

teleconference hearing only if the notice of hearing informs the applicant/recipient of his or her right to convert the hearing to an in-person hearing by notifying the presiding officer at least one week prior to the hearing that he or she chooses to have the hearing conducted in person. Such notification to the presiding officer may be given by telephone or mail directed to the presiding officer or given to the local community services office of the department of social and health services for transmittal to the presiding officer. The applicant/recipient is not required to show good cause for choosing an in-person hearing.

(b) In proceedings other than those described in subsection (a) the presiding officer shall grant the motion of any party showing good cause for having the hearing conducted in person at a rescheduled time.

(2) Documentary evidence shall be submitted in advance as provided in WAC 10-08-140(2).

[Statutory Authority: RCW 34.12.080, 34.04.020 and 34.04.022. 87-13-036 (Order 5), § 10-08-180, filed 6/15/87. Statutory Authority: RCW 34.04.020 and 34.04.022. 82-22-052 (Order 3), § 10-08-180, filed 11/1/82.]

**Title 12 WAC**

**AERONAUTICS COMMISSION**

**Chapter**

**12-19 Aircraft--Indicia of registration.**

**Chapter 12-19 WAC**

**AIRCRAFT--INDICIA OF REGISTRATION**

**WAC**

12-19-010 Display of indicia of registration.

**WAC 12-19-010 Display of indicia of registration.**

(1) That every aircraft registered with the Washington state department of transportation shall prominently display an insignia or decal, to be provided by the Washington state department of transportation on the tail or fuselage of such aircraft, just above N number, or on the right rear window panel, as evidence of registration;

(2) That no aircraft which is not lawfully registered shall display such insignia or evidence of registration, or any other mark, number, decal or insignia which might be reasonably believed to be evidence of state registration; and

(3) That failure to display such insignia shall be prima facie evidence that such aircraft is not registered.

[Statutory Authority: RCW 47.68.250. 88-01-089 (Order 112), § 12-19-010, filed 12/22/87.]

**Title 16 WAC**

**AGRICULTURE, DEPARTMENT OF**

**Chapters**

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- 16-28 Commercial registered feed lots.
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- 16-32 Livestock services--Fees.
- 16-54 Animal importation.
- 16-86 Cattle, goats--Brucellosis and tuberculosis.
- 16-96 Production record brands.
- 16-101 Milk and milk products.
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- 16-156 Organic producer certification.
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- 16-228 Pesticide regulations.
- 16-230 Use of chemicals and chemically treated materials in certain counties.
- 16-231 Restricted use herbicides.
- 16-232 Restricted use herbicides in certain counties.
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- 16-319 Forest tree seed certification.
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- 16-328 Strawberry plants--Certification.
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- 16-403 Standards for apples marketed within Washington.
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**Chapter 16-23 WAC**  
**CUSTOM MEAT FACILITIES**

## WAC

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16-23-175	Labeling and packaging requirements.
16-23-180	Meat and meat food products—Preparation and storage.

**WAC 16-23-010 Definitions.** For the purpose of these rules:

(1) "Carcass" means all or any parts, including viscera, of a slaughtered meat food animal.

(2) "Custom meat facility" means the facility operated by any person licensed under this chapter who may under such license engage in the business of preparing uninspected meat for the sole consumption of the owner of the uninspected meat being prepared. Operators of custom meat facilities may also prepare inspected meat for household users only. Operators of custom meat facilities may also sell prepackaged inspected meat to any person, provided the prepackaged inspected meat is not prepared in any manner by the operator and the operator does not open or alter the original package that the inspected meat was placed in.

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

(4) "Director" means the director of the department or the director's designee.

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

(6) "Household user" means the ultimate consumer, the members of the consumer's household, and his or her nonpaying guests and employees.

(7) "Inspected meat" means the carcasses or parts thereof of meat food animals which have been slaughtered and inspected at establishments subject to inspection under chapter 16.49A RCW or a federal meat inspection act.

(8) "Meat food animal" means cattle, swine, sheep, or goats.

(9) "Meat food product" means any product derived from meat food animal and intended for human consumption.

(10) "Operator" includes any owner, lessee, or manager of a custom meat facility.

(11) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, any member, officer, or employee thereof or assignee for the benefit of creditors.

(12) "Prepared" means canned, salted, rendered, boned, cut up or otherwise manufactured, or processed.

(13) "Uninspected meat" means carcasses or parts thereof of meat food animals slaughtered or processed for human consumption other than under requirements provided in chapter 16.49A RCW or a federal meat inspection act which have been slaughtered by the owner thereof, or which have been slaughtered by a custom farm slaughterer.

(14) "Unwholesome" means a condition in which meat or meat food products may be found to be diseased, contaminated, unsound, unhealthful.

(15) "Prepackaged inspected meat" means any inspected meat or meat food product prepared from inspected meat processed or prepared by establishments subject to inspection under chapter 16.49A RCW or a federal meat inspection act and packaged and sealed in a container or wrapping bearing the seal of federal inspection.

(16) "Sanitize" means an effective bactericidal treatment process that provides enough accumulative heat or concentration of chemicals for a sufficient period of time to reduce the bacterial count, including pathogens, to a safe level.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-010, filed 10/27/87.]

**WAC 16-23-020 Maintaining sanitary premises.** Establishments or premises on or in which meat food products are prepared or handled shall be maintained in a sanitary condition. Compliance with the requirements specified in WAC 16-23-025 through 16-23-165 will be deemed necessary for minimum sanitary conditions.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-020, filed 10/27/87.]

**WAC 16-23-025 Sufficient light.** There shall be sufficient light consisting of artificial illumination in all operating rooms.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-025, filed 10/27/87.]

**WAC 16-23-030 Adequate ventilation.** There shall be adequate ventilation for all rooms and compartments to prevent condensation of moisture and to carry off odors and vapors.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-030, filed 10/27/87.]

**WAC 16-23-035 Adequate drainage.** There shall be a sufficient number of drains to carry off waste accumulations and water and be properly vented to the outside air. Unless otherwise specified in these regulations, all plumbing shall conform to applicable requirements of the plumbing codes effective within the particular jurisdiction, or, in their absence to the requirements of recognized plumbing codes such as the National Plumbing Code ASA A40.8, or the Western Plumbing Officials Association, Uniform Plumbing Code. Waste disposal facilities shall conform to the requirements of local agency having jurisdiction. Domestic sewage shall be disposed of in conformity with the requirements of the jurisdictional health department. Toilet soil lines shall be separate from custom processing plant drainage lines to a point outside the buildings and drainage from toilet bowls and urinals should not be discharged into a grease catch basin.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-035, filed 10/27/87.]

**WAC 16-23-040 Water supply.** There shall be sufficient water to meet all operating demands. The water shall pass the test prescribed for potability in the "drinking water standards" promulgated by the United States Public Health Services, Department of Health, Education and Welfare. Such water potability tests shall be conducted at least on six month intervals on private water supplies and yearly on publicly owned water supplies. The water system for any custom meat facility shall conform to the applicable requirements of the jurisdictional health department.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-040, filed 10/27/87.]

**WAC 16-23-045 Hot water.** The following shall be provided:

(1) Hot water sufficient in amount and temperature to assure thorough cleaning of all rooms and equipment.

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

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-045, filed 10/27/87.]

**WAC 16-23-050 Impervious surfaces.** Floors in rooms in which flushing of the floors with water is required for adequate cleaning must be constructed of impervious material susceptible to proper cleaning such as, but not limited to, concrete or tile. They must be finished so as to enable proper cleaning. Walls and ceilings in operating departments must be surfaced with a material which is susceptible to being properly cleaned. Wooden structures are absorbent and difficult to keep clean, hence their use must be kept at a minimum. Ceilings must be smooth finished and capable of being properly cleaned. All coolers must be sealed. All exposed wood surfaces must be smooth and painted or properly sealed.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-050, filed 10/27/87.]

**WAC 16-23-060 Refrigerated facilities.** (1) Adequate refrigerated facilities for the chilling and storage of products shall be provided. Carcass chill coolers and holding coolers must have mechanical refrigeration capable of maintaining a temperature of 35°F or lower, when loaded to capacity. When overhead refrigerating facilities are provided, insulated drip pans must be installed beneath them and the pans properly connected to the drainage system or to other suitable facilities. If wall coils are installed, a drip gutter of impervious material and connected with the drainage system must be installed beneath the coils. In no event shall the clearance between a hanging carcass and the floor be less than that necessary to avoid contact with or contamination from the floor.

(2) Meat food product storage and display facilities shall not be loaded to exceed their intended capacity to maintain fresh and cured products, stored in them, below 45°F internal temperature and frozen meat food product below 0°F internal temperature.

(a) Such refrigeration facilities shall be equipped with a visible, accurate thermometer located in the warmest part of the refrigerated area.

(b) Uninspected meat food product shall not be stored in facilities used for displaying inspected meat held for sale.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-060, filed 10/27/87.]

**WAC 16-23-070 Lavatory facilities.** Foot operated lavatory facility shall be maintained at such places as necessary to assure cleanliness for all persons handling meat products. Such facilities shall include hot and cold running water, liquid soap, and towels shall be maintained in a clean and sanitary condition.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-070, filed 10/27/87.]

**WAC 16-23-075 Flush toilets and dressing room facilities.** A modern conveniently located flush type toilet shall be furnished. Such facilities must be fly tight and properly ventilated. The toilet room must not open directly into any room where products are prepared, processed, stored or handled. The doorway between the toilet room and intervening room must have a tight, full height self-closing door. If the toilet room is not an outside room, it must be properly vented to the outside and forced ventilation provided.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-075, filed 10/27/87.]

**WAC 16-23-085 Rooms, compartments, etc., to be clean and sanitary.** Rooms, compartments, food contact surfaces places, equipment, and utensils used for preparing, storing, or otherwise handling any meat, and all other parts of the establishment, shall be kept clean and in sanitary condition. All equipment must be thoroughly cleaned following each day's operations. There shall be

no handling or storing of material which create an objectionable condition in rooms, compartments, or places where meat is prepared, stored or otherwise handled.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-085, filed 10/27/87.]

**WAC 16-23-090 Operations and procedures to be clean and sanitary.** Operation and procedures involving the preparation, storing or handling of any meat shall be strictly in accord with clean and sanitary methods.

(1) Receptacles used for inedible meat in rooms in which edible products are handled shall be in good repair and shall be properly sanitized before being used.

(2) Carcasses or parts of carcasses of uninspected meat not returned to the owner thereof shall be properly denatured and properly disposed of. Inspected carcasses or parts of carcasses not intended for human consumption shall be denatured before disposal.

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

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-090, filed 10/27/87.]

**WAC 16-23-095 Rooms and compartments to be free from dust and odors.** The rooms and compartments in which any meat is prepared or handled shall be free from dust and odors from dressing and toilet rooms and catch basins.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-095, filed 10/27/87.]

**WAC 16-23-100 Rooms and compartments to be free of steam and vapors.** Rooms and compartments in which any product is processed or prepared shall be kept sufficiently free of steam and vapors to insure clean operations. The walls, ceiling, and overhead structures of rooms and compartments in which products are prepared, handled, or stored shall be kept reasonably free from moisture.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-100, filed 10/27/87.]

**WAC 16-23-105 Cleaning characteristics of equipment.** Equipment and utensils used for preparing, processing, and otherwise handling products shall be of such materials and construction as will make them susceptible of being readily and thoroughly cleaned. Cutting boards may be of hardwood or synthetic materials.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-105, filed 10/27/87.]

**WAC 16-23-110 Scabbards for knives.** Scabbards and similar devices for the temporary retention of knives, steels, triers, etc., shall be constructed of rust resisting metal or other impervious materials and shall be

of a type that may be readily cleaned and shall be kept clean.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-110, filed 10/27/87.]

**WAC 16-23-115 Persons to keep hands and implements clean.** Persons who handle diseased carcasses or parts shall, before handling other carcasses or parts, cleanse their hands with soap and hot water and rinse them in clean water. Implements used shall be thoroughly cleansed in boiling water or in a prescribed disinfectant followed by rinsing in clean water. The persons who handle meat shall keep their hands clean and after visiting the toilet rooms or urinals shall wash their hands before handling any products or implements used in the preparation of meat.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-115, filed 10/27/87.]

**WAC 16-23-120 Clean clothing.** Aprons, frocks, and other outer clothing worn by persons who handle products shall be cleanable material. Only clean garments shall be worn.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-120, filed 10/27/87.]

**WAC 16-23-125 Insanitary practices prohibited.** Such practices as spitting on whetstones, sitting on the floor, placing skewers, tabs or knives in the mouth are prohibited. Care shall be taken to prevent the contamination of products with perspiration, hair, cosmetics, medicaments, or other material. All persons working in departments where exposed edible meat is handled must wear head coverings.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-125, filed 10/27/87.]

**WAC 16-23-150 Flies, rats and other vermin-- Baits and poisons.** Every practicable precaution shall be taken to keep establishments free of flies, rats, mice and other vermin. All windows and doors opening to the outside shall be screened with No. 16 mesh or finer screen or effective air curtains. Louvers may be screened only on the top of the baffle so that debris will not collect. Sprays containing residual acting chemicals must not be used in edible products departments. The use of poisons for any purpose in rooms or compartments where any unpacked meats are stored or handled is forbidden, except under such restrictions as the department may specifically allow. The use of bait poisons in hide cellars, inedible compartments, outbuildings, or similar places, or in storerooms containing canned or tierced products is not forbidden, but only those approved by the department may be used. So called rat viruses shall not be used in any part of an establishment or the premises thereof.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-150, filed 10/27/87.]

**WAC 16-23-160 Care of outer premises.** The outer premises of every establishment embracing docks and

areas where vehicles are loaded and the driveways, approaches, and yards shall be kept clean and in orderly condition.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-160, filed 10/27/87.]

**WAC 16-23-165 Employee health.** (1) No person shall work, nor shall any operator permit any person to work, in any room or rooms where meat is processed, stored, or sold when such person is infected with any disease or conditions transmissible to or through food. The department may require any person so working to be examined by a physician licensed to practice medicine in this state for the existence of any such disease or condition and require a statement signed by such physician reciting freedom therefrom.

(2) Every person employed in a custom meat facility who may contribute to the transmission of infectious disease through the nature of the employee's contact with meat or equipment and facilities shall obtain and place on file with the person in charge of such establishment, a food and beverage service worker's permit as prescribed by chapter 69.06 RCW.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-165, filed 10/27/87.]

**WAC 16-23-170 Proof of ownership of uninspected carcasses or parts of carcasses by the operator.** The operator of any custom meat facility shall have in his possession certificates of permit as provided by chapter 16-620 WAC or other satisfactory proof of ownership of all uninspected carcasses or parts thereof received in his establishment, and such proof of ownership must be kept on file for a period of six months after receipt of such carcasses or parts of carcasses.

(1) All uninspected cattle carcasses or parts of carcasses shall be identified by a department approved tagging device describing the name and address of the owner, name and address of the slaughterer, if not the owner, the slaughter date and brand, if the animal was branded, while in the possession of the operator. Such identity shall conform to the requirements of chapter 16.57 RCW.

(2) All uninspected meat food animal carcasses or parts of carcasses other than cattle must be identified as to name and address of the owner, name and address of the slaughterer if different than the owner, and the slaughter date while in the possession of the operator.

(3) Each owner of uninspected carcasses, parts of carcasses, or meat food products delivered to a custom meat facility for preparing will be furnished by the operator a written record stating the gross weight received for preparing. A duplicate copy of this record will be maintained by the operator at his principle place of business for a period of at least six months.

(4) Operators making sales of prepackaged inspected meat to other than household users shall maintain records of all such transactions as to buyer, type of product sold and total net weight of each exchange.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-170, filed 10/27/87.]

**WAC 16-23-175 Labeling and packaging requirements.** (1) All uninspected meat and meat food products stored or prepared for the owner thereof, including packages or containers containing any uninspected meat food products, shall be marked "NOT FOR SALE" in letters 3/8 inch in height immediately upon receipt and immediately after preparing.

(2) All meat food product labels and meat food product packaging must conform to applicable sections of chapter 19.94 RCW, the Weights and Measures Act and chapter 69.04 RCW, the Food and Drug Act now in effect or as amended and regulations promulgated thereunder or amended.

(a) Meat food products shall be deemed mislabeled if offered for sale before the package containing the product bears a label containing the common or usual name of the product, an accurate statement of quantity of the contents expressed as "net weight," and the total price of the package. If fabricated from two or more ingredients, the common name of each ingredient in descending order of prominence and the name and address of the manufacturer is required.

(b) The standards of content and advertising for chopped or ground beef or hamburger are those contained in chapter 16-49 WAC.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-175, filed 10/27/87.]

**WAC 16-23-180 Meat and meat food products--Preparation and storage.** (1) Inspected meat and uninspected meat shall be stored and prepared separately at all times. Meat storage areas shall be designated for inspected and uninspected meat and meat food products. There shall be no physical contact between inspected and uninspected meat.

(2) There shall be a complete equipment cleanup after preparation of uninspected meat.

(3) Meat and meat food products shall not be placed on floor surfaces except that which is stored in containers in freezers.

(4) Meat food products offered for sale as fully cooked shall be heated in all parts to the following minimum temperatures before delivery to a household user;

(a) Beef 145°F.

(b) Pork 150°F.

(5) Any cooked or partially cooked meat food product not delivered to a household user within two hours of heating shall be refrigerated to an internal temperature of 45°F or less within four hours of removal from the heating process.

(6) Any processing of food other than meat shall be done at different times from processing of meat. Any common equipment, utensils, or food contact surfaces used in the preparation of meat, meat food products, and other foods shall be sanitized between periods of processing.

[Statutory Authority: Chapter 16.49 RCW. 87-22-020 (Order 1956), § 16-23-180, filed 10/27/87.]

**Chapter 16-28 WAC**  
**COMMERCIAL REGISTERED FEED LOTS**

## WAC

16-28-010 through 16-28-090 Repealed.

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

16-28-010	Definition. [Order 619, Regulation 73, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.
16-28-020	Licensed quarantined registered feed lots included. [Order 619, Regulation 75, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.
16-28-030	Applications for. [Order 619, Regulation 71, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.
16-28-040	Duration of licenses. [Order 619, Regulation 72, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.
16-28-050	Lot size. [Order 619, Regulation 74, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.
16-28-060	Drainage requirements. [Order 619, Regulation 76, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.
16-28-069	Screenings, screenings waste or screening refuse, defined—Established tolerances. Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.
16-28-070	Destroying viable weed seeds. [Order 619, Regulation 77, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.
16-28-080	Transportation of screenings containing weed seeds. [Order 619, Regulation 78, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.
16-28-090	Sale of animal droppings. [Order 619, Regulation 79, effective 2/11/52.] Repealed by 88-05-003 (Order 1964), filed 2/5/88. Statutory Authority: RCW 16.36.040 and 16.36.050.

**WAC 16-28-010 through 16-28-090 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 16-30 WAC**  
**REGISTERED FEEDLOTS**

## WAC

16-30-010	Definition.
16-30-020	Permit applications.
16-30-030	Certified statements required.
16-30-040	Expiration and revocation of permits.
16-30-050	Brands.
16-30-060	Brand time.
16-30-070	Place of brand.
16-30-080	Lot size.
16-30-090	Feedlot requirements.

**WAC 16-30-010 Definition.** A restricted feedlot shall mean a dry feed yard where cattle not known to be

exposed to brucellosis and not vaccinated against brucellosis are restricted to prevent their sale for breeding purposes.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-30-010, filed 2/5/88; Order 955, Regulation 1, filed 8/31/64; Order 851, Regulation 1, effective 7/19/61.]

**WAC 16-30-020 Permit applications.** Applicants for restricted feedlots must furnish the following information on an application form to be obtained from the department of agriculture:

- (1) Name and address of applicant.
- (2) Location of feedlot.
- (3) Drawing to show the relation of the feedlot to the rest of the farmstead.
- (4) Number of native cattle on farm.
- (5) Operations in livestock other than the feeding of cattle.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-30-020, filed 2/5/88; Order 955, Regulation 2, filed 8/31/64; Order 851, Regulation 2, effective 7/19/61.]

**WAC 16-30-030 Certified statements required.** In addition to the information furnished in the application each applicant must certify to the following:

- (1) That there shall be no contact with other animals not also similarly and commonly restricted.
- (2) That no animal, except steers and spayed heifers for temporary grazing purposes only, shall be moved from the feed yard except to a federally inspected slaughter plant or to a licensed public livestock market for immediate slaughter.
- (3) That the yard will be maintained in a sanitary condition.
- (4) That the department of agriculture will be notified immediately of any outbreak of any infectious or contagious disease.
- (5) That the disposition of dead animals will be in accordance with the laws relating to the disposal of dead animals.
- (6) That accurate records will be kept accounting for all animals entering the feedlot.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-30-030, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW. 83-07-028 (Order 1790), § 16-30-030, filed 3/14/83; Order 955, Regulation 3, filed 8/31/64; Order 851, Regulation 3, effective 7/19/61, but corrected for clerical error by filing dated 7/20/61.]

**WAC 16-30-040 Expiration and revocation of permits.** All permits for restricted feedlots shall expire on the 30th day of June next subsequent to the date of issue and may be sooner revoked or suspended by the director of agriculture upon reasonable notice to the permittee for violations of the disease control or brand inspection laws of this state or any lawful regulations issued and promulgated by the director of agriculture under said laws. Any permittee shall have the right to request a hearing before a revocation is made permanent.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-30-040, filed 2/5/88; Order 955, Regulation 4, filed 8/31/64; Order 851, Regulation 4, effective 7/19/61.]

**WAC 16-30-050 Brands.** Before a permit is issued for a restricted feedlot the operator or owner must have recorded with the state department of agriculture a brand to be used exclusively within said feedlot. Such a brand shall consist of the letter "F" followed by a number assigned by said department: *Provided*, That by special permission of the director of agriculture or his duly authorized representative the holder of such a brand may be allowed to use his brand on cattle in certain other specified restricted feedlots.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-30-050, filed 2/5/88; Order 955, Regulation 5, filed 8/31/64; Order 851, Regulation 5, effective 7/19/61.]

**WAC 16-30-060 Brand time.** For the purpose of proper identification, all cattle, except steers and spayed heifers, arriving at a restricted feedlot must be branded with the aforementioned "F" brand within forty-eight hours after arrival. Use of such brands on steers and properly identified spayed heifers shall be optional.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-30-060, filed 2/5/88; Order 955, Regulation 6, filed 8/31/64; Order 851, Regulation 6, effective 7/19/61.]

**WAC 16-30-070 Place of brand.** The aforementioned "F" brand shall be placed immediately behind the shoulder and high on the back. In the event a brand is already situated there, the feedlot brand may be placed directed in front of or below the existing brand, but must not deface the existing brand: *Provided*, The restricted feedlot operators or owners who now place their duly recorded "F" brands in the area between the point of the shoulder and the jaw shall continue to so brand, or they may apply to the registrar of brands, department of agriculture, to change the position to which their brand is affixed to the new position without charge.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-30-070, filed 2/5/88; Order 955, Regulation 7, filed 8/31/64; Order 851, Regulation 7, effective 7/19/61.]

**WAC 16-30-080 Lot size.** The size of the restricted feedlot shall be in keeping with the number of cattle on feed.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-30-080, filed 2/5/88; Order 955, Regulation 8, filed 8/31/64; Order 851, Regulation 8, effective 7/19/61.]

**WAC 16-30-090 Feedlot requirements.** All restricted feedlots must be so constructed and so located that they comply with the following:

- (1) That there shall be no contact with other animals not also similarly and commonly restricted.
- (2) The lot is drained or surfaced to keep the yard reasonably free of mud.
- (3) Proper facilities exist for inspection of brands and for holding imports separate until properly identified in cattle feedlots.
- (4) There shall be no regular stream or drainage therefrom to any area where nonrestricted females or males are held.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-30-090, filed 2/5/88; Order 955, Regulation 9, filed 8/31/64; Order 851, Regulation 9, effective 7/19/61.]

**Chapter 16-32 WAC  
LIVESTOCK SERVICES--FEES**

WAC  
16-32-010 Schedule of laboratory fees.

**WAC 16-32-010 Schedule of laboratory fees. (1)**  
The following fees shall be charged for services performed by the diagnostic laboratory of the livestock services division, state department of agriculture, for Washington residents:

**Bacteriology:**

Aerobic culture (1-3 tissues).....	\$ 7.00
each additional culture.....	2.00
Antibiotic sensitivity tests .....	3.00
Anaerobic culture.....	10.00
Paratuberculosis (Johne's disease).....	10.00
each additional sample in herd .....	3.00
Milk culture - per animal .....	7.00
each additional animal in herd .....	2.00
Mycology.....	10.00
Trichomoniasis and Campylobacteriosis .....	5.00

**Serology:**

Charges include paired sera (acute and convalescent) from each animal for diagnostic purposes. The fee for single samples for regulatory purposes is one-half that of the paired sera.

**Food animal:**

Single virus or bacteria	
1st animal.....	5.00
each additional animal in herd .....	2.00

**Combination tests:**

Abortion screen, diagnostic only (Leptospirosis, Campylobacteriosis, Bluetongue, Anaplasmosis)	
1st animal.....	15.00
each additional animal in herd .....	2.00

**Companion animals:**

Viral - 1st animal (EIA) .....	7.00
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**Bacterial (*Brucella canis*, Leptospirosis)**

1st animal.....	10.00
each additional animal, same case.....	1.00

(2) The following fees shall be charged for services performed by the diagnostic laboratory of the livestock services division, state department of agriculture, for persons residing outside of the state of Washington:

**Bacteriology:**

Aerobic culture (1-3 tissues).....	\$ 10.00
each additional culture.....	3.00
Antibiotic sensitivity tests .....	4.00
Anaerobic culture.....	15.00

Paratuberculosis (Johne's disease).....	15.00
each additional sample in herd .....	4.00
Milk culture - per animal .....	10.00
each additional animal in herd .....	3.00
Mycology.....	15.00
Trichomoniasis and Campylobacteriosis .....	7.00

Serology:

Charges include paired sera (acute and convalescent) from each animal for diagnostic purposes. The fee for single samples for regulatory purposes is one-half that of the paired sera.

Food animal:

Single virus or bacteria

1st animal.....	8.00
each additional animal in herd .....	2.00

Combination tests:

Abortion screen, diagnostic only (Leptospirosis, Campylobacteriosis, Bluetongue, Anaplasmosis)

1st animal.....	30.00
each additional animal in herd .....	3.00

Viral - 1st animal (EIA) .....

Bacterial (*Brucella canis*, Leptospirosis)

1st animal.....	15.00
each additional animal, same case.....	3.00

[Statutory Authority: RCW 16.38.060, 88-01-034 (Order 1962), § 16-32-010, filed 12/11/87; 87-19-054 (Order 1954), § 16-32-010, filed 9/14/87; 87-11-004 (Order 1928), § 16-32-010, filed 5/8/87.]

**Chapter 16-54 WAC  
ANIMAL IMPORTATION**

WAC

16-54-010	Definitions.
16-54-030	Health certificate.
16-54-082	Domestic bovine animals.
16-54-120	Dogs and cats.

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

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

(2) "Breeding cattle" shall be those females and bulls not consigned to a federally inspected slaughter establishment or a restricted feedlot.

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

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

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

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

**WAC 16-54-030 Health certificate.** (1) All animals entering Washington shall be accompanied by an official health certificate except:

(a) Dogs and cats originating in Washington and visiting Canada for thirty days or less.

(b) Those classes of animals specifically exempted in laws or regulations of this state.

(2) "Official health certificate" means a legible certificate executed on an official form of the state of origin or of the Animal Health Division, United States Department of Agriculture, by a licensed and accredited veterinarian or a veterinarian approved by the proper official of the Animal Health Division, United States Department of Agriculture, and shall contain the following information:

(a) Date of inspection. All health certificates void after thirty days, except breeding cattle forty-five days from date of issue: *Provided*, The director may give special exemption for show animals.

(b) Names and addresses of the consignor and consignee.

(c) Certification that the animals are apparently free from evidence of infectious and communicable disease.

(d) Test or vaccination status when required.

(e) Description of each animal to include species, breed, age, sex, tag or tattoo and for cattle, only an official ear tag will be accepted or if registered, the registry name, number and tattoo for individual identification.

(f) Certification of disinfection of cars and trucks when required.

(3) All health certificates shall be approved by the livestock sanitary official of the state of origin and a copy shall be forwarded immediately to the department of agriculture, Olympia, Washington.

[Statutory Authority: RCW 16.36.040 and 16.36.050, 87-08-021 (Order 1918), § 16-54-030, filed 3/25/87; Order 1540, § 16-54-030, filed 10/17/77; Order 1172, § 16-54-030, filed 12/15/70; Order 1024, Regulation 3, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

**WAC 16-54-082 Domestic bovine animals.** All domestic bovine animals (including bison) entering Washington shall be moved on a permit issued by the office of the state veterinarian. All domestic bovine animals (including bison) shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area.

(2) Brucellosis health certificate requirements. All domestic bovine animals (including bison), except those



consigned to restricted feedlots, or to federally inspected slaughter plants for immediate slaughter, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved livestock market, shall be accompanied by an official interstate health certificate and shall meet the following requirements:

(a) Brucellosis test.

(i) Cattle from class free and A states.

(A) Sexually intact heifers from brucellosis quarantined herds in class free and A states shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter plant.

(B) Cattle other than those referred to in (a)(i)(A) of this subsection from class free or A states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(IV) Cattle from a certified brucellosis free herd.

(V) Cattle from selected brucellosis free states designated by the Washington state veterinarian.

(ii) Cattle from Class B or C states.

(A) Sexually intact heifers from other than certified brucellosis free herds in states classified B or C by the USDA shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter establishment.

(B) Cattle other than those referred to in (a)(ii)(A) of this subsection from Class B states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry and held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(C) Cattle other than those referred to in (a)(ii)(A) of this subsection from Class C states which are test eligible must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. Those cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the second negative preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(iii) Beef cattle eligible for brucellosis testing coming from class free or A states may be moved to state-federal approved livestock markets in Washington to meet entry health requirements.

(iv) Should brucellosis infection occur in the state of Washington as a result of importation of infected animals, all future importations from the state of origin shall be required to meet import regulations of the next lower classification. State regulatory officials of that state shall be notified and the lower classification entry requirement will be in effect for twelve months following notification to the state of origin.

(b) Brucellosis calthood vaccinates—female dairy cattle. All female dairy cattle must be identified as official brucellosis calthood vaccinates before entry. Except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Those cattle consigned directly to a federally inspected slaughter plant.

(iii) Those cattle consigned directly to a restricted feedlot.

(iv) Spayed heifers.

(c) Brucellosis calthood vaccinates—female beef cattle. All female beef breed cattle must be identified as official brucellosis vaccinates before entry, except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Female beef breed cattle born before January 1, 1983.

(iii) Cattle sold or consigned to a restricted feedlot.

(iv) Cattle sold or consigned to a federally inspected slaughter plant.

(v) Cattle sold or consigned to a public livestock market for immediate slaughter only.

(vi) Spayed heifers.

(vii) Cattle from a certified brucellosis free country where vaccination is prohibited by law: *Provided*, That the state veterinarian, upon being assured that to allow such cattle to enter would not create any jeopardy to the livestock industry of the state of Washington, may issue a special permit for such entry.

(3) Scabies. The office of the state veterinarian may require that any cattle from a known infected area be dipped at an official dipping facility within ten days of entry and, except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days, be accompanied by an official interstate health certificate. Ivermectin may be used as an alternative to the dipping procedure for beef and nonlactating dairy animals.

(4) Vesicular stomatitis. The office of the state veterinarian may require that:

(a) Any cattle be accompanied by an official interstate health certificate except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days;

(b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the

point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy breed cattle from known infected areas shall not be allowed entry into the state; and

(c) Beef breed cattle from known infected areas be held separate and apart from all other cattle for a period of thirty days either prior to entry or at the point of destination or both.

(5) Temporary grazing permits. Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the office of the state veterinarian: *Provided*, That the state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis nonvaccinates in the herd prior to January 1, 1988. Grazing permits shall be for one specified season only and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-54-082, filed 2/5/88; 87-08-021 (Order 1918), § 16-54-082, filed 3/25/87; 84-16-022 (Order 1838), § 16-54-082, filed 7/24/84. Statutory Authority: Chapter 16.36 RCW. 83-09-009 (Order 1792), § 16-54-082, filed 4/8/83. Statutory Authority: Chapters 16.36 and 16.44 RCW. 83-04-030 (Order 1782), § 16-54-082, filed 1/27/83. Statutory Authority: Chapters 16.36 and 16.40 RCW. 82-03-019 (Order 1752), § 16-54-082, filed 1/14/82; 81-10-047 (Order 1730), § 16-54-082, filed 5/1/81. Statutory Authority: Chapters 16.36 and 16.44 RCW. 78-06-116 (Order 1579), § 16-54-082, filed 6/7/78; Order 1540, § 16-54-082, filed 10/17/77.]

**WAC 16-54-120 Dogs and cats.** In addition to the general provisions for the importation of livestock, the official health certificate for dogs and cats shall contain the certification:

(1) That such animals are apparently free from infectious, contagious, and communicable disease.

(2) That all dogs and cats have been vaccinated against rabies according to United States Public Health Department regulations and standards at the time of entry. Each animal must be identified by a tag number and official health certificate.

(3) That such animals do not originate from an area under quarantine for rabies. Animals originating from rabies quarantine or rabies areas must be accompanied by a permit obtained from the state department of agriculture office in Olympia, Washington previous to shipment, the terms of which must be stated on the health certificate.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 87-08-021 (Order 1918), § 16-54-120, filed 3/25/87; Order 1540, § 16-54-120, filed 10/17/77; Order 1172, § 16-54-120, filed 12/15/70; Order 1024, Regulation 12, filed 7/22/66, effective 8/22/66; Order 957, filed 8/31/64; Order 915, filed 4/1/63; Order 856, effective 7/19/61; Order 837, filed 4/14/61; Order 818, filed 1/20/61; Order 756, filed 3/22/60.]

## Chapter 16-86 WAC CATTLE, GOATS--BRUCELLOSIS AND TUBERCULOSIS

### WAC

16-86-005	Definitions.
16-86-015	Washington cattle sale requirements.
16-86-030	Sale of quarantined animals.
16-86-040	Quarantine and release.
16-86-070	Sale of tuberculosis reactors.
16-86-095	Official calfhood vaccination.

**WAC 16-86-005 Definitions.** For purposes of this chapter:

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

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

(3) "Accredited veterinarian" means a veterinarian licensed to practice veterinary medicine, surgery, and dentistry in the state of Washington and approved by the United States Department of Agriculture veterinary services to participate in state-federal cooperative programs.

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

(5) "Approved brucella vaccine" means only those biological products that are approved by and produced under license of the United States Department of Agriculture for injection into cattle for the purpose of enhancing their resistance to brucellosis.

(6) "Registry tattoo" means a tattoo identifying the individual as a registered animal within the breed association.

(7) "Vaccination tattoo" means the United States registered shield and V preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which vaccination was done.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 87-08-020 (Order 1917), § 16-86-005, filed 3/25/87. Statutory Authority: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-005, filed 3/30/84; Order 1539, § 16-86-005, filed 10/17/77.]

**WAC 16-86-015 Washington cattle sale requirements.** (1) Effective January 1, 1984, within thirty days prior to any change of ownership and in a manner prescribed by the state veterinarian, all dairy breed cattle shall be tested negative for brucellosis. The following classes of cattle are exempt from this test requirement:

(a) Calves under four months of age.

(b) Cattle sold or consigned to a restricted feedlot.

(c) Cattle sold or consigned to a federally inspected slaughter plant.

(d) Steers and spayed heifers.

(e) Official calfhood vaccinates under twenty months of age and not parturient or post parturient.

(2) All female cattle shall be officially vaccinated against brucellosis and bear a legible vaccination tattoo prior to being sold or introduced into any herd in the state of Washington. This rule does not apply to the following:

(a) Calves under four months of age. Female calves under four months acquired by any herd and natural female additions must become official calfhood vaccinates, as provided for in this chapter, to be sold for any purpose other than those set forth in (c), (d), (e), or (f) of this subsection.

(b) Female beef breed cattle born before January 1, 1983.

(c) Cattle sold or consigned to a restricted feedlot.

(d) Cattle sold or consigned to a federally inspected slaughter plant.

(e) Cattle sold or consigned to a public livestock market for immediate slaughter only.

(f) Spayed heifers.

(3) Any dairy breed female cattle over eight months of age which are not exempted in subsection (2) of this section and which are found not to be vaccinated against brucellosis upon consignment to a public livestock market, shall be identified by branding with an "S" brand on the left hip prior to sale and released from the market. After "S" branding, the nonvaccinated cattle may be released by the director on a VS1-27 Form or other official permit to any of the following destinations:

(a) A restricted feedlot.

(b) A federally inspected slaughter plant.

(c) Another public livestock market for immediate slaughter only.

(d) Upon specific approval by the state veterinarian, nonvaccinated cattle "S" branded at a public livestock market may be returned to the farm of origin where they must remain until released by the state veterinarian for consignment to one of the destinations listed under (a), (b), or (c) of this subsection.

(4) Any dairy breed female cattle consigned to a public livestock market for probable slaughter, but whose status is later changed by the buyer, shall be identified by "S" branding and released by the department only as set forth in subsection (3) of this section, if found not to be vaccinated for brucellosis. Any buyer who fails to deliver "S" branded cattle to the destination declared by the buyer or his agent shall be guilty of a violation of this chapter. Whenever necessary, the department shall make the final determination of the vaccination status of any eligible cattle.

(5) All Washington cattle shall be individually identified and permanently recorded as to herd of origin prior to being sold or consigned for slaughter. Such identity shall be transferred to the blood sample taken for MCI test purposes. These records shall be made available to the department upon request. Except the following classes of cattle shall be exempt from this requirement:

(a) Cattle under twenty-four months of age. (Not parturient or post parturient.)

(b) Steers and spayed heifers.

86-015, filed 3/25/87. Statutory Authority: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-015, filed 3/30/84. Statutory Authority: Chapters 16.36 and 16.44 RCW. 83-06-002 (Order 1785), § 16-86-015, filed 2/17/83. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-14-078 (Order 1742), § 16-86-015, filed 7/1/81; 81-10-048 (Order 1731), § 16-86-015, filed 5/1/81; 79-09-076 (Order 1642), § 16-86-015, filed 8/30/79; 79-07-089 (Order 1634), § 16-86-015, filed 6/29/79; 78-12-053 (Order 1588), § 16-86-015, filed 11/29/78; Order 1539, § 16-86-015, filed 10/17/77.]

