)	<i>Centaurea calcitrapa</i>
Leafy spurge	<i>Euphorbia esula</i> L.
Lepyrodielis	<i>Lepyrodielis holosteoides</i>
Perennial pepperweed	<i>Lepidium latifolium</i> L.
Perennial sowthistle	<i>Sonchus arvensis</i> L.
Quackgrass	<i>Elymus repens</i>
Serrated tussock	<i>Nassella trichotoma</i>
Silverleaf nightshade	<i>Solanum elaeagnifolium</i>
Sorghum perennial such as, but	<i>Sorghum spp.</i>
not limited to, johnsongrass,	
sorghum alnum, and	
perennial sweet sudangrass	
Tansy ragwort	<i>Jacobaea vulgaris</i>
Velvetleaf	<i>Abutilon theophrasti</i>
White cockle	<i>Silene latifolia</i>
(only in timothy- <i>Phleum pratense</i>)	

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Yellow-flowering skeleton weed	<i>Chondrilla juncea</i> L.
Yellow starthistle	<i>Centaurea solstitialis</i> L.

[Statutory Authority: Chapter 15.49 RCW. WSR 09-16-006, § 16-301-045, filed 7/22/09, effective 8/22/09. Statutory Authority: Chapters 15.49 and 34.05 RCW. WSR 02-12-060, § 16-301-045, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-045, filed 12/4/00, effective 1/4/01.]

WAC 16-301-050 Restricted noxious weed seeds. Restricted (secondary) noxious weed seeds are the seeds of weeds which are objectionable in fields, lawns, and gardens of this state, but which can be controlled by cultural or chemical practices. Seed is deemed mislabeled if it consists of or contains any of the restricted noxious weed seeds listed below in excess of the number declared on the label. For the purpose of seed certification, see WAC 16-302-105 for the list of objectionable weeds.

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Blackgrass or slender foxtail	<i>Alopecurus myosuroides</i>
Black mustard	<i>Brassica nigra</i>
Blue lettuce	<i>Lactuca tatarica</i> subsp. <i>pulchella</i>
Docks and Sorrel	<i>Rumex</i> spp.
Dodder	<i>Cuscuta</i> spp.
Dyers woad	<i>Isatis tinctoria</i>
Field pennycress (fanweed)	<i>Thlaspi arvense</i>
Field sandbur	<i>Cenchrus incertus</i>
Gromwell (only in small grain)	<i>Buglossoides arvensis</i>
Halogeton or clustered barilla salt	<i>Halogeton glomeratus</i> C.A. Mey.
Medusahead	<i>Taeniatherum caput-medusae</i>
Plantains	<i>Plantago</i> spp.
Poverty weed	<i>Iva axillaris</i> Pursh.
Puncturevine	<i>Tribulus terrestris</i> L.
St. Johnswort	<i>Hypericum perforatum</i> L.
Dalmation toadflax	<i>Linaria dalmatica</i> (L.) Mill.
Yellow toadflax	<i>Linaria vulgaris</i> Hill.
Western ragweed	<i>Ambrosia psilostachya</i> DC.
Wild mustard	<i>Sinapis arvensis</i> subsp. <i>arvensis</i>
Wild oat	<i>Avena fatua</i> L.
Wild radish	<i>Raphanus raphanistrum</i>

(9/8/11)

[Statutory Authority: Chapter 15.49 RCW. WSR 09-16-006, § 16-301-050, filed 7/22/09, effective 8/22/09. Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-050, filed 12/21/05, effective 1/21/06. Statutory Authority: Chapters 15.49 and 34.05 RCW. WSR 02-12-060, § 16-301-050, filed 5/30/02, effective 6/30/02. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-050, filed 12/4/00, effective 1/4/01.]

WAC 16-301-055 Tolerances for seed law enforcement. Tolerances for seed law enforcement shall be in accord with the code of federal regulations, C.F.R. Title 7, Section 201 as revised January 1, 1998 and/or those adopted by the Association of Official Seed Analysts, as amended on October 1, 2003, except for the tolerances for prohibited noxious and restricted noxious weed seed which shall be as the Washington state seed law specifies for labeling.

[Statutory Authority: Chapters 15.49 and 34.05 RCW. WSR 03-18-072, § 16-301-055, filed 8/29/03, effective 9/29/03. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-055, filed 12/4/00, effective 1/4/01.]

Treated Seed Labeling Requirements

WAC 16-301-060 Treated seed labeling requirements. For all seed that meets the definition of treated seed contained in RCW 15.49.011, the Washington State Seed Act, there shall be conspicuously shown on the analysis tag or label, or on a separate tag or label, attached to each container, or printed in a conspicuous manner on the side or top of each container the following:

- (1) A word or statement indicating that the seed has been treated.
- (2) The commonly accepted coined, chemical, or abbreviated chemical (generic) name of the applied substance or description of the process used.
- (3) The information required in WAC 16-301-065 through 16-301-085.

For bulk seed shipment, the information shall appear on the invoice or other document accompanying and pertaining to each shipment.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-060, filed 12/4/00, effective 1/4/01.]

WAC 16-301-065 Labeling requirements for seed treated with mercurials and similarly toxic pesticides. Seeds treated with a mercurial or similarly toxic pesticide, if any amount remains on or in the seed, shall be labeled with the skull and crossbones and a statement such as: "This seed has been treated with POISON," "treated with POISON," "POISON treated," or "POISON" with the word "POISON" in red on a contrasting background. The word "POISON" shall appear in not less than 8 point type, and the skull and crossbones shall not be less than twice the size of the type used for information required to be on the label. In making this determination, the department shall be guided by the labeling registered by the Environmental Protection Agency and/or Washington state department of agriculture on the pesticide being used and by the requirements of the Federal Seed Act, as revised January 1, 1998.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-065, filed 12/4/00, effective 1/4/01.]

WAC 16-301-070 Labeling requirements for seed treated with other pesticides. Seed treated with pesticides, other than those referred to in WAC 16-301-065, shall be labeled with an appropriate caution statement in not less than eight point type, such as: "Treated seed - do not use for food, feed, or oil purposes" and shall contain other appropriate caution statements as required on the Environmental Protection Agency and/or Washington state department of agriculture registered pesticide label of the seed treatment being used.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-070, filed 12/4/00, effective 1/4/01.]

WAC 16-301-075 Treated seed color requirement. Seeds of small grains and other products such as peas and beans normally used for feed or for human consumption must, when treated with a pesticide, be colored so as to be readily discernible as having been so treated.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-075, filed 12/4/00, effective 1/4/01.]

WAC 16-301-080 Labeling requirements for seed treated with inoculates. If seed is treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration) shall be shown on the label.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-080, filed 12/4/00, effective 1/4/01.]

WAC 16-301-085 Examples of minimum label formats for treated seed. Examples of minimum label formats for treated seed are as follows:

(1) Mercurial or similarly toxic pesticides:

Treated with
Endrin
POISON (in red) (illus.)

(2) Other pesticides:

Treated with
Captan
Caution: Treated seed - Do not use for food, feed, or oil.

(3) Additional information may be shown, such as rate of application, antidote, specific purpose of treatment, etc., provided such information is not false or misleading.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-085, filed 12/4/00, effective 1/4/01.]

Germination Standards

WAC 16-301-090 Germination standards for vegetable seeds. The germination standards for vegetable seeds are as follows:

	Percent*		Percent*
Artichoke	60	Leek	60

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	Percent*		Percent*
Asparagus	70	Lettuce	80
Beans (except Lima)	75	Muskmelon	75
Beans (Lima)	70	Mustard	75
Beets	65	Okra	50
Broccoli	75	Onion	70
Brussels Sprouts	70	Parsley	60
Cabbage	75	Parsnip	60
Carrot	55	Pea	80
Cauliflower	75	Pepper	55
Celery and Celeraic	55	Pumpkin	75
Chicory	65	Radish	75
Citron	65	Rhubarb	60
Collards	80	Rutabaga	75
Corn	75	Salsify	75
Cornsalad	70	Sorrel	60
Cress, garden	40	Spinach (except New Zealand)	60
Cress, water	25	Spinach (New Zealand)	40
Cucumber	80	Squash	75
Dandelion	45	Swiss Chard	65
Eggplant	60	Tomato	75
Endive	70	Tomato, husk	50
Kale	75	Turnip	80
Kohlrabi	75	Watermelon	70

*Including hard seeds when present.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-090, filed 12/4/00, effective 1/4/01.]

WAC 16-301-095 Sampling—Administration of the Washington State Seed Act. (1) The official sampling procedure for sampling all seed is as follows:

(a) In order to secure a representative sample, equal portions must be taken from evenly distributed parts of the quantity of seed to be sampled. Access must be allowed to all parts of that quantity.

(b) For free-flowing seed in bags or bulk, a probe or trier is used. For small free-flowing seed in bags, a probe or trier long enough to sample all portions of the bag or container must be used.

(c) Nonfree-flowing seed, such as certain grass seed, uncleaned seed, or screenings, difficult to sample with a probe or trier, are sampled by thrusting the hand into the bulk and withdrawing representative portions.

(d) Composite samples must be obtained to determine the quality of a lot of seed, such as the percentages of pure seed, other crop seed, weed seed, inert matter, noxious weed seed, germination, varietal purity, freedom from disease, and effectiveness of seed treatment. Individual bag samples may be obtained to determine whether the seed is of uniform quality.

(2) Sampling equipment. The trier must be designed so that it will remove an equal volume of seed from each part of the bag through which the trier travels. Unless the trier has partitions in the seed chamber, it must be inserted into the bags horizontally.

(3) Obtaining representative samples.

(a) For lots of one to six bags, sample each bag and take a total of at least five cores or handfull.