#### WAC 16-86-030 Sale of quarantined animals. (1)

No person shall sell or offer for sale any cattle from a brucellosis quarantined herd except steers and spayed heifers for other than immediate slaughter or for consignment to a state-federal approved sales yard for immediate slaughter: *Provided*, That prior to consignment to a state-federal approved sales yard, the cattle shall be "S" branded and shall only be moved from the brucellosis quarantined herd when accompanied by an official federal form number VS1-27.

(2) Cattle from a tuberculosis quarantined herd shall not be sold or offered for sale except for immediate slaughter.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-86-030, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW. 83-07-029 (Order 1791), § 16-86-030, filed 3/14/83; Order 1539, § 16-86-030, filed 10/17/77; Order 1171, § 16-86-030, filed 12/15/70; Order 855, Regulation 3, effective 7/19/61.]

#### WAC 16-86-040 Quarantine and release. (1) Brucellosis:

Any herd of cattle or goats in which brucellosis reactors are found will be quarantined. Positive or reactor classification shall be based on standards listed in *U.S. Department of Agriculture Uniform Methods and Rules for Brucellosis Eradication*. Animals positive to the brucellosis test shall not be sold or offered for sale except for immediate slaughter. The quarantine will be released when the entire quarantined herd has passed two consecutive negative blood agglutination tests without reactors, the first test to be not less than thirty days following removal of all reactors from the herd and the second test not less than ninety days nor more than one year following the date of the previous test. Steers, spayed heifers and officially vaccinated dairy animals under twenty months of age and officially vaccinated beef animals under twenty-four months of age need not be tested.

#### (2) Tuberculosis:

(a) Any herd of cattle or goats in which tuberculosis reactors are found will be quarantined and the sale or removal of any animal out of such herds, except for immediate slaughter is prohibited. Herds in which only NGL reactor(s) occur and in which no evidence of *Mycobacterium bovis* infection has been disclosed may be released from quarantine after a sixty-day negative caudal fold retest of the entire herd.

(b) Herds containing one or more suspects to the caudal fold tuberculosis test shall be quarantined until the suspect animals are:

(i) Retested by the comparative-cervical tuberculosis test within ten days of the caudal fold injection and the tuberculosis status of the suspect(s) has/have been determined; or

[Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-86-015, filed 2/5/88; 87-08-020 (Order 1917), § 16-

(ii) Retested by the comparative-cervical tuberculosis test after sixty days and the tuberculosis status of the suspect(s) has/been determined; or

(iii) Shipped under permit directly to slaughter in accordance with state or federal laws and regulations and the tuberculosis status of the suspect(s) has/have been determined.

(c) Herds in which Mycobacterium bovis infection has been confirmed and the herd has not been depopulated shall remain under quarantine and must pass two tuberculin tests at intervals of at least sixty days and one additional test after six months. These herds will also be subject to five annual tests on the entire herd following the release from quarantine.

[Statutory Authority: RCW 16.38.060. 87-23-043 (Order 1958), § 16-86-040, filed 11/18/87; Order 1539, § 16-86-040, filed 10/17/77; Order 1171, § 16-86-040, filed 12/15/70; Order 855, Regulation 4, effective 7/19/61.]

**WAC 16-86-070 Sale of tuberculosis reactors.** Reactors to a tuberculosis test may be moved or sold only to a slaughtering establishment where federal inspection is maintained: *Provided*, That any reactor to tuberculosis test must be marketed for slaughter within fifteen days from the date of tagging and branding.

[Statutory Authority: RCW 16.38.060. 87-23-043 (Order 1958), § 16-86-070, filed 11/18/87; Order 1539, § 16-86-070, filed 10/17/77; Order 1171, § 16-86-070, filed 12/15/70; Order 855, Regulation 7, effective 7/19/61.]

**WAC 16-86-095 Official calfhooed vaccination.** (1) An official vaccination report of calfhooed vaccinations must be made to the department within thirty days of occurrence on an approved report form (VS 4-26) issued by the department for the purpose of identifying and recording by official calfhooed vaccination ear tag or registry tattoo calves officially brucellosis vaccinated.

(2) All vaccination must be done by a licensed accredited veterinarian or federal or state employed veterinarian. Vaccinated animals must be permanently identified as vaccinates by a vaccination tattoo in the right ear. An official vaccination ear tag or registry tattoo shall be used for individual animal identification.

(3) All brucellosis vaccinations shall be reported to the department before becoming official.

[Statutory Authority: RCW 16.36.040 and 16.36.050. 88-05-003 (Order 1964), § 16-86-095, filed 2/5/88. Statutory Authority: Chapter 16.36 RCW. 84-08-037 (Order 1814), § 16-86-095, filed 3/30/84. Statutory Authority: Chapters 16.36 and 16.40 RCW. 81-10-049 (Order 1732), § 16-86-095, filed 5/1/81, effective 7/1/81; 79-09-076 (Order 1642), § 16-86-095, filed 8/30/79.]

## Chapter 16-96 WAC PRODUCTION RECORD BRANDS

WAC

16-96-130 Brand inspection fees.

**WAC 16-96-130 Brand inspection fees.** The fee for inspecting cattle and calves for brands, and/or any other method of identifying cattle and calves, shall be fifty cents per head, except at those public livestock markets

in Oregon and Idaho, which are declared to be brand inspection points for Washington, where the fee shall be thirty-five cents per head.

[Statutory Authority: RCW 16.57.220. 87-24-040 (Order 1960), § 16-96-130, filed 11/25/87; 87-12-037 (Order 1921), § 16-96-130, filed 6/1/87; 82-10-038 (Order 1762), § 16-96-130, filed 4/30/82. Statutory Authority: Chapter 16.57 RCW. 82-04-001 (Order 1753), § 16-96-130, filed 1/21/82. Statutory Authority: RCW 16.57.160 and 16.57.240. 81-19-026 (Order 1748), § 16-96-130, filed 9/9/81; Order 1277, § 16-96-130, filed 7/31/72, effective 9/1/72; Order 1058, Regulation 1, filed 7/19/67, effective 8/20/67.]

## Chapter 16-101 WAC MILK AND MILK PRODUCTS

WAC

16-101-455 Multivitamin fortified or multimineral fortified milk or milk products.  
16-101-465 Lowfat milk with calcium added.  
16-101-475 Nonfat (skim) milk with calcium added.  
16-101-570 Sour half-and-half or cultured half-and-half.  
16-101-690 Civil penalties—Substandard products.

**WAC 16-101-455 Multivitamin fortified or multimineral fortified milk or milk products.** "Multivitamin fortified" or "multimineral fortified" milk or milk products are milk and milk products, other than vitamin D, vitamin A, or vitamin A and D milk or milk products, the vitamins or minerals content of which have been increased in an amount not to exceed one hundred percent of the United States recommended daily allowance (U.S. RDA) for an 8 fluid ounce serving. The name of the milk or milk product shall include the specific vitamins or minerals added. The name of the milk or milk product shall bear the statement "mineral fortified" or similar statement approved by the department. All additives shall be listed in the ingredient statement, and nutritional labeling requirements must be met.

[Statutory Authority: Chapters 15.32 and 15.36 RCW. 87-12-026 (Order 1931), § 16-101-455, filed 5/29/87.]

**WAC 16-101-465 Lowfat milk with calcium added.** "Lowfat milk with calcium added" is lowfat milk which is fortified with calcium carbonate, tricalcium phosphate or other additive which is a dietary source of calcium, approved by the department, to a level of more than 500 mg per 8 fluid ounce serving. The principal display panel shall prominently bear the statement "a dietary source of calcium." All additives shall be listed in the ingredient statement, and nutritional labeling requirements must be met.

[Statutory Authority: Chapters 15.32 and 15.36 RCW. 87-12-026 (Order 1931), § 16-101-465, filed 5/29/87.]

**WAC 16-101-475 Nonfat (skim) milk with calcium added.** "Nonfat (skim) milk with calcium added" is nonfat milk which is fortified with calcium carbonate, tricalcium phosphate or other additive which is a dietary source of calcium, approved by the department, to a level of more than 500 mg per 8 fluid ounce serving. The

principal display panel shall prominently bear the statement "a dietary source of calcium." All additives shall be listed in the ingredient statement, and nutritional labeling requirements must be met.

[Statutory Authority: Chapters 15.32 and 15.36 RCW. 87-12-026 (Order 1931), § 16-101-475, filed 5/29/87.]

**WAC 16-101-570 Sour half-and-half or cultured half-and-half.** Sour half-and-half or cultured half-and-half is pasteurized half-and-half the acidity of which is not less than .50 percent expressed as lactic acid, produced by natural bacterial action of a lactic-acid-producing culture or by the direct addition of a food grade acid. Salt, lactose, starter culture distillate, approved type edible stabilizers are optional ingredients, but they shall be listed on the label if they are added. Sour half-and-half or cultured half-and-half may be alternately labeled as "light sour cream" or "light cultured sour cream" or "lite sour cream" or "lite cultured sour cream."

[Statutory Authority: Chapter 15.32 RCW. 87-09-033 (Order 1925), § 16-101-570, filed 4/10/87; Order 1401, § 16-101-570, filed 6/19/75 and 6/20/75.]

**WAC 16-101-690 Civil penalties--Substandard products.** (1) Commencing July 1, 1987, a civil penalty may be imposed by the department against any dairy processing plant for deviation below the butterfat or solids-not-fat standard set forth in chapter 16-101 WAC for those fluid dairy products listed below: Milk, pasteurized milk, homogenized milk, vitamin D milk, vitamin A milk, vitamin A lowfat milk, nonfat milk, vitamin A nonfat milk, reconstituted or recombined milk or milk products, buttermilk or cultured buttermilk, protein fortified fluid milk products and acidified milk and milk products.

(2) For purposes of this section, the following terms have the following meanings:

(a) "Butterfat value" is the value of butterfat in producer milk, as listed in the monthly federal milk order report for the dairy processing plant in question in the month during which the deviation from standards occurs.

(b) "Solids-not-fat value" is the commodity credit corporation purchase price for nonfat dry milk as of the date the deviation from standards occurs.

(3) For purposes of this section, the Roes-Gottlieb procedure as described in the 14th edition of the *Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC)* shall be the reference method for determining the milk fat in milk and other fluid dairy products. The test for total solids in milk and other fluid dairy products shall be the final action oven procedure as described by the AOAC. Solids-not-fat shall be determined by subtracting the fat from the total solids.

(4) The department shall take and test samples from dairy processing plants on a regular basis pursuant to RCW 15.36.110. For the purposes of administering this section, all plants in the state to the extent practical, shall be sampled and tested with like frequency.

For each fluid dairy product to be tested, three samples shall be taken. The three samples shall be composited. The butterfat or solids-not-fat content of the composite shall be used for purposes of administering this section.

The result of each sampling shall be reported in accordance with RCW 15.32.530. In no event may a sample be taken for purposes of this civil penalty procedure, sooner than three days after the results of the previous sample have been mailed to the plant operator.

If the butterfat or solids-not-fat content of the fluid dairy product deviates more than one-tenth of one percent (0.1%) below the standard for that product set forth in chapter 16-101 WAC, a violation occurs. Deviations of greater than 0.1% but not more than 0.5% below the applicable standard shall be assigned a violation point value of one. Deviations below the applicable standard by more than 0.5% shall be assigned a violation point value of two.

(5) Finished dairy product test results shall be recorded separately for each type of product sampled from each processing plant and for each component standard (butterfat and solids-not-fat.)

(6) The civil penalty shall be calculated separately for each type of product tested.

On the first occasion that a dairy processing plant receives a violation point for a product, a copy of the laboratory report disclosing the deviation from the applicable standard shall be sent to the concerned processing plant.

If the dairy processing plant incurs two violation points during the last four consecutive tests for a product, the director shall send a warning letter to the concerned processing plant, calling attention to these civil penalty regulations.

If over the course of four consecutive tests, including the most recent (current) test, the dairy processing plant accumulates three violation points for a product, the director shall impose a civil penalty against the processing plant. The amount of the civil penalty shall be equal to the butterfat and/or solids-not-fat value absent from the volume of the sampled product, as represented by the sample results, multiplied by the number of pounds of that product processed on the day of the violation.

If over the course of four consecutive tests, including the most recent (current) test, the dairy processing plant accumulates four violation points for a product, the director shall impose a civil penalty against the processing plant. The amount of the civil penalty shall be equal to two times the butterfat and/or solids-not-fat value absent from the volume of the sampled product, as represented by the sample results, multiplied by the number of pounds of that product processed on the day of the violation.

If over the course of four consecutive tests, including the most recent (current) test, the dairy processing plant accumulates five or more violation points for a product, the director shall impose a civil penalty against the dairy processing plant. The amount of the civil penalty shall be equal to three times the butterfat and/or solids-not-fat value absent from the volume of the sampled

product, as represented by the sample results, multiplied by the number of pounds of that product processed on the day of the violation.

Notwithstanding the provisions of this section, no penalty shall be imposed if no violation points are assigned during the most recent (current) test.

(7) All civil penalties which are assessed pursuant to these regulations shall be processed in accordance with RCW 34.04.090.

In no case shall a civil penalty imposed under this section exceed \$10,000 per product, per offense.

A milk plant that refuses to supply the department with adequate records to verify the amount of a civil penalty shall be subject to the maximum penalty.

[Statutory Authority: Chapter 15.36 RCW. 87-08-038 (Order 1920), § 16-101-690, filed 3/30/87, effective 7/1/87.]

### Chapter 16-104 WAC

#### SHELL EGGS—STANDARDS, GRADES AND WEIGHT CLASSES

##### WAC

16-104-001	Repealed.
16-104-0011	Repealed.
16-104-010	Repealed.
16-104-020	Repealed.
16-104-030	Repealed.
16-104-040	Repealed.
16-104-050	Repealed.
16-104-060	Repealed.
16-104-070	Repealed.
16-104-080	Repealed.
16-104-090	Repealed.
16-104-100	Repealed.
16-104-110	Repealed.
16-104-120	Repealed.
16-104-130	Washington state standards for quality of individual shell eggs—Application.
16-104-140	Terms descriptive of the shell.
16-104-150	Terms descriptive of the air cell.
16-104-160	Terms descriptive of the white.
16-104-170	Terms descriptive of the yolk.
16-104-180	General terms.
16-104-190	General.
16-104-200	Grades.
16-104-210	Summary of grades.
16-104-220	Weight classes.
16-104-230	Minimum sample schedule—Egg samples.

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

16-104-001	Promulgation. [Order 936, Promulgation, filed 1/29/64; Order 773, Promulgation, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
16-104-0011	Promulgation. [Order 1232, § 16-104-0011, filed 4/17/72, effective 7/1/72.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
16-104-010	Washington state standards for quality of individual shell eggs—Application. [Order 1232, § 16-104-010, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 1, filed 1/29/64; Order 773, Regulation 1, Paragraph 1, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
16-104-020	Definitions of terms descriptive of shell. [Order 1232, § 16-104-020, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 2, filed 1/29/64; Order 773,

Regulation 1, Paragraph 2, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.

16-104-030	Definitions of terms descriptive of the air cell. [Order 1232, § 16-104-030, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 3, filed 1/29/64; Order 773, Regulation 1, Paragraph 3, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
16-104-040	Definitions of terms descriptive of the white. [Order 1232, § 16-104-040, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 4, filed 1/29/64; Order 773, Regulation 1, Paragraph 4, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
16-104-050	Definitions of terms descriptive of the yolk. [Order 1232, § 16-104-050, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 5, filed 1/29/64; Order 773, Regulation 1, Paragraph 5, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
16-104-060	Definitions—General terms. [Order 1232, § 16-104-060, filed 4/17/72, effective 7/1/72; Order 936, Regulation 1, § 6, filed 1/29/64; Order 773, Regulation 1, Paragraph 6, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
16-104-070	Washington state consumer grades and weight classes for shell eggs—General. [Order 1232, § 16-104-070, filed 4/17/72, effective 7/1/72; Order 936, Regulation 2, § 1, filed 1/29/64; Order 773, Regulation 2, Paragraph 1, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
16-104-080	Grades. [Order 1232, § 16-104-080, filed 4/17/72, effective 7/1/72; Order 936, Regulation 2, § 2, filed 1/29/64; Order 773, Regulation 2, Paragraph 2, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
16-104-090	Summary of grades. [Order 1232, § 16-104-090, filed 4/17/72, effective 7/1/72; Order 936, Regulation 2, § 3, filed 1/29/64; Order 773, Regulation 2, Paragraph 3, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
16-104-100	Weight classes. [Order 1232, § 16-104-100, filed 4/17/72, effective 7/1/72; Order 936, Regulation 2, § 4, filed 1/29/64; Order 773, Regulation 2, Paragraph 4, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
16-104-110	Minimum sample schedule—Egg samples. [Order 1232, § 16-104-110, filed 4/17/72, effective 7/1/72; Order 936, Regulation 3, § 1, filed 1/29/64; Order 773, Regulation 3, Paragraph 1, effective 5/5/58.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: Chapter 69.25 RCW.
16-104-120	Effective date. [Order 1232, § 16-104-120, filed 4/17/72, effective 7/1/72.] Repealed by 87-16-075 (Order 1945), filed 8/4/87. Statutory Authority: RCW 69.25 RCW.

**WAC 16-104-001 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-104-0011 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-104-010 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-104-020 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-104-030 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-104-040 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-104-050 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-104-060 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-104-070 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-104-080 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-104-090 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-104-100 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-104-110 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-104-120 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-104-130 Washington state standards for quality of individual shell eggs—Application.** (1) General. The Washington state standards for quality of individual shell eggs contained in this order are applicable only to eggs that are the product of the domesticated chicken hen and are in the shell.

Interior egg quality specifications for these standards are based on the apparent condition of the interior contents of the egg as it is twirled before the candling light. Any type or make of candling light may be used that will enable the particular grader to make consistently accurate determinations of the interior quality of shell eggs.

(2) AA quality. The shell must be clean, unbroken, and practically normal. The air cell must not exceed 1/8 inch in depth, may show unlimited movement and may be free or bubbly. The white must be clear and firm so that the yolk is only slightly defined when the egg is twirled before the candling light. The yolk must be practically free from apparent defects.

(3) A quality. The shell must be clean, unbroken, and practically normal. The air cell must not exceed 3/16 inch in depth and may be free or bubbly. The white must be clear and at least reasonably firm so that the yolk outline is only fairly well defined when the egg is twirled before the candling light. The yolk must be practically free from apparent defects.

(4) B quality. The shell must be unbroken, may be abnormal, and may have slightly stained areas. Moderately stained areas are permitted if they do not cover more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered. Eggs having shells with

prominent stains or adhering dirt are not permitted. The air cell may be over 3/16 inch in depth, may show unlimited movement, and may be free or bubbly. The white may be weak and watery so that the yolk outline is plainly visible when the egg is twirled before the candling light. The yolk may appear dark, enlarged, and flattened and may show clearly visible germ development but no blood due to such development. It may show other serious defects that do not render the egg inedible. Small blood spots or meat spots (aggregating not more than 1/8 inch in diameter) may be present.

**Dirty.** An individual egg that has an unbroken shell with adhering dirt or foreign material, prominent stains, or moderate stains covering more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered.

**Check.** An individual egg that has a broken shell or crack in the shell but with its shell membranes intact and its contents do not leak. A "check" is considered to be lower in quality than a "dirty."

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-130, filed 8/4/87.]

**WAC 16-104-140 Terms descriptive of the shell.** (1) Clean. A shell that is free from foreign material and from stains or discolorations that are readily visible. An egg may be considered clean if it has only very small specks, stains, or cage marks, if such specks, stains, or cage marks are not of sufficient number or intensity to detract from the generally clean appearance of the egg. Eggs that show traces of processing oil on the shell are considered clean unless otherwise soiled.

(2) Dirty. A shell that is unbroken and that has dirt or foreign material adhering to its surface, which has prominent stains, or moderate stains covering more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered.

(3) Practically normal (AA or A quality). A shell that approximates the usual shape and that is sound and is free from thin spots. Ridges and rough areas that do not materially affect the shape and strength of the shell are permitted.

(4) Abnormal (B quality). A shell that may be somewhat unusual or decidedly misshapen or faulty in soundness or strength or that may show pronounced ridges or thin spots.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-140, filed 8/4/87.]

**WAC 16-104-150 Terms descriptive of the air cell.** (1) Depth of the air cell (air space between shell membranes, normally in the large end of the egg). The depth of the air cell is the distance from its top to its bottom when the egg is held air cell upward.

(2) Free air cell. An air cell that moves freely toward the uppermost point in the egg as the egg is rotated slowly.

(3) Bubbly air cell. A ruptured air cell resulting in one or more small separate air bubbles usually floating beneath the main air cell.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-150, filed 8/4/87.]

**WAC 16-104-160 Terms descriptive of the white.**

(1) Clear. A white that is free from discolorations or from any foreign bodies floating in it. (Prominent chalazae should not be confused with foreign bodies such as spots or blood clots.)

(2) Firm (AA quality). A white that is sufficiently thick or viscous to prevent the yolk outline from being more than slightly defined or indistinctly indicated when the egg is twirled.

(3) Reasonably firm (A quality). A white that is somewhat less thick or viscous than a firm white. A reasonably firm white permits the yolk to approach the shell more closely which results in a fairly well defined yolk outline when the egg is twirled.

(4) Weak and watery (B quality). A white that is weak, thin, and generally lacking in viscosity. A weak and watery white permits the yolk to approach the shell closely, thus causing the yolk outline to appear plainly visible and dark when the egg is twirled.

(5) Blood spots or meat spots. Small blood spots or meat spots (aggregating not more than 1/8 inch in diameter) may be classified as B quality. If larger, or showing diffusion of blood into the white surrounding a blood spot, the egg shall be classified as loss. Blood spots shall not be due to germ development. They may be on yolk or in the white. Meat spots may be blood spots which have lost their characteristic red color or tissue from the reproductive organs.

(6) Bloody white. An egg which has blood diffused through the white. Eggs with bloody whites are classed as loss. Eggs with blood spots which show a slight diffusion into the white around the localized spot are not to be classed as bloody whites.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-160, filed 8/4/87.]

**WAC 16-104-170 Terms descriptive of the yolk. (1)**

Outline slightly defined (AA quality). A yolk outline that is indistinctly indicated and appears to blend into the surrounding white as the egg is twirled.

(2) Outline fairly well defined (A quality). A yolk outline that is discernible but not clearly outlined as the egg is twirled.

(3) Outline plainly visible (B quality). A yolk outline that is clearly visible as a dark shadow when the egg is twirled.

(4) Enlarged and flattened (B quality). A yolk in which the yolk membranes and tissues have weakened and/or moisture has been absorbed from the white to such an extent that the yolk appears definitely enlarged and flat.

(5) Practically free from defects (AA quality or A quality). A yolk that shows no germ development but may show other very slight defects on its surface.

(6) Serious defects (B quality). A yolk that shows well developed spots or areas and other serious defects, such as olive yolks, which do not render the egg inedible.

(7) Clearly visible germ development (B quality). A development of the germ spot on the yolk of a fertile egg that has progressed to a point where it is plainly visible as a definite circular area or spot with no blood in evidence.

(8) Blood due to germ development. Blood caused by development of the germ in a fertile egg to the point where it is visible as definite lines or as a blood ring. Such an egg is classified as inedible.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-170, filed 8/4/87.]

**WAC 16-104-180 General terms. (1) Loss.** An egg that is inedible, cooked, frozen, contaminated, or containing bloody whites, large blood spots, large unsightly meat spots, or other foreign material.

(2) Inedible eggs. Eggs of the following descriptions are classed as inedible: Black rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, eggs containing embryo chicks (at or beyond the blood ring state), and any eggs that are adulterated as such term is defined pursuant to the Federal Food, Drug, and Cosmetic Act.

(3) Leaker. An individual egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exuding or free to exude through the shell.

(4) Restricted eggs means any check, dirty eggs, incubator, reject, inedible, leaker, or loss.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-180, filed 8/4/87.]

**WAC 16-104-190 General. (1)** These grades are applicable to edible shell eggs in "lot" quantities rather than on an "individual" egg basis. A lot may contain any quantity of two or more eggs. References in these standards to the term "case" means 30-dozen egg cases as used in commercial practices in the state of Washington.

(2) Terms used in WAC 16-104-190 that are defined in WAC 16-104-130 have the same meaning as defined therein.

(3) Aggregate tolerances are permitted within each consumer grade only as an allowance for variable efficiency and interpretation of graders, normal changes under favorable conditions during reasonable periods between grading and inspection and reasonable variation of inspector's interpretation.

(4) Substitution of higher qualities for the lower qualities specified is permitted.

(5) "No grade" or "receipts" means eggs of possible edible quality on which no grade determination has been made or that fail to meet the requirements of an official Washington state consumer grade or that may have been contaminated by smoke, chemicals or other foreign material which may have seriously affected the character, appearance or flavor of the eggs. "No grade" or "receipts" eggs shall be sold only to a dealer who shall be equipped to assign a grade.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-190, filed 8/4/87.]



**WAC 16-104-200 Grades.** (1) Washington consumer grade AA (at origin) shall consist of eggs which are at least 87 percent AA quality. The maximum tolerance of 13 percent which may be below AA quality may consist of A or B quality in any combination, except that within the tolerance for B quality, not more than 1 percent may be B quality due to air cells over 3/4 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than 5 percent (7 percent for jumbo size) checks are permitted and not more than 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(2) Washington consumer grade AA (destination) shall consist of eggs which are at least 72 percent AA quality. The remaining tolerance of 28 percent shall consist of at least 10 percent A quality, and the remainder shall be B quality, except that within the tolerance for B quality not more than 1 percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than 7 percent (9 percent for jumbo size) checks are permitted and not more than 1 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(a) Washington consumer grade A (A) Washington consumer grade A (at origin) shall consist of eggs which are at least 87 percent A quality or better. Within the maximum tolerance of 13 percent which may be below A quality, not more than 1 percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than 5 percent (7 percent for jumbo size) checks are permitted and not more than 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may exceed 0.30 percent. Other types of loss are not permitted.

(b) Washington consumer grade A (destination) shall consist of eggs which are at least 82 percent A quality or better. Within the maximum tolerance of 18 percent which may be below A quality, not more than 1 percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than 7 percent (9 percent for jumbo size) checks are permitted and not more than 1 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(3) Washington consumer grade B.

(a) Washington consumer grade B (at origin) shall consist of eggs which are at least 90 percent B quality or better, not more than 10 percent may be checks, and not more than 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(b) Washington consumer grade B (destination) shall consist of eggs which are at least 90 percent B quality or

better, not more than 10 percent may be checks and not more than 1 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

"Exemption." A licensed wholesale shell egg dealer may sell a consumer grade check on the premises where he packages eggs, directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees. This consumer grade check shall consist of eggs which at least 99 percent are checks or better. Checks may not exceed 1% dirties, leakers, and loss in any combination (due to meat or blood spots). Loss other than meat or blood spots is not permitted.

(4) Additional tolerances:

(a) In lots of two or more cases:

(i) For grade AA - no individual case may exceed 10 percent less AA quality eggs than the minimum permitted for the lot average.

(ii) For grade A - no individual case may exceed 10 percent less A quality eggs than the minimum permitted for the lot average.

(iii) For grade B - no individual case may exceed 10 percent less B quality eggs than the minimum permitted for the lot average.

(b) For grade AA, A, and B, no lot shall be rejected or downgraded due to the quality of a single egg except for loss other than blood or meat spots.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-200, filed 8/4/87.]

**WAC 16-104-210 Summary of grades.** It shall be unlawful to sell, offer for sale, or use as human food any eggs or products containing eggs which have been broken or separated by a process that does not permit the inspection of each individual egg after it is broken or that allows the egg meat and shell to commingle. For the purposes of this rule, egg products sold under a United States Department of Agriculture (USDA) seal from a USDA approved and inspected egg products plant shall be deemed to meet the requirements of this rule for use as human food.

SUMMARY OF GRADES

The summary of Washington state consumer grades for shell eggs follows as Table 1 and Table 2 of this section:

TABLE 1 - SUMMARY OF WASHINGTON CONSUMER GRADES FOR SHELL EGGS

Washington State Consumer Grades (Origin)	Quality Required(1)	Tolerance Permitted (2)	
		Percent	Quality
Grade AA	87 percent AA	Up to 13 Not over 5	A or B (5) Checks (6)
Grade A	87 percent A or better	Up to 13 Not over 5	B Checks (6)
Grade B	90 percent B or better	Not over 10	Checks

Washington State Consumer Grades (Destination)	Quality Required(1)	Tolerance Permitted (3)	
		Percent	Quality
Grade AA	72 percent AA	Up to 28(4) Not over 7	A or B (5) Checks (6)
Grade A	82 percent A or better	Up to 18 Not over 7	B(5) Checks (6)
Grade B	90 percent B or better	Not over 10	Checks

(1) In lots of two or more cases see Table 2 of this section for tolerances for an individual case within a lot.

(2) For the Washington consumer grades (at origin), a tolerance of 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination is permitted, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(3) For the Washington consumer grades (destination), a tolerance of 1 percent leakers, dirties, or loss (due to meat or blood spots) in any combination is permitted, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(4) For Washington grade AA destination, at least 10 percent must be A quality or better.

(5) For Washington grade AA or A at origin and destination within the tolerances permitted for B quality, not more than 1 percent may be B quality due to air cells over 3/4 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects.

(6) For Washington grades AA or A jumbo size eggs, the tolerance for checks at origin and destination is 7 percent and 9 percent respectively.

TABLE 2 - TOLERANCE FOR INDIVIDUAL CASE WITHIN A LOT

Washington Consumer Grade	Case Quality	Origin (Percent)	Destination (Percent)
Grade AA	AA (min)	77	62
	A or B	13	28
	Check (max)	10	10
Grade A	A (min)	77	72
	B	13	18
	Check (max)	10	10
Grade B	B (min)	80	80
	Check (max)	20	20

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-210, filed 8/4/87.]

**WAC 16-104-220 Weight classes.** (1) The weight classes for Washington state consumer grades for shell

eggs shall be as indicated in Table 1 of this section and shall apply to all consumer grades:

TABLE 1 - WASHINGTON STATE WEIGHT CLASSES FOR CONSUMER GRADES FOR SHELL EGGS.

Size or Weight Classes	Minimum Net Weight Per Dozen	Minimum Net Weight Per 30 Dozen	Minimum Weight for Individual Eggs at Rate Per Dozen
	Ounces	Pounds	Ounces
Jumbo	30	56	29
Extra large	27	50 1/2	26
Large	24	45	23
Medium	21	39 1/2	20
Small	18	34	17
Peewee or pullet	15	28	—

(2) Minimum weights listed for individual eggs at the rate per dozen are permitted in the various weight classes only to the extent that they will not reduce the net weight per dozen below the required minimum.

(3) A lot average tolerance of 3.3 percent for individual eggs in the next lower weight class is permitted as long as no individual case within the lot exceeds 5 percent.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-220, filed 8/4/87.]

**WAC 16-104-230 Minimum sample schedule—Egg samples.** The following schedule is a minimum number of samples and shall be reasonably calculated to produce a fair representation of the entire lot of eggs examined.

Cases in Lot	Cases in Sample
1 case	1 (see footnote.)
2 to 10 inclusive	2
11 to 25 "	3
26 to 50 "	4
51 to 100 "	5
101 to 200 "	8
201 to 300 "	11
301 to 400 "	13
401 to 500 "	14
501 to 600 "	16

For each additional 50 cases or fraction thereof in excess of 600 cases, one additional case shall be included in the sample. A minimum of 100 eggs per sample case shall be examined. For lots which consist of 100 eggs or less, all eggs shall be examined.

SUMMARY OF WASHINGTON STATE STANDARDS FOR QUALITY OF INDIVIDUAL SHELL EGGS SPECIFICATIONS FOR EACH QUALITY FACTOR

Quality Factor	AA Quality	A Quality	B Quality
Shell	Clean, unbroken. Practically normal.	Clean, unbroken. Practically normal.	Clean to slightly stained.* Unbroken, ab-normal.
Air cell	1/8 inch or less in depth. Unlimited movement & free or bubbly.	3/16 inch or less in depth. Unlimited movement & free or bubbly.	Over 3/16 inch in dept. Unlimited movement & free or bubbly.
White	Clear, firm.	Clear, reasonably firm.	Weak and watery. Small blood spots present.
Yolk	Outline slightly defined. Practically free from defects.	Outline fairly well defined. Practically free from defects.	Outline plainly visible. Enlarged and flattened. Clearly visible germ development but no blood. Other serious defect.

\*Moderately stained areas permitted (1/32 of surface if localized, or 1/16 in scattered).

\*\*If they are small (aggregating not more than 1/8 inch in diameter).

For eggs with dirty or broken shells, the standards of quality provide two additional qualities. These are:

Dirty	Check
Unbroken. Adhering dirt or foreign material, prominent stains, moderate stained areas in excess of B quality.	Broken or cracked shell but membranes intact, not leaking.***

\*\*\*Leaker has broken or cracked shell and membranes, and contents leaking or free to leak.

[Statutory Authority: Chapter 69.25 RCW. 87-16-075 (Order 1945), § 16-104-230, filed 8/4/87.]

Chapter 16-156 WAC ORGANIC PRODUCER CERTIFICATION

WAC

- 16-156-001 Application.
- 16-156-005 Standards for certification.
- 16-156-010 Sampling.
- 16-156-020 Inspection.
- 16-156-030 Certification.
- 16-156-040 Certified producer number.
- 16-156-050 Application for certification.
- 16-156-060 Fee schedule.

**WAC 16-156-001 Application.** Organic food producers who wish certification under this chapter must submit an application and pay prescribed fees to the department on an annual basis. This application must include a sworn statement that they have over the past year, and will continue throughout the year for which the application is made, fully comply with the statute and rules for production of organic food.

[Statutory Authority: Chapter 15.86 RCW. 88-07-024 (Order 1968), § 16-156-001, filed 3/8/88.]

**WAC 16-156-005 Standards for certification.** Standards for organic producer certification shall be as set forth in RCW 15.86.030 and WAC 16-154-010 and 16-154-020.

[Statutory Authority: Chapter 15.86 RCW. 88-07-024 (Order 1968), § 16-156-005, filed 3/8/88.]

**WAC 16-156-010 Sampling.** At least one sample representative of a crop grown by each organic producer under the organic food certification program shall be tested for pesticide residues by the state chemist annually. These samples shall be collected by the department of agriculture in a representative manner at the producer's farm.

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

[Statutory Authority: Chapter 15.86 RCW. 88-07-024 (Order 1968), § 16-156-010, filed 3/8/88.]

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

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

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

[Statutory Authority: Chapter 15.86 RCW. 88-07-024 (Order 1968), § 16-156-020, filed 3/8/88.]

**WAC 16-156-030 Certification.** Washington state department of agriculture certification of organic food producers means that analysis of the representative sample taken by the department of agriculture showed no illegal pesticide usage and inspection of the producer by the department of agriculture showed no illegal practices being followed.

Organic food producers who apply under this program will be able to use the words, "produced under Washington state department of agriculture organic food certification program" in their labeling as long as their

practices comply with this chapter and chapters 15.86 RCW and 16-154 WAC.

Food produced under this organic food certification program may be identified by the use of the attached logo. This logo shall only be used for food produced under the Washington state department of agriculture organic food certification program.

The logo to identify organic food produced under this certification program shall not be changed except for increases or decreases in size, as appropriate.

[Statutory Authority: Chapter 15.86 RCW. 88-07-024 (Order 1968), § 16-156-030, filed 3/8/88.]

**WAC 16-156-040 Certified producer number.** Organic food producers who make application to the certification program shall be assigned a grower identification number by the department of agriculture. All sales from the producer to the first handler shall include the grower number on the invoice and/or other sales document.

[Statutory Authority: Chapter 15.86 RCW. 88-07-024 (Order 1968), § 16-156-040, filed 3/8/88.]

**WAC 16-156-050 Application for certification.** Organic food producers who wish to apply for the producer inspection program must apply to the department by April 1, 1988, and thereafter by January 15 of each year. The application and fees shall be forwarded to the department on forms furnished by the department.

Applications made after the set deadline shall be processed as the department can schedule the initial inspections, provided that the producer may still conduct business as provided in RCW 15.86.050.

[Statutory Authority: Chapter 15.86 RCW. 88-07-024 (Order 1968), § 16-156-050, filed 3/8/88.]

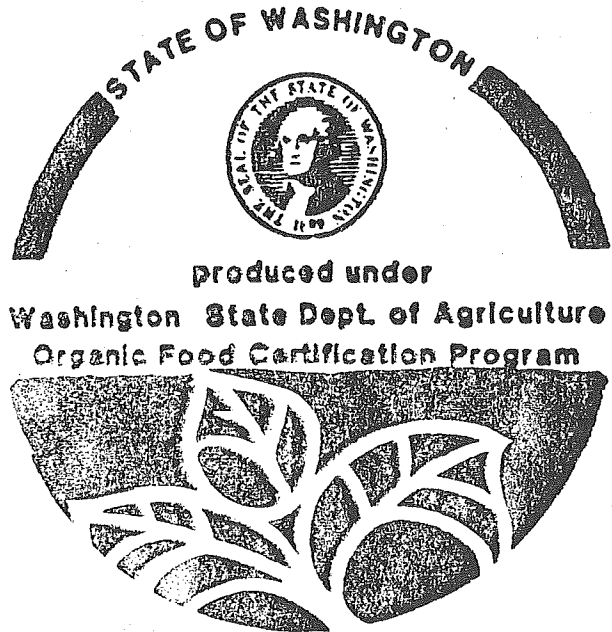
**WAC 16-156-060 Fee schedule.** (1) The cost per application shall be based on a sliding scale of gross dollar volume. The fee shall accompany the application.

Information on gross dollar volume shall not be disclosed to unauthorized persons.

Gross Dollar Volume	Fee
\$ 0 - \$ 10,000	\$150.00
\$ 10,000 - \$ 25,000	\$185.00
\$ 25,000 - \$ 50,000	\$350.00
\$ 50,000 - \$ 100,000	\$525.00
\$100,000 and Over	\$600.00

(2) Additional inspections (in addition to two inspections provided for), if required for certification by the director, shall be at \$20/hr. + 21¢/mile from the inspector's assigned duty station.

(3) Additional samples (in addition to one sample provided for), if required for certification by the director, shall cost an additional lab fee of one hundred ten dollars. If an additional visit must be arranged, it shall be at \$20/hr. + 21¢/mile from the inspector's assigned station.



[Statutory Authority: Chapter 15.86 RCW. 88-07-024 (Order 1968), § 16-156-060, filed 3/8/88.]