(b) For lots of more than six bags, sample five bags plus at least ten percent of the number of bags in the lot. (Round numbers with decimals to the nearest whole number.) Regardless of the lot size, it is not necessary to sample more than thirty bags.

Examples:

No. bags	7	10	23	50	100	200	300	400
in lots								
No. bags	6	6	7	10	15	25	30	30
to sample								

(c) For sampling bulk seed to obtain a composite sample, take at least as many cores or handfull as if the same quantity of seed were in bags of an ordinary size. Take the cores or handfull from well-distributed points throughout the bulk.

(d) Seed in small containers must be sampled by taking entire unopened container in sufficient numbers to supply a minimum size sample as required in subsection (4) of this section. The contents of a single container or the combined contents of multiple containers of the same lot must be considered representative of the entire lot of seed sampled.

(4) Minimum weights of seed samples are defined in chapter 16-303 WAC, Schedule of testing, certification and other fees.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-095, filed 12/4/00, effective 1/4/01.]

PART 2 - SEED ARBITRATION

WAC 16-301-100 Matters subject to mandatory arbitration. A civil dispute is subject to arbitration under these rules if it involves a claim of damage caused by the failure of any seed covered by the provisions of chapter 15.49 RCW, seeds, to perform as represented on the required label, by warranty, or as a result of negligence. This arbitration is a prerequisite to maintaining a legal action against the dealer of the seed. All the following conditions must be met:

(1) The parties have not agreed to submit the dispute to arbitration and to be bound by the arbitration award.

(2) The claim or counterclaim where relief is sought is, or includes, a monetary amount in excess of two thousand dollars.

(3) Any statutory period of limitations with respect to such claim had not expired.

(9/8/11)

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-100, filed 12/4/00, effective 1/4/01.]

WAC 16-301-105 Filing of a complaint for arbitration. To submit a demand for mandatory arbitration, a buyer shall make and file with the director of the department a sworn complaint against the seed dealer.

(1) Such complaint shall contain:

(a) A statement setting forth the nature of the claim and damages.

(b) The dollar amount involved in the claim.

(c) The remedy sought.

(2) The complaint must be accompanied by a filing fee of one hundred dollars to cover the costs of processing the complaint.

(3) The buyer shall send the dealer that is the subject of the complaint a copy of the complaint by registered mail.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-105, filed 12/4/00, effective 1/4/01.]

WAC 16-301-110 Requirement to respond to complaint. Within twenty days within receipt of the sworn complaint, the seed dealer shall file an answer to the complaint with the director by United States registered mail.

(1) If no answer is filed within the stated time:

(a) It will be deemed that the claim is denied.

(b) The failure to file a timely response will be recorded and made a part of the official record.

(2) Failure to file a timely response shall not operate to delay the arbitration process.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-110, filed 12/4/00, effective 1/4/01.]

WAC 16-301-115 Acceptance of filing by telefax. Complaints, responses to complaints, counterclaims and other communications from parties to the dispute to the committee may be transmitted electronically by telefax except where this chapter specifically requires transmission by registered mail. Such transmissions shall be regarded with the same validity as if sent by United States mail.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-115, filed 12/4/00, effective 1/4/01.]

WAC 16-301-120 Arbitration committee. The director shall create a seed arbitration committee composed of five members, including the director, or a department of agriculture employee as his or her designee, and four members. Four alternates shall also be appointed by the director according to the requirements of RCW 15.49.111.

(1) Each alternate member shall serve only in the absence of the member for whom the person is an alternate.

(2) The arbitration committee shall elect a chairperson and a secretary from among its members.

(a) The chairperson shall conduct meetings and deliberations of the committee and direct its other activities.

(b) The secretary shall keep accurate records of all meetings and deliberations and perform other duties as assigned by the chairperson.

(3) The committee shall be called into session at the direction of the director or the chairperson.

(4) The members of the committee shall receive no compensation for their duties but shall be reimbursed for travel expenses according to established state travel and per diem rates. Expense reimbursement shall be borne equally by the parties to the arbitration.

(5) A committee member, delegated with investigative responsibilities outside of the hearing under WAC 16-318-395, may not participate in making the final decision and award.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-120, filed 12/4/00, effective 1/4/01.]

WAC 16-301-125 Referral to arbitration committee.

Within fifteen days of the receipt of the answer or forty-five days of the receipt of a complaint, the director shall refer the claim to the seed arbitration committee established by RCW 15.49.101 for investigation, finding and recommendation. The buyer and seller shall be notified by certified mail:

(1) That the claim has been submitted to the arbitration committee.

(2) The names of the members of the arbitration committee and the alternates. Within ten days after receipt of notification from the director, either buyer or seller may petition the director that a member of the arbitration committee be disqualified for cause and replaced by an available alternate member: Provided, That either buyer or seller may petition the director at any time during the process upon discovering facts that establish grounds for disqualification. Such decision shall be solely at the discretion of the director.

(3) No person may serve on the committee in any arbitration where he or she has a financial or personal interest in the result of the arbitration unless the parties, in writing, waive such disqualification.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-125, filed 12/4/00, effective 1/4/01.]

WAC 16-301-130 Scheduling of hearing. The chairperson of the arbitration committee shall fix the time and place for each hearing and shall notify each party in writing of the scheduled hearing at least seven days in advance of the hearing date.

(1) Such notice shall include:

(a) The names and addresses of the parties to whom notice has been given.

(b) The address and telephone number of the chairperson of the arbitration committee.

(c) The names and addresses of the members of the arbitration committee.

(d) The date, time, place, and subject of the hearing.

(e) A statement of the legal authority under which the hearing is being held including the sections of statute and rules involved.

(2) To the extent possible, the chairperson of the arbitration committee shall attempt to schedule the hearing at a time and place mutually agreeable to the parties: Provided, That if a mutually agreeable time and place cannot be found, the chairperson may set the time and place.

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(3) The chairperson of the committee may allow all or a part of the hearing to be conducted by telephone, or other electronic means when the rights of the parties will not be prejudiced thereby and each party has an opportunity to participate.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-130, filed 12/4/00, effective 1/4/01.]

WAC 16-301-135 Representation by counsel. Any party in the arbitration may be represented by counsel. A party intending to be so represented shall notify the other party and the committee chairperson of the name and address of the counsel at least three days in advance of the hearing at which the counsel is first scheduled to appear. When arbitration is initiated on behalf of a buyer by counsel or when a dealer replies through a counsel, such notice shall be deemed to have been given. The director shall make provision for legal support through the office of the attorney general, as requested by the arbitration committee.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-135, filed 12/4/00, effective 1/4/01.]

WAC 16-301-140 Waiver of oral hearing. The parties may provide, by written agreement submitted to the chairperson, that the hearing shall be conducted on the pleadings submitted without oral argument or testimony.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-140, filed 12/4/00, effective 1/4/01.]

WAC 16-301-145 Record of the hearing. The secretary of the arbitration committee shall maintain summary minutes of the hearing and shall provide for a recording of all oral proceedings. Any party may request copies of all recordings or transcription of testimony. The costs of duplication, transcription and mailing shall be entirely borne by the requesting party.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-145, filed 12/4/00, effective 1/4/01.]

WAC 16-301-150 Attendance at hearings. The hearing shall be open to the parties to the dispute and other persons having a financial interest. The committee chairperson shall have the authority to require that any witness or witnesses retire from the hearing during the testimony of other witnesses. The admission of other persons to the arbitration hearing shall be at the discretion of the chairperson of the arbitration committee.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-150, filed 12/4/00, effective 1/4/01.]

WAC 16-301-155 Committee investigation. Upon referral of a complaint for investigation to the committee, the arbitration committee shall make a prompt and full investigation by the proceedings specified in this chapter of the matters in the complaint, and report its award to the director within sixty days of such referral, unless the parties in the dis-

pute agree in writing to the chairperson to a later date: Provided, That if the committee decides to grow a representative sample of the seed that sixty-day period shall be extended an additional thirty days.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-155, filed 12/4/00, effective 1/4/01.]

WAC 16-301-160 Evidence. The parties may produce such evidence as they desire and such additional evidence as the arbitration committee may deem necessary to understand the dispute and determine an award. The committee shall be the judge of the admissibility and relevance of all evidence offered. Conformity to strict legal rules of evidence shall not be required. All evidence shall be taken in the presence of the parties concerned, except where a party has waived that right or is absent after receiving proper notice.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-160, filed 12/4/00, effective 1/4/01.]

WAC 16-301-165 Evidence by affidavit. Evidence may be submitted for consideration of the arbitration committee in the form of witness by affidavit. The committee shall consider such evidence and give to it only such weight as the committee deems appropriate after consideration of any objections made to its admission. All parties shall be entitled to examine such documents and shall be entitled to a copy upon request and payment of duplication and mailing costs.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-165, filed 12/4/00, effective 1/4/01.]

WAC 16-301-170 Discovery. Use of discovery is limited in mandatory arbitration cases.

(1) The following types of discovery may be requested of the arbitration committee:

- (a) Deposition.
- (b) Written interrogatories.
- (c) Request for production of documents.

(2) The arbitration committee may allow and condition use of discovery on a showing of necessity and an unavailability by other means.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-170, filed 12/4/00, effective 1/4/01.]

WAC 16-301-175 Arbitration in the absence of a party. The arbitration may proceed in the absence of any party who, after due notice, fails to be present or fails to request an adjournment or postponement. An award may not be made solely on the failure to appear. The arbitration committee, in these cases, shall require the party who is present to present such evidence or information as the committee deems necessary to determine an award.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-175, filed 12/4/00, effective 1/4/01.]

(9/8/11)

WAC 16-301-180 Order of proceedings. When an oral hearing is held, the order of procedure for conducting arbitration hearings shall be as follows:

(1) The chairperson shall open the hearing on behalf of the committee stating the place, time and date of the hearing; the members of the arbitration committee and the parties to the arbitration and their counsel, if any; and recital of the buyer's claim, any counterclaim, and the dealer's response, if any.