**Chapter 16-200 WAC  
FEEDS, FERTILIZERS AND LIVESTOCK  
REMEDIES**

- WAC
- 16-200-695 Definitions.
- 16-200-700 Repealed.
- 16-200-705 Purpose.
- 16-200-710 Repealed.
- 16-200-711 Plant nutrients in addition to nitrogen, phosphorus and potassium.
- 16-200-715 Fertilizer labels.
- 16-200-720 Repealed.
- 16-200-721 Slowly released plant nutrients.
- 16-200-725 Commercial fertilizer definitions.
- 16-200-730 Repealed.
- 16-200-731 Commercial value of plant nutrients.
- 16-200-735 Breakdown of plant food elements within the guaranteed analysis.
- 16-200-739 Brand name.
- 16-200-740 Repealed.
- 16-200-743 Repealed.

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

- 16-200-700 Definition, labeling, and registration of customer-formula fertilizers. [Order 1032, Regulation 1, filed 9/13/66, effective 10/15/66; Order 999, Regulation 1, filed 12/10/65.] Repealed by 87-19-097 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.
- 16-200-710 Secondary and minor plant nutrients. [Order 1032, Regulation 2, filed 9/13/66, effective 10/15/66; Order 999, Regulation 2, filed 12/10/65.] Repealed by 87-19-097 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.
- 16-200-720 Definitions, regulations, and analysis. [Order 1032, Regulation 3, filed 9/13/66, effective 10/15/66; Order 999, Regulation 3, filed 12/10/65.] Repealed by

- 16-200-730 87-19-097 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW. Specialty fertilizers. [Order 1032, Regulation 4, filed 9/13/66, effective 10/15/66; Order 999, Regulation 4, filed 12/10/65.] Repealed by 87-19-097 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.
- 16-200-740 Fertilizer brand registration. [Order 1032, Regulation 5, filed 9/13/66, effective 10/15/66; Order 999, Regulation 5, filed 12/10/65.] Repealed by 87-19-097 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.
- 16-200-743 Fertilizer brand registration—Labeling. [Order 1032, Regulation 6, filed 9/13/66, effective 10/15/66; Order 999, Regulation 6, filed 12/10/65.] Repealed by 87-19-097 (Order 1952), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.

**WAC 16-200-695 Definitions.** The definitions set forth in this section shall apply throughout this chapter unless context otherwise requires:

(1) "Organic" means a material containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth. When the term "organic" is utilized in the label or labeling of any commercial fertilizer, it shall be qualified as either "synthetic organic" or "natural organic," with the percentage of each specified.

(2) "Natural organic" means a material derived from either plant or animal products containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth.

(3) "Synthetic organic" means a material that is manufactured chemically (by synthesis) from its elements and other chemicals, containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth.

(4) "Unit" means one percent (by weight) of a ton.

(5) "AOAC" means the association of official analytical chemists.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-695, filed 9/17/87.]

**WAC 16-200-700 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-200-705 Purpose.** The following rules concerning the definitions, labeling requirements and examination of fertilizer minerals and limes are established in this chapter under the authority of the Commercial Fertilizer Act, chapter 15.54 RCW.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-705, filed 9/17/87.]

**WAC 16-200-710 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-200-711 Plant nutrients in addition to nitrogen, phosphorus and potassium.** (1) Plant nutrients, other than nitrogen, phosphorus and potassium, when mentioned in any form or manner shall be registered and shall be guaranteed on the label. Guarantees shall be made on the elemental basis. Sources of the elements

guaranteed shall be shown on the label. Proof of availability shall be provided the director upon request. Except guarantees for those water soluble nutrients labeled solely for hydroponic or continuous liquid feed programs, the minimum percentages which will be accepted for registration are as follows:

<u>Element</u>	<u>%</u>
Calcium (Ca)	1.0000
Magnesium (Mg)	0.5000
Sulfur (S)	1.0000
Boron (B)	0.0200
Chlorine (Cl)	0.1000
Cobalt (Co)	0.0005
Copper (Cu)	0.0500
Iron (Fe)	0.1000
Manganese (Mn)	0.0500
Molybdenum (Mo)	0.0005
Sodium (Na)	0.1000
Zinc (Zn)	0.0500

(2) Guarantees or claims for the plant nutrients listed in subsection (1) of this section are the only ones which shall be accepted by the department. Proposed labels and directions for the use of the fertilizer shall be furnished to the department with the application for registration upon request. Any of the above listed elements which are guaranteed shall appear in the order listed immediately following guarantees for the primary nutrients of nitrogen, phosphorus and potassium.

(3) A warning or caution statement may be required on the label for any commercial fertilizer containing more than 0.1% boron or more than 0.001% molybdenum. The following are examples of possible warning or caution statements:

(a) Boron:

(i) This fertilizer contains boron which may be injurious to certain crops. Contact your local county agent or field consultant for specific information.

(ii) WARNING: This fertilizer carries added borax and is intended for use only on alfalfa. Its use on any other crops or under conditions other than those recommended may result in serious injury to the crops.

(b) Molybdenum: CAUTION: This fertilizer is to be used only on crops which respond to molybdenum. Crops high in molybdenum are toxic to grazing animals (ruminants).

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-711, filed 9/17/87.]

**WAC 16-200-715 Fertilizer labels.** The following information, in the format presented, is the minimum information required for all fertilizer labels. For packaged products, this information shall either appear on the front or back of the package; or occupy at least the upper-third side of the package; or be printed on a tag and attached to the package. This information shall be in a readable and conspicuous form. For bulk products, this same information in written or printed form shall accompany delivery and be supplied to the purchaser at time of delivery.

(1) Net weight.

- (2) Brand.
- (3) Grade (provided that the grade shall not be required when no primary nutrients are claimed.)
- (4) Guaranteed analysis\*
  - Total Nitrogen (N)\*\* \_\_\_\_\_%
  - \_\_\_\_ % ammoniacal nitrogen
  - \_\_\_\_ % nitrate nitrogen
  - \_\_\_\_ % water insoluble nitrogen
  - \_\_\_\_ % urea nitrogen
  - \_\_\_\_ % (other recognized and determined forms of N)
  - Available Phosphoric Acid (P<sub>2</sub>O<sub>5</sub>) \_\_\_\_\_%
  - Soluble Potash (K<sub>2</sub>O) \_\_\_\_\_%
  - (Other nutrients, elemental basis)\*\*\* \_\_\_\_\_%
- (5) Sources of nutrients guaranteed on the label shall be listed below the completed guaranteed analysis statement.
- (6) Name and address of registrant.

\* Zero guarantees shall not be made and shall not appear in the statement.

\*\* If chemical forms of nitrogen are claimed or required, the form shall be shown and the percentages of the individual forms shall add up to the total nitrogen percentage.

\*\*\* As prescribed by WAC 16-200-711.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-715, filed 9/17/87.]

**WAC 16-200-720 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-200-721 Slowly released plant nutrients.**

(1) No fertilizer label shall bear a statement that connotes or implies that certain plant nutrients contained in a fertilizer are released slowly over a period of time, unless the nutrient or nutrients are identified and guaranteed.

(2) Types of products with slow release properties recognized are:

(a) Water insoluble (nitrogen products only), such as natural organics, ureaform materials, urea-formaldehyde products, IBDU, oxamide, etc.;

(b) Coated slow release, such as sulfur coated urea and other encapsulated soluble fertilizers;

(c) Occluded slow release, where fertilizers or fertilizer materials are mixed with waxes, resins, or other inert materials and formed into particles; and

(d) Products containing water soluble nitrogen such as ureaform materials, urea-formaldehyde products, methylenediurea (MDU), dimethylenetriurea (DMTU), dicyanodiamide (DCD), etc.

(3) The terms "water insoluble," "coated slow release," "slow release," "controlled release," "slowly available water soluble," and "occluded slow release" are accepted as descriptive of the products listed in subsection (2) of this section; however the registrant can show a testing program substantiating the claim (testing under guidance of experiment station personnel or a recognized reputable researcher acceptable to the director). A laboratory procedure, acceptable to the director for evaluating the release characteristics of the product(s) shall also be provided by the registrant upon request.

(4) When the nitrogen is organic, it shall be established that if a label states the amount of organic nitrogen present in a phrase, such as "nitrogen in organic

form equivalent to X% N," then the water insoluble nitrogen guarantee shall not be less than sixty percent of the nitrogen so designated. For example: If the total nitrogen guarantee for a fertilizer is ten percent and the label states "Nitrogen in organic form equivalent to 2.5% N" then the water insoluble nitrogen guarantee shall not be less than 1.5% (2.5% x 0.6 = 1.5%).

(5) When a slowly released nutrient is less than fifteen percent of the guarantee for either total nitrogen (N), available phosphoric acid (P<sub>2</sub>O<sub>5</sub>), or soluble potash (K<sub>2</sub>O), as appropriate, the label shall bear no reference to such designations.

(6) AOAC method 2.074 (13th Edition), or as designated in subsequent editions, shall be used to confirm the coated slow release and occluded slow release nutrients and others whose slow release characteristics depend on particle size. AOAC method 2.072 (13th Edition) or as designated in subsequent editions, shall be used to determine the water insoluble nitrogen of organic materials.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-721, filed 9/17/87.]

**WAC 16-200-725 Commercial fertilizer definitions.** Except as the director designates otherwise in specific cases, the names and definitions for commercial fertilizers shall be those adopted by the association of american plant food control officials.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-725, filed 9/17/87.]

**WAC 16-200-730 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-200-731 Commercial value of plant nutrients.** The commercial values used in assessing penalties for plant nutrient deficiencies are as follows:

(1) Fertilizer Materials	Commercial Value (\$/Unit)		
	N	P <sub>2</sub> O <sub>5</sub>	K <sub>2</sub> O
Urea	4.20		
Ammonium Nitrate (33.5% - 34% N)	4.75		
Ammonium Sulfate	3.27		
Ammonium Phosphate:			
16-20-0	5.61	5.61	
18-46-0	4.81	4.81	
11-52-0	4.68	4.68	
11-55-0	4.63	4.63	
Triple Superphosphate (45%-46% P <sub>2</sub> O <sub>5</sub> )		5.25	
Muriate of Potash (60%-62% K <sub>2</sub> O)			2.17
Potassium Sulfate (50%-53% K <sub>2</sub> O)			6.64
Sulfate of Potash-Magnesia			8.20
Anhydrous Ammonia (82% N)	3.00		
Urea ammonium nitrate (32-0-0)	4.62		
Aqua Ammonia (20-0-0)	3.00		
Ammonium Thiosulfate (12-0-0)	5.00		
Ammonium Polyphosphate (10-34-0)	6.00	6.10	

If the commercial value of any of the fertilizer materials listed above varies by more than 10% of the actual invoice value of the lot sampled, the registrant may request that the invoice be used in determining the commercial value of the fertilizer. The request must be accompanied by a copy of the invoice.

(2) Relative values  
for macronutrients:

	Commercial Value (\$/Unit)		
	N	P <sub>2</sub> O <sub>5</sub>	K <sub>2</sub> O
Dry blend nonspecialty fertilizer (not listed in (1) above)	4.48	5.16	2.74
Liquid blend nonspecialty fertilizer (not listed in (1) above)	3.93	5.96	2.74
Dry blend specialty fertilizer	18.96	18.96	18.96
Liquid blend specialty fertilizer	18.96	18.96	18.96

(3) Values used for determining and assessing penalties for secondary and minor plant nutrients shall be determined from the sales invoice.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-731, filed 9/17/87.]

**WAC 16-200-735 Breakdown of plant food elements within the guaranteed analysis.** When a plant nutrient guarantee is broken down into the component forms, the percentage for each component shall be shown before the name of the form. For example: 4% Nitrate Nitrogen.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-735, filed 9/17/87.]

**WAC 16-200-739 Brand name.** The addition of another prominent name or design to a registered brand (other than descriptive words associated with the grade) shall constitute a new and different brand. For example: Blue Bird 5-10-10 vs. John Doe Blue Bird 5-10-10.

[Statutory Authority: Chapter 15.54 RCW. 87-19-097 (Order 1952), § 16-200-739, filed 9/17/87.]

**WAC 16-200-740 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-200-743 Repealed.** See Disposition Table at beginning of this chapter.

### Chapter 16-213 WAC

## MISCELLANEOUS AGRICULTURAL COMMODITY INSPECTION STANDARDS

### WAC

16-213-260 Definitions.  
16-213-270 Procedures.

**WAC 16-213-260 Definitions.** (1) "Cracked corn" is a byproduct of the elevating, transporting, or cleaning of corn. Cracked corn is the entire corn kernel, broken, ground, or fractured. Cracked corn may contain incidental whole kernels of corn. Cracked corn may be "yellow" or "white" if one color constitutes ninety percent or

more of the mixture. Cracked corn may not contain more than four percent of admixture (foreign material).

(2) "Corn screenings" is a byproduct of the elevating, transporting, or cleaning of corn. Corn screenings is the entire corn kernel, broken, ground, or fractured. Corn screenings may contain incidental whole kernels of corn. Corn screenings must consist of seventy percent or more of corn, whole and broken, and may contain not more than thirty percent of admixture.

(3) "Mixed grain screenings" is a byproduct of the elevating, transporting, or cleaning of grain. Grain screenings is the entire grain kernel, broken, ground, or fractured. Mixed grain screenings may contain incidental whole kernels of grain. Mixed grain screenings must consist of seventy percent or more of whole, light, and broken kernels of wheat, barley, oats, corn, rye, flaxseed, sorghum, triticale, soybeans, or wild oats in combination. Mixed grain screenings may contain not more than thirty percent of other foreign material.

(4) "Admixture" in cracked corn or corn screenings means foreign material and standardized grains other than corn.

(5) "Other foreign material" in mixed grain screenings means material other than standardized grains under the United States Grain Standards Act and wild oats.

(6) "Test weight per bushel" means the weight per winchester bushel (35.24 liters) or as determined by any device and method which gives equivalent results.

(7) "Moisture" means a percentage ascertained by the air oven method or by any device and method which gives equivalent results.

[Statutory Authority: Chapter 22.09 RCW. 87-08-030 (Order 1919), § 16-213-260, filed 3/26/87.]

**WAC 16-213-270 Procedures.** (1) The determination of cracked corn, yellow or white in cracked corn, corn screenings or mixed grain screenings shall be made on a representative portion of approximately thirty grams cut from the representative sample.

(a) In the case of cracked corn and corn screenings, the percentage of admixture shall be determined and recorded on the inspection certificate in whole and tenths of a percent to the nearest tenth of a percent.

(b) In the case of mixed grain screenings, the percentage of other foreign material shall be determined and recorded on the inspection certificate in whole and tenths of a percent to the nearest tenth of a percent.

(2) The determination for moisture shall be made on a representative portion of the sample of exactly two hundred fifty grams cut from the work sample. The percentage of moisture is determined by using the motomco moisture meter or other device that yields equivalent results. The percentage of moisture shall be recorded on the inspection certificate in whole and tenths of a percent to the nearest tenth of a percent.

(3) The determination of test weight per bushel shall be made on a representative portion of the sample ranging in size from one and one-eighth to one and one-

fourth quarts. The test weight per bushel shall be recorded on the inspection certificate in whole and half pounds. A fraction of a half pound shall be disregarded.

(4) The examination of shiplots and combined lots of cracked corn, corn screenings and mixed grain screenings.

(a) When examining a shiplot or combined lot of cracked corn, corn screenings or mixed grain screenings, an individual subplot sample may exceed the limit for admixture in cracked corn and corn screenings and the limit of other foreign material in mixed grain screenings by up to two percent provided that:

(i) The weighted or mathematical average for the lot as a whole is within the prescribed limits of the applicable definition; and

(ii) The preponderance of the lot by weight meets the applicable definition.

(b) The certificate for a lot must show the following:

(i) The term cracked corn, corn screenings or mixed grain screenings.

(ii) The approximate weight of the lot.

(iii) In the case of cracked corn or corn screenings, the percentage of admixture.

(iv) In the case of mixed grain screenings, the percentage of other foreign material.

(v) The presence of sour, musty, or commercially objectionable foreign odors, an unknown foreign substance, live weevils or other live insects injurious to stored grain, glass, rodent pellets or the presence of other factors likely to adversely affect the quality of the cracked corn, corn screenings, or mixed grain screenings shall be noted in remarks on the certificate.

(c) At the request of the applicant, the certificate for a lot may show the following:

(i) In the case of cracked corn, the terms yellow or white.

(ii) The percentage of moisture.

(iii) The test weight per bushel.

(iv) In remarks, "we certify that cracked corn (or corn screenings) is not residue or waste from food industries. It is corn cracked during transportation or handling."

[Statutory Authority: Chapter 22.09 RCW. 87-08-030 (Order 1919), § 16-213-270, filed 3/26/87.]

**Chapter 16-228 WAC  
PESTICIDE REGULATIONS**

**WAC**

16-228-003	Repealed.
16-228-010	Definitions.
16-228-157	Waste pesticide disposal.
16-228-160	Restriction on distribution, transportation, storage and disposal.
16-228-165	State restricted use pesticides for use by certified applicators only.
16-228-185	Restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers.
16-228-190	Applicator requirements.
16-228-210	Financial responsibility insurance certificate (FRIC).
16-228-215	Application fee and FAA certificate.
16-228-220	Examination requirements.
16-228-227	Tributyltin.
16-228-232	Chemigation.

16-228-600 Use of pesticides on seed alfalfa.

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

16-228-003 Promulgation. [Order 1481, § 16-228-003, filed 7/15/76.] Repealed by 88-14-074 (Order 1981), filed 7/1/88. Statutory Authority: Chapter 17.21 and 15.58 RCW.

**WAC 16-228-003 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-228-010 Definitions.** The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

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

(2) "Director" means the director of the department of agriculture of the state of Washington, or a duly authorized representative.

(3) "Agricultural commodity" means any plant, or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by humans or animals.

(4) "Authorized agent" is any person who is authorized to act on behalf of a certified applicator for the purpose of purchasing pesticides.

(5) "Bait box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated synthetic material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized persons and domestic animals from gaining access to the bait. The cover shall be provided with a lock that can be unlocked only by a combination, key, special tool, or forced entry. Fragile materials are unacceptable.

(6) "Bait station" may be any location where baits are placed to allow target pests to gain access to the bait.

(7) "Bulk fertilizer" is a commercial fertilizer, agricultural mineral, or lime, distributed in nonpackaged form.

(8) "Certified applicator" means any individual who is certified by the director to use or supervise the use of any pesticide which is classified by the Environmental Protection Agency (EPA) as a restricted use pesticide or by the state as restricted to use by certified applicators including, but not limited to licensed commercial applicators, licensed commercial operators, licensed public operators, licensed private-commercial applicators, licensed demonstration and research applicators, and certified private applicators.

(9) "Controlled disposal site" means any place where solid or liquid waste is disposed: *Provided*, That the area has been designated as a disposal site for waste materials by the appropriate jurisdictional agency: *Provided further*, That the site is fenced, barricaded or otherwise enclosed or attended by some person in charge to facilitate control-access of domestic animals, pets, and unauthorized persons.



(10) "Dry pesticide" is any granular, pelleted, dust or wettable powder pesticide.

(11) "EPA" means the United States Environmental Protection Agency.

(12) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(13) "Fertilizer" as included in this order means any liquid or dry mixed fertilizer, fertilizer material, specialty fertilizer, agricultural mineral, or lime.

(14) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended.

(15) "Floor level" is considered to be the floor upon which people normally walk—not shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.

(16) "Food service establishment" means any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial-feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public, or nonprofit organization routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(17) "Fumigant" means any substance or combination of substances that produce gas, fumes, vapors, or smoke, and is used to kill pests in some kind of enclosure.

(18) "Highly toxic" for the purpose of this chapter, are those pesticides determined to be in the Toxicity Category I and are labeled on the front panel with the signal word "danger." In addition if the product was assigned to Toxicity Category I on the basis of its oral, inhalation or dermal toxicity (as distinct from skin and eye local effects) the word "poison" shall appear in red on a background of distinctly contrasting color and the skull and crossbones shall appear in immediate proximity to the word "poison."

(19) "Private applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators by the director for the purposes of producing any agricultural commodity on land owned or rented by the private applicator or the private applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

(20) "Private-commercial applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

(21) "State restricted use pesticide" means any pesticide determined to be a restricted use pesticide by the

director under the authority of chapters 17.21 and 15.58 RCW that are restricted to use only by certified applicators.

(22) "Unreasonable adverse effects on the environment" means any unreasonable risk to humans or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(23) "Waste pesticide" is any pesticide formulation which cannot be used according to label directions in Washington state because of cancellation or suspension of its federal or state registration, or deterioration of the product or its label, and any pesticide formulation whose active ingredients are not clearly identifiable because of label deterioration or because the pesticide is not stored in its original container.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-010, filed 7/1/88. Statutory Authority: Chapter 17.21 RCW. 85-17-044 (Order 1869), § 16-228-010, filed 8/16/85. Statutory Authority: Chapters 15.58 and 17.21 RCW. 84-09-011 (Order 1817), § 16-228-010, filed 4/10/84; Order 1538, § 16-228-010, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-010, filed 5/14/76. Formerly WAC 16-220-200 (part).]

**WAC 16-228-157 Waste pesticide disposal.** Under authority of RCW 70.105B.150 and 70.105B.180, the department may establish a waste disposal program for farmers, or other parties regulated under chapter 17.21 RCW.

(1) Upon review and determination that a pesticide is no longer useable, the department may declare a pesticide to be a "waste pesticide."

(2) The department may take possession of a waste pesticide with the owner's written consent for the purpose of disposal.

(3) For the purpose of waste pesticide disposal, the department may:

(a) Become identified as a hazardous waste generator;

(b) Enter into contracts or cooperative agreements to carry out portions of or all of the waste pesticide disposal program. The department may also enter into cooperative agreements to carry out portions of or all of the development of education programs relating to waste pesticide disposal and programs for dissemination of information concerning the department's disposal program.

(4) The department may accept pesticides whose active ingredients are not clearly identifiable for disposal. These pesticides may be analyzed by either the department or a private laboratory. If upon analysis the material is not a pesticide, not identified or not acceptable for disposal, it shall be returned to the owner and/or not accepted for disposal.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-157, filed 7/1/88.]

**WAC 16-228-160 Restriction on distribution, transportation, storage and disposal.** (1) No person shall handle, transport, store, display, apply, dispose of or distribute pesticides in such a manner as to endanger humans and their environment or to endanger food, feed, or any other product that may be transported, stored,

displayed, or distributed with such pesticides. Toxicities of pesticides shall be considered in distribution, storage, handling, and merchandising practices.

(2) Highly toxic pesticides shall not be transported in the same compartment of the vehicle or other equipment together with clothes, food, feed, or any other material intended for consumption by humans or animals. Any vehicle or other equipment shall be inspected by the owner or authorized agent for contamination before re-use. In instances where leakage or spillage has occurred, the shipper of the pesticides shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Vehicles or other equipment which have been contaminated shall not be returned to service until the contamination has been removed.

(3) Pesticide containers shall be secured during transit by use of side or end racks, bracing, chocks, tiedowns, or other means to prevent their sliding, falling, tipping, rolling, or falling off the vehicle with normal vehicle acceleration, deceleration, or change in direction.

(4) Valves shall be tightly closed and manhole covers shall be secured on cargo or portable tanks used for transporting pesticides, whether tanks are full or empty.

(5) Portable tanks shall be secured to prevent their sliding, falling, tipping, or rolling with normal vehicle acceleration, deceleration, or change in direction. Ends, sidewalls, or doors of van bodies shall not be relied upon for securement.

(6) Pesticides shall not be delivered to a pesticide consignee unless the consignee or authorized agent is present to accept delivery of the pesticides and signs a delivery slip and the pesticides are secured in a proper storage.

(7) Pesticides shall not be stored and/or displayed over or adjacent to meat or vegetable cases, other human foods, animal feeds, or drugs, or in any manner that may result in contamination of food, feed, or clothing. Pesticides intended for sale or distribution shall only be stored and displayed within an enclosed area of a building or fence and shall not be displayed on sidewalks.

(8) Pesticide dealers shall not sell, offer for sale, or hold for sale highly toxic pesticides in the same department where food for human consumption is displayed or sold. The use of the same "checkstand" or food packaging area is prohibited for the distribution of highly toxic pesticides.

(9) All pesticide incidents involving undesirable impacts on human health shall be reported to the Washington state department of social and health services.

(10) Pesticides in leaking, broken, corroded, or otherwise damaged containers shall not be displayed, offered for sale, or transported and shall be handled or disposed of in a manner that would not contaminate the environment or cause injury to humans and/or animals. Pesticides with obscured or damaged labels shall not be displayed or offered for sale.

(11) No person shall distribute or sell any pesticide unless it is in the registrant's or the manufacturer's unbroken, immediate container and there is affixed to the container its registered pesticide label.

(12) The distribution and use of DDT and DDD shall be prohibited in this state except for uses allowed by the Environmental Protection Agency or the Center for Disease Control of the United States Department of Health and Human Services.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-160, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-160, filed 4/10/84; Order 1538, § 16-228-160, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-160, filed 5/14/76. Formerly WAC 16-222-150.]

**WAC 16-228-165 State restricted use pesticides for use by certified applicators only.**

(1) The following pesticides are hereby declared to be state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator (refer to definition of "direct supervision"). Any EPA restricted use pesticide not listed shall be distributed and used only under these restrictions:

- (a) Monocrotophos (Azodrin)
- (b) Dicrotophos (Bidrin)
- (c) DDD DDT
- (d) Disulfoton (DiSyston) - Liquid
- (e) Endrin
- (f) Parathion and Methyl Parathion
- (g) Mevinphos (Phosdrin)
- (h) Sodium Arsenite
- (i) Demeton (Systox)
- (j) Aldicarb (Temik)
- (k) TEPP
- (l) Phorate (Thimet) - Liquid

(m) 2,4-D - all dry formulations and all liquid formulations distributed in packages of one gallon and larger to be used in counties located east of the crest of the Cascade Mountains:

(i) The following types of formulations are exempt from this requirement:

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

(B) One gallon containers of liquid amine formulations packaged as ready-to-use products, labeled for consumer use; and

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

(ii) Pesticide dealers shall be required to make available to the purchaser a copy of the rules covering the use of 2,4-D in the area in which the material will be applied.

(n) Zinophos

(o) All pesticide formulations labeled for application onto or into water to control pests in or on water, except those labeled only for use in:

(i) Swimming pools;

(ii) Wholly impounded ornamental pools and fountains;

(iii) Aquariums;

(iv) Closed plumbing and sewage systems;

(v) Enclosed food processing systems;

(vi) Air conditioners and humidifiers;

(vii) Cooling towers; and

(viii) Aquatic environments in states other than Washington: *Provided*, That for purposes of this subsection, sales of pesticides bearing combined labeling for uses into or onto water and for other uses may be made by licensed pesticide dealers to noncertified applicators, if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that it is not to be applied into or onto water. If requested by the department, dealers shall furnish records on the sales of pesticides labeled for application into or onto water, whether sold for that use or not. Records shall include the name and address of the purchaser, the complete product name and/or EPA registration number of the pesticide and the amount purchased.

(2) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides listed in WAC 16-228-165(1) by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization to the dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license or certification number.

(3) Licensed dealers shall keep records on each sale of these restricted use pesticides which shall include the following:

(a) Name and address of the certified applicator

(b) Applicator or operator certificate or license number

(c) Name of authorized agent (if applicable)

(d) Date of purchase

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

(f) Amount sold

(4) Pesticide dealers shall keep permits and dealer records for a period of one year from the date of issuance and the director shall have access to these records upon request.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-165, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-165, filed 4/10/84; 80-03-040 (Order 1679), § 16-228-165, filed 2/20/80; 79-05-003 (Order 1597), § 16-228-165, filed 4/10/79; Order 1538, § 16-228-165, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-165, filed 5/14/76. Formerly WAC 16-222-160 and 16-223-230.]

**WAC 16-228-185 Restrictions applying to any person holding, handling, using, or disposing of pesticides and their containers.** (1) Any person handling, applying, or disposing of pesticides or pesticide containers shall do so in such a manner to minimize hazard to commercially important pollinating insect species. Due care shall be taken to regulate the timing and technique of pesticide applications to or around blossoming plants.

(2) No person shall transport, handle, store, load, apply, or dispose of any pesticide, pesticide container or apparatus in such a manner as to pollute water supplies or waterways, or cause damage or injury to land, including humans, desirable plants and animals, or wildlife: *Provided*, That a pesticide labeled for aquatic use and used as directed shall not be considered a violation of this subsection: *Provided further*, That disposing of pesticides at disposal sites approved by the appropriate agency complies with the requirements of this subsection. Toxicity, volatility, and mobility of pesticides shall be considered in complying with this subsection.

(3) No person shall pollute streams, lakes, and other water supplies in pesticide loading, mixing, and application. Adequate, functioning devices and procedures to prevent backsiphoning shall be used.

(4) None of the following pesticides shall be applied by aircraft or airblast sprayers immediately adjacent to occupied schools in session, hospitals, nursing homes or other similar establishments under conditions that may result in contamination of these establishments or their premises:

(a) Monocrotophos (Azodrin)

(b) Demeton (Systox)

(c) Disulfoton (DiSyston)—Liquid

(d) Aldicarb (Temik)

(e) Endrin

(f) Tepp

(g) Parathion

(h) Phorate (Thimet)—Liquid

(i) Mevinphos (Phosdrin)

(j) Zinophos

(5) No person shall apply pesticides if weather conditions are such that physical drift or volatilization may cause damage to adjacent land, including humans, desirable plants or animals.

(6) Requirements for unattended pesticides and their containers:

(a) Good generally accepted housekeeping practices shall be maintained for all pesticides and their containers.

(b) The provisions of (d) and (e) of this subsection and subsection (7) of this section shall not apply to empty pesticide containers when adequately decontaminated (e.g., three successive rinsings); shall not apply to categories 2, 3, and 4 pesticide formulations labeled for home and garden use only.

(c) For the purposes of (d) and (e) of this subsection and subsection (7) of this section, pesticides and their containers at the loading area shall not be considered unattended during the spraying operation if the operator maintains either visual control or repeatedly returns at closely spaced intervals.

(d) Category 1 — highly toxic pesticides labeled with the signal word "danger" and their containers shall be stored in one of the following enclosures which, when unattended, shall be so constructed and locked (except (v) below) to prevent children, unauthorized persons, livestock, or other animals from gaining entry.

(i) Closed vehicle.

(ii) Closed trailer.

(iii) Building or room or fenced area with a fence at least six feet high.

(iv) Foot locker or other container which can be locked.

(v) Unattended trucks or trailers which have solid sideracks and secured tailgate at least six feet above ground, ramp or platform level.

(vi) Bulk storage containers fifty gallons and larger with tight screw-type bungs and/or secured or locked valves.

(e) Category 2 — pesticides labeled with the signal word "warning" and categories 3 and 4 — pesticides labeled with the signal word "caution" and their containers shall be stored in secured storage out of the reach of children in one of the enclosures listed in (d) of this subsection: *Provided*, That metal containers, twenty-eight gallons and larger, with tight screw-type bungs and/or secured or locked valves and sealed five gallon containers (requiring tool to unseal) shall be considered secured storage.

(7) Requirements for posting of storage for category 1 pesticides:

(a) For purposes of this subsection, warning signs shall show the skull and crossbones symbol and the words: "Danger/Poison (or Pesticide or Chemical) Storage Area/Keep Out" in letters large enough to be legible at a distance of thirty feet.

(b) Warning signs shall be posted:

(i) On enclosures specified in subsection (6)(d) of this section, when such enclosures are unattended;

(ii) At each entrance or exit from a storage area and on each exterior wall, so that a sign is visible from any direction;

(iii) If the pesticide storage area is contained in a larger, multipurpose structure, warning signs shall be clearly visible on each exterior wall of the structure within thirty feet of the pesticide storage area and from the main entrance to the larger structure: *Provided*, That posting of the main entrance shall not be required, if a sign is visible from the entrance which clearly identifies the possibility that pesticides may be stored on the premises, (i.e., XYZ Pest Control or XYZ Wood Treatment, Inc.);

(8) No person shall disperse a pesticide from any aircraft while in flight except over the target field and at the customary application height for that crop: *Provided*, That emergency dumping shall not be considered a violation of this section.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-185, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-185, filed 4/10/84; Order 1538, § 16-228-185, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-185, filed 5/14/76. Formerly WAC 16-222-180.]

**WAC 16-228-190 Applicator requirements.** (1) Commercial applicators and public operators when applying any pesticide, and private commercial applicators and demonstration and research applicators when applying pesticides restricted to use by certified applicators only, shall keep records which shall include the following:

(a) The name of the person for whom the pesticide was applied.

(b) The address or location of the land where the pesticide was applied.

(c) The year, month, day and time the pesticide was applied.

(d) The trade name and/or common name of the pesticide which was applied and/or EPA registration number for that product.

(e) The direction and estimated velocity of the wind and the temperature at the time the pesticide was applied: *Provided*, That this subsection does not apply to applications of baits in bait stations and pesticide applications within structures.

(f) The amount, or amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per 100 gallons) of the pesticide used.

For PCO classification, the amount and concentration of the pesticide(s) applied which may be recorded to the nearest ounce of active ingredient or to the nearest gallon of liquid spray; fumigation records shall include the pounds of gas released per one thousand cubic feet of space, the temperature, and the duration of the exposure period.

(g) The pests to be controlled (for PCO classification only).

(h) Specific crop or site to which pesticide was applied.

(i) Apparatus license plate number.

(j) Applicator's name and address and the name of the individual making the application.

(k) Acreage or area treated: *Provided*, That residential ornamental and lawn applications, and applications within structures are exempt from this requirement.

(2) Application records shall be completed and available to the department the same day the pesticides were applied.

(3) Application records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

(4) Upon written request, the applicator shall provide the customer with a record of each application of pesticides to his/her land, for the current season, which shall contain the information listed in WAC 16-228-190(1).

(5) All apparatus shall be kept in good repair and only that apparatus capable of performing all functions necessary to ensure proper and thorough application of pesticides shall be used. Apparatus shall be cleaned so that no residue remains which may cause injury to land, including humans, desirable plants and animals, from subsequent applications.

(6) On demand of the director, the applicator shall make immediately available for inspection the pesticides being applied and the apparatus used for the application: *Provided*, That this inspection is made at the site of application of where the apparatus is located.

(7) The applicator shall make available necessary safety equipment in proper working order and advise

employees on its use to meet the safety requirements of the pesticide label.

(8) Maintain a uniform mixture at all times in operating apparatus when applying pesticides.

(9) All containers used for prepared mixtures, other than those in an apparatus, shall have a label identifying the contents as a pesticide, the active ingredient, and appropriate cautions.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-190, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-190, filed 4/10/84; Order 1538, § 16-228-190, filed 7/29/77, effective 9/1/77; Order 1470, § 16-228-190, filed 5/14/76. Formerly chapter 16-222 WAC.]

**WAC 16-228-210 Financial responsibility insurance certificate (FRIC).** (1) A commercial pesticide applicator's license shall not be issued until a properly executed financial responsibility insurance certificate is filed with the department which shall certify: (Forms to be supplied by the department).

(a) Name of insured (identical to name on application form)

(b) Address of insured

(c) Policy number

(d) Plane number(s) (if applicable)

(e) Effective period

(f) Amount of insurance. Minimum requirements are:

(i) Public liability (personal injury) fifty thousand dollars; and property damage fifty thousand dollars; or

(ii) Alternately providing both public liability (personal injury), and property damage liability coverage within the same limit, providing such policy is issued in an amount of not less than one hundred thousand dollars.

(iii) Amount of deductible (if applicable): Maximum deductible, five thousand for all applicators.

(g) List of any pesticides or group of pesticides not covered by the policy.

(h) Acknowledgement of provisions for ten days' prior written notice of cancellation or reduction of the insurance coverage.

(2) The department may waive the requirements of this section, wholly or in part, if a properly executed surety bond in a form prescribed by the director is offered as evidence of financial responsibility, as provided for in RCW 17.21.160 and 17.21.170.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-210, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-210, filed 4/10/84; Order 1470, § 16-228-210, filed 5/14/76.]

**WAC 16-228-215 Application fee and FAA certificate.** (1) An applicant shall complete the application form for a pesticide license and pay the required license application fee prior to being given pesticide examinations, unless prior arrangements have been made.

(2) Applicants for an aerial applicators license shall supply a current copy of their FAA operating certificate to the director prior to issuance of their license.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-215, filed 7/1/88; Order 1470, § 16-228-215, filed 5/14/76.]

**WAC 16-228-220 Examination requirements.** (1) An examination fee of five dollars shall be paid prior to administration of any pesticide license examination at other than a regularly scheduled examination session. Candidates for public pesticide operator/public pest control consultant or private pesticide applicator are exempt from payment of the five-dollar fee.

(2) Any individual who fails any pesticide licensing examination twice shall be required to wait at least fourteen days before retaking that examination a third time. Subsequent testing shall be at the director's discretion.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-220, filed 7/1/88; 84-09-011 (Order 1817), § 16-228-220, filed 4/10/84; Order 1470, § 16-228-220, filed 5/14/76.]

**WAC 16-228-227 Tributyltin.** (1) The distribution for use in Washington state of paint, stain, paint additives, or similar products containing any chemical form of tributyltin for use in interiors of inhabited structures (i.e., residences, office buildings, institutions, recreational vehicles, and retail stores) shall be prohibited: *Provided*, That this section shall not apply to specialty products, such as tile grout additives or cooling tower biocides.

(2) No tributyltin-containing paint, stain, paint additives, or similar products as specified in subsection (1) of this section may be registered for distribution unless its label clearly indicates that it shall not be used on interior surfaces of inhabited structures or that it shall be used on exterior surfaces only.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-227, filed 7/1/88.]

**WAC 16-228-232 Chemigation.** After October 31, 1988, the following shall apply:

(1) No pesticide may be applied through an irrigation system, unless its registered label contains statement(s) specifically permitting this means of application: *Provided*, That applications of spray adjuvants are exempt from requirements of this section.

(2) Any person calibrating, loading, starting up, monitoring during application, or shutting down a chemigation system shall be knowledgeable about the system, and shall be under the direct supervision of a certified applicator.

(3) Any irrigation system used for chemigation shall contain the following functional equipment:

(a) A backflow prevention device or system in the water supply line, upstream from the point of pesticide introduction. Discharge of water into a reservoir tank prior to pesticide injection is acceptable: *Provided*, That there is an air gap between the outlet end of the fill pipe and the top (or overflow rim) of the reservoir tank of at least twice the inside diameter of the fill pipe;

(b) An automatic, quick-closing check valve in the pesticide injection pipeline to prevent the flow of liquid back toward the injection pump;

(c) A normally closed, solenoid-operated valve located on the intake side of the injection pump, connected with

the system interlock to prevent fluid from being withdrawn from the supply tank during shutdown;

(d) An interlocking control to automatically shut off the injection pump when the water pump stops or when water pressure decreases to a point where pesticide distribution is affected; and

(e) A metering pump fitted into the system interlock specified in (d) of this subsection.

(4) The department may issue permits exempting specific irrigation systems or locations from requirements of subsection (3) of this section: *Provided*, That alternative technology is substituted which will adequately fulfill the function of each waived requirement. In evaluating a permit request, the department may consult qualified engineers and Washington State University personnel.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-14-074 (Order 1981), § 16-228-232, filed 7/1/88.]

**WAC 16-228-600 Use of pesticides on seed alfalfa.**

(1) For purposes of pesticide registration, all alfalfa seed crop fields are considered nonfood and nonfeed sites of pesticide use, and the following conditions shall be met:

(a) All seed screenings shall be disposed of in such a way that they cannot be distributed or used for food or feed. The seed conditioner shall keep records of screening disposal for three years from the date of disposal and shall furnish the records to the director forthwith upon request. Disposal records shall consist of documentation from a controlled dump site, incinerator, or other equivalent disposal site and shall show the lot numbers, amount of material disposed of, its grower(s), and the date of disposal.

(b) No portion of the seed alfalfa plant, including but not limited to green chop, hay, pellets, meal, whole seed, and cracked seed, may be used or distributed for food or feed purposes.

(c) All alfalfa seed grown or conditioned in this state shall bear a tag or container label which forbids use of the seed for human consumption or animal feed.

(d) No alfalfa seed grown or conditioned in this state may be distributed for human consumption or animal feed.

(2) Violation of any condition listed in subsection (1) of this section is declared to be a violation of chapters 17.21 and 15.58 RCW.

(3) Alfalfa seed crop certified under provisions of RCW 15.86.070, the Organic Food Products Act, shall be exempt from the requirements of this section.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-228-600, filed 10/19/88.]

**Chapter 16-230 WAC**

**USE OF CHEMICALS AND CHEMICALLY TREATED MATERIALS IN CERTAIN COUNTIES**

**WAC**

- 16-230-010 Restricted use pesticides on blossoming alfalfa, clover and mint—Area under order.
- 16-230-030 Alfalfa and clover—Chemical restrictions.

- 16-230-075 Blossoming mint—Chemical restrictions.
- 16-230-076 Pesticide use on blossoming alfalfa, clover and mint—Area 1.
- 16-230-078 Area 2.
- 16-230-079 Special permits.
- 16-230-160 Desiccants and defoliants—Ground equipment—Nozzle and pressure requirements for the entire area under order.
- 16-230-190 Restrictions on the use of desiccants and defoliants in Walla Walla County.
- 16-230-470 Restricted use herbicides—Spokane County—Wind conditions.
- 16-230-475 Restricted use herbicides—Distribution, use, and application.
- 16-230-615 Restricted use herbicides—Eastern Washington—Sale and distribution.
- 16-230-640 Restricted use herbicides—Eastern Washington—Weather and temperature conditions.
- 16-230-645 Restricted use herbicides—Eastern Washington—Evening cutoff.
- 16-230-650 Restricted use herbicides—Eastern Washington—Application permit.
- 16-230-655 Restricted use herbicides—Eastern Washington—Ground equipment pressure requirements.
- 16-230-665 Restricted use herbicides—Eastern Washington—Aircraft restrictions near vineyards.
- 16-230-673 Restricted use herbicides—Eastern Washington—Application through irrigation systems.

**WAC 16-230-010 Restricted use pesticides on blossoming alfalfa, clover and mint—Area under order.**

(1) The following agricultural pesticides are declared to be restricted use pesticides in all counties of the state of Washington:

COMMON CHEMICAL NAME      ALSO KNOWN AS\*

acephate	Orthene
azinphos-methyl	Guthion
carbaryl	Sevin
carbofuran	Furadan
carbophenothion	Trithion
chlorpyrifos	Lorsban
demeton	Systox
diazinon	
dimethoate	Cygon, Rebelate
disulfoton	Di-Syston
endosulfan	Thiodan
fenthion	Baytex
fluralinate	Spur
formetanate hydrochloride	Carzol
malathion	Cythion
methidathion	Supracide
methomyl	Lannate, Nudrin
methoxychlor	Marlate
methyl parathion	
mevinphos	Phosdrin
naled	Dibrom
oxamyl	Vydate
oxydemeton-methyl	Metasystox-R
parathion	
phorate	Thimet
phosmet	Imidan
trichlorfon	Dylox

\*This column is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

(2) Area under order. All counties of the state of Washington.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-010, filed 10/19/88; 84-09-012 (Order 1818), § 16-230-010, filed 4/10/84; Order 1041, Regulations 2 and 3, filed 2/15/67, effective 3/20/67; Order 980, Regulations 2 and 3, filed 2/30/64; Order 916, Regulation 1, filed 4/22/63; Order 887, Regulation 1, filed 4/17/62.]

**WAC 16-230-030 Alfalfa and clover--Chemical restrictions.** (1) The use or application of any formulation (except where the formulation is specified) of the following listed pesticides shall be prohibited on blossoming alfalfa and clover crops within seven days to blossoming: *Provided*, That methidathion (Supracide) when used in Kittitas County on timothy hay mixed with alfalfa and/or clover shall only be prohibited within three days to blossoming. See WAC 16-230-076 and 16-230-078 for additional restrictions in certain areas of Walla Walla County.

- (a) Azinphos-methyl (Guthion)
- (b) Carbaryl (Sevin)
- (c) Carbofuran (Furadan)
- (d) Dimethoate (Cygon or Rebelate)
- (e) Methidathion (Supracide)

(2) The use or application of liquid formulations of chlorpyrifos (Lorsban), mevinphos (Phosdrin), wettable powder formulations of naled (Dibrom), and liquid or wettable powder formulations of malathion and phorate (Thimet) applied as sprays on blossoming alfalfa or clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight of the same day.

(3) The use or application of any formulation (except where the formulation is specified) of the following pesticides shall be prohibited on blossoming alfalfa and clover crops:

- (a) Carbaryl (Sevin) see number (1) above
- (b) Diazinon
- (c) Fenthion (Baytex)
- (d) Malathion dust and ULV
- (e) Methyl parathion
- (f) Mevinphos (Phosdrin) dust
- (g) Naled (Dibrom) dust
- (h) Parathion
- (i) Phosmet (Imidan)

(4) The use or application of the following listed pesticides or any formulation thereof (except where the formulation is specified) on blossoming alfalfa and clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise the following morning: *Provided*, That methomyl (Lannate or Nudrin) shall only be applied to blossoming clover crops pursuant to this rule, and its application to blossoming alfalfa is further restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight the same day: *Provided further*, That the application of the following restricted use pesticides on blossoming alfalfa in Walla Walla County is further restricted to applications only within the period beginning

at sunset and ending at two hours after midnight the following morning:

- (a) Carbophenothion (Trithion)
- (b) Formetanate hydrochloride (Carzol)
- (c) Demethon (Systox)
- (d) Naled (Dibrom) emulsifiable concentrate
- (e) Disulfoton (Di-Syston)
- (f) Endosulfan (Thiodan)
- (g) Oxydemeton-methyl (Metasystox-R)
- (h) Methomyl (Lannate or Nudrin)
- (i) Methoxychlor (Marlate)
- (j) Phorate (Thimet) granular
- (k) Trichlorfon (Dylox)
- (l) Oxamyl (Vydate)
- (m) Fluvalinate (Spur)

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-030, filed 10/19/88; 88-08-050 (Order 1971), § 16-230-030, filed 4/4/88; 84-09-012 (Order 1818), § 16-230-030, filed 4/10/84; Order 1041, Regulation 5, filed 2/15/67, effective 3/20/67; Order 980, Regulation 5, filed 4/6/65; Order 945, Regulation 5, filed 3/30/64; Order 916, Regulation 3, filed 4/22/63; Order 887, Regulation 3, filed 4/17/62.]

**WAC 16-230-075 Blossoming mint--Chemical restrictions.** The use or application of malathion dust on blossoming mint is prohibited. The use or application of malathion liquid, oxydemeton-methyl (Metasystox-R), and methomyl (Lannate or Nudrin) liquid on blossoming mint is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise the following morning. The use or application of any formulation of acephate (Orthene) on blossoming mint is restricted to applications only within the period beginning at two and one-half hours prior to sunset and ending at midnight of the same day.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-075, filed 10/19/88; 84-09-012 (Order 1818), § 16-230-075, filed 4/10/84; Order 1041, Regulation 9, filed 2/15/67, effective 3/20/67; Order 980, Regulation 9, filed 4/6/65; Order 945, Regulation 9, filed 3/30/64.]

**WAC 16-230-076 Pesticide use on blossoming alfalfa, clover and mint--Area 1.** (1) Area 1 description. South central Walla Walla County - all lands lying within a line starting at the junction of the Washington-Oregon border and the Rainville Road; thence north along the Rainville Road to the Frog Hollow Road; thence west along the Frog Hollow Road to the McDonald Road; thence north along the McDonald and Bridge Road to State Highway 12; thence west along Highway 12 to the Woodward Canyon Road; thence north and west along the Woodward Canyon Road to the northeast corner of Section 24, T7N, R33E; thence west along the section lines to the northwest corner of Section 23, T7N, R32E; thence south along the section lines to the Walla Wall River; thence southerly along the Walla Walla River to its intersection with the west section line of Section 7, T6N, R33E; thence south along the section lines to the Washington-Oregon border; thence east along the border to the point of beginning.

(2) Area 1 restrictions. In addition to the restrictions in WAC 16-230-030, the use or application of

azinphos-methyl (Guthion), carbofuran (Furadan), phosmet (Imidan), chlorpyrifos (Lorsban), and methidathion (Supracide) on alfalfa and clover crops, shall be prohibited after May 23 of each year, and the use or application of dimethoate (Cygon or Rebelate) on alfalfa and clover crops shall be prohibited after May 30 of each year.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-076, filed 10/19/88; 84-09-012 (Order 1818), § 16-230-076, filed 4/10/84.]

**WAC 16-230-078 Area 2.** (1) Area 2 description. South central Walla Walla County - All lands lying within a line starting at the junction of the Rainville Road and the Washington-Oregon border; thence north to the Frog Hollow Road; thence east along the Frog Hollow Road to the Valley Chapel Road; thence south along the Valley Chapel Road to the Washington-Oregon border; thence west along the border to the point of beginning.

(2) Area 2 restrictions. In addition to the restrictions in WAC 16-230-030, the use or application of azinphos-methyl (Guthion), carbofuran (Furadan), phosmet (Imidan), chlorpyrifos (Lorsban), and methidathion (Supracide) on alfalfa and clover crops, shall be prohibited after May 30 of each year, and the use or application of dimethoate (Cygon or Rebelate) on alfalfa and clover crops shall be prohibited after June 6 of each year.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-230-078, filed 10/19/88; 84-09-012 (Order 1818), § 16-230-078, filed 4/10/84.]

**WAC 16-230-079 Special permits.** The department may issue a permit upon receipt of a written request to apply restricted use pesticides listed in WAC 16-230-010 in variation of any restrictions listed in WAC 16-230-015, 16-230-030, and 16-230-075 through 16-230-078. The department shall consider the hazard to pollinating insects before a permit is issued.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-08-050 (Order 1971), § 16-230-079, filed 4/4/88.]

**WAC 16-230-160 Desiccants and defoliant—Ground equipment—Nozzle and pressure requirements for the entire area under order.** (1) Nozzle requirements - a minimum orifice diameter of 0.072 inches shall be used for application of all restricted use desiccants and defoliants: *Provided*, That applications of Dinitro may use a minimum orifice diameter of 0.052 inches: *Provided further*, That a RD-2 Raindrop nozzle shall be allowed.

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

(3) The Washington state department of agriculture may issue a permit upon receipt of a written request to apply restricted use desiccants and defoliants within the area as described in WAC 16-230-150 with nozzles,

nozzle type, drift control additives, and/or arrangements other than those allowed herein. The director will consider safety factors and the possible exposure to susceptible crops in the areas of proposed application before a permit will be issued.

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

**WAC 16-230-190 Restrictions on the use of desiccants and defoliants in Walla Walla County.** (1) Area 1 description - town of Walla Walla and vicinity: This area includes all lands lying within the town of Walla Walla and vicinity beginning at the Washington state line at the common boundary line between Sections 15 and 16, T6N, R34E, north along Hoon Road and continuing north on McDonald Bridge Road; across U.P.R.R. and Highway 12; thence north four miles more or less to the northwest corner of Section 10, T7N, R34E; thence east twenty miles to the northeast corner of Section 11, T7N, R37E; thence south seven miles more or less to the Washington-Oregon state line; thence west to point of beginning.

(2) Area 1 restrictions:

(a) During the period of February 15 through November 1 of any year, any application of Paraquat or Diquat or any mixture containing Paraquat or Diquat shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(b) The loading and/or mixing of dinitro, Paraquat or Diquat for aerial application is prohibited on any airstrip, airfield or any location within Area 1 of Walla Walla County. Aerial application equipment used for dinitro, Paraquat or Diquat applications shall be decontaminated prior to bringing the application equipment back into Area 1 of Walla Walla County: *Provided*, That the loading and/or mixing of Paraquat shall be allowed at the Walla Walla airport and those aircraft are restricted to exit and enter the airport to the north over Sections 10 and 11, T7N, R36E: *Provided further*, That the department may issue a permit for loading and mixing of dinitro at a specified location and between specified dates upon receipt of a written request.

(c) Aerial applications of dinitro are prohibited during the period of August 25 through October 31 of any year.

(d) During the period of August 25 through October 31 of any year, diesel and other fuel oils shall be prohibited in dinitro tank mixes.

(e) During the period of August 25 through October 31 of any year, the ground application of dinitro or any mixture containing dinitro shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(f) During the period of August 1 through August 24 of any year, aerial applications of dinitro are prohibited within one-half mile of commercially grown alfalfa hay: *Provided*, That the department may issue permits for aerial application within these areas.



(g) During the period of August 1 through October 31 of any year, any person applying dinitro shall keep records on forms prescribed by the director which shall include the following:

(i) The name and address of the person for whom the pesticide was applied;

(ii) The location of the land and number of acres where dinitro was applied;

(iii) The year, month, day, and time that dinitro was applied;

(iv) The product name of the dinitro applied;

(v) The direction and estimated velocity of the wind and temperature at the time the dinitro was applied;

(vi) The amount of dinitro applied per acre;

(vii) The type of carrier(s) and number of gallons per acre applied.

(h) The records required by (g) of this subsection shall be completed and available to the department the same day dinitro was applied. These records shall be kept for a period of one year from the date of application of dinitro. The director upon written request shall forthwith be furnished a copy of the records.

(i) Applications of dinitro by licensed commercial applicators shall be exempt from (g) and (h) of this subsection: *Provided*, That the licensed applicator's records shall comply with RCW 17.21.100 and WAC 16-228-190(1) through 16-228-190(4): *Provided further*, That such records shall include the number of acres of application.

(3) Area 2 description – southern portion of Walla Walla County: This area includes all lands lying within an area encompassed by a line beginning at the Washington–Oregon border and the west section line of Section 14, T6N, R33E; thence north along the section lines five miles more or less to the Touchet River North Road; thence north on the Touchet River North Road five miles more or less to the Dodd Road; thence east along the Dodd Road to the Touchet River; thence northerly along the Touchet River to north section line of Section 6, T8N, R34E; thence east along section lines twenty–two miles more or less to the northeast corner of Section 2, T8N, R37E; thence south along section lines seven miles more or less to the southeast corner of Section 2, T7N, R37E; thence west along section lines twenty miles more or less to the southwest corner of Section 3, T7N, R34E; thence south along section lines seven miles more or less to the Washington–Oregon border; thence west along the border five miles more or less to the point of beginning.

(4) Area 2 restrictions:

(a) Paraquat restrictions:

(i) During the period of February 15 through November 1 of any year, any application of Paraquat or any mixture containing Paraquat shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(ii) Any application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature the following morning has risen at least 10 degrees above the night low temperature.

(b) Diquat restrictions:

During the period of February 15 through November 1 of any year, any application of Diquat or any mixture containing Diquat is hereby restricted to ground apparatus only upon obtaining a permit from the Washington state department of agriculture.

(c) Dinitro restrictions:

(i) During the period of August 1 through August 24 of any year, aerial applications of dinitro are prohibited within one–half mile of commercially grown alfalfa hay: *Provided*, That the department may issue permits for aerial application within these areas. The permits, if issued, may in addition to other application restrictions prohibit certain carriers or diluents for the dinitro.

(ii) During the period of August 25 through October 31 of any year, aerial applications of dinitro or any mixes containing dinitro are prohibited: *Provided*, That the department may issue a written permit for such aerial applications.

(d) Records required by subsection (2)(g) through (i) of this section shall also apply to applications of dinitro in Area 2.

(5) Area 3 description – an area lying west of Area 2 in the southern part of Walla Walla County: This area includes all lands lying within an area encompassed by a line beginning at the Washington–Oregon border and the east section line of Section 15, T6N, R33E; thence north along the section lines five miles more or less to the Touchet River North Road; thence north on the Touchet River North Road five miles more or less to the Dodd Road; thence southwest along the Dodd Road and Maxwell Road four miles more or less to its intersection with the western section line of Section 6, T7N, R33E; thence south along the section lines eight miles more or less to the Washington–Oregon border; thence east along the Washington–Oregon border four miles more or less to the point of beginning.

(6) Area 3 restrictions:

(a) Paraquat restrictions:

(i) During the period of February 15 through November 1 of any year, any application of Paraquat or any mixture containing Paraquat shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(ii) Any application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature the following morning has risen at least 10 degrees above the night low temperature.

(b) Diquat restrictions:

During the period of February 15 through November 1 of any year, any application of Diquat or any mixture containing Diquat is hereby restricted to ground apparatus only upon obtaining a written permit from the Washington state department of agriculture.

(c) Dinitro restrictions:

During the period of August 1 through October 31 of any year, aerial applications of dinitro are prohibited within one–half mile from the center of the town of Touchet, and within one–half mile of commercially grown alfalfa hay: *Provided*, That the Washington state

department of agriculture may issue permits for aerial applications within these areas.

(d) Records required by subsection (2)(g) through (i) of this section shall also apply to applications of dinitro in Area 3.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 87-15-001 (Order 1938), § 16-230-190, filed 7/2/87; 85-17-066 (Order 1871), § 16-230-190, filed 8/21/85; 85-12-012 (Order 1858), § 16-230-190, filed 5/24/85; 80-05-005 (Order 1682), § 16-230-190, filed 4/4/80; 79-05-043 (Order 1598), § 16-230-190, filed 4/26/79; 79-02-046 (Order 1591), § 16-230-190, filed 1/29/79; Order 1545, § 16-230-190, filed 11/30/77.]

**WAC 16-230-470 Restricted use herbicides--Spokane County--Wind conditions.** The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

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

**WAC 16-230-475 Restricted use herbicides--Distribution, use, and application.** The distribution, use, and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-230-475, filed 4/12/88.]

**WAC 16-230-615 Restricted use herbicides--Eastern Washington--Sale and distribution.** Liquid formulations of restricted use herbicides distributed in packages of one gallon or larger in counties located east of the crest of the Cascade Mountains shall be sold and distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives except for liquid amine formulations of ready-to-use products, or liquid amine formulations containing fifteen percent or less of restricted use herbicides, labeled for consumer use in containers up to and including one gallon in size.

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

**WAC 16-230-640 Restricted use herbicides--Eastern Washington--Weather and temperature conditions.** Restricted use herbicides shall not be applied on and after April 1 through October 31 of each year when there is a temperature inversion; or throughout the year if weather conditions are such that damage could result to

adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization, or the temperature is 85°F. or above at the point of application: *Provided*, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches shall be exempt from the 85°F. temperature cutoff requirement: *Provided further*, That when using the invert system, applications may continue up to 95°F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-230-640, filed 2/12/88; 87-09-015 (Order 1923), § 16-230-640, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-640, filed 2/20/80.]

**WAC 16-230-645 Restricted use herbicides--Eastern Washington--Evening cutoff.** On and after May 1 through October 31 of each year, the application of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: *Provided*, That if there is a mean sustained legal wind velocity of not less than five miles per hour the application of restricted use herbicides shall be allowed in Areas 3 and 4 up to one hour prior to sunset in all counties as restricted by rule except Benton, Franklin, Yakima, and Walla Walla counties.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 87-09-015 (Order 1923), § 16-230-645, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-645, filed 2/20/80.]

**WAC 16-230-650 Restricted use herbicides--Eastern Washington--Application permit.** The Washington state department of agriculture may issue a permit, upon receipt of a written request, to mix, load and apply certain restricted use herbicides for purposes of critical weed control when such activities are restricted by rule. The director may consider recommendations of the 2,4-D committee for the county in question: *Provided*, That the 2,4-D committee is kept current for each county.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 87-09-015 (Order 1923), § 16-230-650, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-650, filed 2/20/80.]

**WAC 16-230-655 Restricted use herbicides--Eastern Washington--Ground equipment pressure requirements.** Pressure shall not exceed twenty-five pounds per square inch at the nozzles: *Provided*, That pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns, up to ninety pounds per square inch at the nozzle manifold for an invert system: *Provided further*, That when using a LP 8002 nozzle instead of a regular 8004 or equivalent, the maximum pressure shall be fifteen pounds per square inch at the nozzle.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-230-655, filed 2/12/88; 87-09-015 (Order 1923), § 16-230-655, filed 4/6/87; 80-03-041 (Order 1680), § 16-230-655, filed 2/20/80.]

**WAC 16-230-665 Restricted use herbicides--Eastern Washington--Aircraft restrictions near vineyards.**

Aerial application of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: *Provided*, That the Washington state department of agriculture may approve written requests and issue permit for aerial application of restricted use herbicides that may be applied to lands located one-half to one mile from commercial vineyards: *Provided further*, That no distance restrictions shall apply to aerial applications of restricted use herbicides near vineyards during the grape dormant season if written permission of the vineyard owner/manager is obtained. EXCEPTIONS are found in Franklin and Grant County restrictions.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-230-665, filed 9/1/87; 80-03-041 (Order 1680), § 16-230-665, filed 2/20/80.]

**WAC 16-230-673 Restricted use herbicides--Eastern Washington--Application through irrigation systems.** Restricted use herbicides applied through irrigation systems shall be subject to the same requirements as ground applications of restricted use herbicides except for nozzle size and pressure requirements.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-230-673, filed 9/1/87.]

**Chapter 16-231 WAC  
RESTRICTED USE HERBICIDES**

WAC

- 16-231-015 Restricted use herbicides—Benton County—Area 1.
- 16-231-020 Restricted use herbicides—Benton County—Area 2.
- 16-231-030 Restricted use herbicides—Benton County—Wind conditions.
- 16-231-033 Restricted use herbicides—Application records—Benton County.
- 16-231-035 Repealed.
- 16-231-115 Restricted use herbicides—Franklin County—Area 1.
- 16-231-119 Restricted use herbicides—Franklin County—Area 1A.
- 16-231-120 Repealed.
- 16-231-125 Restricted use herbicides—Franklin County—Area 2.
- 16-231-130 Restricted use herbicides—Franklin County—Area 3.
- 16-231-145 Restricted use herbicides—Franklin County—Wind conditions.
- 16-231-148 Restricted use herbicides—Application records—Franklin County.
- 16-231-150 Repealed.
- 16-231-215 Restricted use herbicides—Yakima County—Area 1.
- 16-231-225 Restricted use herbicides—Yakima County—Area 2.
- 16-231-235 Restricted use herbicides—Yakima County—Wind conditions.
- 16-231-238 Restricted use herbicides—Application records—Yakima County.
- 16-231-240 Repealed.
- 16-231-340 Restricted use herbicides—Adams County—Wind conditions.
- 16-231-343 Restricted use herbicides—Application records—Adams County.
- 16-231-345 Repealed.
- 16-231-425 Restricted use herbicides—Columbia County—Wind conditions.
- 16-231-430 Repealed.
- 16-231-530 Restricted use herbicides—Whitman County—Wind conditions.
- 16-231-535 Repealed.
- 16-231-620 Restricted use herbicides—Klickitat County—Wind conditions.

- 16-231-625 Repealed.
- 16-231-720 Restricted use herbicides—Okanogan County—Wind conditions.
- 16-231-730 Repealed.
- 16-231-840 Restricted use herbicides—Douglas and Chelan counties—Wind conditions.
- 16-231-845 Repealed.
- 16-231-910 Restricted use herbicides—Grant County—Area 1.
- 16-231-912 Restricted use herbicides—Grant County—Area 1A.
- 16-231-935 Restricted use herbicides—Grant County—Wind conditions.
- 16-231-938 Restricted use herbicides—Application records—Grant County.
- 16-231-940 Repealed.
- 16-231-950 Restricted use herbicides—Distribution, use, and application.

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

- 16-231-035 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-038 (Order 1677), § 16-231-035, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-120 Area 1A. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 81-07-044 (Order 1726), § 16-231-120, filed 3/16/81; 80-03-037 (Order 1676), § 16-231-120, filed 2/20/80.] Repealed by 87-18-060 (Order 1950), filed 9/1/87. Statutory Authority: Chapters 17.21 and 15.58 RCW.
- 16-231-150 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-037 (Order 1676), § 16-231-150, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-240 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-036 (Order 1675), § 16-231-240, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-345 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-035 (Order 1674), § 16-231-345, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-430 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-034 (Order 1673), § 16-231-430, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-535 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-033 (Order 1672), § 16-231-535, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-625 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-029 (Order 1668), § 16-231-625, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-730 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-027 (Order 1666), § 16-231-730, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-845 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-028 (Order 1667), § 16-231-845, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
- 16-231-940 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-031 (Order 1670), § 16-231-940, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.

**WAC 16-231-015 Restricted use herbicides--Benton County--Area 1.** (1) Area 1 description.

(a) (Prosser to Finley and the atomic energy commission reservation.) Beginning at the Yakima-Benton County line and the southwest corner of Section 19, T8N, R24E; thence east one mile along section lines to the southeast corner of Section 19, T8N, R24E; thence north one mile along section lines to the northeast corner of Section 19, T8N, R24E; thence east seven miles along section lines to the southeast corner of Section 17, T8N, R25E; thence north three miles along section lines to the northeast corner of Section 5, T8N, R25E; thence east two miles along section lines to the southeast corner of Section 34, T9N, R25E; thence north one mile along section lines to the northeast corner of Section 34, T9N, R25E; thence east two miles along section lines to the southeast corner of Section 25, T9N, R25E; thence north one mile along section lines to the northeast corner of Section 25, T9N, R25E; thence east six miles along section lines to the southeast corner of Section 24, T9N, R26E; thence south two miles along section lines to the southwest corner of Section 31, T9N, R27E; thence east five and one-half miles more or less along section lines to the K.I.D. Canal; thence southeasterly along the K.I.D. Canal to its confluence with Columbia River; thence northwesterly along the Columbia River to the Yakima-Benton County line; thence south one mile more or less along section lines to the southwest corner of Section 18, T13N, R24E; thence east three miles along section lines to the southeast corner of Section 16, T13N, R24E; thence south one mile along section lines to the southwest corner of Section 22, T13N, R24E; thence east one-half mile to the Atomic Energy Commission west boundary line; thence easterly and southerly along the Atomic Energy Commission boundary line to the Yakima River; thence southerly along the Yakima River to the south boundary of Section 31, T10N, R27E; thence west eighteen and one-half miles more or less along section lines to the Yakima-Benton County line; thence south along Yakima-Benton County line to the point of origin.

(b) An area near Patterson starting at the southeast corner of Section 7, T5N, R26E following section lines north five miles to the northeast corner of Section 19, T6N, R26E; thence west two miles to the northwest corner of Section 24, T6N, R25E; thence south one-half mile along section lines; thence west two miles to the common boundary of Section 21 and 22, T6N, R25E; thence north one-half mile to the northeast corner of Section 21, T6N, R25E; thence west three miles to the northwest corner of Section 19, T6N, R25E; thence south three miles to the southwest corner of Section 31, T6N, R25E; thence east three miles to the southeast corner of Section 33, T6N, R25E; thence south three miles to the southwest corner of Section 15, T5N, R25E; thence west one mile to the northwest corner of Section 21, T5N, R25E; thence south one mile to the southwest corner of Section 21, T5N, R25E; thence east two miles to the southeast corner of Section 22, T5N, R25E; thence north one mile to the northeast corner of Section 22, T5N, R25E; thence east two miles to the southeast

corner of Section 13, T5N, R25E; thence one mile north to the northeast corner of Section 13, T5N, R25E; thence east one mile to the point of origin.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: *Provided*, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of restricted use herbicides are prohibited: *Provided*, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(d) The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield, or any location within Area 1, and turning and/or low flying over Area 1 is also prohibited when loaded with restricted use herbicides or prior to cleaning equipment following use of these herbicides.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-015, filed 2/12/88; 87-18-060 (Order 1950), § 16-231-015, filed 9/1/87; 80-03-038 (Order 1677), § 16-231-015, filed 2/20/80.]

**WAC 16-231-020 Restricted use herbicides--Benton County--Area 2.** (1) Area 2 description.

(a) (Buffer zone surrounding Prosser, Benton City, Kiona and Kennewick areas.) This area includes all lands lying within a boundary beginning at Yakima-Benton County line and the southern boundary line of Area 1, northwest corner of Section 30, T8N, R24E; thence easterly along the southern boundary line of Area 1 to the Columbia River; thence south along the Columbia River to the southeast corner of Section 20, T7N, R31E; thence west seven and one-half miles along section lines and Kirk Road; thence south one-half mile more or less along Nine Canyon Road; thence west five and one-half miles more or less along Beck Road; thence north one-half mile along section lines to the southeast corner of Section 19, T7N, R29E; thence west along section lines eight miles to the southwest corner of Section 24, T7N, R27E; thence north along section lines four miles to the intersection with Sellards Road at the northwest corner of Section 1, T7N, R27E; thence west along Sellards Road and section lines twenty-three miles more or less to the Yakima-Benton County line; thence north to the point of beginning.

(b) Also including an area lying within a boundary beginning at the northwest corner of Section 19, T13N, R24E; thence east along the section lines three miles to the northeast corner of Section 21, T13N, R24E; thence south along the section line one mile to the southeast corner of Section 21, T13N, R24E; thence east along the section line one-half mile more or less to the Atomic Energy Commission Reservation west boundary line; thence southeasterly along the reservation boundary line to the Yakima River; thence southerly along the Yakima River two miles more or less to the south section line of

Section 31, T10N, R27E; thence west along section lines nineteen miles more or less to the Yakima-Benton County line; thence north along the county line to the point of beginning.

(c) A one mile buffer zone bordering Area 1 near Paterson. Includes all sections adjacent to Area 1 and Sections 14 and 15, T6N, R25E, Section 32, T5N, R25E, and all of Blalock and Coyote Islands not included in Area 1.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the Washington state department of agriculture. Aircraft applications shall be prohibited within one mile of commercial vineyards and within one-quarter mile of other susceptible crops. On and after November 1 through March 31 of the following year, aircraft applications shall be made using caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-020, filed 2/12/88; 87-09-015 (Order 1923), § 16-231-020, filed 4/6/87; 80-03-038 (Order 1677), § 16-231-020, filed 2/20/80.]

**WAC 16-231-030 Restricted use herbicides--Benton County--Wind conditions.** The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, and 3 when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That such application shall be prohibited in Area 1 on and after April 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 87-09-015 (Order 1923), § 16-231-030, filed 4/6/87; 80-03-038 (Order 1677), § 16-231-030, filed 2/20/80.]

**WAC 16-231-033 Restricted use herbicides--Application records--Benton County.** (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Benton County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-033, filed 9/1/87.]

**WAC 16-231-035 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-231-115 Restricted use herbicides--Franklin County--Area 1.** (1) Area 1 description.

(a) This area includes all lands lying within a boundary line starting at the northwest corner of Section 6, T14N, R28E; thence east along the Adams-Franklin County line thirteen miles more or less to the intersection with State Route 17; thence southeasterly along State Route 17, including the right of way, to the intersection with Highway 395 at the town of Mesa; thence southerly along Highway 395, including the right of way, seven miles more or less to the intersection with the common boundary between Sections 2 and 11, T11N, R30E at the town of Eltopia; thence east along the section line, one mile more or less to the northeast corner of Section 12, T11N, R30E; thence south along the section lines fifteen miles more or less to the Snake River; thence southwesterly along the Snake River to its confluence with the Columbia River; thence northwesterly along the Columbia River to the Grant-Franklin County line at the north section line of Section 29, T14N, R27E; thence east along the Grant-Franklin County line four miles more or less to the northwest corner of Section 30, T14N, R28E; thence north along the Grant-Franklin County line four miles to the point of beginning.

(b) Also including Levey (Ice Harbor Dam area): This area includes all lands lying within a two-mile radius of Levey within Franklin County.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after

April 5 through October 31 of each year: *Provided*, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: *Provided*, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the department: *Provided*, That on and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be allowed using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: *Provided*, That on and after April 5 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: *Provided further*, That on and after April 5 through April 30 written requests to apply 2,4 DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-115, filed 2/12/88; 87-18-060 (Order 1950), § 16-231-115, filed 9/1/87; 87-09-015 (Order 1923), § 16-231-115, filed 4/6/87; 81-07-044 (Order 1726), § 16-231-115, filed 3/16/81; 80-03-037 (Order 1676), § 16-231-115, filed 2/20/80.]

**WAC 16-231-119 Restricted use herbicides--Franklin County--Area 1A.** (1) Area 1A description. This area includes all lands lying within a boundary line starting at the intersection of State Route 17 and the Adams-Franklin County line at the north section line of Section 5, T14N, R30E; thence east along the Adams-Franklin County line five miles more or less to the Burlington Northern Railroad; thence southeasterly along the railroad, including the right of way, four miles more or less to the intersection with Moon Road; thence southerly along Moon Road, including the right of way, two miles more or less to the intersection with State Route 260 at the southeast corner of Section 27, T14N, R31E; thence west along State Route 260, including the right of way, five miles more or less to the intersection with State Route 17; thence northwesterly along State Route 17, excluding the right of way, to the point of beginning.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: *Provided*, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of

0.052 inches: *Provided*, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-119, filed 2/12/88.]

**WAC 16-231-120 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-231-125 Restricted use herbicides--Franklin County--Area 2.** (1) Area 2 description. This area includes all of the lands lying inside a boundary line starting at the intersection of State Routes 17 and 260 located at the northwest corner of Section 36, T14N, R30E; thence east along State Route 260, excluding the right of way, five miles more or less to the northeast corner of Section 34, T14N, R31E; thence south along the section lines fifteen miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road, including the right of way, to the Brass Road; thence easterly along the Brass Road, including the right of way, to the Bannenburg Road; thence southeasterly along the Bannenburg Road, including the right of way, to the northwest corner of Section 6, T10N, R33E; thence south along the section line one mile more or less to the Snake River; thence southwesterly along the Snake River to the east section line of Section 25, T9N, R30E; thence north along the section lines fifteen miles more or less to the southeast corner of Section 1, T11N, R30E; thence west along the section line one mile more or less to Highway 395; thence northerly along Highway 395, excluding the right of way, seven miles more or less to its intersection with State Route 17 at the town of Mesa; thence northerly along State Route 17, excluding the right of way, seven miles more or less to the point of beginning, excluding lands in Franklin County within a two-mile radius of the town of Levey.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the Washington state department of agriculture.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-125, filed 2/12/88; 87-09-015 (Order 1923), § 16-231-125, filed 4/6/87; 81-07-044 (Order 1726), § 16-231-125, filed 3/16/81; 80-03-037 (Order 1676), § 16-231-125, filed 2/20/80.]

**WAC 16-231-130 Restricted use herbicides--Franklin County--Area 3.** (1) Area 3 description. (Dry land area south and east of Connell.) An area beginning at the northeast corner of Section 3, T14N, R33E and the Reeder Road; thence south along the Reeder Road to and along the Black Road to the Swanson Road; thence east and south along the Swanson Road to state Highway 260; thence southerly along state Highway 260 to the Munt Road; thence south along the Munt Road to the Largent Road; thence east along the Largent Road to the Pasco-Kahlotus Highway to the Walker Road; thence southerly along the Walker Road to the Snake River; thence southerly along the Snake River to the east boundary line of Area 2; thence northerly along the east boundary line of Area 2 and Area 1A to the Franklin-Adams County line; thence east fifteen miles more or less along the county line to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 16 through October 31 of each year.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-231-130, filed 4/12/88; 80-03-037 (Order 1676), § 16-231-130, filed 2/20/80.]

**WAC 16-231-145 Restricted use herbicides--Franklin County--Wind conditions.** The use or application of restricted use herbicides shall be prohibited in Areas 1, 1A, 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That such applications shall be prohibited in Area 1 on and after April 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-231-145, filed 4/12/88; 87-18-060 (Order 1950), § 16-231-145, filed 9/1/87; 87-09-015 (Order 1923), § 16-231-145, filed 4/6/87; 80-03-037 (Order 1676), § 16-231-145, filed 2/20/80.]

**WAC 16-231-148 Restricted use herbicides--Application records--Franklin County.** (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide

applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Franklin County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-148, filed 9/1/87.]

**WAC 16-231-150 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-231-215 Restricted use herbicides--Yakima County--Area 1.** (1) Area 1 description. (An area south of the Yakima firing center including the upper and lower Yakima Valley.) An area starting at the Yakima-Benton County line and the northeast corner of Section 1, T11N, R23E; thence west along section lines seventeen miles more or less to the southeast corner of Section 31, T12N, R21E; thence north eight miles along section lines to the northeast corner of Section 30, T13N, R21E; thence west along section lines eleven miles to the Yakima River; thence northwesterly along the Yakima River four miles more or less to the junction of the Yakima and Naches Rivers; thence northwesterly along the Naches River for seven miles more or less to the northwest corner of Section 31, T14N, R18E; thence south one mile along the section line to the southwest corner of Section 31, T14N, R18E; thence west along section lines six miles to the northwest corner of Section 6, T13N, R17E; thence south twenty-four miles along section lines to the southwest corner of Section 31, T10N, R17E; thence east twenty-four miles along section lines to the southeast corner of Section 36, T10N, R20E; thence south six miles along section lines to the southwest corner of Section 31, T9N, R21E; thence east six miles along section lines to the northwest corner of

Section 6, T8N, R22E; thence south six miles along section lines to the southwest corner of Section 31, T8N, R22E; thence east twelve miles along section lines to the Benton County line; thence north twenty-four miles to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31: *Provided*, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops at any time.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: *Provided*, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of restricted use herbicides shall be allowed only on nonirrigated lands on and after November 1 through April 4 of the following year and shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications of restricted use herbicides shall be prohibited on and after April 5 through October 31: *Provided*, That hormone sprays may be applied to orchards to prevent fruit drop: *Provided further*, That aircraft applications shall be allowed by written permit issued by the Washington state department of agriculture in those dry land wheat growing areas east of Moxee and on the Rattlesnake Ridge and the area south of Horse Heaven Hills Ridge contained in Sections 25, 26, 27, 28, 32, 33, 34, 35 and 36, T8N, R23E up to within one mile of commercial grape plantings and to within one-quarter mile of other susceptible crops.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 87-09-015 (Order 1923), § 16-231-215, filed 4/6/87; 80-03-036 (Order 1675), § 16-231-215, filed 2/20/80.]