(2) The parties shall have the opportunity to present an opening statement.

(3) The complaining party shall have the opportunity to present the claim for damages, the proof and witnesses and shall submit to questions and other examination by the arbitration committee.

(4) The defending party shall present the defense and his or her proof including witnesses and shall submit to questions or other examination by the arbitration committee.

(5) Each party shall have the right of cross-examination.

(6) The arbitration committee may vary this procedure: Provided, That both parties are provided a full and equal opportunity to present their evidence and proofs.

(7) The names and addresses of all witnesses shall be recorded and made a part of the record.

(8) Both parties shall have an opportunity to present a summary statement.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-180, filed 12/4/00, effective 1/4/01.]

WAC 16-301-185 Expert evidence and performance tests. The committee may delegate one of its members to seek advice from experts in the seed industry and/or the seed inspection service of the department of agriculture or the Washington State Crop Improvement Association; may cause to be obtained and grow out a representative sample of the seed; may delegate a portion of the investigation to one of its members who reports back to the committee as a whole at the hearing; or may cause to be performed such other tests of seed quality as may be deemed necessary to render a decision. The results of any such investigation or tests shall be entered into the record at the arbitration hearing. The costs of any such tests necessary to determine an award shall be considered in the award.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-185, filed 12/4/00, effective 1/4/01.]

WAC 16-301-190 Conservation of property. The chairperson, on behalf of the arbitration committee, may issue such orders as may be deemed necessary to safeguard the seed and/or the crop in the field that is the subject of the dispute without prejudice to the rights of the parties or to the final determination of the dispute.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-190, filed 12/4/00, effective 1/4/01.]

WAC 16-301-195 Reopening of a hearing. An arbitration hearing may be reopened by the following:

(1) The chairperson of the arbitration committee with the assent of a majority of the committee members may reopen a hearing.

(2) A hearing may be reopened by the chairperson with assent of a majority of the committee upon petition of either party prior to the final committee report.

(3) A hearing may not be reopened if such action would cause the sixty-day time limit as defined in WAC 16-301-155 (ninety days with a grow out test) to be exceeded without the written consent of both parties.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-195, filed 12/4/00, effective 1/4/01.]

WAC 16-301-200 Expenses. The expenses for witnesses for either side shall be borne entirely by the party producing such witnesses. The expenses of expert witnesses deemed necessary by the committee shall be borne by the department according to established state travel and per diem rates. The costs of grow out tests or other tests that may be required that exceed the amount of the filing fee may be allocated by the committee in making the award.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-200, filed 12/4/00, effective 1/4/01.]

WAC 16-301-205 Arbitration committee report. The arbitration committee shall prepare a written report of its findings within the established time frames. The report shall include findings of fact and conclusions, the award and allocations as to costs, if any.

(1) If a quorum is present, a simple majority of the arbitration committee shall be sufficient to make a decision.

(2) Any member disagreeing with an award may prepare a dissenting opinion and that opinion shall be included in the committee report.

(3) The report shall be sent to the director.

The director shall promptly send copies of the report to the parties by registered mail.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-205, filed 12/4/00, effective 1/4/01.]

WAC 16-301-210 Award upon settlement. If the parties to a dispute settle that dispute during the course of an arbitration, the committee, at the request of the parties, may set forth the terms of the agreed settlement in the award.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-210, filed 12/4/00, effective 1/4/01.]

PART 3 - PHYTOSANITARY FIELD INSPECTIONS

WAC 16-301-215 Definition of a phytosanitary certificate. A phytosanitary certificate is a certificate stating that a specific crop was inspected a predetermined number of times and a specified disease was not found; or a certificate is based on area surveillance stating that a specific disease, as far as known, does not occur in the area of production.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-215, filed 12/4/00, effective 1/4/01.]

WAC 16-301-220 Apply for a phytosanitary field inspection. (1) On an application provided by the department seed program, a person requesting a phytosanitary field inspection must provide a list of the disease or diseases for which inspection is requested. Only one kind of crop is permitted on each application. Applications must be submitted to the department seed program before the due date. Refer to chapter 16-303 WAC for the appropriate fees.

(2) Due dates for phytosanitary applications for field inspections are as follows:

- (a) **Western Washington**
 - (i) Fall plantings April 15
 - (ii) Spring plantings June 1
- (b) **Eastern Washington**
 - Fall plantings April 15
 - (i) Spring planted annual crops except corn (21 days after planting)
 - (ii) Corn and all perennial crops June 1

(3) Phytosanitary applications for crops requiring a fall inspection are due 30 days prior to inspection time and not later than September 15.

(4) To be eligible for *Pseudomonas pisi*, phytosanitary field inspection for peas or other diseases based on area surveillance, the applicant must file a report with the department seed program listing acreage and general location (such as block and unit if possible) prior to May 1.

(5) Applications received after the due date are assessed a late fee. Acceptance of a late application is at the discretion of the certifying agency.

(6) Each applicant must submit applications and/or required reports stating diseases for which inspection is to be made and the number of inspections required and/or requested.

[Statutory Authority: RCW 15.49.310 and chapter 34.05 RCW. WSR 07-09-005, § 16-301-220, filed 4/4/07, effective 5/5/07. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-220, filed 12/4/00, effective 1/4/01.]

WAC 16-301-225 Land and production requirements for a seed phytosanitary field inspection. (1) For a seed field to be eligible for a phytosanitary field inspection, the field must:

(a) Prior to planting a bean field the seed used must be in compliance with the quarantine requirements found in chapter 16-301 WAC in order to be accepted for phytosanitary certification. Any phytosanitary field application submitted without proof of quarantine compliance will not be accepted into the program. Any field planted in violation of chapter 16-301 WAC will be subject to the procedures in WAC 16-301-435, 16-301-440, and 16-301-485.

(b) Not be planted to the same crop within the past three years if that crop was known to be contaminated with the spe-

cific disease or diseases listed in the application for phytosanitary field inspection;

(c) Have clean, cultivated boundaries.

(2) Excessive weeds, poor stands, lack of vigor, or any other condition which is likely to make inspection inaccurate may be cause for rejection.

(3) Additional land and/or production requirements for a phytosanitary field inspection may be adopted after consultation with industry representative and area specialist for the specific disease and/or crops listed in the phytosanitary field inspection application.

(4) The department may require a laboratory (serology) test and/or a greenhouse test or other testing methods.

(5) The combined results of a field inspection and laboratory (serology), greenhouse tests and/or other testing methods, when required or available, may be used to determine final eligibility for a phytosanitary certificate.

(6) An official five pound sample is required from each ten thousand pounds of seed or portion thereof for serology testing.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-225, filed 12/4/00, effective 1/4/01.]

WAC 16-301-230 Phytosanitary field inspection requirements for peas. (1) Specific diseases of peas for which a phytosanitary certificate will be issued are:

(a) *Pseudomonas pisi* (Sackett);

(b) Pea seed-borne mosaic virus - Based on two field inspections.

(2) For pea seed to be eligible for a phytosanitary certificate stating freedom from *Pseudomonas pisi* (Sackett) the following applies:

(a) The seed field must be free of the disease as determined by the department with an area inspection of at least ten percent of the acreage. The department shall conduct a survey of county extension agents, extension pathologists, and plant pathologists at experiment stations and Washington State University.

(b) The applicant of a phytosanitary field inspection desiring production eligible seed must make inspections of the fields throughout the growing season. If symptoms of the disease are found, the finding must be immediately reported to the department seed program.

(c) At the end of the growing season, but not later than September 1, each applicant must file a report with the department seed program. The report must contain information on the field inspections made by the applicant during the growing season and whether the disease was observed.

(d) The field must be free of the disease as determined by the department with one field inspection made during the growing stage most optimum for detecting of the disease.

(3) For pea seed to be eligible for a phytosanitary certificate stating freedom from pea seed-borne mosaic virus, the field must be free of the disease as determined by the department with one inspection at two to four weeks after seedling emergence, and a second inspection one to two weeks before dry pod stage.

(4) The department recommends that breeding nurseries, isolation nurseries, and/or small seed-increase plots be

entered for inspection for freedom from *Pseudomonas pisi* (Sackett).

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-230, filed 12/4/00, effective 1/4/01.]

WAC 16-301-235 Phytosanitary field inspection requirements for beans. (1) Specific bacterial diseases of beans for which phytosanitary certificates may be issued are:

(a) Halo blight - *Pseudomonas phaseolicola* (Burk.) Dows.

(b) Common bean blight - *Xanthomonas phaseoli* (E.F. Sm.) Dows.

(c) Fuscous blight - *Xanthomonas phaseoli* var. *fuscans* (Burk.)

(d) Bean bacterial wilt - *Corynebacterium flaccumfaciens* (Hedges) Dows.

(e) Or any varieties or new strains of these diseases.

(f) Brown spot disease - *Pseudomonas syringae*.

(g) Bean anthracnose - *Colletotrichum lindemuthianum*.

(h) Seed-borne viral diseases.

(2) For beans to be eligible for a phytosanitary certificate covering the bacterial diseases listed in subsection (1) of this section the following provisions apply:

(a) Common bean must be free of the diseases as determined by the department with a field inspection during the growing season and by a windrow inspection. A serology test and greenhouse test may be accepted in lieu of a windrow inspection at the discretion of the department.

(b) Pintos, red mexicans, pinks, great northerns, small whites, navy beans, and black turtle beans may be grown for an unlimited number of generations under rill or sprinkler irrigation.

(c) Kidney beans, cranberry types, Taylor horticultural, and Borlotto types may be grown for an unlimited number of generations under rill irrigation or for one generation under rill irrigation and, subsequently, for two generations under sprinkler irrigation. The fourth and unlimited subsequent generations may be grown and inspected with the same alternation of irrigation types.

(d) A field planted must be free of halo blight the previous two years of planting.

(e) Seed fields must be 1,320 feet from an incident of disease. The department recommends that equipment be disinfected between fields.

(3) At least two field inspections of beans are required for bacterial diseases listed in subsection (1) of this section:

(a) The first inspection is conducted by the department when factors effecting diseases are most evident.

(b) The second inspection is conducted by the department when the plants are in the windrow.

(4) All bean seed entered into the phytosanitary inspection program must comply with the bean seed quarantine rules. See chapter 16-301 WAC.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-235, filed 12/4/00, effective 1/4/01.]

WAC 16-301-240 Phytosanitary field inspection requirements for other seed crops and diseases. (1) Phytosanitary certificates may be issued covering other seed

crops and other diseases not listed in sections WAC 16-301-215 through 16-301-235 depending upon occurrence, symptoms, and hosts. Inspection procedures and requirements for issuing phytosanitary certificates are determined after consultation with area specialists.

(a) To be eligible for phytosanitary field inspection, a person must submit an application to allow adequate time to develop procedures and requirements.

(b) Only one field inspection will be provided unless it is determined that it is necessary to make inspections at different times during the growing season to detect symptoms of the disease in question.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-240, filed 12/4/00, effective 1/4/01.]

PART 4 - QUARANTINES

Annual Bluegrass Quarantine

WAC 16-301-245 Annual bluegrass quarantine—Establishing quarantine. The seeds of the weed known as annual bluegrass, *Poa annua* and its known strains, hereinafter referred to as annual bluegrass, are objectionable in grass seed; therefore, an annual bluegrass quarantine is established to prevent the introduction of annual bluegrass into grass seed production areas, to control seed stocks to be planted for further seed increase, and to assure grass seed growers of a source of seed stock for planting purposes which is tested for presence of annual bluegrass.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-245, filed 12/4/00, effective 1/4/01.]

WAC 16-301-250 Annual bluegrass quarantine—Definitions. Definitions for terms in this chapter may be found in chapter 15.49 RCW and WAC 16-301-005, except for the purposes of WAC 16-301-255 through 16-301-295, the following definitions shall apply:

(1) "Annual bluegrass" means *Poa annua* and all related subspecies and hybrids.

(2) "Seed stock" means those seeds of turf type grasses which are to be planted for seed increase or with intent of seed increase.

(3) "Annual bluegrass analysis certificate" means a test report from an official seed laboratory showing freedom from annual bluegrass based on a ten gram sample for bentgrass or redtop; and a twenty-five gram sample for other turf type grasses.

(4) "Quarantine tag" means a tag issued by Washington state department of agriculture to be sealed to each bag showing said seed has met quarantine requirements.

[Statutory Authority: RCW 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-06-019, § 16-301-250, filed 2/23/04, effective 3/26/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-250, filed 12/4/00, effective 1/4/01.]

WAC 16-301-255 Annual bluegrass quarantine—Regulated area. Areas regulated under the annual bluegrass quarantine include all areas of the state of Washington lying east of the Cascade Crest.

[Ch. 16-301 WAC p. 14]

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-255, filed 12/4/00, effective 1/4/01.]

WAC 16-301-260 Annual bluegrass quarantine—Quarantine area. Areas quarantined under the annual bluegrass quarantine include all areas of the state of Washington lying west of the Cascade Crest and all areas outside of the state of Washington.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-260, filed 12/4/00, effective 1/4/01.]

WAC 16-301-265 Annual bluegrass quarantine—Regulated articles. Articles regulated under the requirements of the annual bluegrass quarantine include seed stocks of all turf type grass species, such as, but not limited to, Kentucky bluegrass, ryegrass and red and chewings fescue.

[Statutory Authority: RCW 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-06-019, § 16-301-265, filed 2/23/04, effective 3/26/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-265, filed 12/4/00, effective 1/4/01.]

WAC 16-301-270 Annual bluegrass quarantine—Conditions governing movement of regulated articles. (1) No seed stock may be shipped, transported, moved within, or into the annual bluegrass quarantine regulated area unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of annual bluegrass on the basis of a minimum ten gram analysis for bentgrass and a minimum of twenty-five gram analysis for other grasses except that seed stock found to contain annual bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the state department of agriculture.

(2) This quarantine shall not apply to seed sown for forage or turf. This quarantine shall not apply to range, reclamation, or forage type seed production fields.

(3) This quarantine shall not apply to:

(a) Experiments or trial grounds of the United States Department of Agriculture;

(b) Experiments or trial grounds of Washington State University experiment station; or

(c) Trial grounds of any person, firm, or corporation; provided said trial ground plantings are approved by the director and under supervision of technically trained personnel familiar with annual bluegrass control.

(4) Any person shipping, moving or transporting any seed stock for planting purposes in or into the regulated area that is not tagged with official "annual bluegrass quarantine" tags or a test report showing freedom of annual bluegrass as allowed in subsection (1) of this section must:

(a) State where and when seed stock can be sampled for the required annual bluegrass test; or

(b) Attach a copy of the official laboratory analysis showing freedom from annual bluegrass; or

(c) Submit a representative sample for testing.

[Statutory Authority: RCW 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-06-019, § 16-301-270, filed 2/23/04, effective 3/26/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-270, filed 12/4/00, effective 1/4/01.]

(9/8/11)

WAC 16-301-275 Violations and penalty. Any person who violates the terms of the annual bluegrass quarantine rules may be subject to the criminal and/or civil penalties provided in chapters 15.49 and/or 17.24 RCW.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-275, filed 12/4/00, effective 1/4/01.]

WAC 16-301-280 Annual bluegrass quarantine—Procedure for clearing. (1) Each person moving, shipping or transporting seed stock within or into the annual bluegrass quarantine regulated area must:

- (a) Submit an official laboratory analysis of a representative sample showing freedom from annual bluegrass; or
- (b) Submit a representative sample for testing.

(2) Upon receipt of an official laboratory analysis showing freedom from annual bluegrass, the department of agriculture shall tag each bag of those lots found free of annual bluegrass by the required test with "annual bluegrass quarantine" tag, stating said seed is eligible for planting in Eastern Washington.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-280, filed 12/4/00, effective 1/4/01.]

WAC 16-301-285 Annual bluegrass quarantine—Seed stock containing annual bluegrass. Each lot of seed stock found to contain annual bluegrass must be placed under "stop sale" to be released only for shipment out of the quarantine area or for planting in nurseries of two acres or less under the supervision of, and approved by, an agent of the department of agriculture. The nursery must be seeded in rows. It is the duty of the person receiving seed stock containing annual bluegrass to rogue this increase area or chemically treat to eradicate the annual bluegrass thus assuring production of seed that is free of annual bluegrass. Seed increase areas are inspected by the department at least three times during the seedling year. Any areas not passing inspection must not be harvested, but instead destroyed by the person who planted the increase area upon order of the director of the Washington state department of agriculture or his agent. If not destroyed as directed, the department of agriculture may have the plot destroyed and the grower is liable for all expenses.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-285, filed 12/4/00, effective 1/4/01.]

WAC 16-301-290 Annual bluegrass quarantine—Application for nursery inspection—Sampling and analysis. (1) A person must make application for nursery inspection for annual bluegrass to the department of agriculture not later than fourteen days prior to planting.

(2) Fees for sampling, analysis and nursery inspection for the presence of annual bluegrass is that fee established by the department. Refer to chapter 16-303 WAC for fees.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-290, filed 12/4/00, effective 1/4/01.]

WAC 16-301-295 Annual bluegrass quarantine—Violation procedures. (1) A person who is alleged to have

violated the annual bluegrass quarantine must meet with a representative of the department to determine:

- (a) If a violation actually occurred;
- (b) How it did occur, and what corrective measures can be taken to avoid reoccurrence;
- (c) How much acreage is involved and location of all plantings.

(2) Corrective procedures may be agreed upon, such as roguing, chemical treatment, etc., and the time frame for such work, or agreement for voluntary destruction of all acreage involved.

(3) Treated and rogued acreage is inspected by department of agriculture three times during the seedling stages to assure freedom from annual bluegrass. The violator is assessed an hourly inspection fee and a mileage fee where additional mileage is involved.

(4) Failure to mutually agree, or failure to comply with these procedures, or if it is determined the violation was willful, may be subject to the criminal and/or civil penalties provided in chapters 15.49 and/or 17.24 RCW.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-295, filed 12/4/00, effective 1/4/01.]

Rough Bluegrass Quarantine

WAC 16-301-305 Rough bluegrass quarantine—Establishing quarantine. The seeds of the crop known as rough bluegrass, *Poa trivialis* and its known strains, hereinafter referred to as rough bluegrass, is a threat to grass seed production; therefore, a rough bluegrass quarantine is established to prevent the introduction of rough bluegrass into major grass seed production areas, to control seed stocks to be planted for further seed increase, and to assure grass seed growers of a source of seed stock for planting purposes which is tested for presence of rough bluegrass. If grass seed becomes contaminated with rough bluegrass grass seed, there would be a significant economic loss to grass growers in the state.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-305, filed 12/4/00, effective 1/4/01.]

WAC 16-301-310 Rough bluegrass quarantine—Definitions. Definitions for terms in this chapter may be found in chapter 15.49 RCW and WAC 16-301-005, except for the purposes of WAC 16-301-305 through 16-301-355, the following definitions shall apply:

(1) "Rough bluegrass" means *Poa trivialis* and all related subspecies.

(2) "Seed stock" means those seeds of turf type grasses which are to be planted for seed increase or with intent of seed increase.

(3) "Rough bluegrass analysis certificate" means a test report from an official seed laboratory showing freedom from rough bluegrass based on a twenty-five gram sample.