**WAC 16-231-225 Restricted use herbicides--Yakima County--Area 2.** (1) Area 2 descriptions. All remaining lands in Yakima County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be made using the warning area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-225, filed 2/12/88; 87-09-015 (Order 1923), § 16-231-225, filed 4/6/87; 80-03-036 (Order 1675), § 16-231-225, filed 2/20/80.]

**WAC 16-231-235 Restricted use herbicides--Yakima County--Wind conditions.** The use or application of restricted use herbicides shall be prohibited in

Areas 1, 1A and 2 when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That such application shall be prohibited in Areas 1 and 1A on and after April 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

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

**WAC 16-231-238 Restricted use herbicides--Application records--Yakima County.** (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 below Union Gap of Yakima County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-238, filed 9/1/87.]

**WAC 16-231-240 Repealed.** See Disposition Table at beginning of this chapter.

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



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

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

(2) Area 3 and 4. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour: *Provided*, That ground applications of restricted use herbicides are allowed when using No. 2RD or 2RA raindrop nozzles when the mean sustained wind velocity is fifteen miles per hour or less: *Provided further*, That application of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre: *And provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

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

**WAC 16-231-343 Restricted use herbicides--Application records--Adams County.** (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1 and 2 of Adams County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-343, filed 9/1/87.]

**WAC 16-231-345 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-231-425 Restricted use herbicides--Columbia County--Wind conditions.** The use or application of restricted use herbicides shall be prohibited in Area 2 and 4 when the mean sustained velocity is over twelve miles per hour throughout the year: *Provided*, That such application shall be prohibited in Area 2 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

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

**WAC 16-231-430 Repealed.** See Disposition Table at beginning of this chapter.

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

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

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

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

(3) All areas. Applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the

department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

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

**WAC 16-231-535 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-231-620 Restricted use herbicides--Klickitat County--Wind conditions.** The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

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

**WAC 16-231-625 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-231-720 Restricted use herbicides--Okanogan County--Wind conditions.** The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

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

**WAC 16-231-730 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-231-840 Restricted use herbicides--Douglas and Chelan counties--Wind conditions.** The use or application of restricted use herbicides shall be prohibited in Areas 2, 3 and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 when the mean sustained wind velocity is over twelve miles per hour on and after

November 1 through April 15 of the following year, and over seven miles per hour from April 16 through October 31: *Provided*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

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

**WAC 16-231-845 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-231-910 Restricted use herbicides--Grant County--Area 1.** (1) Area 1 description. (Lands generally within the Columbia Basin irrigation project.) An area starting at the southwest corner of Section 21, T14N, R27E; thence east along the county line four miles more or less to the southeast corner of Section 24, T14N, R27E; thence north along the county line sixteen miles to the southwest corner of Section 31, T17N, R28E; thence east along the county line thirteen miles more or less to the East Low Canal; thence northerly and easterly along the East Low Canal to the Adams County line; thence north along the Grant-Adams County lines six miles more or less to the East Low Canal; thence northwesterly along the East Low Canal to the southeast boundary of Block 70; thence easterly, northerly, and westerly, encompassing Block 70, Soap Lake and Block 701, to the West Main Canal; thence southwesterly along the West Main Canal to the north boundary line of Unit 1, Block 73; thence westerly along the northern boundary line of Block 73 to the northwest corner of Unit 278; then due west to the Willow Springs Draw; thence down Willow Springs Draw to the Columbia River; thence southerly along the Columbia River to the south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to Highway 24; thence south and west along Highway 24 to Vernita Bridge; thence easterly along the Columbia River to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: *Provided*, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: *Provided*, That applications of restricted

use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the danger area restrictions (see WAC 16-230-675).

(e) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: *Provided*, That on and after April 15 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: *Provided further*, That on and after April 15 through April 30 written request to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-910, filed 9/1/87; 87-09-015 (Order 1923), § 16-231-910, filed 4/6/87; 80-03-031 (Order 1670), § 16-231-910, filed 2/20/80.]

**WAC 16-231-912 Restricted use herbicides--Grant County--Area 1A.** (1) Area 1A description. Lands generally in the Mattawa area in the southwestern part of the county starting at the west end of the crest of Saddle Mountain at the Columbia River, south boundary line of Section 11, T15N, R23E; thence east along the crest of the Saddle Mountains approximately eighteen miles to the northwest boundary of the atomic energy reservation; thence southwesterly along the atomic energy reservation boundary to highway 24; thence following highway 24 to the Vernita Bridge at the Columbia River; thence northwesterly along the Columbia River to the point of beginning.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31: *Provided*, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: *Provided*, That applications of restricted use herbicides on asparagus shall be made using nozzles having a minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675.)

(d) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the Washington state department of agriculture.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-231-912, filed 2/12/88; 87-09-015 (Order 1923), § 16-231-912, filed 4/6/87.]

**WAC 16-231-935 Restricted use herbicides--Grant County--Wind conditions.** The use or application of restricted use herbicides shall be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 and 1A when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through March 31 of the following year, and over ten miles per hour from April 1 through October 31: *Provided*, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

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

**WAC 16-231-938 Restricted use herbicides--Application records--Grant County.** (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1, 1A and 2 of Grant County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 87-18-060 (Order 1950), § 16-231-938, filed 9/1/87.]

**WAC 16-231-940 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-231-950 Restricted use herbicides--Distribution, use, and application.** The distribution, use, and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-231-950, filed 4/12/88.]

### Chapter 16-232 WAC

#### RESTRICTED USE HERBICIDES IN CERTAIN COUNTIES

##### WAC

16-232-010	Restricted use herbicides--Walla Walla County--Area 1.
16-232-015	Restricted use herbicides--Walla Walla County--Area 2.
16-232-020	Restricted use herbicides--Walla Walla County--Area 2A.
16-232-025	Restricted use herbicides--Walla Walla County--Area 3.
16-232-027	Restricted use herbicides--Walla Walla County--Area 3A.
16-232-035	Restricted use herbicides--Walla Walla County--Wind conditions.
16-232-038	Restricted use herbicides--Application records--Walla Walla County.
16-232-040	Repealed.
16-232-125	Repealed.
16-232-130	Repealed.
16-232-225	Restricted use herbicides--Garfield County--Wind conditions.
16-232-230	Repealed.
16-232-315	Restricted use herbicides--Kittitas County--Wind conditions.
16-232-320	Repealed.
16-232-950	Restricted use herbicides--Distribution, use, and application.

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

16-232-040	Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-026 (Order 1665), § 16-232-040, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-232-125	Wind conditions. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-125, filed 2/20/80.] Repealed by 87-09-015 (Order 1923), filed 4/6/87. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-232-130	Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-130, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-232-230	Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-230, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.

16-232-320 Distribution, use and application. [Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-320, filed 3/31/82.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.

**WAC 16-232-010 Restricted use herbicides--Walla Walla County--Area 1.** (1) Area 1 description. (Columbia River Buffer area.) An area starting at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines ten miles more or less to the southeast corner of Section 22, T8N, R32E; thence east along the section lines two miles to the southeast corner of Section 24, T8N, R32E; thence north along the section lines five miles more or less to the intersection with the Northern Pacific Railroad; thence northeasterly seven miles more or less along the railroad, including the right of way, to the intersection with State Route 124 and C.M. Rice Road at the northeast corner of Section 2, T9N, R33E; thence northerly along C.M. Rice Road, including the right of way, to the Snake River; thence southwesterly along the Snake River to the Columbia River; thence southerly along the Columbia River to the Washington-Oregon state line; thence east along the state line nine miles more or less to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of .052 inches or a LP8002 or equivalent nozzle.

(c) On and after April 5 through October 31, aerial applications shall be prohibited except by written permit issued by the department.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-010, filed 2/12/88; 87-09-015 (Order 1923), § 16-232-010, filed 4/6/87; 81-07-041 (Order 1724), § 16-232-010, filed 3/13/81; 80-03-026 (Order 1665), § 16-232-010, filed 2/20/80.]

**WAC 16-232-015 Restricted use herbicides--Walla Walla County--Area 2.** (1) Area 2 description. (Walla Walla and vicinity, Dixie, Waitsburg, and Prescott areas.) Those areas lying within a one mile radius from the center of the town of Dixie and within one mile of the city limits of the towns of Waitsburg and Prescott and an area starting at the intersection of the common boundary line between Sections 15 and 16, T6N, R36E and the Washington-Oregon state line; thence north along the section line one mile more or less to the southwest corner of Section 3, T6N, R36E; thence east along the section lines two miles to the southeast corner of Section 2, T6N, R36E; thence north along the section lines three miles to the southwest corner of Section 24, T7N, R36E; thence east along the section line one mile to the southeast corner of Section 24, T7N, R36E; thence north along the section line one mile to the southwest corner of Section 18, T7N, R37E; thence east along the section line one mile to the southeast corner of

Section 18, T7N, R37E; thence north along the section line one mile to the northeast corner of Section 18, T7N, R37E; thence west along the section lines nine miles to the northwest corner of Section 14, T7N, R35E; thence south along the section line one mile to the northeast corner of Section 22, T7N, R35E; thence west along the section line one mile to the northwest corner of Section 22, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, including the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, including the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, including the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, including the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, including the right of way, one mile more or less to the Washington-Oregon state line; thence east along the state line eight miles more or less to the point of beginning.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications shall be prohibited on and after April 15 through October 31: *Provided*, That:

(i) The aerial application of MCPA shall be allowed using warning area restrictions (see WAC 16-230-675).

(ii) Aerial applications of nonvolatile formulations of restricted use herbicides from one-half to one mile of the center of the town of Dixie and from the city limits of Waitsburg, Prescott and Walla Walla shall be considered through written request to the Washington state department of agriculture.

(iii) Those portions of the city of Walla Walla which fall within Sections 13, 14, 22, 23 and 24, T7N, R35E of Walla Walla County shall not be considered as part of the city limits of Walla Walla for purposes of issuing permits by the department for aerial application of nonvolatile formulations of restricted use pesticides.

(d) Restrictions on the use of airstrips. The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield or any location within Area 2: *Provided*, That the municipal airport located northeast of Walla Walla shall not be subject to this provision.

[Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-232-015, filed 10/19/88; 88-05-033 (Order 1965), § 16-232-015, filed 2/12/88; 80-03-026 (Order 1665), § 16-232-015, filed 2/20/80.]

**WAC 16-232-020 Restricted use herbicides--Walla Walla County--Area 2A.** (1) Area 2A description. (Buffer area surrounding Dixie and Walla Walla.) An area, excluding a one mile radius from the center of the town of Dixie, starting at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines six miles more or less to the northwest corner of Section 14, T7N, R32E; thence east along the section lines ten miles to the southwest corner of Section 9, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 9, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 2, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 2, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 31, T8N, R35E; thence north along the section lines six miles to the northwest corner of Section 6, T8N, R35E; thence east along the section lines and the Columbia-Walla Walla County line twenty-four miles to the northeast corner of Section 1, T8N, R38E; thence south along the Columbia-Walla Walla County line fourteen miles more or less to the Washington-Oregon state line; thence west along the state line fifteen miles to the common boundary line between Sections 15 and 16, T6N, R36E; thence north along the section line one mile more or less to the northwest corner of Section 10, T6N, R38E; thence east along the section lines two miles to the southwest corner of Section 1, T6N, R36E; thence north along the section lines three miles to the northwest corner of Section 25, T7N, R36E; thence east along the section line one mile to the southwest corner of Section 19, T7N, R37E; thence north along the section line one mile to the northwest corner of Section 19, T7N, R37E; thence east along the section line one mile to the northeast corner of Section 19, T7N, R37E; thence north along the section line one mile to the southwest corner of Section 8, T7N, R37E; thence west along the section lines nine miles to the northeast corner of Section 15, T7N, R35E; thence south along the section line one mile to the southeast corner of Section 15, T7N, R35E; thence west along the section line one mile to the southwest corner of Section 15, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, excluding the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, excluding the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, excluding the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, excluding the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, excluding the right of way, one mile more or less to the Washington-Oregon state line; thence west along the state line fifteen miles more or less to the point of beginning.

(2) Area 2A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: *Provided*, That 2,4-DB shall be allowed on alfalfa seed crops at any time.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-020, filed 2/12/88; 80-03-026 (Order 1665), § 16-232-020, filed 2/20/80.]

**WAC 16-232-025 Restricted use herbicides--Walla Walla County--Area 3.** (1) Area 3 description. All of the remaining lands within the border of Walla Walla County.

(2) Area 3 restrictions.

(a) The use and application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 15 through October 31.

(b) On and after May 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 15 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-025, filed 2/12/88; 80-03-026 (Order 1665), § 16-232-025, filed 2/20/80.]

**WAC 16-232-027 Restricted use herbicides--Walla Walla County--Area 3A.** (1) Area 3A description. An area beginning at the southwest corner of Section 11, T7N, R32E; thence east along the section lines six miles more or less to the intersection with the Touchet North Road at the southeast corner of Section 10, T7N, R33E; thence northerly along the Touchet North Road, including the right of way, to the intersection with State Route 124; thence west one-half mile more or less along State Route 124, excluding the right of way, to the intersection with the Northern Pacific Railroad at the northwest corner of Section 1, T9N, R33E; thence southwesterly seven miles more or less along the railroad, excluding the right of way, to the intersection with the common boundary line between Section 25, T9N, R32E and Section 30, T9N, R33E; thence south along the section lines five miles more or less to the northeast corner of Section 25, T8N, R32E; thence west along the section lines two miles to the northwest corner of Section 26, T8N, R32E; thence south along the section lines four miles to the point of beginning.

(2) Area 3A restrictions.

(a) The use and application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-027, filed 2/12/88.]

**WAC 16-232-035 Restricted use herbicides--Walla Walla County--Wind conditions.** The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, 2A, 3, and 3A when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That such applications shall be prohibited in Areas 1 and 2 on and after April 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-232-035, filed 4/12/88; 87-09-015 (Order 1923), § 16-232-035, filed 4/6/87; 80-03-026 (Order 1665), § 16-232-035, filed 2/20/80.]

**WAC 16-232-038 Restricted use herbicides--Application records--Walla Walla County.** (1) Private pesticide applicators (those persons certified by the Washington state department of agriculture in the private pesticide applicator category) shall keep records for each application of restricted use herbicides in Areas 1, 2, and 3A of Walla Walla County. Application records shall include the following information:

(a) Applicator's name, address and name of the individual making the application;

(b) The address or location of the land where the chemical was applied;

(c) The year, month, day, and time the chemical was applied;

(d) The trade name and/or common name of the chemical applied, and/or EPA registration number for that product;

(e) The direction and estimated velocity of the wind and temperature at the time the chemical was applied;

(f) The amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the chemical used;

(g) Specific crop or site to which the chemical was applied.

(2) Application records shall be completed and available to the department the same day the chemicals were applied.

(3) Application records shall be kept for a period of three years from the date of application of the chemical to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-038, filed 2/12/88; 87-18-060 (Order 1950), § 16-232-038, filed 9/1/87.]

**WAC 16-232-040 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-232-125 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-232-130 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-232-225 Restricted use herbicides--Garfield County--Wind conditions.** The use or application of restricted use herbicides shall be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: *Provided*, That such applications shall be prohibited in Areas 2 and 3 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

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

**WAC 16-232-230 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-232-315 Restricted use herbicides--Kittitas County--Wind conditions.** The use or application of restricted use herbicides shall be prohibited in Area 1 when the mean sustained wind velocity is over twelve miles on and after April 15 through October 31: *Provided*, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre: *Provided further*, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 87-09-015 (Order 1923), § 16-232-315, filed 4/6/87. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-315, filed 3/31/82.]

**WAC 16-232-320 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-232-950 Restricted use herbicides--Distribution, use, and application.** The distribution, use, and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-232-950, filed 4/12/88.]

**Chapter 16-304 WAC  
SAMPLING AND TESTING OF SEEDS**

<b>WAC</b>	
16-304-040	Schedule of charges.
16-304-050	Miscellaneous charges.
16-304-110	Annual seed inspection charge.
16-304-130	Seed inspection assessment--Effective dates.

**WAC 16-304-040 Schedule of charges.** (1) Testing fees shall be as follows:

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY AND GERM (c)	TETRA- ZOLIUM 200 Seeds (d)
Bentgrass	2 oz.	\$30.00	\$15.00	\$16.00	\$46.00	\$21.00
Bluegrass	4 oz.	21.00	13.00	14.00	35.00	21.00
Bromegrass	6 oz.	22.00	13.00	11.50	33.50	21.00
Fescue	4 oz.	21.00	13.00	11.50	32.50	21.00
Orchardgrass	4 oz.	24.00	15.00	13.00	37.00	21.00
Ryegrass	4 oz.	21.00	13.00	10.50	31.50	21.00

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY AND GERM (c)	TETRA- ZOLIUM 200 Seeds (d)
Crested						
Wheatgrass	4 oz.	24.50	15.00	14.00	37.50	21.00
Other						
Wheatgrasses	6 oz.	36.00	22.00	14.00	49.00	21.00
Other grasses	4 oz.	17.00	10.50	10.50	27.50	21.00
Beans and peas	1 1/4 lb.	13.00	7.50	11.50	24.50	21.00
Cereals	1 1/4 lb.	13.50	9.00	11.50	25.00	21.00
Other crops	4 oz.	13.50	9.00	11.50	25.00	21.00
Mixture (for each additional kind)		10.50		13.00		21.00
Beets		18.00	8.50	17.00	35.00	
Rapeseed		32.00	9.00	16.00	48.00	21.00
Carrot		13.50	9.00	11.50	25.00	36.00

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: One gram - bluegrass; five grams - alfalfa; and one hundred grams - wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: Ten grams - bluegrass; fifty grams - alfalfa; five hundred grams - wheat).

(b) Germination - test prescribed by Federal Seed Act to determine percent germination of seed sample based on four hundred seeds.

(c) Purity and germination - includes both (a) and (b). This combination of tests provides information needed to label seed under state and federal acts.

(d) Tetrazolium test - a chemical test that measures viability and germination potential. (A germination test should also be obtained.)

(2) Special tests: (Standard noxious exam size unless otherwise specified).

(a) Crop and/or weed exam ..... Noxious only  
fee plus \$ 3.50  
(or hourly rate when applicable)

All crop seeds and/or all weed seeds are listed as number per pound.

(b) Poa annua check for bentgrass and bluegrass - each five grams ..... \$16.00  
Poa annua check for other grasses - each 10 grams ..... \$16.00

(c) Sod seed analysis -  
Bluegrass ..... \$56.00  
Fescue ..... \$40.00  
Ryegrass ..... \$32.00

(A special test of turf grasses - for those who need a detailed examination of seed before purchase and/or use.)

Bluegrass test includes purity, twenty-five gram all weed/all crop, except ten gram Poa annua exam. Ryegrass and Fescue test includes purity, one hundred gram all weed/all crop. (Fluorescent required on ryegrass; germ and fluorescent test additional fee.)

(d) Fluorescent test - (four hundred seed test) ..... \$13.00

(e) Pest and disease, soil exam or similar .... \$16.00  
(Reported on seed analysis certificate.) A visual examination of a representative sample.

(f) Sod analysis check - twenty-five gram exam to evaluate if a lot appears to be sod quality (phone report only) ..... \$18.00

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

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

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

(j) Analysis of partially cleaned, uncleaned or field run seed with excessive inert, other crop or weed seeds (per hour) ..... \$16.00

(3) Inventory testing for germination: A service to provide opportunity to have carry-over seed stocks except mixtures tested at lowest possible charge. Not an official germination test.

(a) Reports may not be mailed until all tests are completed.

(b) Samples shall be plainly labeled "inventory samples."

(c) Samples shall be reported according to the sender's designation. The laboratory shall assume no responsibility for correct identification. These samples and tests shall not become a part of our permanent record.

(d) The fee for this service shall be one-half the regular germination fee.



(e) Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.

(4) Miscellaneous laboratory fees:

- (a) Rush samples (including phone report if requested at time sample is submitted) . . . . . \$10.00
- (b) Phone reports on test result, per call . . . . . \$ 3.50
- (c) Preliminary report on germination (phone report only) . . . . . \$ 8.00
- (d) Morphological test . . . . . \$ 8.00 (alfalfa or clover examined under magnification for combine damage.)
- (e) Additional mailing of report (each destination) . . . . . \$ 1.50
- (f) Recopies of reports (minimum fee) . . . . . \$ 2.50
- Revised reports (minimum fee) . . . . . \$ 5.00

(or hourly fee when applicable)

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

- (i) Seed count . . . . . \$16.00
- (j) Extra charge for samples requiring special preparation for germination, i.e., New Zealand spinach, pelleted seeds, spinach, chard, etc. . . . . \$16.00
- (k) Hourly fee for miscellaneous services . . . . . \$16.00
- (l) Service charge for submitted federal phytosanitary certificates, per certificate . . . . . \$ 5.00
- (m) All states noxious weed examination . . . . . \$ 7.00
- (n) Fee for special handling service (i.e., Federal Express, Air Parcel Post, or air freight) for documents or seed samples . . . . . \$ 3.50
- (o) Fee for facsimile transmission of documents, per document . . . . . \$ 3.50

[Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-304-040, filed 5/13/88; 87-12-006 (Order 1930), § 16-304-040, filed 5/22/87; 85-11-003 (Order 1853), § 16-304-040, filed 5/2/85; 84-13-042 (Order 1832), § 16-304-040, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-030 (Order 1797), § 16-304-040, filed 5/16/83. Statutory Authority: RCW 15.49.370. 82-08-032 (Order 1756), § 16-304-040, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-103 (Order 1688), § 16-304-040, filed 5/30/80; 79-05-072 (Order 1616), § 16-304-040, filed 4/30/79; Order 1501, § 16-304-040, filed 3/31/77; Order 1477, § 16-304-040, filed 6/18/76; Order 1245, § 16-304-040, filed 4/13/72; Order 1195, § 16-304-040, filed 4/16/71; Order 1115, § 16-304-040, filed 4/17/69, effective 5/18/69; Order 1018, Regulation 4, filed 5/31/66; Order 917, Regulation 8, filed 4/25/63; Order 848, Regulation 4, effective 6/30/61.]

**WAC 16-304-050 Miscellaneous charges.**

- (1) Sanitary certificate . . . . . \$20.00
- (2) Service sampling or similar service: The fee for each service requested shall be:
  - (a) Peas, beans, small grains or seeds of similar size per cwt . . . . . \$ 0.05
  - (b) For all other kinds - per cwt . . . . . \$ 0.15
  - (c) Minimum charge . . . . . \$16.00

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

- (a) For all kinds of seed - per cwt . . . . . \$ 0.15
- (b) Minimum fee . . . . . \$16.00
- (4) Checkweighing, checkloading, or similar service shall be - per hour . . . . . \$16.00
- Minimum fee . . . . . \$16.00

(5) If requested to make a special trip to provide a service, the person requesting said service may be charged at the rate of \$16.00 per hour travel time plus mileage fee set by statute plus the specific fee for said service. All standby time shall be charged at the rate of \$16.00 per man hour.

(6) Test plot examinations or consultant work in plots, fields, conditioning plants, etc. shall be at the rate of \$16.00 per hour plus mileage and travel time.

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

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

**WAC 16-304-110 Annual seed inspection charge.**

Each person required to obtain a seed labeling permit, pursuant to RCW 15.49.400, of the Washington State Seed Act, shall also, pursuant to RCW 15.49.310 and 15.49.370, pay a general seed inspection charge annually to the department in the amount of ten cents per one hundred dollars gross annual dollar sales in excess of ten thousand dollars of agricultural and/or vegetable seed distributed in this state during the preceding fiscal year: *Provided*, That no assessment shall be collected on (1) seed for which the assessment has been previously collected, except when such seed has been relabeled; (2) agricultural or vegetable seed distributed out of state; (3) seed distributed in containers of four ounces or less; (4) stock seed; and (5) seed distributed by governmental agencies, such as but not limited to the United States Department of Agriculture national foundation seed project: *Provided further*, That erroneous and overpayments shall be refunded on request. Requests for refund shall be filed by June 30 of the year following the due date. Agricultural and/or vegetable seeds distributed under bailment contract shall be valued at the producer-conditioner agreement rate in lieu of sale.

The assessment fees for the period beginning July 1, 1987 through June 30, 1988 shall be payable by February 1, 1989. The assessment fees for the period beginning July 1, 1988 through June 30, 1989 shall be payable by February 1, 1990.

The assessment may accompany the annual application for the seed labeling permit. A penalty of ten percent of the assessment fee or minimum of ten dollars,

whichever is greater, shall be added to all assessments not paid by February 1. These funds shall only be used for seed control activities. The annual seed labeling permit may not be issued until all assessments and penalties have been satisfied.

[Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-304-110, filed 5/13/88; 86-13-014 (Order 1889), § 16-304-110, filed 6/9/86; 84-13-042 (Order 1832), § 16-304-110, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 82-10-067 (Order 1764), § 16-304-110, filed 5/5/82, effective 7/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-101 (Order 1683), § 16-304-110, filed 5/30/80; 79-05-062 (Order 1605), § 16-304-110, filed 4/30/79; 78-04-070 (Order 1571), § 16-304-110, filed 3/31/78, effective 7/1/78.]

**WAC 16-304-130 Seed inspection assessment—Effective dates.** This rule is effective through June 30, 1990. Between January 1, 1990 and March 1, 1990, the assessment program shall be reviewed by the seed branch advisory committee, who will recommend whether to continue the seed assessment program. Such recommendations shall be considered at a public hearing under the authority of chapter 42.30 RCW, the Open Public Meetings Act, and chapter 34.04 RCW, the Administrative Procedure Act. The advisory committee shall also recommend the objectives of the seed quality control activities and shall review expenditures of assessment funds to verify such funds are being used only for seed quality control activities.

[Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-304-130, filed 5/13/88; 86-13-014 (Order 1889), § 16-304-130, filed 6/9/86; 84-13-042 (Order 1832), § 16-304-130, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 82-10-067 (Order 1764), § 16-304-130, filed 5/5/82, effective 7/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-101 (Order 1683), § 16-304-130, filed 5/30/80; 78-04-070 (Order 1571), § 16-304-130, filed 3/31/78, effective 7/1/78.]

**Chapter 16-316 WAC  
SEED CERTIFICATION**

- WAC
- 16-316-0401 Repealed.
  - 16-316-0451 Repealed.
  - 16-316-0501 Repealed.
  - 16-316-0551 Repealed.
  - 16-316-0601 Repealed.
  - 16-316-165 Seed certification—Objectionable weeds.
  - 16-316-195 Sampling.
  - 16-316-230 Alfalfa seed certification fees.
  - 16-316-315 Phyto-sanitary certification—Fee and charges.
  - 16-316-350 Grass seed certification fees—Seedling applications.
  - 16-316-370 Grass seed standards.
  - 16-316-525 Field pea—Lentil—Soybean—Sorghum—Small grain—Eligible variety and stock seed.
  - 16-316-724 Small grains standards.
  - 16-316-800 Grass varieties eligible.
  - 16-316-810 Red clover varieties eligible.
  - 16-316-815 Other clover varieties.
  - 16-316-820 Alfalfa varieties eligible.
  - 16-316-830 Bean varieties eligible.
  - 16-316-832 Rapeseed varieties eligible for certification.
  - 16-316-880 Rapeseed—Seed standards.

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

- 16-316-0401 Certification fees. [Statutory Authority: Chapter 15.49 RCW. 84-13-041 (Order 1831), § 16-316-0401, filed 6/15/84; 79-05-064 (Order 1599), § 16-316-0401, filed 4/30/79; Order 1451, § 16-316-040 (codified as WAC 16-316-0401), filed 5/13/76; Order 1419, § 16-316-040 (codified as WAC 16-316-0401), filed 8/15/75. Formerly WAC 16-316-035 (part).] Repealed by 88-11-042 (Order 1976), filed 5/13/88. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0451 Land requirements. [Statutory Authority: Chapter 15.49 RCW. 80-06-117 (Order 1689), § 16-316-0451, filed 5/30/80; Order 1451, § 16-316-045 (codified as WAC 16-316-0451), filed 5/13/76; Order 1419, § 16-316-045 (codified as WAC 16-316-0451), filed 8/15/75.] Repealed by 88-11-042 (Order 1976), filed 5/13/88. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0501 Isolation requirements. [Order 1451, § 16-316-050 (codified as WAC 16-316-0501), filed 5/13/76; Order 1419, § 16-316-050 (codified as WAC 16-316-0501), filed 8/15/75.] Repealed by 88-11-042 (Order 1976), filed 5/13/88. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0551 Field tolerances. [Statutory Authority: Chapter 15.49 RCW. 79-05-064 (Order 1599), § 16-316-055 (codified as WAC 16-316-0551), filed 5/13/76; Order 1419, § 16-316-055 (codified as WAC 16-316-0551), filed 8/15/75.] Repealed by 88-11-042 (Order 1976), filed 5/13/88. Statutory Authority: Chapter 15.49 RCW.
- 16-316-0601 Bent grass and redtop seed standards. [Statutory Authority: Chapter 15.49 RCW. 85-11-004 (Order 1851), § 16-316-0601, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-0601, filed 6/15/84; 80-06-117 (Order 1689), § 16-316-0601, filed 5/30/80; Order 1451, § 16-316-060 (codified as WAC 16-316-0601), filed 5/13/76; Order 1419, § 16-316-060 (codified as WAC 16-316-0601), filed 8/15/75. Formerly WAC 16-316-035 (part).] Repealed by 88-11-042 (Order 1976), filed 5/13/88. Statutory Authority: Chapter 15.49 RCW.

**WAC 16-316-0401 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0451 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0501 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0551 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-0601 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-316-165 Seed certification—Objectionable weeds.** The following weeds shall be considered objectionable weeds for the purpose of seed certification:

English or Common Name	Botanical or Scientific Name
Bermudagrass	Cynodon dactylon (L.) Pers.
Blue lettuce	Lactuca pulchella (Pursh.) DC.
Docks and Sorrel	Rumex spp.
Field pennycress (fanweed)	Thlaspi arvense
Field sandbur	Cenchrus pauciflorus Benth.

English or Common Name	Botanical or Scientific Name
Halogeton	Halogeton glomeratus C.A. Mey.
Medusahead	Elymus caput-medusae L. or Taeniatherum asperum (Sim) Nevski
Plantains	Plantago spp.
Poverty weed	Iva axillaris Pursh.
Puncturevine	Tribulus terrestris L.
St. Johnswort	Hypericum perforatum L.
Dalmation toadflax	Linaria dalmatica (L.) Mill.
Yellow toadflax	Linaria vulgaris Hill.
Western ragweed	Ambrosia psilostachya DC.
Wild mustard	Brassica kaber (DC.) L.C. Wheeler Var.
Wild oat	Avena fatua L.
Yellow starthistle	Centaurea solstitialis L.
Gromwell (in small grain)	Lithospermum arvense
Bedstraw	Galium aparine (in alfalfa only - inclusion of this species on weed list means certified class is lim- ited to a maximum 18 per pound with no tolerance for foundation or registered seed)

[Statutory Authority: Chapter 15.49 RCW. 87-17-025 (Order 1948), § 16-316-165, filed 8/13/87. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-165, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 79-05-068 (Order 1612), § 16-316-165, filed 4/30/79; 78-03-114 (Order 1557), § 16-316-165, filed 3/1/78, effective 4/1/78; Order 1452, § 16-316-165, filed 5/13/76; Order 1181, § 16-316-165, filed 4/16/71.]

**WAC 16-316-195 Sampling.** A representative sample of each lot of seed for certification shall be obtained by the department for laboratory analysis. The sample shall be obtained in accordance with official sampling procedures or with mechanical sampling device approved by the department. The entire lot shall be cleaned and in condition for sale at the time of sampling.

[Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-316-195, filed 5/13/88; Order 1452, § 16-316-195, filed 5/13/76; Order 1181, § 16-316-195, filed 4/16/71.]

**WAC 16-316-230 Alfalfa seed certification fees.**

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:

Per variety, per grower . . . . . \$15.00

(b) Late seedling penalty fee: . . . . . \$15.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling acreage fee: (per acre) . . . . . \$ 1.75

(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:

Per variety, per grower . . . . . \$15.00

(b) Renewal acreage fee: (per acre) . . . . . \$ 1.75  
(Refundable if acreage is withdrawn before inspection.)

(c) Late renewal penalty fee: . . . . . \$15.00

This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation (each field) . . . . . \$20.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(4) Production fee includes sampling and tagging per cwt.: . . . . . \$ 0.50

The sampling and production fees are billed at completion of tests. If none of the seed is tagged, ten cents of the fifty cents cwt. production fee charged is refundable.

(5) Purity and germination test: . . . . . Fees as established by the director of agriculture.

(6) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ten cents a tag with a minimum fee of ten dollars.

[Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-316-230, filed 5/13/88; 85-11-004 (Order 1851), § 16-316-230, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-230, filed 6/15/84; 81-11-023 (Order 1735), § 16-316-230, filed 5/15/81; 79-05-077 (Order 1609), § 16-316-230, filed 4/30/79; Order 1499, § 16-316-230, filed 3/31/77; Order 1453, § 16-316-230, filed 5/13/76; Order 1305, § 16-316-230, filed 4/24/73; Order 1182, § 16-316-230, filed 4/16/71.]

**WAC 16-316-315 Phyto-sanitary certification-- Fee and charges.** (1) Fee for area and field inspection:

(a) Field inspection (payable with application):

(i) All seed except wheat seed. For each required inspection (per acre or fraction thereof) . \$ 4.00  
(with minimum fee of \$20.00 per field per inspection)

(ii) Wheat seed only. For each required inspection (per acre or fraction thereof) . . . . . \$ .75  
An additional charge of fifty cents per acre shall be charged for each disease requested in excess of two.

(b) Area inspection  
(per one hundred pounds) . . . . . \$ 0.05  
Billed at time certificate is issued with a minimum of twenty dollars and a maximum of one hundred fifty dollars per certificate.

(2) Late application penalty fee . . . . . \$10.00  
This additional fee shall be charged for each application received after due date.

- (3) Sampling fee when sampling is required:
  - (a) Beans, peas, lentils, cereal grains  
(per one hundred pounds) ..... \$ 0.05
  - (b) Other crops  
(per one hundred pounds) ..... \$ 0.15
- (4) Serology test: ..... Fee to be established by the state of Idaho.

An official five pound sample is required from each ten thousand pounds or portion thereof. Officially drawn samples will be submitted to: State Plant Pathologist, Idaho Department of Agriculture, P.O. Box 410, Twin Falls, Idaho 83301.

(5) Fees for services not listed in this rule shall be set on the basis of the actual cost to the department of agriculture or the most appropriate fee established shall be used.

(6) Laboratory analysis of plant material: An additional fee of eighteen dollars per field shall be charged when necessary to examine plant material in the laboratory to verify disease.

[Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-316-315, filed 5/13/88; 81-11-021 (Order 1737), § 16-316-315, filed 5/15/81; 79-05-071 (Order 1626), § 16-316-315, filed 4/30/79; 78-03-101 (Order 1559), § 16-316-315, filed 3/1/78, effective 4/1/78; Order 1455, § 16-316-315, filed 5/13/76; Order 1251, § 16-316-315, filed 4/13/72, effective 5/14/72.]

**WAC 16-316-350 Grass seed certification fees--Seedling applications.** (1) All fees for seedlings planted from January 1 through June 30 shall be due September 1, and all fees for seedlings planted July 1 through December 31 shall be due April 1 of the following year: *Provided*, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late seedling penalty fee.

- (a) Seedling application fee:  
Per variety, per grower ..... \$15.00
  - (b) Late seedling penalty fee: (per kind) ... \$15.00
- This additional fee shall be charged for seedling applications received after due date.

(c) Seedling producing application fee:  
Per variety, per grower ..... \$15.00  
Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees shall be due July 31: *Provided*, That such application may be accepted after due date with ten dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due May 1: *Provided*, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late renewal penalty fee.

- (a) Renewal application fee:  
Per variety, per grower ..... \$15.00
  - (b) Late renewal penalty fee: (per kind) ... \$15.00
- This additional fee shall be charged for renewal applications received after May 1.

(3) Annual grasses inspection fee: (per acre) . \$ 1.75  
Applications are due within sixty days after planting.

(4) Reinspection: Other than isolation (each field) ..... \$20.00  
If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection is corrected. Only two reinspections are permitted for each field each year.

(5) Inspection and final certification fees: Inspection and final certification fees shall be based on pounds sampled and billed upon completion of required tests (Option A). Those dealers requesting sampling and tagging privileges and/or participation in Option B shall sign a memorandum of agreement that shall expire on June 30 of each year. Memorandum may be terminated by the director if conditioner violates certification standard or requirements of memorandum.

(a) Option A: When based on pounds sampled, and billed at completion of required laboratory tests, the fees shall be:

- (i) Inspection and final certification fee ..... \$ 0.80 per one hundred pounds. (If no seed is tagged, twenty cents of the final certification fee is refundable upon request.)

(ii) Service fee for out-of-state origin ..... \$ 0.30 per one hundred pounds.

(iii) Blend fee shall be as established by blend rule, and in addition to above fees. However, blend fee not applicable to salvage blends.

(iv) Payment of fees shall be the responsibility of the person signing the application. However, conditioner may assume this responsibility.

(b) Option B: When based on pounds tagged after required laboratory tests are completed, the fees shall be:

- (i) Inspection and final certification fee ..... \$ 1.10 per one hundred pounds. (Minimum fee per tagging) ..... \$10.00

(ii) Service fee for out-of-state origin ..... \$ 0.65 per one hundred pounds.

(iii) Blend fee (in addition to fee established by blend rule) shall be payable upon completion of blend on total weight of blend, and shall be as follows:

(A) Washington origin certified seed used in blend ..... \$ 1.00 per one hundred pounds.

(B) Out-of-state origin certified seed used in blend ..... \$ 0.60 per one hundred pounds: *Provided*, That those fees listed in (a) and (b) above are not applicable to certified seed that is tagged and sealed, and on which final fees have been paid.

(C) A refund or credit shall be issued for the percent of the blend lot not tagged. (For example, if forty percent of the blend is not tagged, forty percent of the fees charged under Option B above is refundable.) Requests for refunds shall be made by June 30 following final disposition of the blend.