[Statutory Authority: RCW 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-06-019, § 16-301-310, filed 2/23/04, effective 3/26/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-310, filed 12/4/00, effective 1/4/01.]

WAC 16-301-315 Rough bluegrass quarantine—Regulated area. Areas regulated under the rough bluegrass quarantine include all counties in the state of Washington lying east of the Cascade Crest.

(1) This quarantine shall not apply to:

(a) Experiments or trial grounds of the United States Department of Agriculture;

(b) Experiments or trial grounds of Washington State University experiment station; or

(c) Trial grounds of any person, firm, or corporation except that the trial ground plantings are approved by the director and under supervision of trained personnel familiar with rough bluegrass control.

(2) This quarantine shall not apply to seed production fields of rough bluegrass grown in Yakima County and that part of Benton County that lies within the Yakima River drainage.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-315, filed 12/4/00, effective 1/4/01.]

WAC 16-301-320 Rough bluegrass quarantine—Quarantine area. Areas quarantined under the rough bluegrass quarantine include all counties in the state of Washington lying west of the Cascade Crest and all areas outside of the state of Washington.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-320, filed 12/4/00, effective 1/4/01.]

WAC 16-301-325 Rough bluegrass quarantine—Regulated articles. Articles regulated under the requirements of the rough bluegrass quarantine include:

(1) Seed stocks of all varieties of all turf type grasses.

(2) Seed production fields of rough bluegrass.

(3) Rough bluegrass sown for forage or turf.

(4) Regulated articles are not to include seed stock of species that are commonly used for range, reclamation or forage purposes.

[Statutory Authority: RCW 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-06-019, § 16-301-325, filed 2/23/04, effective 3/26/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-325, filed 12/4/00, effective 1/4/01.]

WAC 16-301-330 Rough bluegrass quarantine—Conditions governing movement of regulated articles. No seed stock of turf type grasses may be shipped, transported, moved within, or into the rough bluegrass quarantine regulated area unless such seed stock is accompanied by a test report from an official laboratory showing said seed stock is free of rough bluegrass on the basis of a minimum twenty-five gram analysis, except that seed stock found to contain rough bluegrass may be planted in the regulated area if planted in a nursery under an inspection program as established by the Washington state department of agriculture.

[Statutory Authority: RCW 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-06-019, § 16-301-330, filed 2/23/04, effective 3/26/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-330, filed 12/4/00, effective 1/4/01.]

WAC 16-301-335 Rough bluegrass quarantine—Procedure for clearing seed stocks. Each person moving,

shipping or transporting seed stock of turf type grasses in or into the rough bluegrass quarantine regulated area must:

(1) Submit an official laboratory analysis of a representative sample showing freedom from rough bluegrass; or

(2) Submit a representative sample for testing.

[Statutory Authority: RCW 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-06-019, § 16-301-335, filed 2/23/04, effective 3/26/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-335, filed 12/4/00, effective 1/4/01.]

WAC 16-301-340 Rough bluegrass quarantine—Seed stock containing rough bluegrass. Each lot of seed stock found to contain rough bluegrass must be placed under "stop sale" to be released only for shipment out of the quarantine area or for planting in nurseries of two acres or less under supervision of, and approved by, an agent of the department of agriculture. The nursery must be seeded in rows. It is the duty of the person receiving such seed to rogue this increase area or chemically treat to eradicate the rough bluegrass thus assuring production of seed that is free of rough bluegrass. Seed increase areas are inspected by the department at least three times during the seedling year. Any areas not passing inspection must not be harvested, but instead must be destroyed by the person who planted the increase area upon order of the director of the Washington state department of agriculture or his/her agent. If not destroyed as directed, the department of agriculture may have the plot destroyed and the grower shall be liable for all expenses.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-340, filed 12/4/00, effective 1/4/01.]

WAC 16-301-345 Rough bluegrass quarantine—Application for nursery inspection. A person must make application for nursery inspection for rough bluegrass to the department of agriculture not later than fourteen days prior to planting.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-345, filed 12/4/00, effective 1/4/01.]

WAC 16-301-350 Rough bluegrass quarantine—Fees. Fees for sampling, analysis and nursery inspection for the presence of rough bluegrass is that fee established by the director in chapter 16-303 WAC.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-350, filed 12/4/00, effective 1/4/01.]

WAC 16-301-355 Rough bluegrass quarantine—Violation and procedures. (1) A person who is alleged to have violated the rough bluegrass quarantine must meet with a representative of the department to discuss the allegation and determine:

(a) How it occurred;

(b) How much acreage is involved and location of all plantings;

(c) Corrective procedures, such as roguing, chemical treatment, etc., and the time frame for such work, or agreement for voluntary destruction of all acreage involved to avoid recurrence and minimize economic loss.

(2) Treated and rogued acreage is inspected by the department of agriculture three times during the seedling stages to assure freedom from rough bluegrass. The violator is assessed an hourly inspection fee and a mileage fee where additional mileage is involved.

(3) Any person who violates the terms of this quarantine may be subject to the criminal and civil penalties provided in chapters 15.49 and/or 17.24 RCW.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-355, filed 12/4/00, effective 1/4/01.]

Bean Seed Quarantine

WAC 16-301-365 Bean seed quarantine—Establishing quarantine. The production of edible beans and bean seed is an important industry in the state of Washington. The economic well-being of that industry is threatened by the introduction of bean seed contaminated with bean, bacterial, fungal and seed-borne viral pathogens. The director has determined that a quarantine is needed to protect the Washington dry bean industry and to provide the bean growers of this state a source of bean seed for planting purposes that is tested for the presence of these diseases.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-08-043, § 16-301-365, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-365, filed 12/4/00, effective 1/4/01.]

WAC 16-301-370 Definitions. Definitions for terms in this chapter may be found in chapter 15.49 RCW and chapter 16-301 WAC, the general seed certification rules except for the purposes of WAC 16-301-365 through 16-301-440, the following definitions shall apply:

(1) "Approved trial grounds" means a specific parcel of land approved by the director for experimental or limited production or increase of bean seed.

(2) "Dominant I-gene cultivar" means a cultivar which has resistance to all known strains of bean common mosaic virus (B.C.M.V.) due to the presence of the dominant I-gene. Dominant I-gene cultivars will not show mosaic mottle symptoms or transmit the virus through seed when inoculated with any strain of B.C.M.V.

(3) "Recessive I-gene cultivar" means a cultivar which may be susceptible to some strains of bean common mosaic virus and may show mosaic mottle symptoms.

(4) "Diseases" means those viral, fungal and bacterial diseases of beans enumerated in WAC 16-301-380 and any new variations or strains of these identified in the future.

(5) "Quarantine Area I" means all areas west of the Continental Divide except those counties within the state of Washington subject to internal quarantine and the states of Alaska and Hawaii.

(6) "Quarantine Area II" means areas east of the Continental Divide, the counties in the state of Washington subject to internal quarantine, the states of Alaska and Hawaii and foreign countries.

(7) "Seed-borne viral diseases" includes bean common mosaic virus, adzuki mosaic virus, and other similar viral dis-

eases causing mosaic mottle and other symptoms similar to those of bean common mosaic virus.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-370, filed 12/4/00, effective 1/4/01.]

WAC 16-301-375 Regulated articles. Seeds of common beans, *Phaseolus* sp., intended for planting purposes, bean plants and parts of plants, and crop residue from the harvest of infected beans are regulated under the provisions of this chapter.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-08-043, § 16-301-375, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-375, filed 12/4/00, effective 1/4/01.]

WAC 16-301-380 Regulated diseases. The following viral, bacterial and fungal diseases of beans, and any new strains or variations of these identified in the future, of beans are regulated under the provisions of this chapter:

Halo blight (*Pseudomonas syringae* pv. *phaseolicola* (Young et. al.))

Common bean blight (*Xanthomonas campestris* pv. *phaseoli* (Smith) Dye)

Fuscous blight (*Xanthomonas phaseoli* var. *fuscans* (Burk.))

Bean anthracnose disease (*Colletotrichum lindemuthianum* (Sacc. & Magn.) Scrib.)

Brown spot disease (*Pseudomonas syringae* pv. *syringae* (Van Hall)) strains virulently pathogenic to *Phaseolus*

Bean bacterial wilt (*Corynebacterium flaccumfaciens* ssp. *flaccumfaciens* (Hedges) Dows.)

Seed-borne viral diseases of beans, such as, but not limited to, bean common mosaic virus and its strains are regulated under the terms of this quarantine.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-08-043, § 16-301-380, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-380, filed 12/4/00, effective 1/4/01.]

WAC 16-301-385 Bean seed—Quarantined area. The entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom in the state of Washington, and all areas outside the state of Washington are established as a quarantine area. The quarantine area is further divided into two portions defined in WAC 16-301-370 (5) and (6) for the purposes of regulation.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-385, filed 12/4/00, effective 1/4/01.]

WAC 16-301-390 Bean seed—Regulated area. The entire counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima in the state of Washington are established as a protected area within the state.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-390, filed 12/4/00, effective 1/4/01.]

WAC 16-301-395 General requirements for planting bean seed in the regulated area. (1) No beans may be planted, sold, shipped, transported for seed purposes, or knowingly received in the regulated area which are found to be or are known to be contaminated with any disease listed in WAC 16-301-380 and must also comply with the requirements as listed in WAC 16-301-396.

(2) The department shall be notified in writing, prior to shipping, of any person's intent to ship, move, or transport any bean seed into the regulated area. All bean seed to be planted in the regulated area must have a Notice of Intent/Quarantine Compliance form filed with the WSDA seed program. A copy of the field inspection report or other proof of freedom from specified diseases based on one field inspection and one windrow inspection or negative results from an approved laboratory test must accompany this form. In addition, a copy of the laboratory analysis (ELISA) showing freedom from regulated viral diseases issued for that bean seed must accompany this Notice of Intent/Quarantine Compliance form. Proof of I-gene resistance may be provided in lieu of laboratory analysis (ELISA).

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-08-043, § 16-301-395, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-395, filed 12/4/00, effective 1/4/01.]

WAC 16-301-396 Additional requirements for planting bean seed in the regulated area relating to seed-borne viral diseases. Bean seed may be received for planting purposes, planted, sold, shipped, or transported if that seed meets one of the following criteria:

(1) The bean variety (cultivar) is known to be uniform for the dominant I-gene. Documentation of evidence of uniformity must accompany the seed shipment. Undocumented cultivars are subject to serology and/or grow out testing to determine freedom from bean seed-borne viral diseases.

(2) The bean seed has been tested by the serology method (ELISA) and is found to be free from bean seed-borne viral diseases.

(3) The bean seed is tested by the serology method and is found to be positive for seed-borne viral diseases and on a subsequent grow out test, the sample is found free from bean seed-borne viral diseases.

(4) All serology tests are based on an official five-pound sample of untreated bean seed for each fifty thousand pounds of bean seed or fraction thereof.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-08-043, § 16-301-396, filed 3/31/04, effective 5/1/04.]

WAC 16-301-400 Additional requirements for planting bean seed grown in the regulated area. (1) Bean seed must be entered into the Washington state bean phyto-sanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-302-045 and 16-301-235.

(2) When the director determines that an emergency condition exists because of a shortage of seed for planting pur-

poses, beans grown for processing as edible beans may be accepted for planting purposes if the lot has been tested by means recommended by the university and approved by the director and found to be apparently free of regulated diseases.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-400, filed 12/4/00, effective 1/4/01.]

WAC 16-301-410 Additional requirements for planting bean seed originating in quarantine Area I; areas west of the continental divide. (1) Bean seed from quarantine Area I must not be shipped, transported, or moved into the regulated area for planting unless the beans are accompanied by an official certificate showing that the beans are apparently free from the regulated diseases. Such certification shall be on the basis of at least one growing season field inspection and one windrow inspection and an approved laboratory/greenhouse test, which may include ELISA or other diagnostic screening for bacterial or fungal diseases.

(2) Bean seed planted for seed increase or with intention of seed increase must be planted in fields entered into either the Washington state bean seed phyto-sanitary certificate inspection program or the Washington state seed certification inspection program as provided in WAC 16-302-045 and 16-301-235.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-08-043, § 16-301-410, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-410, filed 12/4/00, effective 1/4/01.]

WAC 16-301-415 Additional requirements for planting bean seed originating in quarantine Area II; areas east of the continental divide and foreign countries. (1) Bean seed must first be planted into an approved trial ground that meets the requirements of the department.

(2) Bean seed, up to a maximum of one pound per variety, may be planted in an approved trial ground intended for research purposes, with notification to the department, seed program, of intent to plant and adherence to the inspection procedures in WAC 16-301-425 and such isolation and other requirements as the director may prescribe.

(3) Bean seed over one pound, intended for introduction or seed increase, must first be planted in an approved trial ground not to exceed fifteen acres for each variety. The trial ground must be isolated from other beans by 1/4 mile. In addition, prior to planting, this bean seed must pass a laboratory/greenhouse test as recommended by the university; notification must be given to the department, seed program, of intent to plant; and inspection procedures in WAC 16-301-425 must be complied with for trial grounds.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-08-043, § 16-301-415, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-415, filed 12/4/00, effective 1/4/01.]

WAC 16-301-420 Quarantine—Exceptions and exemptions. (1) Bean seed planted for harvest as green beans for cannery or freezing, otherwise in compliance with this quarantine, is not required to be entered into an inspection program except that the department reserves the right to

request complete listing and location of all the plantings and other information the department may deem necessary. Further, if at any time prior to harvest, the grower decides that the plantings are not to be harvested as green beans, the department must be notified and the plantings placed under an inspection program. In order for the plantings to be accepted into the inspection program, the plantings must be at a state of maturity that allows for the proper identification of regulated diseases.

(2) This quarantine does not apply to the shipment, movement, or transportation of beans prepackaged in packages of eight ounces or less for home garden use in the regulated area if the beans are free of diseases.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-08-043, § 16-301-420, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-420, filed 12/4/00, effective 1/4/01.]

WAC 16-301-425 Inspection procedures for trial grounds. (1) Applications for planting in a trial ground must be submitted to the department prior to May 15 of the growing year, and must include a detailed varietal planting plan, a description of the exact location of the trial ground and the manner of isolation.

(2) A minimum of three field inspections is made during the growing season and one windrow inspection.

(3) A disinfectant must be applied to machinery used in the production of bean seed and to footwear of personnel performing inspections prior to movement to other bean fields.

(4) If any regulated diseases are detected by field inspections or subsequent laboratory/greenhouse tests, no seed may be released for general planting but must again be planted in an approved trial ground for one additional year and undergo inspection procedures by the department.

[Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-425, filed 12/4/00, effective 1/4/01.]

WAC 16-301-430 Identification and disposition of diseased bean seed and infected bean fields. (1) Any bean field planted with seed in violation of the requirements of this quarantine is subject to destruction, in full or in part, or quarantined, as determined necessary by the director, to prevent the spread of regulated diseases. Any expenses of such actions will be solely that of the grower or their responsible agents.

(a) Fields that are placed under a quarantine order must be entered into the Washington state bean seed phyto-sanitary inspection program as provided in WAC 16-301-235 with all costs of inspection to be borne by the grower or the grower's agent.

(b) Fields that are placed under a quarantine order may be subject to additional requirements for inspection, control or isolation, as deemed necessary by the director, to prevent the spread of regulated diseases.

(2) Any bean field determined to be infected with a regulated disease must be reported within seventy-two hours after discovery to the department, seed program.

(3) The department encourages the aid of all interested parties, including growers and seed company representatives,

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in the prompt reporting of suspected infected bean fields in order that timely investigation may be made.

(4) Any bean fields within the boundaries of the regulated area which show contamination by a regulated disease, as provided in subsection (5) of this section, must be destroyed in part or in total as may be required to eliminate the disease, by or at the expense of the grower or their responsible agents. The director may authorize any other method of control at the director's discretion. The director must notify the grower, seed company representatives and/or the grower's landlord of the method and extent of the destruction and safeguards against disease spread in order for the parties to comply.

(5) The identity of a regulated disease on growing plants or plants in windrow is based on the observance of the visual symptoms of the disease. If the department deems it necessary to establish true identity or pathogenically, a laboratory and/or greenhouse test may be conducted by the department in cooperation with the university. Testing is subject to provisions provided in WAC 16-301-396 (3) and (4), the results of which will be used to determine final disposition.

(a) In cases of disagreement concerning the presence of a regulated disease between the department plant pathologist and a qualified plant pathologist representing the commercial company or grower, the definitive verification of identity or pathogenically must be determined by isolation of the suspected pathogen and inoculation of seedlings of a known susceptible host using accepted scientific and professional techniques.

(b) Until verification of the suspected pathogen as specified in this section is completed, the involved planting must be placed under quarantine for a period of thirty days subject to conditions and review or extension as determined by the director. Entry into the quarantined area is to be restricted to the grower or grower's agents, department employees, and/or persons authorized in writing by the director. Persons granted entry into the quarantined area will be required to take all necessary sanitary precautions as prescribed by the director to safeguard against the possible spread of the suspected regulated disease.

(6) The true identity of the regulated disease when found in or on seed is based on testing methods recommended by the university results of which, when positive, is evidence to identify the disease as being subject to the department's requirements. The owner of the seed, at owner's expense, may request verification of pathogenicity. Such verification must be made using accepted scientific and professional techniques.

(7) When the director determines that it is probable, based on visual symptoms and serological analysis, that a seed field may be infected with bean seed-borne viral diseases and determines that a threat of infection of other fields exists, the director may prescribe aphid control or other requirements, through a notice of destruction as provided in WAC 16-301-435, deemed necessary to prevent infection of adjacent properties.

(8) All bean seed that is determined to be contaminated by bean seed-borne viral diseases and which does not meet the requirements of WAC 16-301-395(2) must be destroyed or diverted to dry edible or other nonseed purposes. For seed that is diverted to dry edible or other nonseed purposes, doc-

umentation of disposition of the seed must be provided to the department of agriculture upon request.

(9) Exemptions and special situations:

(a) Any field of beans first found infected during wind-row inspection, is exempt from total destruction if the diseased portion and an area (not less than a fifty-foot radius) surrounding the infected site is promptly destroyed or harvested with the beans from the infected area directed, under department supervision, to processing. Seed from the remainder of the field must be tested by a serology test. Only seed apparently free from regulated diseases may be used for seed purposes in the regulated area.

(b) Any field of beans to be used only for dry edible purposes is exempt from destruction if the diseased portion of the field is destroyed and the entire crop residue is promptly and completely destroyed after harvest.

(c) Beans for processing or fresh consumption are exempt from destruction if the diseased portion of the field is destroyed or harvested within ten days after first detection and/or verification as provided in subsection (4) of this section and the crop residue is promptly and completely destroyed after harvest.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-08-043, § 16-301-430, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-430, filed 12/4/00, effective 1/4/01.]

WAC 16-301-435 Notice of destruction. When the director finds personal property planted in violation of the terms of this quarantine or infected as described in WAC 16-301-430, the director may issue a written notice of quarantine or destruction to the owners and occupants thereof. The notice must identify the property under quarantine, order the destruction of infested plants or prescribe the terms of entry, inspection, partial destruction and/or treatment of regulated articles. Any expenses of such actions will be solely that of the grower or their responsible agents.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-08-043, § 16-301-435, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-435, filed 12/4/00, effective 1/4/01.]