(6) Payment of fees shall be the responsibility of the conditioner. A conditioner choosing this program shall handle all certified grasses in his warehouse under this program for the entire crop year. Upon termination or nonrenewal of Option B memorandum of agreement, conditioner shall be responsible for Option A fees on all certified seed not tagged at termination date.

(7) Fees for services such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(8) Purity and germination test fees shall be as established by the director of agriculture.

(9) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(10) Fees for reissue of tags shall be ten cents per tag with a minimum fee of ten dollars.

[Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-316-350, filed 5/13/88; 86-13-014 (Order 1889), § 16-316-350, filed 6/9/86; 85-11-004 (Order 1851), § 16-316-350, filed 5/2/85; 84-13-041 (Order 1831), § 16-316-350, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-350, filed 5/16/83. Statutory Authority: Chapter 15.49 RCW. 79-09-100 (Order 1650), § 16-316-350, filed 8/31/79; 79-05-060 (Order 1610), § 16-316-350, filed 4/30/79; 78-03-112 (Order 1560), § 16-316-350, filed 3/1/78, effective 4/1/78; Order 1485, § 16-316-350, filed 9/8/76; Order 1362, § 16-316-350, filed 6/12/74; Order 1306, § 16-316-350, filed 4/24/73; Order 1252, § 16-316-350, filed 4/13/72, effective 5/14/72; Order 1184, § 16-316-350, filed 4/16/71.]

**WAC 16-316-370 Grass seed standards.** Seed standards for grass shall be as follows:

PART ONE OF TABLE

Crop & type of Reproduction	Symbol (as defined in WAC 16-316-360)	Min. % Germ Fndt.		Min. % Pure Fndt.		Max. % Inert Fndt.	
		Reg.	Cert.	Reg.	Cert.	Reg.	Cert.
<b>Bluegrass</b>							
Sherman	(A)	70	70	90	90	10	10
Canby	(A)	70	70	90	90	10	10
Kentucky	(A)	80(e)	80(e)	97	97(d)	3	3
Merion Kentucky	(A)	80(e)	80(e)	92	92(d)	8	8
Canada and Upland	(A)	80	80	96	92(d)	4	8
<b>Bromegrass</b>							
Smooth Brome	(C)	80	85	95	95	5	5
Meadow Brome	(C)	80	85	95	95	5	5
Mountain Brome	(S)	85	85	95	95	5	5
<b>Deertongue</b>	(C)	50	50	97	95	3	5
<b>Fescue</b>							
Tall and meadow	(C)	80	85	95	97	5	3
Hard and sheep, Idaho, Red Fescue	(C)	80	85	95	95	5	5
Other Fescue (Chewings)	(C)	80	90	95	95	5	5
<b>Orchardgrass</b>	(C)	80	85	85	90	15	10
			80 for Pennlate & Latar				
<b>Ryegrass</b>	(C)	85	90	96	97	4	3
Pennfine	(C)	85	85	96	97	4	3
<b>Timothy</b>	(C)	80	85	97	97	3	3

Crop & type of Reproduction	Symbol (as defined in WAC 16-316-360)	Min. % Germ Fndt.		Min. % Pure Fndt.		Max. % Inert Fndt.	
		Reg.	Cert.	Reg.	Cert.	Reg.	Cert.
<b>Wheatgrass</b>							
Beardless	(C)	80	85	90	90	10	10
Bluebunch	(C)	80	85	90	90	10	10
Intermediate	(C)	80	85	95	95	5	5
Pubescent	(C)	80	85	95	95	5	5
<b>Western, Streambank, Thickspike</b>	(C)	80	85	90	90	10	10
<b>Crested, and Siberian</b>	(C)	80	85	90	95	10	5
<b>Slender</b>	(S)	80	85	90	95	10	5
<b>Tall</b>	(C)	80	85	95	95	5	5
<b>Indian Ricegrass</b>	(C)	80*	80*	95	90	5	10
<b>Puccinellia distans</b>	(C)	80	80	95	95	5	5
<b>Basin Wildrye and Russian Wildrye</b>	(C)	80	80	90	90	10	10
<b>Bentgrass</b>	(C)	85	85	98	98	2	2
<b>Redtop</b>	(C)	80	80	92	92	8	8
<b>Ann. Canarygrass</b>	(C)	85	85	99	99	1	1

PART TWO OF TABLE

Crop & type of Reproduction	Max. % Weeds(b) Fndt.		Max. % Other Crop Fndt.(a)		Max. No. seeds of other grass spp.	
	Reg.	Cert.	Reg.	Cert.	Fndt.	Reg.
<b>Bluegrass</b>						
Sherman	.05	.3	.1	.5	1/10 grams	1/1 gram
Canby	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Kentucky	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
Merion Kentucky	.05	.3	.1	.5(d)	1/10 grams	2/1 gram
Canada, Upland	.05	.3	.1	.5(d)	1/10 grams	1/1 gram
<b>Bromegrass</b>						
Smooth Brome	.05	.3(c)	.1	.5	1/50 grams	10/50 grams
Meadow Brome	.05	.3(c)	.1	.5	1/50 grams	10/50 grams
Mountain Brome	.3	.5	.5	1.0	1/50 grams	10/50 grams
<b>Deertongue</b>	.50	.5(c)	1.0	1.0	1%	—
<b>Fescue</b>						
Tall and Meadow	.03	.3(c)	.1	.5	2/50 grams	10/50 grams
Hard and sheep, Idaho, Red, Fescue	.03	.3(c)	.1	.5	1/50 grams	5/50 grams
Other Fescue (Chewings)	.03	.3(c)	.1	.5	1/50 grams	5/50 grams
<b>Orchardgrass</b>	.03	.3(c)	.1	.5	3/50 grams	10/50 grams
<b>Ryegrass</b>	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Pennfine	.1	.3(c)	.1	.5	1/50 grams	5/50 grams

Crop & type of Reproduction	Max. % Weeds(b) Fndt.		Max. % Other Crop Fndt.(a)		Max. No. seeds of other grass spp.	
	Reg.	Cert.	Reg.	Cert.	Fndt.	Reg.
Timothy	.1	.3	.1	.5	1/50 grams	5/50 grams
Wheatgrass Beardless	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Blue Bunch	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Intermediate	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Pubescent	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Western, Streambank	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Crested, and Siberian Slender	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Tall	.1	.3(c)	.1(f)	.5	1/50 grams	5/50 grams
Indian Ricegrass	.3	.5	.5	1.0	1/50 grams	5/50 grams
Puccinellia distans	.3	.5	.5	1.0	1/10 grams	1/1 grams
Basin Wildrye and Russian Wildrye	.1	.3(c)	.1	.5	1/50 grams	5/50 grams
Bentgrass	.3(g)	.4(g)	.2	.6		
Redtop	.3(g)	.5(g)	.5	2		
Ann. Canarygrass	.1	.3	1/lb.	3/lb.		

The following (a)-(f) are notes to the above table.

(a) Not to exceed twenty-five hundredths of one percent other grass species for certified seed.

(b) Grass seed shall not contain more than forty-five per pound for registered seed, ninety per pound for blue tag seed, singly or collectively, of objectionable weed seeds. (See current general rules.) Grass seed shall be free of the seed of prohibited noxious weeds.

(c) A tolerance of five-tenths of one percent may be allowed for samples containing weedy bromus spp.: *Provided*, That the total of all other weed seeds does not exceed three-tenths of one percent.

(d) A three percent tolerance of other Kentucky Bluegrass varieties may be allowed in Merion. (Note: Containing minimum ninety-two percent Merion.) In Canada Bluegrass, three percent Kentucky Bluegrass may be permitted.

(e) A standard tetrazolium (two hundred seed) test may be used in lieu of germination test.

(f) A tolerance of eight-tenths of one percent may be allowed in registered and certified wheatgrass containing small grain seed: *Provided*, That the total of all other crop seed does not exceed one-tenth of one percent for registered class and five-tenths of one percent for certified class.

(g) Blue tag seed shall not contain over nine hundred seeds per pound, singly or collectively, of the following weeds: Plaintain spp., Big Mouse-ear Chickweed, Yarrow, Spotted Cat's Ear, and Dandelion.

(i) A maximum of .50 percent weed seed may be allowed in bentgrass containing silver hairgrass: *Provided*, That the total of all other weed seed does not exceed .40 percent.

(ii) 1.50 percent other fine bentgrasses and .50 percent redtop may be allowed in certified bentgrass containing a minimum of 98.00 percent total bentgrass.

\* or seventy percent by Tz test

[Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-316-370, filed 5/13/88; 86-13-014 (Order 1889), § 16-316-370, filed 6/9/86. Statutory Authority: RCW 15.49.310 and 15.49-370. 82-08-033 (Order 1757), § 16-316-370, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 79-09-100 (Order 1650), § 16-316-370, filed 8/31/79; 79-05-060 (Order 1610), § 16-316-370, filed 4/30/79; 78-03-112 (Order 1560), § 16-316-370, filed 3/1/78, effective 4/1/78; Order 1504, § 16-316-370, filed 3/31/77; Order 1485, § 16-316-370, filed 9/8/76; Order 1418, § 16-316-370, filed 8/15/75; Order 1362, § 16-316-370, filed 6/12/74; Order 1306, § 16-316-370, filed 4/24/73; Order 1252, § 16-316-370, filed 4/13/72, effective 5/14/72; Order 1184, § 16-316-370, filed 4/16/71.]

**WAC 16-316-525 Field pea--Lentil--Soybean--Sorghum--Small grain--Eligible variety and stock seed.**

Kind	Variety
Barley, spring	Advance, Belford, Andre, Clark, Columbia (P), Coughbar, Flynn, Gus (P), Klages, Kombar (P), Lindy (P), Menuet (P), Morex, Nova (P), Onda (P), Piston (P), Poco (P), Seven (P), Steptoe, WestBred Gustoe (P), WestBred 501 (P), WestBred Sprinter (P), Whitford (P)
Barley, winter	Boyer, Hesk, Kamiak, Luther, Mal, Scio, Showin
Oat, spring	Appaloosa, Border, Cayuse, Monida, Ogle, Park,
Rye, winter	Puma, Rymin
Wheat, spring	Bliss, Bronze Chief (P), Copper, Dirkin, Edwall, Fielder, Kodiak (P), Landmark (P), McKay, NK 751 (P), Owens, Penawawa, Tammy (P), Treasure, Urquie, Wampum, Wared, Waverly, WestBred 803 (P), WestBred 881 (P), WestBred 906R (P), WestBred 911 (P), WestBred 926 (P), WS-1 (P), W-444 (P), Yecora Rojo
Wheat, winter	Andrews, Basin (P), Batum, Cashup (P), Crew Daws, Dusty, Hatton, Hill-81, John, Lewjain, McCall, Moro, Nugaines, Paha, Sprague, Stephens, Tres, Tyee, Wanser

<b>Kind</b>	<b>Variety</b>	[Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-316-525, filed 5/13/88; 87-15-030 (Order 1941), § 16-316-525, filed 7/10/87; 86-13-014 (Order 1889), § 16-316-525, filed 6/9/86; 80-06-106 (Order 1694), § 16-316-525, filed 5/30/80; 79-09-095 (Order 1646), § 16-316-525, filed 8/31/79; 79-05-056 (Order 1622), § 16-316-525, filed 4/30/79; 78-03-113 (Order 1562), § 16-316-525, filed 3/1/78, effective 4/1/78; Order 1493, § 16-316-525, filed 3/31/77; Order 1459, § 16-316-525, filed 5/13/76; Order 1415, § 16-316-525, filed 8/15/75; Order 1367, § 16-316-525, filed 6/12/74; Order 1313, § 16-316-525, filed 4/24/73; Order 1255, § 16-316-525, filed 4/13/72, effective 5/14/72; Order 1185, § 16-316-525, filed 4/16/71.]
Triticale, spring	Juan, Whitman	
Triticale, winter	Flora	

(P) means proprietary

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

**WAC 16-316-724 Small grains standards.** (1) Small grains (barley, oat, rye, triticale, wheat) – land, isolation, and field standards:

CLASS	LAND	ISOLATION	FIELD STANDARDS	
	STANDARDS	STANDARDS	OFF-TYPE	OTHER CROP
	MINIMUM	MINIMUM	MAXIMUM	MAXIMUM
	YEARS	FEET	PLANTS/ACRE	PLANTS/ACRE
Foundation	1*	3**	None	None***
Registered	1*	3**	5	5***
Certified	1*	3**	15	15***

\* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

\*\* Refers to distance from other small grain fields. In addition, each rye field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet. Each triticale field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet for foundation and registered class, and three feet for certified class, unless stated by plant breeder.

\*\*\* Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

(2) Small grains – seed standards:

CLASS	OTHER SMALL GRAINS AND/OR OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM %	WEED MAXIMUM %	GERMINATION MINIMUM %
Foundation	None	98.00	2.00	None	0.01**	85.00
Registered	2	98.00	2.00	0.03*	0.01**	85.00
Certified	4	98.00	2.00	0.05*	0.03**	85.00

No rye or triticale is permitted in barley, oat or wheat; no vetch is permitted.

\*\* Other tolerances for weed seed:

	OBJECTIONABLE WEED SEED MAXIMUM	WILD OAT MAXIMUM
Foundation	None	None
Registered	None	None
Certified	1/lb	None, except 1/lb in oat

[Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-316-724, filed 5/13/88; 87-15-030 (Order 1941), § 16-316-724, filed 7/10/87; 85-11-004 (Order 1851), § 16-316-724, filed 5/2/85; 81-15-032 (Order 1744), § 16-316-724, filed 7/10/81.]

WAC 16-316-800 Grass varieties eligible. (1) Following are the grass varieties eligible and the certifying scheme for each:

Bentgrass:  
(subject to poa annua  
quarantine)

Seaside Creeping\*\*\*  
Putter Creeping  
Emerald Creeping\*\*

Big Bluegrass:

Sherman\*\*

Canada Bluegrass:  
(subject to poa annua  
quarantine)

Reubens\*\*

Canby Bluegrass:

Canbar\*\*

Kentucky Bluegrass:  
(subject to poa annua  
quarantine)

A-34 (Bensun)\*\*  
Abbey\*\*  
Adelphi\*\*  
Alpine  
Amason\* (Amazon\*)  
America\*  
Ampellia\*  
Argyle\*\*  
Banff\*\*  
Barblue\*pvvV  
Baron\*\*  
Birka\*  
Bono (Birdie)\*  
Bronco  
Chateau\*\*  
Cheri (Golf)\*  
Classic\*\*  
Coventry\*\*  
Destiny  
Dawn  
Eclipse\*  
Enmundi\*pvvV  
Estate  
Freedom\*  
Fylking\*\*  
Georgetown\*\*  
Geronimo\*  
Glade\*\*  
Haga\*  
Harmony\*  
Holiday\*  
Huntsville  
Ikone\*\*  
Julia\*  
Kenblue\*  
Kyosti\*  
Leikra  
Liberty\*\*  
Limosine  
Majestic\*\*  
Merion\*\*  
Monopoly\*  
Mystic\*  
Nassau\*\*  
Newport\*\*  
Nugget\*  
Nutop\*  
Parade\*  
Park\*\*  
Paso  
Pennstar\*  
Plush\*  
Princeton 104\*  
Ram I\*pvvV  
Rugby\*  
Suffolk\*  
Sving\*  
Sydsport\*  
S-21\*\*  
Tendos  
Touchdown\*\*  
Troy\*\*

Rough Bluegrass:

Meadow Brome:

Mountain Brome:

Smooth Brome:

Fescue:  
(subject to poa annua  
quarantine - except tall  
fescue)

Orchardgrass:

Redtop:

Indian Ricegrass:

Perennial Ryegrass:  
(subject to poa annual  
quarantine)

Puccinellia distans:

Timothy:

Wheatgrass:

Wabash\*  
Welcome\*

Colt

Regar\*\*

Bromar\*\*

Baylor\*

Beacon\*

Bravo

Jubilee

Manchar\*\*

Rebound\*

Saratoga\*

Countess Chewings\*\*pvvV

Arid Tall\*

Barcel Tall\*\*pvvV

Barfalla Chewings\*\*

Barfalla Chewings\*\*

Baruba Chewings

Durar Hard\*\*

Finelawn 1-Tall\*\*

Joseph Idaho\*\*

Nezpurs Idaho\*pvvV

Logro Slender Creeping

Red\*\*pvvV

Chesapeake Tall\*

Manade Tall\*

Mesa-Tall Turf Type

Rebel Tall\*

Safe Tall\*

Southern Cross Tall

Covar Sheep\*\*

Fawn Tall\*

Beaumont Meadow\*

First Meadow\*\*

Forager Tall\*

Wrangler-Tall Turf Type

Hay King\*

Hay King II\*

Latar\*\*

Natsumidori (summer green)\*

Paiute\*\*

Pennlate\*

Potomac\*

Streaker\*

Nezpar\*\*

All\*Star\*\*

Friend\*\*pvvV

Fults\*

Clair\*

Climax\*

Hokuo\*

Hokusen\*

Kempus\*

Kunpu\*

Nosappu\*

Promesse\*

Senpoku\*

Whitmar Beardless\*\*

Secar Bluebunch\*\*

Fairway Crested\*

Ruff Crested\*

Nordan Crested\*\*

Ephraim Rhizomatous Crested\*\*

Greenar

Intermediate\*\*

Oahe Intermediate\*

Tegmar Intermediate\*

Siberian\*\*

Greenleaf Pubescent\*



	Luna Pubescent**
	Topar Pubescent**
	P-27 Siberian**
	Sodar Streambank**
	Critana Thickspike**
	Alkar Tall**
Basin Wild Rye:	Magnar**
Russian Wild Rye:	Bozoisky Select**

(2) Variety restrictions.

NO. OF SEED HARVESTS  
FOUNDATION REGISTERED CERTIFIED

(a) Kentucky Bluegrass:		
Baron	5	5
Birka	2 + 3 Cert.	5
Enmundi	4	5
Georgetown	5	5
Geronimo	6	6
Kenblue	5	7
Majestic	3 + 5 Cert.	5
Parade	5	5
Ram-I	2	6
Rugby	3 + 2 Cert.	5
Sydsport		5
Touchdown	2 + 5 Cert.	5
(b) Orchardgrass:		
Pennlate	3	6

[Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-316-800, filed 5/13/88; 87-12-006 (Order 1930), § 16-316-800, filed 5/22/87; 86-13-014 (Order 1889), § 16-316-800, filed 6/9/86; 85-11-004 (Order 1851), § 16-316-800, filed 5/2/85; 84-13-043 (Order 1833), § 16-316-800, filed 6/15/84. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-800, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 81-11-018 (Order 1733), § 16-316-800, filed 5/15/81; 80-06-105 (Order 1697), § 16-316-800, filed 5/30/80; 79-05-065 (Order 1603), § 16-316-800, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-800, filed 5/10/78; 78-03-099 (Order 1568), § 16-316-800, filed 3/1/78, effective 4/1/78; Order 1505, § 16-316-800, filed 3/31/77; Order 1456, § 16-316-800, filed 8/15/75; Order 1420, § 16-316-800, filed 6/12/74.]

**WAC 16-316-810 Red clover varieties eligible.** (1) Following are the red clover varieties eligible and the certification scheme for each:

Arlington\*  
Chesapeake\*  
Flare\*  
Florex\*  
Florie\*  
Hamidori\*  
Kenland\*  
Kenstar\*pvvV  
Lakeland\*  
Prosper I\*  
Redland\*pvvV  
Redland II\*  
Redman\*  
Reddy\*  
Ruby\*\*  
Sapporo\*  
Tristan\*  
W-116\*

(2) Variety restrictions. Kenstar: No seed production permitted year of seeding.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-316-810, filed 5/22/87; 86-13-014 (Order 1889), § 16-316-810, filed 6/9/86. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-810, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-105 (Order 1697), § 16-316-810, filed 5/30/80; 79-05-065 (Order 1603), § 16-316-810, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-810, filed 5/10/78; 78-03-099 (Order 1568), § 16-316-810, filed 3/1/78, effective 4/1/78; Order 1505, § 16-316-810, filed 3/31/77; Order 1456, § 16-316-810, filed 5/13/76; Order 1420, § 16-316-810, filed 8/15/75; Order 1365, § 16-316-810, filed 6/12/74.]

**WAC 16-316-815 Other clover varieties.** Following are the other clover varieties eligible and the certification scheme for each:

White Clover: Star\*  
Aran\*\*pvvV  
Barbian

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-316-815, filed 5/22/87; 84-13-043 (Order 1833), § 16-316-815, filed 6/15/84. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-815, filed 3/31/82, effective 5/1/82.]

**WAC 16-316-820 Alfalfa varieties eligible.** (1) Following are the alfalfa varieties eligible and the certification scheme for each:

Agate\*  
Anchor\*  
Answer\*  
Aquarius\*  
Apollo II\*  
Armor\*  
Atlas\*  
Atra-55\*  
Baker\*pvvV  
Big Ten\*  
Blazer\*  
Challenger\*  
Chief\*\*  
Cimarron\*  
Classic\*  
Crusader\*\*  
DK-135\*  
Drummor\*  
Eagle\*  
Endure\*  
Excaliber\*  
Gladiator\*  
G-2815\*  
G-7730\*  
GH-737\*\*  
Hi-Phy\*  
Honeoye\*pvvV  
Iroquois\*  
Julus\*  
Magnum III\*  
Maxim\*  
Mesilla\*\*  
Mohawk\*  
Oneida\*pvvV  
Peak\*  
Perry\*

	NO. OF SEED HARVESTS			
	Breeder	Foundation	Registered	Certified
Phytor*				
Polar II*				
Preserve*				
Primal*				
Ranger**				
Riley*				
Saranac*				
Saranac AR*pvvV				
Shenandoah*				
Sparta*				
Spredor 2*				
Sverre*				
SX-217*				
SX-418*				
Trumpetor*				
Turbo*				
Vernal*				
Vancor*				
Vernema*				
Vista*				
WL-220*				
Weevlchek*				
WL-221*				
WL-225**pvvV				
WL-312*				
WL-313*				
WL-315*pvvV				
WL-316*pvvV				
WL-318*				
WL-320**pvvV				
Wrangler*				
88*				
120*				
123*				
130*				
521*				
520*				
526*				
530*				
531				
532*				
581*				
5444*				
624*				
629*				

[Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-316-820, filed 5/13/88; 87-12-006 (Order 1930), § 16-316-820, filed 5/22/87; 86-13-014 (Order 1889), § 16-316-820, filed 6/9/86; 85-11-004 (Order 1851), § 16-316-820, filed 5/2/85; 84-13-043 (Order 1833), § 16-316-820, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-820, filed 5/16/83. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-820, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 81-11-018 (Order 1733), § 16-316-820, filed 5/15/81; 80-06-105 (Order 1697), § 16-316-820, filed 5/30/80; 79-05-065 (Order 1603), § 16-316-820, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-820, filed 5/10/78; 78-03-099 (Order 1568), § 16-316-820, filed 3/1/78, effective 4/1/78; Order 1505, § 16-316-820, filed 3/31/77; Order 1456, § 16-316-820, filed 5/13/76; Order 1420, § 16-316-820, filed 8/15/75; Order 1365, § 16-316-820, filed 6/12/74.]

**WAC 16-316-830 Bean varieties eligible.** Following are the bean varieties eligible and the certification scheme for each:

- Red Mexican: NW-59\*\* NW-63\*\* Rufus\*\*  
U of I 42\*\*
- Pinto: Holberg\*\* Fiesta\*pvvV NW-410\*\* NW-590\*\*  
Nodak\*\* Olathe\*\*pvvV Pindak\*\* U of I 114\*\* Othello\*\*
- Pink: Gloria\*\* Harold\*\* Roza\*\*  
Victor\*\* Viva\*\*
- Small White: Chief\*\* Bonus\*\* Aurora\*\*
- Kidney: Royal Red\*\*  
Montcalm-Dark Red\*\*  
Isabella-Light Red\*\*, Kardinal\*\*, Kamiken\*\*
- Snap Bean: Epoch\*\*pvvV
- Navy: Bunsii\*\*, C-20\*\*, Hyden\*\*, Laker\*\*, NW 395\*\*, Seafarer\*\*  
Duty (Pulsar)\*\*
- Great Northern: Emerson\*\*, Harris\*\*
- Black Turtle: Black Turtle Soup\*\* #39\*\*  
Black Beauty\*\* Ebony\*\*pvvV

[Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-316-830, filed 5/13/88; 87-12-006 (Order 1930), § 16-316-830, filed 5/22/87; 86-13-014 (Order 1889), § 16-316-830, filed 6/9/86; 85-11-004 (Order 1851), § 16-316-830, filed 5/2/85; 84-13-043 (Order 1833), § 16-316-830, filed 6/15/84. Statutory Authority: RCW 15.49.310, 15.49.370 and 15.49.400. 83-11-031 (Order 1798), § 16-316-830, filed 5/16/83. Statutory Authority: RCW 15.49.310 and 15.49.370. 82-08-033 (Order 1757), § 16-316-830, filed 3/31/82, effective 5/1/82. Statutory Authority: Chapter 15.49 RCW. 80-06-105 (Order 1697), § 16-316-830, filed 5/30/80; 79-05-065 (Order 1603), § 16-316-830, filed 4/30/79; 78-06-013 (Order 1575), § 16-316-830, filed 5/10/78; Order 1505, § 16-316-830, filed 3/31/77; Order 1456, § 16-316-830, filed 5/13/76; Order 1420, § 16-316-830, filed 8/15/75; Order 1365, § 16-316-830, filed 6/12/74.]

(2) Variety restrictions.

	NO. OF SEED HARVESTS			
	Breeder	Foundation	Registered	Certified
Answer		2		5
Apollo II				3
Baker	2	3		6
Blazer		3		
Challenger	2	3		5
Chief		3	3	5
Crusader		3	3	5
Drummor	2	3		5
G-7730		3		5
GH 737		3	3	5
Honeoye		3		6
Iroquois		3		6
Oneida		3		6
Peak		3		6
Perry	2	3		6

**WAC 16-316-832 Rapeseed varieties eligible for certification.** Following are the rapeseed varieties eligible and certification scheme for each:

Bridger*	Lindora-oo*
Cascade*	Rubin
Ceres*	WW-988*

[Statutory Authority: Chapter 15.49 RCW, 88-11-042 (Order 1976), § 16-316-832, filed 5/13/88; 87-17-025 (Order 1948), § 16-316-832, filed 8/13/87; 86-13-014 (Order 1889), § 16-316-832, filed 6/9/86.]

**WAC 16-316-880 Rapeseed--Seed standards.** Rapeseed standards shall be as follows:

Purity		Foundation	Registered	Certified
Pure seed	(Min.)	99.00%	99.00%	99.00%
Other crop and/or varieties	(Max.)	2/100 grams	2/100 grams	4/100 grams
Inert matter	(Max.)	1.00%	1.00%	1.00%
Weed seed	(Max.)	20/100 grams	20/100 grams	40/100 grams
Prohibited noxious weeds (1)		None	None	None
Objectionable weeds (2)	(Max.)	2/100 grams	2/100 grams	4/100 grams
Chemical Analysis (3)				
Germination	(Min.)	85.00%	85.00%	85.00%

Note:

- (1) None means none found during normal inspection procedures. None is not a guarantee that the lot is free of noxious weed seeds.
- (2) Objectionable weed seeds are defined as: Restricted noxious plus: Brassica nigra, Sinapis arvensis, Brassica juncea, and Raphanus, raphanistrum.
- (3) Erucic acid and glucosinolate content shall be within tolerances as described by the plant breeder for each variety.

[Statutory Authority: Chapter 15.49 RCW, 88-11-042 (Order 1976), § 16-316-880, filed 5/13/88; 87-12-006 (Order 1930), § 16-316-880, filed 5/22/87; 86-13-014 (Order 1889), § 16-316-880, filed 6/9/86.]

**Chapter 16-319 WAC  
FOREST TREE SEED CERTIFICATION**

WAC

16-319-020	Forest reproductive material certification standards.
16-319-030	Classes of reproductive material.
16-319-041	Application for certification of forest reproductive material.
16-319-051	Forest reproductive material—Field standards.
16-319-061	Forest Reproductive Material—Conditioning standards.
16-319-081	Forest reproductive material—Affirmation by certifying agency.
16-319-091	Forest reproductive material—Mixing of lots.
16-319-101	Forest reproductive material—Rejection of certification.

**WAC 16-319-020 Forest reproductive material certification standards.** (1) Purpose. The purpose of certification of forest reproductive material is to make available reproductive material properly identified by species or species and cultivar, and by source or source and origin.

(2) Definitions:

(a) Applicant means person or organization who submits application for certification of forest reproductive material to certifying agency and who assumes responsibility for compliance with these standards.

(b) Audit means periodic examination and check by certifying agency of any part or all of the records and procedures specified in field standards and conditioning standards, and of additional records pertinent to inventory and distribution of reproductive material including verification of corresponding physical inventory to assure that no significant errors or omissions exist.

(c) Batch means all or part of a lot of reproductive material of a single species collected during one crop season from within stated breeding zone(s) or from within stated five hundred foot elevation increment(s) in stated seed zone(s) that is collected or processed at one time.

(d) Breeding zone means a specific designated unit of land, the description of which is on file at the certifying agency, for which an improved population of trees of a specific species or species cross is being produced.

(e) Buyer means person who first receives reproductive material from the collector.

(f) Certificate of genetic identity means a document furnished by the producer on demand and verified by the certifying agency describing the ancestry and breeding behavior of a lot of reproductive material.

(g) Certification of reproductive material means execution by certifying agency of field inspection, plant/warehouse inspection and/or audit to accomplish the purpose described in subsection (1) of this section.

(h) Certifying agency means the duly designated agent of the state agency: In Oregon state, the Oregon Seed Certification Service, 31 Crop Science Building, Oregon State University, Corvallis, Oregon 97331; in Washington state, Washington State Crop Improvement Association, Inc., 513 North Front Street, Yakima, Washington 98901.

(i) Certificate of provenance means a document issued by certifying agency which verifies source and origin of reproductive material by field inspection and audit. (Only certificates of provenance are issued to satisfy O.E.C.D.)

(j) Character means a distinctive trait, but not necessarily an invariable feature, exhibited by all individuals of a group and capable of being described or measured: e.g., growth; form; color; resistance to disease, insects, weather, animals, etc.

(k) Code means a unique identification of a group of the producer's pertinent records about a lot of forest reproductive material.

(l) Collector means a person who collects forest reproductive material at its source.

(m) Elevation means altitude above sea level and is divided in five hundred foot increments as shown below, or may mean appropriate elevational bands as provided for under code and/or breeding zone.

0 - 500 feet — Code 05	2501 - 3000 feet — Code 30
501 - 1000 feet — Code 10	3001 - 3500 feet — Code 35
1001 - 1500 feet — Code 15	3501 - 4000 feet — Code 40
1501 - 2000 feet — Code 20	4001 - 4500 feet — Code 45
2001 - 2500 feet — Code 25	4501 - 5000 feet — Code 50
	and so forth.

(n) Field inspection means observation by certifying agency of all activities and records involved in propagation, collection, buying, production, and transportation of forest reproductive material to assure compliance with field standards.

(o) Forest reproductive material means plant material of genera and species of trees which will be used for forestry.

(p) Genetic identity means the ancestry and breeding background of selected and tested classes only of the forest reproductive material.

(q) Genetic superiority means that forest reproductive material originated from tree(s) whose superiority in one or more characters important to forestry has been proven by tests conducted in specified environments.

(r) Location means description by seed zone or portion thereof and elevation and/or breeding zone or code.

(s) Legal description means legal cadastral survey subdivision.

(t) Lot means a homogeneous quantity of forest reproductive material.

(i) For tested and selected classes, it is of a single species, cultivar, or cross collected during one crop season from a distinctively described and recorded population of trees.

(ii) For source identified class, it is a single species collected during one crop season from within stated seed zone(s) and from within five hundred foot elevation increment(s) and/or breeding zones or appropriate codes.

(iii) For audit class, it is a single species collected during one crop season from within stated seed zone(s) and from within five hundred foot elevation increment(s).

(iv) Lots shall be identified by number and/or code or breeding zone.

(u) Origin means the location of the indigenous parents; for nonindigenous parents, it is the location from which the seed or plants were originally introduced.

(v) Plant/warehouse inspection means observation by certifying agency of all activities and records involved in receiving, processing, storage and labeling of forest reproductive material to assure compliance with conditioning standards.

(w) Producer means person, company, bureau or agency with overall responsibility for producing forest reproductive material.

(x) Provenance means the original geographic source of seed, pollen or propagules.

(y) Reproductive material means seed, pollen, trees, cuttings, scions, etc., originating from forest trees.

(z) Seed zone means a geographic area delineated on western forest tree seed council's tree seed zone map published July 1973, or similarly authoritative maps of seed zones as approved by certifying agency.

(aa) Source means the location of the immediate parents, the origin of which may be indigenous, nonindigenous, or unknown.

(bb) Test means evaluation of parents by comparing the performance of their offspring under more controlled conditions that exist for the parent(s) or other applicable tests which evaluate specific character(s) of the parents or the offspring.

(cc) Unit of measure means a consistent volume of measure, i.e., bushels, pounds, grams, number, cubic centimeters, etc.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-020, filed 5/22/87; 84-13-079 (Order 1834), § 16-319-020, filed 6/21/84; 80-10-001 (Order 1704), § 16-319-020, filed 7/24/80; 79-05-070 (Order 1625), § 16-319-020, filed 4/30/79; Order 1506 § 16-319-020, filed 4/11/77; Order 1369, § 16-319-020, filed 6/12/74; Order 1151, § 16-319-020, filed 4/16/70; Order 1089, § 16-319-020, filed 6/4/68; Order 1044, Regulation 1-5, filed 4/14/67, effective 5/5/67; Order 1030, filed 8/19/66, effective 9/19/66.]

#### WAC 16-319-030 Classes of reproductive material.

(1) Tested class means that forest reproductive material came from tree(s) which have been tested for specific character(s) as determined by progeny or other applicable tests and under specified conditions. Further, such forest reproductive material is produced and processed in a manner assuring genetic identity common with the tested material, and, for nursery stock, that it was produced from tested reproductive material. Said forest reproductive material shall be labeled with a blue label stating "tested." Certifying agency shall examine trees and reproductive material; exercise field, plant, and warehouse inspection, and audit all pertinent records involved.

(2) Selected class means that reproductive material came from trees that were selected for specific character(s). Two subclasses are recognized:

Subclass A: Reproductive material is obtained from selected trees and, in addition for tree seed, the male parent(s) is also selected.

Subclass B: Applies to tree seed when only one parent is selected.

Both subclasses shall be labeled with a green label stating "selected" and the subclass. Certifying agency shall examine trees and reproductive material; exercise field, plant, and warehouse inspection, and audit all pertinent records involved.

(a) Selected subclass A means that the donor or parents of the reproductive material are selected, known, and of record, but have no test results of record, and, for nursery stock, that it was produced from selected subclass A or better reproductive material.

(b) Selected subclass B means that only one parent of the tree seed is selected, known, and of record and reproductive material has not been tested, and, for nursery stock, that it was produced from selected subclass B or better reproductive material.

(3) Source identified class means that the reproductive material came from within a seed zone(s) or portion thereof (as defined by legal description) and from within

a 500-foot elevation increment(s) or breeding zone(s) or code(s).

Subclass A: Personally supervised production.

Subclass B: Procedurally supervised production.

Both classes of said reproductive material shall be labeled with a yellow label stating "source identified" and the subclass. Certifying agency shall exercise field inspection, plant/warehouse inspection, and audit.

(a) Subclass A source identified means that applicant and certifying agency personally know beyond a reasonable doubt the seed zone(s) or portion thereof and 500-foot elevation increment(s) within which cones and/or reproductive material were collected; and, for nursery stock, that it was produced from subclass A source identified or better reproductive material. Certifying agency knows location from applicant's prior written plan of his reproductive material collecting and/or producing activities. For source identified subzone collections, a representative of the producer, whose major responsibility is observation of picker location, shall make daily observations within the collection area.

(b) Subclass B source identified means that applicant and certifying agency know reproductive material is identified as collected from within a seed zone(s) and from within a 500-foot elevation increment(s), and for nursery stock, that it was produced from subclass B source identified or better reproductive material.

(4) Audit class means that the applicant's records of procurement, processing, storage, and distribution state that the reproductive material was collected from within stated seed zone(s) or described portions thereof and from within 500-foot elevation increment(s), and, for nursery stock, certifying agency knows that it was produced from audit class or better reproductive material. Containers of said reproductive material shall carry a serially numbered brown and white label stating "audit certificate." All records of the applicant for this class of reproductive material are subject to audit.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-030, filed 5/22/87; 80-10-001 (Order 1704), § 16-319-030, filed 7/24/80; Order 1506, § 16-319-030, filed 4/11/77; Order 1369, § 16-319-030, filed 6/12/74; Order 1151, § 16-319-030, filed 4/16/70.]

**WAC 16-319-041 Application for certification of forest reproductive material.** (1) The conditions of applicant's submittal and of certifying agency's acceptance of application are:

(a) The application should show all classes for which certification services are requested.

(b) All reproductive material acquired or distributed by applicant of a type for which certification is requested is subject to audit.

(c) Applicant shall be responsible for payment of fees for certification services.

(d) Applicant is responsible for developing a record keeping system and labels available and satisfactory to the certifying agency.

(e) Certifying agency reserves the right to refuse certification service to applicant.

(f) Application for audit certification reproductive material shall be filed with certifying agency of the state

in which warehouse, nursery, etc., is located with a copy to the certifying agency in the state where the reproductive material is collected.

(2) Timing of application requests for certification services:

(a) Application requests for source identified subclass B and lower classes for the current year's production of reproductive material shall be received by certifying agency from applicant not later than three days prior to initiation of collection, production, or propagation of forest reproductive material.

(b) For source identified subclass A and higher certification class, the applicant shall make application for service, and present a written plan to the certifying agency two weeks prior to the beginning of the collection season. The written plan will include the following:

(i) For subzone collection, areas shall be defined by legal description.

(ii) Details of the collection organization including names of buyers and field supervisors, estimated harvest volume, receiving station location(s), and other pertinent information.

(c) Application requests for all other services shall be received by certifying agency from applicant not later than seven days before need.

(3) The certifying agency establishes the fee schedule for certification services. These may be adjusted at the beginning of a crop year if certifying agency determines that costs are significantly more or less than anticipated: *Provided*, That increases shall not exceed twenty-five percent.

(a) Cones and seed:

(i) Tested and selected – the service includes review of test plans, audit of pertinent records and field inspection at the hourly job time rate shown in current fee schedule.

(ii) Source identified classes – the fee includes field inspection at the per bushel rate shown in the current fee schedule and audit of conditioning at the hourly rate also shown in the current fee schedule.

The fee for each lot containing less than sixty bushels shall be a maximum of thirty-six dollars: *Provided*, That the certifying agency, due to specific circumstances, may waive this maximum fee or a part thereof.

(iii) Audit class – the fee includes audit of applicant's field and conditioning records at the hourly rate shown in the current fee schedule.

(b) Trees: The fee includes the verification of the source of the trees from the seed source, stratification, sowing, bed identification, lifting, sorting, package identification, storing and/or transplanting.

(c) Not entered for certification: The fee for audit of reproductive material not entered for certification service is performed as required by and satisfactory to certifying agency to exercise said audit simultaneously with audit of reproductive material which applicant has requested certification service.

(d) The fee for certification classes applied for shall be charged whether or not offered material qualifies.

(e) The certifying agency may provide other services, such as training to comply with these standards, advising

on the development of recordkeeping systems directly connected with certification needs if requested by the applicant.

(4) Fee schedule:

(a) Tree cones and seed -

Certification Classes	Field Inspection	Audit	Fee Due
Tested and Selected	\$20.50/hr.	\$20.50/hr.	When billed
Source Identified Classes:			
Lots 11 bu. and more	\$0.70/bu.	\$20.50/hr.	
Lots 6-10 bu.	\$16.50/lot	\$20.50/hr.	
Lots 0-5 bu.	\$10/lot	\$20.50/hr.	
Audit	None	\$20.50/hr.	When billed

(b) Tree certification - \$20.50/hr.

Seedling certification - experience has shown that seedling certification normally requires a minimum of five nursery visits totalling approximately thirty-two hours. Plantation certification procedures shall be billed at the hourly rate.

(c) Other services including education to comply with the standards, development of record system, verification of source of pollen, cuttings, audit of forest reproductive material not offered for certification by applicant or other services requested, etc. at \$20.50/hour payable when billed.

(d) OECD certification (certificates of provenance) - \$0.50 per certificate plus the hourly audit rate. (Auditors shall issue certificates.)

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-041, filed 5/22/87; 84-13-079 (Order 1834), § 16-319-041, filed 6/21/84; 80-10-001 (Order 1704), § 16-319-041, filed 7/24/80; 79-05-070 (Order 1625), § 16-319-041, filed 4/30/79; Order 1506, § 16-319-041, filed 4/11/77; Order 1369, § 16-319-041, filed 6/12/74; Order 1189, § 16-319-041, filed 4/16/71; Order 1151, § 16-319-041, filed 4/16/70.]

**WAC 16-319-051 Forest reproductive material--Field standards.** (1) Tested and selected classes. Applicant shall maintain continuous record(s) satisfactory to certifying agency which maintains the identity of the reproductive material through all stages of production, collection, processing, storage, and disbursement from stores, and, in addition, such records as needed to trace the pedigree and document the performance of the reproductive material. The records shall include but are not limited to those involving:

(a) Selection, location, and origin of the parent trees.

(b) Pollen, seed, scions, etc., collection, processing, inventory, storage, and use in tree improvement and breeding programs.

(c) Design, establishment and management of test(s) and the collection, analysis and interpretation of test data.

(d) Nursery stock production.

Certifying agency shall inspect all phases of the field operation including periodic checks of parent trees, pollen and scion collections; pollinations; cone harvest, storage, processing and inventory; and tests, together with appropriate records.

(2) Source identified reproductive material. Applicant shall develop and make correct use of collector and buyer labels, collector registration, and transportation records, and for nursery stock, labels and records identifying the stock as originating from source identified or better reproductive material.

(a) Subclass A.

(i) Control of collectors shall be such that applicant and certifying agency personally know beyond a reasonable doubt the seed zone or breeding zone or code or portions thereof (as delineated by legal description), and 500-foot elevation increment or specified elevation increment for breeding zone(s) or code(s) within which reproductive material was collected. Control of producers of nursery stock shall be such that applicant and certifying agency personally know beyond a reasonable doubt that the nursery stock was produced from source identified subclass A or better reproductive material.

(ii) Applicant shall provide certifying agency with a written reproductive material collection and/or nursery stock production plan (not later than three days) prior to collection of reproduction material or production of nursery stock.

(iii) Further, all following requirements of subclass B shall be met.

(b) Subclass B.

(i) All collectors shall be supervised sufficiently so that either buyers know where reproductive material was collected, or buyers shall purchase all reproductive material that collectors present for sale without differential of acceptance stated or implied, as to source, location, seed zone, or elevation.

(ii) Buyer shall require collector to sign collector's registration record prior to collection of reproductive material. He shall also issue collector's labels, and direct collector to complete them and place them in or attach them to each container of reproductive material before it is transported from point of collection. Coincident with purchase of reproductive material, he shall complete description on labels including species, source by seed zone, breeding zone or code, elevation increment, special collection area if any, certification class, date of purchase and his signature or initials.

(iii) Buyer shall maintain a buyer record on a form for all reproductive material received, listing species, seed zone, elevation increment, units of reproductive material, date of purchase, collector's name and buyer's name.

(iv) Buyer shall maintain transportation record showing species, seed zone, elevation increment, units of reproductive material, and date shipped.

(v) Producers of nursery stock shall be supervised sufficiently so that applicant knows that the stock was produced from source identified subclass B or better reproductive material.

(vi) The certifying agency shall advise the applicant of problems or conditions that affect competent verification or execution of these standards by certifying agency and applicant.

(vii) Unless other arrangements are made, the certification class shown by the producer on all containers of

reproductive material shall be verified by the certifying agency before being transported from the receiving station. The producer is responsible for evidence of verification of the certification class applied for.

(3) Audit class reproductive material.

(a) Buyer shall require collector to sign collector's registration record and to complete collector's labels prior to purchase of reproductive material.

(b) Buyer shall maintain a buyer record on a form for all reproductive material received, listing species, seed zone, elevation increment, units of reproductive material, date of purchase, collector's name and buyer.

(c) Buyer or other shipper of reproductive material shall maintain a transportation record showing species, seed zone, elevation increment, units of reproductive material and date shipped.

(d) Producers of nursery stock shall maintain auditable records identifying the stock as being produced from audit class or better reproductive material.

[Statutory Authority: Chapter 15.49 RCW, 87-12-006 (Order 1930), § 16-319-051, filed 5/22/87; 80-10-001 (Order 1704), § 16-319-051, filed 7/24/80; Order 1506, § 16-319-051, filed 4/11/77; Order 1369, § 16-319-051, filed 6/12/74; Order 1151, § 16-319-051, filed 4/16/70.]

**WAC 16-319-061 Forest reproductive material—Conditioning standards.** (1) Applicant shall maintain a continuous record for each lot and batch of reproductive material at each plant or warehouse, showing lot and batch number or code, species, seed zone, breeding zone or code, elevation increment, date received and units of reproductive material. Reproductive material stored at plant or warehouse prior to conditioning shall be assembled by lot or batch and so arranged as to be reasonably accessible for audit. The auditor will advise producer before making changes in the certification class of cones or seed offered by the producer.

(2) Labels shall be maintained on containers until reproductive material is conditioned. During conditioning, labels shall be removed and immediately deposited in a container marked with the lot or batch designation or code. Upon completely emptying the containers for each lot or batch of audit or source identified classes, the package of labels from it shall be closed and set aside for examination by the certifying agency auditor. All labels for tested and selected classes shall be attached to or placed inside of the seed containers by the producer for examination by the certifying agency auditor. These labels shall remain with the seed until the lot is depleted.

(3) All reproductive material shall be handled in a manner to prevent lot mixture and maintain lot identity. All machinery, containers, and equipment shall be thoroughly cleaned before conditioning another lot or batch.

(4) Specific requirement: Certifying agency may refuse to certify reproductive material failing to meet the following maximum standards: Other distinguishable species or cultivars: Seed one-half of one percent by weight; trees, cuttings, scions, etc. one percent by number; pollen one percent by number.

(5) Labeling and sealing of tested, selected, or source identified reproductive material shall be done by the certifying agency.

(a) Labeling of audit class reproductive material shall be done by the applicant with the label being affixed to the container: *Provided*, That for small sales (any quantity of reproductive material less than a full container of a size normally used by the applicant) the label may be affixed to the invoice or sales slip.

(6) For each lot of tested or selected reproductive material, a certificate of genetic identity shall be prepared and affirmed by the producer upon demand and, if verified by the certifying agency, shall be signed and placed in or attached to each container before other labels or seals are affixed. The certificate of genetic identity shall include the following information:

(a) For both tested and selected reproductive material, the lot number, breeding zone or code and information on:

(i) The donor or parents which produced the reproductive material, including their selection generation, type of selection made, selected character(s), seed zone(s) and elevation increment(s) in which selection was made, and selection procedure.

(ii) For each prior selection generation, the same information.

(iii) For sexual reproductive material, whether pollination was controlled or not: If controlled, the pollen situation; if controlled, the pollen or pollen mix used, including identification of pollen parent(s), also the number of maternal parents, and, if applicable, the crossing design used.

(b) For tested reproductive material only.

(i) A progeny, clonal, or other applicable test plan shall normally be submitted to the certifying agency for review and acceptance before installation. Acceptance of the test plan may be made after installation providing requirements in WAC 16-319-051(1) and 16-319-061 (6)(b)(ii) are met. Applicant may request assistance from the certifying agency in the development of a plan.

(ii) The plan shall include in the test both randomization and replication for the material to be tested and the identity and background of the check material to be used.

(iii) Complete randomization and balanced randomized blocks are recommended. The actual design of the established test shall be recorded in detail.

(iv) Trees to be planted for tests shall be grown together in soil as uniform as possible, or, if they are grown in different soils, shall be so distributed that like proportions of all clones or progenies are produced in each distinct class of soil.

(v) Test measurements are to be presented in numerical form. Each character to be evaluated is to be measured separately. The genetic superiority as compared with the check shall be clearly demonstrated for at least one of the characters being tested. Characters of economic importance in forestry identified in the test shall be clearly reported if they are significantly inferior at the ninety-five percent level to those of the check material.

(vi) The results of the test measurements and data shall be readily available to the certifying agency and prospective user or purchaser.

(7) A document, acceptable to the certifying agency for informing the purchaser of species and certification information of each item, and, for auditing purposes, shall be issued by the producer for each sale of tested, selected, source identified, and audit class reproductive material. Such document may be a certificate of provenance for tested, selected, or source identified reproductive material, or an invoice, shipping order, or sales slip for audit class reproductive material. The certifying agency may authorize use of said certificate of provenance for portions of reproductive material from labeled and sealed containers in lieu of labels and seals when relabeling and resealing by the certifying agency is impractical.

(8) If a lot is composed of reproductive material from more than one seed zone, elevation increment or code in excess of seven percent if of contiguous seed zones, elevation increments, or codes or if in excess of two percent of other than contiguous seed zones, elevation increments, or codes, the certification label shall show all seed zones, elevation increments, or codes either with or without the percentage of each.

(9) The allowance for accidental mixing of noncertifiable reproductive material with audit class, or noncertifiable or audit class reproductive material with source identified classes is two percent. When in excess of two percent, the lot shall drop to the lowest class represented. No mixing of lower classes with selected or tested classes is permissible.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-061, filed 5/22/87; 84-13-079 (Order 1834), § 16-319-061, filed 6/21/84; 80-10-001 (Order 1704), § 16-319-061, filed 7/24/80; Order 1506, § 16-319-061, filed 4/11/77; Order 1369, § 16-319-061, filed 6/12/74; Order 1247, § 16-319-061, filed 4/13/72, effective 5/14/72; Order 1151, § 16-319-061, filed 4/16/70.]

**WAC 16-319-081 Forest reproductive material-- Affirmation by certifying agency.** Affixing of label or label and seal to a container of forest reproductive material or to a certificate of provenance or certificate of genetic identity by the certifying agency affirms that to the best of its knowledge the reproductive material meets these forest reproductive material certification standards.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-081, filed 5/22/87; Order 1506, § 16-319-081, filed 4/11/77; Order 1369, § 16-319-081, filed 6/12/74; Order 1151, § 16-319-081, filed 4/16/70.]

**WAC 16-319-091 Forest reproductive material-- Mixing of lots.** (1) When lots collected in the same or different crop seasons are deliberately mixed, the new lot shall be given a new identification number and certification label. The certification class shall drop to the lowest certification class represented in the new lot.

(2) For the tested and selected classes, the certification label shall show the components of the new lot and the percentage of each in the new lot, or this information shall be contained on a properly executed certificate of genetic identity placed in, or attached to each container of the lot before other labels or seals are affixed.

(3) For the source identified classes and the audit class, the certification label shall show the components of the new lot and the percentage of each in the new lot.

(4) Lots being mixed shall be uniformly blended into the new lot so that they are near equally represented throughout the new lot.

(5) The producer of the new lot shall make the last viability information for the component parts of the new lot available to the certifying agency and prospective user or buyer upon demand.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-091, filed 5/22/87.]

**WAC 16-319-101 Forest reproductive material-- Rejection of certification.** Any lot may be rejected if certifying agency determines that said lot fails to meet these standards. The privilege of certification may be withdrawn by certifying agency for a definite period of time in case of flagrant violations of field or processing standards. If applicant believes an erroneous decision has been rendered, he may make written appeal to certifying agency for review by its governing body.

[Statutory Authority: Chapter 15.49 RCW. 87-12-006 (Order 1930), § 16-319-101, filed 5/22/87.]

## Chapter 16-324 WAC

### RULES FOR THE CERTIFICATION OF SEED POTATOES

WAC	
16-324-360	Definitions.
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16-324-660	Limited generation certified seed potato--Sanitation.
16-324-670	Limited generation certified seed potato--Tags.
16-324-680	Limited generation certified seed potato--Storage.

**WAC 16-324-360 Definitions.** The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

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

(2) "Director" means the director of the department of agriculture or his duly appointed representative. (Inspector)



(3) "Potatoes" mean Irish potatoes that have been produced outside of or within the state of Washington and are being handled for seed purposes, propagation, or reproduction within the state of Washington.

(4) "Disease tested" means tested for potato viruses, PVA, PVM, PVS, PVX, PVY, leafroll, spindle tuber viroid, Erwinia carotovora carotovora, Erwinia carotovora atroseptica and Corynebacterium sepedonicum.

(5) "Nematode" means a disease (infestation) of plant parasitic nematodes of potatoes including but not limited to Ditylenchus, Pratylenchus, and Meloidogyne genera.

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

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

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

(9) "Nuclear stock" means plantlets, microtubers, minitubers, or seed potatoes produced from pre-nuclear stock.

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

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

(12) "Tuber unit" means a method of planting whereby cut seed pieces from one tuber are dropped consecutively in a row.

(13) "Hill unit" means a method of planting whereby all tubers from one plant are dropped consecutively in a row.

(14) "Family unit" means a method of planting whereby pre-nuclear stock made up of various family lines are mass planted in recognizably separate plots limited to the size and number of plants per plot.

(15) "Cull" means any lot of potatoes rejected for certification for any reason. Seed lots failing to meet the minimum requirements of Washington state's rules and standards for certification shall be considered as culls.

(16) "Trace" means a barely perceivable indication of plant disease that amounts to less than 0.00 percent.

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

[Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-360, filed 9/11/87; Order 1199, § 16-324-360, filed 5/5/71, effective 6/7/71.]

**WAC 16-324-380 Certified seed potato stock-- Fees.** (1) Potato certification fees shall be twenty-seven dollars per acre.

Applications shall be accompanied by fifty percent of the total charge due and payable on or before June 15 of each year. Applications may be adjusted ten percent on or before July 15.

(2) Final payment of above fee is due and payable November 1 of each year: *Provided*, That

(a) Fees for five acres or less must be paid in full at the time of application.

(b) Fee for two acres or less is forty dollars minimum to be paid in full at time of application.

(c) No fees may be charged, up to five acres, for regularly enrolled high school 4-H or FFA projects.

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

(4) Lots rejected on or before October 1 shall not be subject to final fees.

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

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

[Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-380, filed 9/11/87; 84-11-051 (Order 1825), § 16-324-380, filed 5/17/84; 78-12-034 (Order 1587), § 16-324-380, filed 11/21/78; Order 1199, § 16-324-380, filed 5/5/71, effective 6/7/71.]

**WAC 16-324-390 Requirements for production of foundation and/or certified seed potato stock.** (1) Land requirements.

(a) Potatoes shall not be eligible for certified class if planted on land on which potatoes were grown in either of the previous two years unless the prior crops were entered for and passed certification. Potatoes shall not be eligible for foundation class if planted on land on which potatoes were grown in any of the previous three years unless the prior crops are of the same variety that were entered for and passed certification.

(b) Any land known to be infested with parasitic potato nematode shall not be accepted.

(c) Any land planted with potatoes found to have ring rot shall not be eligible for planting for certified seed potato production for at least three years. Volunteers in a field with ring rot history shall disqualify the field for certification, modification of land history may be approved by the department when a cultural practice has been proven to be successful. Cultural practices may include, but is not limited to, mechanical means (such as deep plowing) and/or chemical means (such as fumigants or other material) for seed bed preparation. Materials and methods shall be a matter of record with the department. Whichever method is used, it shall be approved by the department and shall be adequate to maintain variety and disease purity. Plants outside of the defined row shall be construed as volunteers.

(2) Isolation requirements.

(a) Potatoes intended for certification shall be isolated by at least one hundred feet from other potatoes except potatoes entered for certification.

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

grading process. No separation shall be required between lots of a red variety and another variety with obviously different skin color. When more than one lot of seed potatoes are planted in the same field, each lot shall be so marked that any inspector not previously having been at the location can identify each lot.

(c) When ring rot is found in a field planted with more than one lot of seed, the entire field shall be rejected unless at least six feet has been left unplanted or planted to some other crop between lots.

(d) In the suspected presence of bacterial ring rot disease in plants and tubers, or nematode infestation of tubers, samples shall be submitted to a Washington state department of agriculture approved laboratory for testing. Samples may be sent to more than one laboratory to determine the presence or absence of bacterial ring rot disease and nematode infestation.

(3) Planting stock. Eligible planting stock shall consist of foundation seed potatoes or seed stock approved by the department.

(a) Foundation seed is tubers that have met field standards and winter test standards for foundation seed.

(b) Desirable planting stock of known history and varietal purity may be accepted. This stock shall have been produced the preceding year under the special observation of the department. Stock under observation by the department shall pay the usual certification fees.

(c) Planting stock from other states or countries is eligible for certification if the planting stock has met the requirements for foundation standards of their program.

(d) A seed stock or lot shall not be eligible for foundation classification if blending two different sources of seed.

(e) A seed stock or lot shall not be eligible for certification if planted with culls.

(4) Field inspections. Each lot shall be visually inspected on a sample basis. Lots shall be subjected to at least two inspections. The first inspection shall be made before the rows have filled in or the vines touch in the row. The lots shall be traversed sufficiently to accurately evaluate the factors to be considered with a minimum sample of one hundred plants per acre. Lots shall be considered ready for inspection at all times. Notification shall be given to grower or grower representative when inspection is to be performed. A second inspection shall be performed and the time of the inspection shall be determined by the variety and growing season. Additional inspections shall be made when deemed necessary. The grower shall be responsible for notifying the department of unusual field conditions which reflect premature dying, from any cause, prior to the final reading of the field.

(5) Russet Burbank/Netted Gem potatoes to be eligible for certification shall be within the field tolerances and the winter test tolerances set for certified seed potatoes. Shipments for export prior to January 15 may be certified based on field readings only.

(6) Miscellaneous requirements. Prospective growers entering the certification program for the first time shall be interviewed by the department before applications are processed. This is in order that the applicant knows what

is expected and what may be expected from the certifying agency.

(7) Sanitation requirements. All equipment used in the cutting, planting, digging, storage, and grading process shall be sanitized between each lot and variety. Appropriate procedures for sanitizing shall include steam cleaning or use of a pressure washer to eliminate all dirt and dry matter followed by an application of an approved chemical to kill bacteria.

[Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-390, filed 9/11/87; 86-15-045 (Order 1897), § 16-324-390, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-390, filed 11/21/78; Order 1526, § 16-324-390, filed 4/27/77; Order 1199, § 16-324-390, filed 5/5/71, effective 6/7/71.]

**WAC 16-324-430 Certified seed potato--Digging, storage and premarketing.** Specific requirements.

(1) Stored so as to maintain each lot's identity. Storage bin or room (an area with a controlled access and enclosed by solid barriers) to be so marked that any inspector not previously having been in the room or storage bin could identify the lot:

(a) Each storage or room containing more than one lot shall have a solid barrier between each lot that is not of the same seed source, variety or classification. The presence of ring rot or nematode in a lot that is stored with other lots shall be cause for rejection of all lots that are not isolated or separated by a solid barrier.

(b) Lots previously known or found to be infected with bacterial ring rot disease at time of storage or non-certified potatoes shall not be stored within the same storage with certified seed potatoes. Known infected seed lots stored with certified seed lots shall be cause for rejection of all lots in the same storage.

(2) The applicant shall notify in writing receivers of a seed stock or receivers of a lot associated with a seed stock that has been found to be infected with bacterial ring rot. The applicant shall provide the department with a copy of this notification sent to the receiver.

(3) Graded according to state of Washington standards for seed potatoes.

(4) Placed in new sacks when tagging is requested, identified with the official Washington seed potato tags which shall show the grower's name, address, lot number and variety unless such information is printed on the sacks together with the usual net weight.

(5) Tags may be issued to the grower who shall:

(a) Tag the bags as the potatoes are sorted.

(b) Allow inspection of graded potatoes at any time.

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

(d) Return all unused tags to the inspector.

Failure to observe any of the above provisions is sufficient cause for the inspector to withhold the privilege of permitting the grower to tag at his convenience. The deliberate disregard for subsection (5)(b) and (c) of this section shall be just cause to eject a grower from the certification program.

(6) Bulk lots, properly identified, may be moved under certification.

[Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-430, filed 9/11/87; 86-15-045 (Order 1897), § 16-324-

430, filed 7/17/86; 78-12-034 (Order 1587), § 16-324-430, filed 11/21/78; Order 1199, § 16-324-430, filed 5/5/71, effective 6/7/71.]

**WAC 16-324-450 Certified seed potato--Specific requirements.** The diseases tolerated shall be within the percentages listed in the table below based on visual symptoms showing in the sample inspected.

Disease or Defects	Foundation	Certified
Bacterial ring rot, powdery scab, black wart, tuber moth, nematodes	0.00 %	0.00 %
Net necrosis associated with leaf roll	0.25 %	1.00 %
Scab (deep pitted)	1.00 %	3.00 %
Variety mixture	0.00 %	0.25 %

[Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-450, filed 9/11/87; 78-12-034 (Order 1587), § 16-324-450, filed 11/21/78. Formerly WAC 16-446-110.]

**WAC 16-324-600 Limited generation (L.G.) certified seed potato production.** (1) The limited generation (L.G.) program is offered as an alternative to the current program for certification of seed potatoes. This L.G. program is not intended to supersede or replace existing rules and standards for certified seed potato production. Limited generation certified seed potato production shall comply with current standards, where applicable, in addition to the following rules. The purpose of the program is to provide certification for additional kinds of propagative stock now being produced by tissue culture and/or stem cutting techniques.

(2) Eligibility - to be accepted for certification, seed stocks shall be derived from seed stocks that have been disease tested, certified by an official seed certifying agency and continued identity maintained in an approved manner.

(a) To be eligible for recertification, a seed stock shall meet or exceed minimum requirements for field inspection, latent virus testing and winter testing as prescribed in WAC 16-324-630 and 16-324-640.

(b) Applications for all lots planted for certification shall be accompanied by an eligible tag or inspection certificate in addition to winter test results and a signed grower affidavit.

[Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-600, filed 9/11/87.]

**WAC 16-324-605 Limited generation certified seed potato--Requirements for production and eligibility of prenuclear stock.** Requirements for production and eligibility of prenuclear seed potato stock are as follows:

(1) Basic requirements for plant material increase:

(a) All micropropagation facilities shall be approved by the department.

(b) All material shall be documented as to source of variety and shall be a variety approved by the department.

(c) All tests required shall be conducted by a third party laboratory approved by the department.

(d) Entry level material shall be isolated from all other material and limited to fifty in vitro propagules per line selection. All plant material to be mass micropropagated shall be disease tested.

(2) Testing requirements for mother plants. Yearly testing of one hundred percent of the mother plants for the following pathogens shall be required as follows:

(a) *Corynebacterium sepedonicum* by gram stain and immunofluorescent antibody stain and Richardsons Media. The eggplant bioassay may be substituted for Richardsons Media.

(b) *Erwinia species* by crystal violet pectate.

(c) Potato viruses - X, Y, S, M, A, and leafroll by ELISA, radioimmuno assay and nonspecific viral assay by electron microscopy or dsRNA hybridization.

(d) Potato spindle tuber viroid by cDNA, dot hybridization or gel electrophoresis.

(e) All plant material to be mass propagated shall test negative for the pathogens listed above.

(3) Sampling requirements for mass propagated plants or tubers.

(a) Samples shall be taken prior to kill down or shipping plantlets. A minimum of one percent (no less than twenty samples) of the plants or tuber population shall be disease tested in the manner described for testing requirements for mother plants. No more than five plants or tubers shall be bulked per sample.

(b) Prenuclear class stock shall have a zero tolerance for all pathogens listed above.

(4) Private micropropagation labs shall make samples of propagation material available to the department for further testing when requested.

(5) Propagators shall select tubers or mother plants that are true-to-type. Such material shall be derived from more than a single tuber; ten to twenty tubers shall be selected to maximize the genetic base of each line and to avoid selecting a tuber or mother plant that may carry a genetic mutation uncharacteristic of the variety. Micropropagated plants shall not be derived from callus culture due to the possibility of somatic mutations or variants.

(6) Detailed records of the progress of all increases shall be maintained by the agency or private labs engaged in the production of "prenuclear" material. These records shall include:

(a) A numbering code or system used to identify the explants or clones and their origins;

(b) The amount of time this material has been in tissue culture, and the dates and numbers of transfers that have occurred since initiation or selection;

(c) The testing/inspection history of all such material.

(7) Material planted for recertification at a nuclear level shall be produced either under standard aseptic microbiological techniques (i.e., in vitro micropropagation) or in an insect proofed greenhouse using sterilized potting media, and water known to be



required on remaining seed lots. All other seed lots associated with or planted after the rejected lot shall not be eligible for recertification.

(3) A limited generation growers list shall be published annually after final field inspection showing the results, including bacterial ring rot.

(4) All seed sources entered for certification shall be represented in a Washington seed lot source trial. At the option of the grower, seed sources shall be represented in a seed lot source trial. The presence of bacterial ring rot in the sample shall be cause for rejection of seed lots planted from the same seed source by the grower submitting the sample.

[Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-630, filed 9/11/87.]

**WAC 16-324-640 Limited generation certified seed potato--Winter test tolerance.**

**WINTER GREENHOUSE TEST TOLERANCE (PERCENT)**

Factor	NUCLEAR	GEN. I	GEN. II	GEN. III	GEN. IV
Leafroll	0	0.25	0.3	0.75	1
Mosaic	0	0.25	0.5	1	2
Spindle Tuber	0	0	0	0	0
Other virus	0	0.25	0.75	2	2
Total virus	0	0.50	0.75	2	2

(1) Each lot shall be represented in a winter greenhouse test or be entered in a southern grown winter test.

(2) Certification on seed potatoes graded before the results of the winter test reading shall be based on field readings.

(3) Minimum sample size:

(a) Winter test samples shall be submitted in new bags weighing no more than approximately fifty pounds;

(b) Fifty tubers or four tubers per hundred weight from small lots up to fifty-five hundred weight shall be submitted;

(c) Larger lots:

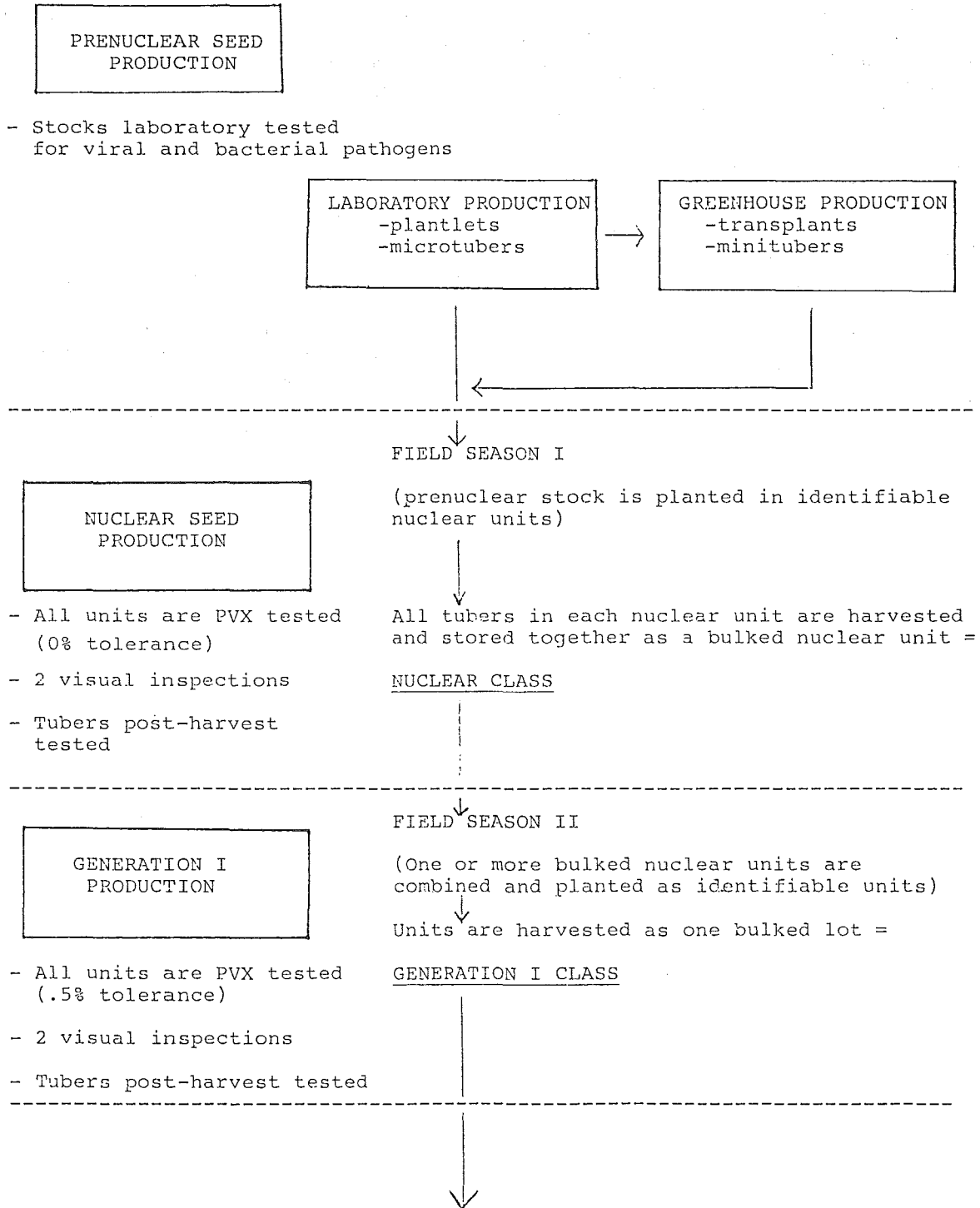
ACRES	TUBERS	ACRES	TUBERS
0.5-1 at least	220	6-10 at least	420
2-5 at least	320	11-20 at least	620

For lots over twenty acres submit six hundred and twenty tubers, plus twenty tubers for each additional acre over twenty acres.

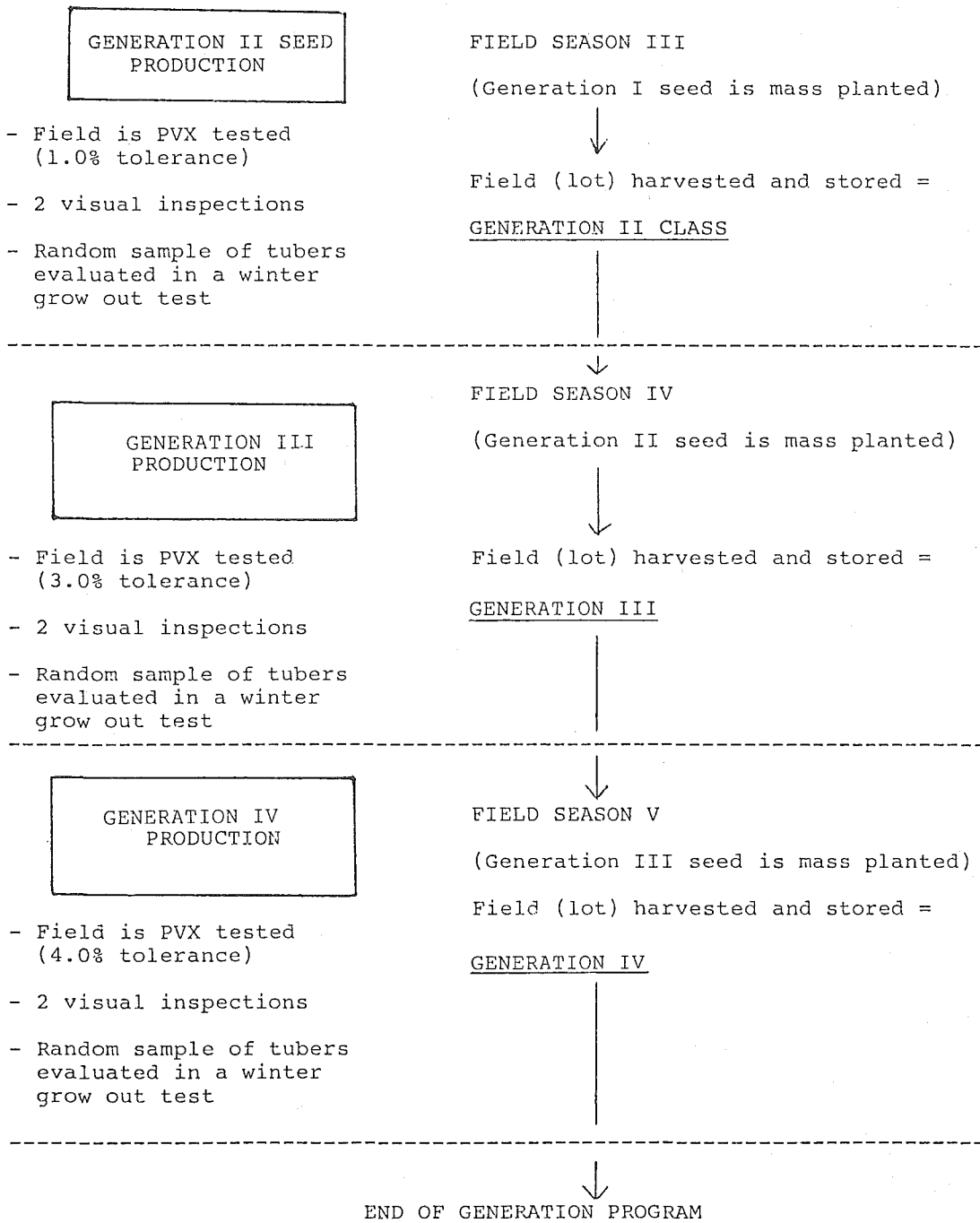
(4) Results of winter testing will be published upon completion of testing. Only seed lots meeting the minimum requirements shall be listed.

[Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-640, filed 9/11/87.]

WAC 16-324-650 Limited generation certified seed potato--Production phases.  
(1) Prenuclear seed production phases:



(2) Generation II seed production phases:



[Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-650, filed 9/11/87.]

**WAC 16-324-660 Limited generation certified seed potato—Sanitation.** Requirements for sanitation in the limited generation certified seed program are as follows:

(1) Chemicals used in the sanitation of equipment shall be those recommended by the *Pacific Northwest Plant Disease Control Handbook*. Vector control shall be maintained throughout the growing season as prescribed by the *Pacific Northwest Plant Disease Control Handbook*.

(2) Seed stocks in a limited generation program shall be planted and harvested prior to handling any other seed stock. The highest generation shall be handled prior to lower classes within the program. All equipment used in the cutting, planting, digging, storage, and sorting process shall be sanitized between lots and varieties. When cutting nuclear stock, gloves and knives shall be sanitized between each tuber cut.

(3) Precautions shall be taken when roging, irrigating, or cultivating to prevent the spread of potato pathogens. Only sanitized footwear shall be allowed in the field.

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

(5) Only department approved containers shall be used during the digging, storage, and packing process. Approved containers shall be new sacks or bags. Wood containers shall be painted with no bare wood exposed.

(6) Appropriate procedures for sanitizing shall include steam cleaning or use of a pressure washer to eliminate all dirt and dry matter, followed by steam cleaning, followed by application of an approved chemical to kill bacteria.

[Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-660, filed 9/11/87.]

**WAC 16-324-670 Limited generation certified seed potato—Tags.** All lots shipped outside of the immediate area of production shall be tagged and accompanied by shipping permit. Permits and tags shall only be issued for Generation II, III, or IV seed stocks.

(1) In addition to meeting the requirements of WAC 16-324-430(3), tags shall identify seed class and percent of PVX.

(2) Two colors of tags shall be available for use in limited generation seed potatoes. The color of tag designates grade only.

(a) Blue tags shall meet or exceed minimum requirements of United States Standards for U.S. No. 1 Seed Potatoes.

(b) Yellow tags shall indicate a contract grade between buyer and seller and shall meet or exceed minimum requirements of WAC 16-324-490.

(c) Tags shall not be issued for culls.

[Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-670, filed 9/11/87.]

**WAC 16-324-680 Limited generation certified seed potato—Storage.** In addition to meeting the requirements in WAC 16-324-430 (1)(a) and (b), all tubers harvested from unit plantings shall be numbered and stored as an identifiable unit for the next year's planting of pre-nuclear stock.

[Statutory Authority: Chapter 15.14 RCW. 87-19-033 (Order 1951), § 16-324-680, filed 9/11/87.]

## Chapter 16-328 WAC

### STRAWBERRY PLANTS—CERTIFICATION

#### WAC

16-328-001	Repealed.
16-328-003	Repealed.
16-328-008	Definitions.
16-328-009	Strawberry plant certification standards.
16-328-010	Strawberry plant certification fees.
16-328-015	Certifying agency issuance of certificate.
16-328-025	Strawberry plant certification—Isolation requirements.
16-328-030	Strawberry plant certification—Requirements for production of foundation and registered stock.
16-328-035	Strawberry plant certification—Requirements for the production of certified stock.
16-328-038	Production of certified strawberry nursery stock by micropropagation techniques.
16-328-060	Strawberry plant certification—Field standards.
16-328-065	Strawberry plant certification—Designation of plants.
16-328-080	Strawberry plant certification—Tagging or stamping and plant inspection.
16-328-083	Strawberry plant grades and standards—Washington No. 1.
16-328-085	Strawberry plant grades and standards—Washington No. 2.
16-328-088	Strawberry plant grades and standards—Tolerances.
16-328-090	Repealed.