WAC 16-301-440 Penalties. (1) Any bean field planted with seed in violation of the requirements of this quarantine is subject to destruction, in full or in part, or quarantined, as determined necessary by the director, to prevent the spread or establishment of bean diseases.

(2) In addition to actions specified in WAC 16-301-430, any grower violating the terms of this quarantine, is subject to civil and/or criminal penalties provided in chapters 15.49 and/or 17.24 RCW.

[Statutory Authority: RCW 15.49.310, 17.24.011, 17.24.041 and chapter 34.05 RCW. WSR 04-08-043, § 16-301-440, filed 3/31/04, effective 5/1/04. Statutory Authority: RCW 15.49.005, 15.49.081, 15.49.310, 15.49.370(3) and chapter 17.24 RCW. WSR 00-24-077, § 16-301-440, filed 12/4/00, effective 1/4/01.]

Crucifer Seed Quarantine

WAC 16-301-490 Why is the department establishing a crucifer seed quarantine? The production of crucifer vegetable seed is an important industry in Washington state. The economic well-being of that industry is threatened by the introduction of crucifer seed infected with certain bacterial and fungal pathogens. In addition, certain crucifer species produce dormant seed that, if present in a seed lot will persist into subsequent cropping years. The resulting "volunteer" plants have the potential to become established as weeds in Washington state.

The director has determined that a quarantine is needed to protect the Washington crucifer vegetable seed industry from the introduction of seed infected with certain pathogens and from the introduction of crucifer seed containing dormant seed. The quarantine will provide the seed growers in this state with sources of crucifer seed that have been tested and proven to be free from harmful pathogens and, when appropriate, dormant seed.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-490, filed 12/21/05, effective 1/21/06.]

WAC 16-301-495 What definitions are important to understanding this chapter? Definitions for some terms in this chapter can be found in chapter 15.49 RCW and chapter 16-301 WAC. In addition, the following definitions apply to this chapter:

"Approved treatment methods" include hot water, hot chlorine or any other methods that can eliminate the presence of regulated pathogens.

"Crucifer" means all plants in the family Brassicaceae (also known as Cruciferae) and specifically includes all *Brassica* species, *Raphanus sativus* - Radish, *Sinapis alba* and other mustards.

"Crucifer production" means any planting of crucifer seed or seedlings for the purpose of producing seed, oil, commercial vegetables or cover crops.

"Crucifer seed" includes any part of a plant capable of propagation including, but not necessarily limited to, seeds, roots, and transplants.

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

"Director" means the director of the Washington state department of agriculture or the director's designee.

"Dormant seed" means viable true seed that displays a delay in or lack of germination when provided favorable germination conditions for the type of seed in question.

"Owner" means the person having legal ownership, possession or control over a regulated article covered by this chapter including, but not limited to, the owner, shipper, consignee, grower, seed dealer, landowner or their agent.

"Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

"Regulated area" means those geographic areas that are protected from the introduction of specified plant pests by the provisions of this quarantine.

"Seed lot" means a designated quantity of seed that is uniquely identified by a lot number.

"Seed program" means the Washington state department of agriculture seed program.

"Trial ground" means a specific parcel of land approved by the director for experimental or limited production or increase of crucifer seed and for planting seed lots whose quantity of seed is insufficient to allow for pathological testing.

"True seed" means a mature fertilized ovule consisting of an embryo, with or without an external food reserve enclosed by a seed coat.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-495, filed 12/21/05, effective 1/21/06.]

WAC 16-301-500 What crucifer articles are regulated by this chapter? (1) With the exception of the exemptions listed in WAC 16-301-525(4), all crucifer seed, seedlings, roots, or transplants intended for seed production, oil production, commercial vegetable production or cover crop use are regulated under the provisions of this chapter.

(2) This chapter also regulates crop residue remaining from the harvest of infected crucifer plants.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-500, filed 12/21/05, effective 1/21/06.]

WAC 16-301-505 What diseases are regulated by this chapter? (1) "Regulated diseases" means those bacterial and fungal diseases of crucifers listed in this section and any new variations or strains of these diseases.

(2) "Regulated pathogens" means those bacterial and fungal organisms identified as the casual agents for the diseases listed in this section.

(3) The following bacterial and fungal diseases of crucifers, and any new strains or variations of these diseases are regulated by this chapter:

Common Name	Scientific Name
Black leg of Crucifers	<i>Phoma lingam</i>
Black rot	<i>Xanthomonas campestris pv. campestris</i>

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-505, filed 12/21/05, effective 1/21/06.]

WAC 16-301-510 What seed must undergo dormancy testing? Any seed of a *Brassica* or *Sinapis* species whose primary uses for any nonvegetable use must be tested for the presence of dormant seed.

This testing must be done by either a single or paired germination test that demonstrates freedom of dormant seed.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-510, filed 12/21/05, effective 1/21/06.]

WAC 16-301-515 What is the quarantined area for this crucifer seed quarantine? (1) The quarantine area for the crucifer seed quarantine includes all Washington state counties except Clallam, Island, Lewis, Skagit, Snohomish, and Whatcom counties.

(2) Regulated articles imported into Washington state must comply with the regulations of this chapter before transported into the regulated area. No additional requirements apply within the quarantine area but all regulated articles trans-

ported into the regulated area must comply with the regulations of this chapter.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-515, filed 12/21/05, effective 1/21/06.]

WAC 16-301-520 What is the regulated area for this crucifer seed quarantine? The regulated area for this crucifer seed quarantine includes Clallam, Island, Lewis, Skagit, Snohomish, and Whatcom counties.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-520, filed 12/21/05, effective 1/21/06.]

WAC 16-301-525 What are the exemptions to the crucifer seed quarantine that apply within the regulated area? This crucifer quarantine does not apply to:

(1) Experiments or trial grounds of the United States Department of Agriculture;

(2) Experiments or trial grounds of a university such as but not limited to the University of Idaho or Washington State University research stations; or

(3) Trial grounds of any person, firm or corporation that are approved by the director and established in accordance with WAC 16-301-550.

(4) Shipments, movements, or transportation of:

(a) Prepackaged crucifer seed in packages of 1/2 ounce or less if the seeds are free of regulated diseases as required in WAC 16-301-530; or

(b) Vegetable seedlings offered for sale for home garden use in the regulated area if the seedlings are free of regulated diseases as required in WAC 16-301-530.

(5) Research, variety development, variety maintenance or other crucifer production where the entire crop cycle is confined within a building or greenhouse.

(6) Seed lots with a maximum weight of five pounds that were in inventory prior to January 1, 2007.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 07-19-122, § 16-301-525, filed 9/19/07, effective 10/20/07; WSR 06-01-111, § 16-301-525, filed 12/21/05, effective 1/21/06.]

WAC 16-301-530 What requirements apply to planting crucifer seed in the regulated area? (1)(a) It is a violation of this chapter to plant or establish crucifer seed that is infected with any regulated disease in the regulated area.

(b) Any seed of a *Brassica* or *Sinapis* species planted or established in the regulated area whose primary use is for any nonvegetable use must be tested for the presence of dormant seed as required by WAC 16-301-510.

(2) Any person who plans to ship, move, or transport any crucifer seed intended for planting purposes into or within the regulated area must file a Notice of Intent/Quarantine Compliance form with the seed program before planting or offering the seed for sale.

(3) The Notice of Intent/Quarantine Compliance form filed with the seed program must be accompanied by a copy of the:

(a) Laboratory analysis or some other proof (such as a phytosanitary certificate based upon laboratory testing issued from the state or country of production) demonstrating that the lot is free of regulated diseases; and

(b) Seed analysis certificate(s) showing that the lot is free from dormant seed, if required under WAC 16-301-510.

(4) It is a violation of this chapter for any crucifer seed intended for seed production, oil production, commercial vegetable production or cover crop use to be offered for sale within or into the regulated area unless accompanied by documentation verifying quarantine compliance.

(a) For small packages such as heat sealed envelopes and tins, quarantine compliance may be placed on a sales invoice or other documentation that is provided to the purchaser of seed. Language must be approved by the seed program.

(b) Larger containers must bear a label issued by the seed program indicating that the seed is in compliance with this chapter.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 07-19-122, § 16-301-530, filed 9/19/07, effective 10/20/07; WSR 06-01-111, § 16-301-530, filed 12/21/05, effective 1/21/06.]

WAC 16-301-535 What requirements apply to boxes and racks used to ship crucifer seedlings? (1) Only boxes that have not previously contained crucifer seedlings may be used for shipping transplants into or within a regulated area.

(2) Racks used to ship transplanted crucifer seedlings must be thoroughly disinfected with an appropriate sanitizer before the seedlings are shipped.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-535, filed 12/21/05, effective 1/21/06.]

WAC 16-301-540 What requirements apply to crucifer transplants grown in greenhouses in the regulated area? (1) All crucifer transplants produced in greenhouses in the regulated area must be subjected to pest control procedures that reduce the presence of diseases or insects that may inhibit identifying regulated diseases.

(2) The interiors of greenhouses in the regulated area used to produce crucifer transplants must be free of crucifer weeds.

(3) One hundred meter buffers, free of crucifer weeds, must surround all greenhouses in the regulated area used to produce crucifer transplants.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-540, filed 12/21/05, effective 1/21/06.]

WAC 16-301-545 What requirements apply to crucifer seed lots that test positive for any regulated disease?

(1) If a crucifer seed lot tests positive for any regulated disease, the infested seed lot may be treated with an approved seed treatment.

(2) After treatment, the seed lot must be tested for the presence of regulated diseases using appropriate pathological testing methods.

(3) If the pathological testing yields negative test results, the seed lot will be considered in compliance with this chapter.

(4) It is a violation of this chapter to plant seed in the regulated area that tests positive for any regulated disease subsequent to any approved treatment method.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-545, filed 12/21/05, effective 1/21/06.]

WAC 16-301-550 If documentation verifying that crucifer seed is free from regulated diseases is not available, what protocols must be followed before the seed is

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planted in a regulated area? When no documentation exists verifying that a crucifer seed lot is free from regulated diseases, the following protocols must be followed before the seed is planted in the regulated area:

(1) A crucifer seed lot will be classified as a suspect seed lot if the seed lot lacks the documentation verifying that the lot complies with the crucifer seed quarantine requirements of this chapter.

(2) Suspect seed lots must:

(a) Not be offered for sale in the regulated area.

(b) Be treated by an approved treatment method.

(c) Be sown in a greenhouse and the seedlings must pass inspection by seed program inspectors before transplanting to the field.

(3) Any greenhouse operation used to grow crucifer seedlings for transplant must:

(a) Physically separate suspect seed lots from other crucifer production within that greenhouse.

(b) Monitor and document the location and identity of each suspect seed lot during production.

(4) It is a violation of this chapter for seedlings from a suspect seed lot to be topped, clipped, chopped or undergo any other treatment to toughen them or reduce their size.

(5) All seedlings from a suspect seed lot that exhibit symptoms of regulated diseases must be physically separated from asymptomatic transplants in that lot.

(6) Before shipping seedlings from a suspect seed lot, the seedlings must be inspected by seed program inspectors for the presence of regulated diseases.

(a) If no symptoms of regulated diseases are detected during this inspection, the suspect seed lot is considered in compliance with this chapter and may be sold and planted within the regulated area.

(b) If seedlings display symptoms of regulated diseases, laboratory testing for the diseases is mandatory.

(c) If seedlings from a suspect seed lot test negative for regulated pathogens after appropriate pathological testing, the suspect seed lot is considered in compliance with this chapter and may be sold and planted within the regulated area.

(d) If the presence of a regulated disease is confirmed by laboratory testing, all seedlings from a suspect seed lot may be subject to a quarantine order or destruction order under WAC 16-301-570.

(7) Any crucifer seed production fields, plant beds, or greenhouse production that will be planted with or receives production from suspect seed lots that are determined to be free from regulated diseases under subsection (6) of this section must be entered into the Washington state phytosanitary inspection program as required under WAC 16-301-235.

(8)(a) It is a violation of this chapter to plant seedlings from a suspect seed lot that tests positive for any regulated disease in the regulated area.

(b) Any suspect seed lot testing positive for any regulated disease may be subject to a quarantine order or a destruction order under WAC 16-301-570.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-550, filed 12/21/05, effective 1/21/06.]

WAC 16-301-555 How are approved trial grounds established and what rules apply to them? (1) If a crucifer seed lot has not been tested to determine if it is disease free, and the quantity of seed in the lot is too small for testing to be practical, it must be planted in an approved trial ground that meets the requirements of the seed program.

(2) Trial grounds may be established for the purposes of, but not limited to, variety maintenance, variety development or other related research.

(3)(a) The seed program must approve a trial ground before it is established.

(b) Failure to obtain approval of a trial ground before it is established is a violation of this chapter and may subject the trial ground to a destruction order under WAC 16-301-570.

(4)(a) Trial grounds must be isolated from crucifer production crops according to the standards set in "*Seed Field Minimum Isolation Distances*" published by the Washington State University (WSU) cooperative extension.

(b) Copies of this publication can be obtained by contacting a WSU extension office.

(5) A person may plant crucifer seed in an approved trial ground after notifying the seed program, in writing, of their intent to plant for research purposes only. The notification will include an assurance that the person planting crucifer seed in an approved trial ground will comply with the inspection procedures in WAC 16-301-560, the isolation requirements prescribed by the WSU extension publication "*Seed Field Minimum Isolation Distances*," and any other requirements established by the director.

(6) The maximum planting in a trial ground is:

(a) One pound per variety for crucifer seed; and

(b) One-half acre for crucifer transplants.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-555, filed 12/21/05, effective 1/21/06.]

WAC 16-301-560 What are the inspection requirements for trial grounds? (1) Applications for the phytosanitary field inspection of a trial ground must be submitted to the department before September 1 of the year the trial ground is established.

(2) A minimum of two phytosanitary field inspections of a trial ground must be conducted. These inspections must take place:

(a) During the seedling stage; and

(b) At the bloom stage.

(3) The phytosanitary field inspection application must include:

(a) A detailed varietal planting plan;

(b) A description of the exact location of the trial ground;

(c) The manner in which the trial ground will be isolated from other known crucifer production; and

(d) The distance by which the trial ground is isolated from other known crucifer production.

(4) If the field inspections detect any regulated pathogens, the trial ground is subject to destruction upon the order of the director.

(5) A disinfectant must be applied to the:

(a) Machinery used in the production of the crucifer crop;

(b) Footwear of all persons entering the trial grounds; and

(c) Footwear of all persons before traveling from a trial ground to other crucifer fields.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-560, filed 12/21/05, effective 1/21/06.]

WAC 16-301-565 What are the testing requirements for seed harvested from an approved trial ground? (1) Seed harvested from an approved trial ground must be tested in an approved laboratory for the presence of regulated pathogens before it is planted in a regulated area.

(2) If the seed harvested from a trial ground tests positive for any regulated pathogens, it may not be released for general planting within a regulated area.

(3)(a) Seed harvested from a trial ground infected with a regulated pathogen must either be destroyed or shipped out of the regulated area.

(b) Written documentation of either the seed's destruction or shipment out of the regulated area must be submitted to the seed program within thirty days of the positive test for the regulated pathogen.

(c) Seed from a trial ground infected with a regulated pathogen that remains in a regulated area beyond thirty days may be subject to destruction upon the order of the director.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-565, filed 12/21/05, effective 1/21/06.]

WAC 16-301-570 What are the penalties for violating the crucifer seed quarantine? (1) When the director determines that crucifer seed or production is infected with a regulated disease, the director may issue a quarantine order or notice of destruction. A violation of this chapter may also result in either a quarantine order or notice of destruction as determined by the director and the rules regulating the crucifer quarantine. Any costs associated with complying with a notice of destruction or quarantine order is the sole responsibility of the owner and not the responsibility of the department.

(2) The director may issue a notice of destruction:

(a) The notice of destruction will identify the property or seed lot affected.

(b) The notice of destruction will order the destruction of regulated articles or prescribe the terms of entry, inspection, partial destruction and/or treatment of regulated articles.

(c) The notice of destruction may prescribe control measures or other requirements needed to prevent the infection of adjacent properties with a regulated disease.

(d) To ensure that the affected parties comply with the measures required to eliminate a disease caused by regulated pathogens, the director will notify the owner and seed company representatives, if known, regarding the methods of destruction to be used, the extent of the destruction and the safeguards being implemented to prevent the spread of the disease.

(3) The director may order the quarantine of any regulated article or planting area. The director will:

(a) Determine the quarantine conditions;

(b) Determine if a quarantine extension is warranted; and

(c) Prescribe sanitary precautions that will prevent the spread of the suspected regulated disease.

(4) To prevent the spread of the suspected regulated disease, persons entering the quarantined area must follow the sanitary precautions in WAC 16-301-560(5). Entry into the quarantined area is restricted to:

- (a) The owner;
- (b) Department employees;
- (c) University personnel or other plant pathology specialists; and/or
- (d) Persons authorized in writing by the director.

(5) Fields placed under a quarantine order:

(a) Must enter the Washington state phytosanitary inspection program as required under WAC 16-301-235 with all inspection costs borne by the owner.

(b) May be subject to additional inspection, control, isolation, or destruction requirements if the director determines they are needed to prevent the spread of regulated pathogens.

(6) Any owner violating the requirements of this crucifer quarantine is subject to the civil and/or criminal penalties as established in chapters 15.49 and/or 17.24 RCW.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-570, filed 12/21/05, effective 1/21/06.]

WAC 16-301-575 How are diseased crucifer seeds and infected fields identified? (1) So that timely investigations may be made, all interested parties, including owners, seed company representatives, and university extension personnel are encouraged to promptly report any suspected infected crucifer fields to the seed program.

(2) Any crucifer crop infected with a regulated pathogen must be reported to the seed program within seventy-two hours after the regulated pathogen is discovered.

(3)(a) The seed program may conduct inspections and tests to determine infection of any crucifer seed or production with a regulated disease.

(b) If a WSDA plant services program plant pathologist and a qualified plant pathologist representing a commercial company or owner disagree over the presence of a regulated disease, the company or owner may request a verification test for a regulated pathogen. A university plant pathologist may recommend the verification test. The verification test must use accepted scientific and professional techniques and will be at the owner's expense.

(c) The affected planting area will be placed under quarantine for at least thirty days or until verification testing is completed.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-575, filed 12/21/05, effective 1/21/06.]

WAC 16-301-580 What regulations apply to diseased crucifer seeds and infected fields? (1) When the director determines that a field is infected with a regulated pathogen and threatens to infect other fields, the director may issue a notice of destruction prescribing control measures or other requirements needed to prevent the infection of adjacent properties.

(2) Unless the crop is within two weeks of harvest, any crucifer crop within the regulated area that is infected with a regulated pathogen may be subject to immediate destruction, in part or in total. The owner is responsible for the expenses incurred to destroy a diseased crucifer crop.

(3) The following requirements apply to crops that are within two weeks of harvest:

(a) Residues must be destroyed or incorporated into the ground immediately after harvest;

(b) Harvested seed must be isolated from other seed lots until it is treated with hot water and/or chlorine seed treatments;

(c) Harvest equipment must be steam cleaned before entering any other fields; and

(d) WSDA personnel in consultation with WSU extension personnel must monitor these post-harvest activities.

[Statutory Authority: Chapters 15.49, 17.24, and 34.05 RCW. WSR 06-01-111, § 16-301-580, filed 12/21/05, effective 1/21/06.]