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

16-328-001	Promulgation. [Order 925, Promulgation, filed 6/25/63.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.
16-328-003	Promulgation. [Order 1216, § 16-328-003, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.
16-328-090	Effective date. [Order 1216, § 16-328-090, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.

**WAC 16-328-001 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-328-003 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-328-008 Definitions.** (1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or his duly appointed representative. (Inspector)

(3) "Virus infected (affected)" means presence of a virus(es) or mycoplasma like organism(s) in a plant or plant part.



(4) "Virus-like" means a disorder of genetic or non-transmissible origin.

(5) "Off-type" means not true-to-name.

(6) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

(7) "Index or indexing" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant; or by any other method.

(8) "Similar varietal characteristics" means that the plants have the same general character of growth.

(9) "Fairly fresh" means that the roots and petioles are not excessively wilted or otherwise damaged.

(10) "Firm" means that the crowns are not soft or spongy, although they may yield to slight pressure.

(11) "Moist" means that the plants are reasonably turgid and not dried to a degree than would affect normal growth.

(12) "Fairly clean" means that the roots are not matted or caked with dirt.

(13) "Fairly well trimmed runners and petioles" means that the runners and petioles shall be fairly well trimmed when the length of each does not exceed three inches.

(14) Free from damage by:

(a) "Sunburn" means that the roots shall not be damaged by sunburn or scald, but slight discoloration may be permitted.

(b) "Mold" means that the plants must be free from excessive mold or decay. Plants slightly affected by mold may be allowed.

(c) "Freezing injury" means that the roots shall be of a normal color and only moderately affected by discolored roots which affect the normal growth of the plant. Black roots caused by disease shall not be permitted.

(d) "Broken or split crowns, mechanical injury" means the breaking or severance of the crown from the root section or splitting of the crown or other mechanical injury that would affect the normal growth of the plant.

(15) "Free from detectable pests or diseases" means that administratively determined tolerance levels shall be established and administered for destructive pests such as cyclamen mite, crown borer, aphids, the red stele fungus, and nematodes. The evaluations for the pests shall be conducted by methods approved by the director.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-008, filed 6/9/87; Order 1216, § 16-328-008, filed 10/18/71, effective 11/18/71.]

**WAC 16-328-009 Strawberry plant certification standards.** The following specific rules constitute the requirements and standards for strawberry plant certification.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-009, filed 6/9/87.]

**WAC 16-328-010 Strawberry plant certification fees.** Strawberry plant certification fees are as follows:

(1) Certification application fee. The applicant shall furnish all information requested on the application for inspection and shall allow the department to take plants or plant parts from any planting for inspection or testing

purposes. A separate application shall be made for each cultivar and/or unit entered for certification. Each lot of each cultivar shall be listed separately on the application. Lots under observation by the department shall pay the inspection fees. Applications for inspection shall be filed with the Seed Branch, 2015 South First Street, Yakima, Washington 98903 by June 30 each year accompanied by a one hundred dollar fee.

(2) Inspection fees. The inspection fee shall be eighteen dollars per hour and mileage shall be charged at a rate established by the state office of financial management. Inspection fees shall be payable upon completion of work done and shall be for the sole purpose of defraying expenses incurred in the inspection and certification of strawberry nursery stock. Billing to the applicant shall be made by the seed branch.

(3) A grower desiring to produce certified strawberry plants as herein provided shall establish with the department facts evidencing sufficient experience to produce healthy, high quality stock.

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

(5) No application for any grower owing the Washington state department of agriculture for previous fees shall be considered.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-010, filed 6/9/87; Order 1216, § 16-328-010, filed 10/18/71; effective 11/18/71, Order 925, Regulation 1, filed 6/25/63; Order 625, Regulation 1, effective 4/29/52.]

**WAC 16-328-015 Certifying agency issuance of certificate.** (1) The issuance of a state of Washington certified plant tag or stamp under this chapter affirms solely that the tagged or stamped strawberry rootstock has been subjected to certification standards and procedures by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(2) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(3) Participation in the strawberry plant certification program shall be voluntary.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-015, filed 6/9/87.]

**WAC 16-328-025 Strawberry plant certification--Isolation requirements.** (1) Foundation stock. These shall be produced in specially constructed houses to ensure protection from virus vectors or produced in a tissue culture laboratory.

(2) Registered stock. These shall be produced in specially constructed houses or grown in areas isolated by one-half mile or more from noncertified strawberry stock in order to minimize danger of virus infection.

## (3) Certified stock. Same as registered stock.

[Statutory Authority: Chapter 15.14 RCW, 87-13-016 (Order 1932), § 16-328-025, filed 6/9/87; Order 1216, § 16-328-025, filed 10/18/71, effective 11/18/71; Order 925, Regulation 2, filed 6/25/63; Order 625, Regulation 3 (part), effective 4/29/52.]

**WAC 16-328-030 Strawberry plant certification-- Requirements for production of foundation and registered stock.** (1) Land requirements. Plants shall be grown on land acceptable to the department. A field to be eligible for the production of registered stock shall not have grown or been planted to strawberries during the previous year, unless planted with plants of the same variety and classification. The field shall have been found free of red stele when examined by the department the previous year or have been fumigated to control red stele according to methods approved by the department.

## (2) Plant requirements.

(a) Only nuclear or foundation planting stock which has been indexed and regularly reindexed at least once every other year by qualified Washington State University or USDA personnel or personnel acceptable to the director of agriculture may be entered for the production of foundation stock. A grower may maintain and increase foundation stock indefinitely in a greenhouse that is approved by the department: *Provided*, That no mother plant may remain at the foundation stock plant level more than two propagation seasons after it has been indexed free from viruses by methods approved by the department.

(b) Only strawberry plants which have been certified as foundation planting stock may be entered for the production of registered stock.

## (3) Miscellaneous requirements.

(a) Each varietal selection shall be separated by a strip of land at least twelve feet wide.

(b) In roguing, growers shall dig and destroy all low yielding, unhealthy appearing, off-type, diseased or otherwise abnormal plants.

(c) Insect pests and diseases are to be effectively controlled by dusting, spraying, fumigation, or any other approved method by the department.

(d) All plant beds shall be kept relatively free from weeds.

(4) Field inspection. Field inspections shall be made by the department during the growing season and again in the fall at a time when red stele is readily seen or as many times as deemed necessary.

(5) Evidence of use of a chemical in this certification program that reduces or eliminates red stele symptoms without eradication of the causal fungus, *Phytophthora fragariae* Hickman, shall constitute grounds for elimination of plants thus treated from the Washington certified strawberry plant program.

[Statutory Authority: Chapter 15.14 RCW, 87-13-016 (Order 1932), § 16-328-030, filed 6/9/87; Order 1216, § 16-328-030, filed 10/18/71, effective 11/18/71; Order 925, Regulation 3, filed 6/25/63; Order 625, Regulation 3 (part), effective 4/29/52.]

**WAC 16-328-035 Strawberry plant certification-- Requirements for the production of certified stock.** (1)

Land requirements. Plants shall be grown on land acceptable to the department (see requirements for isolation and fumigation).

## (2) Plant requirements.

(a) Only first year plantings from foundation planting stock or registered planting stock may be entered for the production of certified stock.

(b) Under exceptional cases of need, certified stock may be recycled and used to produce more certified stock for one additional year, as specifically approved by the director.

## (3) Miscellaneous requirements.

(a) Each varietal selection shall be separated by a strip of land at least twelve feet wide.

(b) In roguing, growers shall dig and immediately destroy all low yielding, unhealthy appearing, off-type, diseased or otherwise abnormal plants. The spots where those plants were growing shall be flagged to facilitate future close inspections.

(c) Pests and diseases are to be effectively controlled by dusting, spraying, fumigation, or any other approved method by the department. Aphids and cyclamen mites shall be controlled. Populations of those pests are to be determined by sampling methods approved by the director.

(d) Growers shall provide evidence that the plants do not exceed the tolerances shown in the table in WAC 16-328-060. This shall be determined by sampling methods approved by the director.

(e) All plant beds shall be kept relatively free from weeds.

(4) Field inspection. Field inspections shall be made by the department during the growing season and again in the fall at a time when red stele is readily seen or as many times as deemed necessary.

(5) Evidence of use of a chemical in this certification program that reduces or eliminates red stele symptoms without eradication of the causal fungus, *Phytophthora fragariae* Hickman, shall constitute grounds for elimination of plants thus treated from the Washington certified strawberry plant program.

[Statutory Authority: Chapter 15.14 RCW, 87-13-016 (Order 1932), § 16-328-035, filed 6/9/87; Order 1216, § 16-328-035, filed 10/18/71, effective 11/18/71; Order 925, Regulation 4, filed 6/25/63; Order 625, Regulations 4 and 5, effective 4/29/52.]

**WAC 16-328-038 Production of certified strawberry nursery stock by micropropagation techniques.** Foundation and registered strawberry nursery stock may be propagated from approved nuclear stock. See WAC 16-328-009 and 16-328-015.

[Statutory Authority: Chapter 15.14 RCW, 87-17-024 (Order 1947), § 16-328-038, filed 8/13/87.]

**WAC 16-328-060 Strawberry plant certification-- Field standards.** (1) The entire field or unit shall meet certification requirements except when soilborne pests are found in excess of tolerance in a portion of the field or unit, and the infestation can be safely delimited in the opinion of the department; or when plants in the infested portion are treated to eradicate or to control the pest to

comply with the tolerance under the supervision of the department.

(2) Specific requirements:

TOLERANCES (%)

Factors	Foundation field (all inspections)	Registered field	Certified Field	
			1st & 2nd inspections	3rd inspection
Virus Diseases	0 <sup>a</sup>	0	1 <sup>b</sup>	0.5 <sup>b</sup>
Red Stele <sup>b</sup>	0	0	0	0
Nematode <sup>c</sup>	0	0	0	0
Variety Mixture	0	0	0.1	0
All other Diseases (including lethal decline)	0	0.5	2	1

<sup>a</sup> All foundation stock mother plants must be indexed for virus content no more than two years previously in order to qualify at this level.

<sup>b</sup> Visible.

<sup>c</sup> It is strongly recommended that preplant application of an approved nematicide be made to fields to be used in this program. The department reserves the right to require soil tests for plant parasitic nematodes to be made by methods and at times approved by the department and the data furnished to the department for any field in this certification program.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-060, filed 6/9/87; Order 1216, § 16-328-060, filed 10/18/71, effective 11/18/71; Order 925, Regulation 5, filed 6/25/63; Order 625, Regulation 6, effective 4/29/52.]

**WAC 16-328-065 Strawberry plant certification--Designation of plants.** (1) Foundation planting stock shall be identified by the state of Washington official certified strawberry plant tag or stamp, and in addition shall be marked "foundation planting stock."

(2) Registered planting stock shall be identified by the state of Washington official certified strawberry plant tag or stamp, and in addition shall be marked "registered planting stock."

(3) No. 1 certified planting stock shall be identified by the state of Washington official certified strawberry plant tag or stamp.

(4) No. 2 certified planting stock shall be identified by the state of Washington official certified strawberry plant tag or stamp.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-065, filed 6/9/87; Order 1216, § 16-328-065, filed 10/18/71, effective 11/18/71; Order 1110, § 16-328-065, filed 3/31/69; Order 925, Regulation 6, filed 6/25/63; Order 625, Regulation 7, effective 4/29/52.]

**WAC 16-328-080 Strawberry plant certification--Tagging or stamping and plant inspection.** (1) "Certified" stock shall be identified with the state of Washington official certified strawberry plant tag or stamp under the supervision of the department after plants have passed inspection.

(2) Crown division plants, if sold, shall be segregated and packed separately and identified with the state of Washington official certified strawberry plant tag or stamp, and also stamped "crown divisions."

(3) Only plants meeting Washington standards for strawberry plants shall be tagged or stamped, except

those marked foundation, registered or crown division planting stock.

(4) All containers shall be marked with the name and address of the grower, grade or class of stock, and variety.

(5) The grower is referred to chapter 15.14 RCW, planting stock, for additional information.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-080, filed 6/9/87; Order 1216, § 16-328-080, filed 10/18/71, effective 11/18/71; Order 1110, § 16-328-080, filed 3/31/69; Order 925, Regulation 7, filed 6/25/63; Order 625, Regulation 8, effective 4/29/52.]

**WAC 16-328-083 Strawberry plant grades and standards--Washington No. 1.** Washington No. 1 shall consist of strawberry plants of one variety or plants of similar varietal characteristics which are:

- (1) Fairly fresh.
- (2) Firm.
- (3) Moist.
- (4) Fairly clean.
- (5) Fairly well trimmed runners and petioles.
- (6) Free from damage caused by:
  - (a) Sunburn.
  - (b) Mold.
  - (c) Freezing injury, black roots.
  - (d) Broken or split crown, mechanical injury.
- (7) Free from detectable dangerous pests or diseases, including plant parasitic nematodes.

Strawberry plants in this grade shall have not less than ten main roots, the length of which shall be not less than two and one-half inches, with a minimum crown diameter of one-fourth inch measured at the base of the crown.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-083, filed 6/9/87.]

**WAC 16-328-085 Strawberry plant grades and standards--Washington No. 2.** Washington No. 2 shall consist of strawberry plants of one variety or plants of similar varietal characteristics which meet all of the requirements of Washington No. 1 except strawberry plants in this grade shall have not less than six main roots, the length of which shall be not less than two and one-half inches.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-085, filed 6/9/87.]

**WAC 16-328-088 Strawberry plant grades and standards--Tolerances.** (1) Application of tolerances. The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerance specified.

(2) Tolerances. In order to allow for variations incident to proper grading and packing, not more than a combined total of ten percent, by count, of the plants in any lot may fail to meet the requirements of the above grade.

(3) Packing. Strawberry plants are to be packed in such manner that they shall retain a fresh condition.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-328-088, filed 6/9/87.]

**WAC 16-328-090 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 16-329 WAC  
GRADES AND STANDARDS—CERTIFIED  
STRAWBERRY PLANTS**

## WAC

16-329-001 through 16-329-030 Repealed.

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

16-329-001	Promulgation. [Order 1217, § 16-329-001, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.
16-329-010	Washington No. 1. [Order 1217, § 16-329-010, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.
16-329-015	Washington No. 2. [Order 1217, § 16-329-015, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.
16-329-020	Tolerances. [Order 1217, § 16-329-020, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.
16-329-025	Definitions. [Order 1217, § 16-329-025, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.
16-329-030	Effective date. [Order 1217, § 16-329-030, filed 10/18/71, effective 11/18/71.] Repealed by 87-13-016 (Order 1932), filed 6/9/87. Statutory Authority: Chapter 15.14 RCW.

**WAC 16-329-001 through 16-329-030 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 16-333 WAC  
RULES AND STANDARDS FOR CERTIFICATION  
OF PLANTS**

## WAC

16-333-020	Certifying agency issuance of certificate.
16-333-040	Caneberry certification fees.
16-333-050	Requirements for production of caneberry foundation and registered stock.
16-333-065	Production of certified caneberry nursery stock by micropropagation techniques.

**WAC 16-333-020 Certifying agency issuance of certificate.** (1) The issuance of a certified state of Washington plant tag or stamp under this chapter affirms solely that the tagged or stamped caneberry stock has been subjected to certification standards and procedures by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(2) The department is not responsible for disease, genetic disorder, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(3) Participation in the caneberry planting stock certification program shall be voluntary.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-333-020, filed 6/9/87; 85-22-053 (Order 1876), § 16-333-020, filed 11/5/85.]

**WAC 16-333-040 Caneberry certification fees.** (1) Caneberry certification application fee. The applicant shall furnish all information requested on the application for inspection and shall allow the department to take plants or plant parts from any planting for inspection and testing purposes. A separate application shall be made for each cultivar and/or unit entered for certification. Each lot of each cultivar shall be listed separately on the application. Lots under observation by the department shall pay the inspection fees. Applications for inspection shall be filed with the seed branch, 2015 South First Street, Yakima, Washington 98903 by May 15 each year accompanied by a one hundred dollar fee.

(2) Inspection fees. The inspection fee shall be eighteen dollars per hour and mileage shall be charged at a rate established by the state office of financial management. Inspection fees shall be payable upon completion of work done and shall be for the sole purpose of defraying expenses incurred in the inspection and certification of caneberry nursery stock. Billing to the applicant shall be made by the seed branch.

(3) Applications for certification shall reach the department's seed branch, 2015 South First Street, Yakima, WA 98903, by May 15 each year.

(4) A grower desiring to produce certified caneberry plants as herein provided shall establish with the department facts evidencing sufficient experience to produce healthy, high quality stock.

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

(6) No application from any grower owing the department for previous fees shall be considered.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-333-040, filed 6/9/87; 85-22-053 (Order 1876), § 16-333-040, filed 11/5/85.]

**WAC 16-333-050 Requirements for production of caneberry foundation and registered stock.** (1) Land requirements:

(a) A field to be eligible for the production of foundation or registered planting stock shall not have grown or have been planted to caneberry plants or solanaceous crops during the previous five years, unless planted with plants of same cultivar and classification. This requirement may be modified upon approval of the certification agency when tarp fumigated with chloropicrin and methyl bromide fumigant. An inspection and approval of the land by the certification agency is required after

treatment prior to planting to ensure adequate varietal purity of the caneberry planting:

(b) Acceptable records shall be presented to the department of nematode sampling of the land in question which show that plant parasitic nematodes are not present in harmful quantities; and

(c) Fumigate the land in accordance with approved commercial practices compatible with current recommendations of the Washington State University extension service; and

(d) An insect-proof greenhouse or greenhouse may be used for production of foundation or registered planting stock: *Provided*, That all other land requirements are met.

(2) Isolation requirements:

(a) Plantings entered for certification shall be grown in areas sufficiently isolated from sources of caneberry viruses by distance or natural barriers to minimize current infection.

(b) Cultivars within the plantings entered for certification shall be separated by not less than fourteen feet. The space between cultivars shall be kept deeply cultivated to prevent intermingling roots.

(3) Plant requirements:

(a) Only nuclear planting stock which has been indexed and regularly reindexed for virus diseases by qualified Washington State University or United States Department of Agriculture personnel or personnel acceptable to the director may be entered for the production of foundation stock.

(b) Only foundation or nuclear planting stock may be entered for the production of registered stock.

(i) One percent, not to exceed twelve plants, of each foundation lot shall be maintained by the grower to allow some fruiting in order to permit evaluation for trueness to name and fruit character; or

(ii) Ten percent, not to exceed three plants, of each nuclear lot shall be maintained by Washington State University, or the United States Department of Agriculture, or department personnel to allow some fruiting to permit evaluation for trueness to name and fruit character; and

(iii) Plant harvest from a foundation or registered lot shall be limited to two growing seasons.

(c) Foundation stock shall not be maintained longer than three years.

(4) Miscellaneous requirements:

(a) At the time of the first field inspection, department inspectors shall clearly mark all plants that are off-type, crown and cane-gall infected, virus-infected or exhibiting virus-like symptoms.

(b) Growers shall dig or otherwise destroy all plants and their roots which are marked by a department inspector within one week from the date of the first field inspection.

(c) At the time of the second field inspection, department inspectors shall clearly mark all plants that are off-type, crown and cane-gall infected, virus-infected or exhibiting virus-like symptoms.

(d) Growers shall dig or otherwise destroy all off-type plants and their roots which are marked by a department inspector, as well as all plants and their roots in a rectangular area that is not less than ten feet in each direction in the row from the off-type plant and not less than forty inches in each direction across the row from the off-type plant within two weeks from the date of the second field inspection.

(e) Growers shall dig or otherwise destroy all plants and their roots which are marked by a department inspector as being crown and cane-gall infected, virus-infected or showing virus-like symptoms.

(f) Insect pests, diseases and vectors of diseases shall be effectively controlled by dusting, spraying, or any other approved method.

(g) All plant beds shall be relatively free from weeds.

[Statutory Authority: Chapter 15.14 RCW. 87-13-016 (Order 1932), § 16-333-050, filed 6/9/87; 85-22-053 (Order 1876), § 16-333-050, filed 11/5/85.]

**WAC 16-333-065 Production of certified caneberry nursery stock by micropropagation techniques.** Foundation and registered caneberry nursery stock may be propagated from approved nuclear stock. See WAC 16-333-020 and 16-333-040.

[Statutory Authority: Chapter 15.14 RCW. 87-17-024 (Order 1947), § 16-333-065, filed 8/13/87.]

## Chapter 16-401 WAC NURSERY INSPECTION FEES

### WAC

16-401-002	Repealed.
16-401-020	Nursery inspection fees.
16-401-025	Nursery inspection—Requested inspections.
16-401-030	Extra charges.
16-401-040	Nursery dealer license fees.
16-401-050	Annual assessment—Fruit tree material.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-401-002	Promulgation. [Order 1152, § 16-401-002, filed 5/28/70, effective 7/1/70.] Repealed by 87-19-098 (Order 1953), filed 9/17/87. Statutory Authority: Chapter 15.54 RCW.
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**WAC 16-401-002 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-401-020 Nursery inspection fees.** (Facility inspection) Any plant material at the location licensed as a nursery dealer under chapter 15.13 RCW shall be subject to inspection. A certificate will be written stating the result of the inspection.

A fee may be charged for repeated, subsequent inspections: *Provided*, That the license location shall be subject to no more than two paid inspections each license period. Fees shall be based on actual time spent for inspection as follows:

Up to 1/2 hour	None
1/2 to 1 hour	\$ 9.00
1 to 2 hours	18.00
2 to 3 hours	27.00
Over 3 hours	36.00

[Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-020, filed 9/17/87; Order 1315, § 16-401-020, filed 5/30/73; Order 1204, § 16-401-020, filed 5/28/71, effective 7/1/71; Order 1152, § 16-401-020, filed 5/28/70, effective 7/1/70.]

**WAC 16-401-025 Nursery inspection--Requested inspections.** Requested nursery inspections shall be at the rate of \$18.00 per hour, except as listed below, and shall include, but not be limited to:

Third party inspections, including travel time	
Minimum charge	\$18.00/hour
Phytosanitary certificate	
Minimum charge each inspection	
First phytosanitary	\$9.00
Each additional phytosanitary	
(or hourly rate whichever applies)	\$3.00
Nursery inspection record	
Minimum charge	\$6.00
Fumigation certificate	
Minimum charge	\$27.00 ea.
Field inspections	
Field inspections of flowering bulbs, corms, rhizomes, or other field crops, each year	
Per acre or fraction thereof	\$2.00
Certificate of inspection of nursery stock	
Minimum charge:	
Licensed nurseryman	No Fee
Unlicensed nurseryman	1.00 ea.
Nursery sticker	
In lots of 250	.01 ea.
Less than 250 (minimum 10)	.10 ea.
Nursery stock inspection certificate tag	
In lots of 250	.01 ea.
Less than 250 (minimum 10)	.10 ea.

When combinations of requested inspections are made, the charge shall be \$18.00 per hour and minimum charges shall be waived.

EXCEPTION: When combination inspections include fumigation, a minimum charge will be \$27.00.

[Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-025, filed 9/17/87. Statutory Authority: Chapter 15.13 RCW. 79-04-025 (Order 1628), § 16-401-025, filed 3/21/79; Order 1315, § 16-401-025, filed 5/30/73; Order 1152, § 16-401-025, filed 5/28/70, effective 7/1/70.]

**WAC 16-401-030 Extra charges.** Extra charges on all requested inspections under WAC 16-401-025 shall be at the rate of \$18.00 per hour above the minimum charges listed.

(1) For all inspection services performed after 5:00 p.m. or on Saturdays, Sundays or state legal holidays, an hourly charge equivalent of \$27.00 per hour for actual hours spent in performance of duties shall be made. This shall include unit charges, plus, if necessary, overtime charges to equal \$27.00 per hour.

(2) The following state legal holidays will be observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day immediately following Thanksgiving, Veteran's Day, Christmas Day, President's Day, and Martin Luther King Jr.'s birthday. NO SERVICE will be performed on Thanksgiving, Christmas or New Year's Day, beginning at 5:00 p.m. on the previous day.

(3) All fees due under provisions of WAC 16-401-020, 16-401-025 and 16-401-030 shall be payable at the time the service is completed.

[Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-030, filed 9/17/87. Statutory Authority: Chapter 15.13 RCW. 79-04-025 (Order 1628), § 16-401-030, filed 3/21/79; Order 1315, § 16-401-030, filed 5/30/73; Order 1152, § 16-401-030, filed 5/28/70, effective 7/1/70.]

**WAC 16-401-040 Nursery dealer license fees.** As provided in chapter 15.13 RCW, the director of agriculture hereby establishes the following schedule of annual license fees which shall accompany the application for nursery dealer license:

(1) Retail nursery dealer license:

(a) For gross business sales of horticultural plants and turf less than two thousand five hundred dollars, the license fee shall be twenty-five dollars.

(b) For gross business sales of horticultural plants and turf between two thousand five hundred dollars and fifteen thousand dollars, the license fee shall be fifty dollars.

(c) For gross business sales of horticultural plants and turf of fifteen thousand dollars or more, the license fee shall be one hundred dollars.

(2) Wholesale nursery dealer license:

(a) For gross business sales of horticultural plants and turf less than fifteen thousand dollars, the license fee shall be fifty dollars.

(b) For gross business sales of horticultural plants and turf of fifteen thousand dollars or more, the license fee shall be one hundred dollars.

[Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-040, filed 9/17/87.]

**WAC 16-401-050 Annual assessment--Fruit tree material.** As provided in chapter 15.13 RCW, the director of agriculture hereby establishes an annual assessment of one percent on the gross sale price of the wholesale market value for all fruit trees, fruit tree seedlings, fruit tree rootstock, and all other rootstock used for fruit tree propagation produced in Washington, and sold within the state or shipped from the state by any licensed nursery dealer.

[Statutory Authority: Chapter 15.54 RCW. 87-19-098 (Order 1953), § 16-401-050, filed 9/17/87.]

**Chapter 16-403 WAC**

**STANDARDS FOR APPLES MARKETED WITHIN WASHINGTON**

WAC

16-403-140 Washington state standards for apples.

16-403-142	Red delicious, delicious, and golden delicious—Minimum firmness.
16-403-180	Combination grades.
16-403-190	Tolerances.
16-403-195	Application of tolerances.
16-403-280	Adoption of United States standards as state standards.

**WAC 16-403-140 Washington state standards for apples.** Washington state standard apple grades for extra fancy and fancy shall be equivalent to or better than the U.S. standards for grades of apples effective September 1, 1964, as amended October 1, 1966, July 25, 1972, and March 25, 1976, for U.S. extra fancy and U.S. fancy. Apples meeting the foregoing grades may be marked either with the proper Washington or U.S. grade, or both. In no case shall the grade and condition requirements thereof be interpreted as less than those standards required by said U.S. standards for grades of apples for the comparable Washington grade and variety.

[Statutory Authority: Chapter 15.17 RCW. 88-14-128 (Order 1982), § 16-403-140, filed 7/6/88, effective 9/1/88; Order 1374, § 16-403-140, filed 7/26/74, effective 9/1/74.]

**WAC 16-403-142 Red delicious, delicious, and golden delicious—Minimum firmness.** At the time of shipment, Red Delicious, Delicious, and Golden Delicious apples of all grades except U.S. No. 1 and U.S. No. 1 hail shall not be further advanced in maturity than firm ripe.

[Statutory Authority: Chapter 15.17 RCW. 88-14-128 (Order 1982), § 16-403-142, filed 7/6/88, effective 9/1/88.]

**WAC 16-403-180 Combination grades.** (1) Combination extra fancy and fancy. When extra fancy and fancy apples are packed together, the boxes may be marked "Washington combination extra fancy and fancy" and shall contain at least 80 percent extra fancy apples, except Newtowns, which shall contain at least 50 percent extra fancy apples. (This is the only combination grade which may be used for red or partial red varieties.)

(2) Combination extra fancy, fancy and C grade. When extra fancy, fancy and C grade apples are packed together, the boxes may be marked "Washington combination extra fancy, fancy and C grade" and shall contain at least 80 percent extra fancy apples, except Newtowns, which shall contain at least 50 percent extra fancy apples.

(3) Combination fancy and C grade. When fancy and C grade apples are packed together, the boxes may be marked "Washington combination fancy and C grade" but shall contain at least 80 percent fancy apples, except Newtowns, which shall contain at least 50 percent fancy apples.

(4) Jumble pack. The larger sizes of the above grades may be removed and the rest packed and marked "jumble" or "face and fill" in addition to the grade mark.

(5) Gift grade. Gift grade may consist of mixed varieties (apples and pears) and in the case of apples shall meet Washington extra fancy grade as defined in

Washington standards for apples, and in the case of pears shall be U.S. No. 1 or higher grade as defined in Washington standards for D'Anjou, Bosc, Winter Nelis and other varieties of winter pears. When gift containers meet the requirements of gift grade, such containers need be marked only "gift grade" and a statement of net contents in weight or count and name and address of packer or shipper.

[Statutory Authority: Chapter 15.17 RCW. 88-14-128 (Order 1982), § 16-403-180, filed 7/6/88, effective 9/1/88; Order 1374, § 16-403-180, filed 7/26/74, effective 9/1/74.]

**WAC 16-403-190 Tolerances.** In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) Defects: Washington extra fancy, Washington fancy and Washington C grade.

Ten percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged, including therein not more than one percent for apples affected by decay or internal breakdown.

(2) When applying the foregoing tolerances to combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the percent of apples of the higher grade required in the combination.

Combinations requiring 80 percent of the higher grade for the lot shall have not less than 65 percent of the higher grade in individual samples.

Combinations requiring 50 percent of the higher grade for the lot shall have not less than 40 percent of the higher grade in individual samples.

(3) Size. When size is designated by the numerical count for a container, not more than 5 percent of the apples in the lot may vary more than 1/4 inch in diameter. When size is designated by minimum or maximum diameter, not more than 5 percent of the apples in any lot may be smaller than the designated minimum and not more than 10 percent may be larger than the designated maximum.

(4) Firmness. Not more than 5 percent of the apples in any lot of Red Delicious, Delicious, and Golden Delicious varieties shall be further advanced in maturity than firm ripe: *Provided*, The U.S. No. 1 and U.S. No. 1 hail grades shall be exempt from this requirement.

[Statutory Authority: Chapter 15.17 RCW. 88-14-128 (Order 1982), § 16-403-190, filed 7/6/88, effective 9/1/88; Order 1374, § 16-403-190, filed 7/26/74, effective 9/1/74.]

**WAC 16-403-195 Application of tolerances.** The contents of individual samples in the lot, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

Packages which contain more than 10 pounds:

Samples shall have not more than one and one-half times a specified tolerance of 10 percent or more and not more than double a tolerance of less than 10 percent,

except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any sample.

Packages which contain 10 pounds or less:

Not over 10 percent of the samples may have more than three times the tolerance specified, except that at least one defective apple may be permitted in any sample: *Provided*, That not more than one apple or more than 6 percent (whichever is the larger amount) may be seriously damaged by insects or affected by decay or internal breakdown.

[Statutory Authority: Chapter 15.17 RCW. 88-14-128 (Order 1982), § 16-403-195, filed 7/6/88, effective 9/1/88; Order 1374, § 16-403-195, filed 7/26/74, effective 9/1/74.]

**WAC 16-403-280 Adoption of United States standards as state standards.** In addition to the standards for apples prescribed in WAC 16-403-140 through 16-403-275, there are hereby adopted, as additional standards of the state of Washington for apples, the United States standards for grades of apples, effective September 1, 1964, as amended October 1, 1966, July 25, 1972, and March 25, 1976, adopted by the United States Department of Agriculture, as they apply to U.S. extra fancy, U.S. fancy, U.S. No. 1 and U.S. No. 1 hail, provided, the color requirements specified for U.S. No. 1 and U.S. No. 1 hail must be good shade of red color and the percentage of color required for U.S. No. 1 and U.S. No. 1 hail for delicious shall be 25 percent good shade of red color and provided further, that the U.S. extra fancy and U.S. fancy grades as applied to Red Delicious, Delicious, and Golden Delicious varieties shall meet the firmness requirements of WAC 16-403-142.

[Statutory Authority: Chapter 15.17 RCW. 88-14-128 (Order 1982), § 16-403-280, filed 7/6/88, effective 9/1/88; Order 1374, § 16-403-280, filed 7/26/74, effective 9/1/74.]

## Chapter 16-436 WAC

### WASHINGTON STANDARDS FOR PEACHES

#### WAC

16-436-100	Washington extra fancy grade.
16-436-110	Washington fancy grade.
16-436-140	Cull grade.
16-436-160	Tolerances.
16-436-165	Tolerances.
16-436-170	Tolerances.
16-436-185	Washington standard pack.
16-436-190	Marking requirements.
16-436-220	Definition—Serious damage.

**WAC 16-436-100 Washington extra fancy grade.** Shall consist of peaches of one variety which are mature, but not soft or overripe; fairly well formed; and which are free from decay, broken skin, worms, worm holes; and free from damage caused by bruises; dirt or other foreign material; bacterial spot; scab; scale; growth cracks; hail injury; leaf or limb rubs or russetting; split pits; stem pull; rough suture; other diseases, insects or mechanical or other means. Definitions for the above grade will be found under WAC 16-436-160, 16-436-

180, 16-436-185, 16-436-190, 16-436-200, 16-436-210, and 16-436-220.

[Statutory Authority: Chapter 15.17 RCW. 88-11-048 (Order 1977), § 16-436-100, filed 5/16/88; Order 1203, § 16-436-100, filed 5/14/71, effective 6/14/71.]

**WAC 16-436-110 Washington fancy grade.** Shall consist of peaches of one variety which meet all of the requirements of Washington extra fancy: *Provided*, Split pit not to exceed 3/8 inch in length shall be allowed. Damage, but not serious damage, for rough suture shall be allowed in this grade. Definitions for the above grade will be found under WAC 16-436-165, 16-436-180, 16-436-185, 16-436-190, 16-436-200, 16-436-210, and 16-436-220.

[Statutory Authority: Chapter 15.17 RCW. 88-11-048 (Order 1977), § 16-436-110, filed 5/16/88; Order 1212, § 16-436-110, filed 9/17/71, effective 10/18/71; Order 1203, § 16-436-110, filed 5/14/71, effective 6/14/71.]

**WAC 16-436-140 Cull grade.** Shall consist of peaches which are immature or soft or seriously damaged by bruises; bacterial spot; scab; scale; growth cracks; hail injury; leaf or limb rubs; split pits; or other diseases, insects or mechanical or other means. Definitions for the above grade will be found under WAC 16-436-150, 16-436-200, and 16-436-220.

[Statutory Authority: Chapter 15.17 RCW. 88-11-048 (Order 1977), § 16-436-140, filed 5/16/88; Order 1203, § 16-436-140, filed 5/14/71, effective 6/14/71.]

**WAC 16-436-160 Tolerances.** In order to allow for variations incident to proper grading and handling, the following tolerances shall apply to the Washington extra fancy (WAC 16-436-100), and the Washington combination extra fancy and fancy (WAC 16-436-120), not more than 10% by count, of the peaches in any lot may fail to meet the requirements of this grade but not more than 1/2 of this amount, or 5%, shall be allowed for defects causing serious damage, as defined under WAC 16-436-220, and not more than 1/5 of this amount, or 1%, shall be allowed for decay at shipping point: *Provided*, An additional tolerance of not more than 10% by count, of the peaches in any lot may be damaged, but not seriously damaged, by bruising at packing time as defined under WAC 16-436-210 and 16-436-220. When applying the foregoing tolerances to the combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 75% of peaches of the higher grade required in the combination, but individual containers shall have not less than 65% of the higher grade. An additional tolerance of 2% shall be allowed for soft, overripe, or decayed peaches en route or at destination as defined under WAC 16-436-200.

[Statutory Authority: Chapter 15.17 RCW. 88-11-048 (Order 1977), § 16-436-160, filed 5/16/88; Order 1203, § 16-436-160, filed 5/14/71, effective 6/14/71.]

**WAC 16-436-165 Tolerances.** In order to allow for variations incident to proper grading and handling, the following tolerances shall apply to the Washington fancy (WAC 16-436-110), not more than 20% by count of the



peaches in any lot may fail to meet the requirement of this grade, but not more than 1/4 of this amount, or 5% shall be allowed for defects causing serious damage, as defined under WAC 16-436-220 and not more than 1/5 of this amount, or 1% shall be allowed for decay at shipping point. An additional tolerance of 2% shall be allowed for soft, overripe, or decayed peaches en route or at destination as defined under WAC 16-436-200.

[Statutory Authority: Chapter 15.17 RCW. 88-11-048 (Order 1977), § 16-436-165, filed 5/16/88.]

**WAC 16-436-170 Tolerances.** In order to allow for variations incident to proper grading and handling for the Washington No. 2 grade (WAC 16-436-130), not more than 10% by count, of the peaches in any lot may fail to meet the requirements of this grade, but not more than 1/10 of this amount, or 1%, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2% shall be allowed for soft, overripe, and decayed peaches en route or at destination.

[Statutory Authority: Chapter 15.17 RCW. 88-11-048 (Order 1977), § 16-436-170, filed 5/16/88; Order 1203, § 16-436-170, filed 5/14/71, effective 6/14/71.]

**WAC 16-436-185 Washington standard pack.** Applies to all grades except CULLS.

(1) Each package shall be packed so that the peaches in the shown face shall be reasonable representative in size, color and quality of the contents of the package.

(2) **Baskets.** Peaches packed in U.S. Standard bushel baskets, or half-bushel baskets shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the peaches within the packages when lidded.

(3) **Boxes.** Peaches packed in standard western boxes shall be reasonably uniform in size and arranged in the packages according to the approved and recognized methods. Each wrapped peach shall be fairly well enclosed by its individual wrapper. All packages shall be well filled and tightly packed but the contents shall not show excessive or unnecessary bruising because of over-filled packages. The number of peaches in the box shall not vary more than 4 from the number indicated on the box.

(4) Peaches packed in other type boxes such as wire-bound boxes and fibre-board boxes may be place packed, or jumble packed faced, and all packs shall be well filled.

(5) Peaches packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(6) Peaches placed in individual paper cups and packed in boxes shall be in cups of the proper size for the peaches.

(7) In order to allow for variations incident to proper packing, not more than 10% of the packages in any lot may not meet these requirements.

[Statutory Authority: Chapter 15.17 RCW. 88-11-048 (Order 1977), § 16-436-185, filed 5/16/88; Order 1203, § 16-436-185, filed 5/14/71, effective 6/14/71.]

**WAC 16-436-190 Marking requirements.** Applies to all grades except CULLS.

(1) All containers shall be conspicuously and legible stamped with the name and address of the grower, shipper or packer, the fruit variety, grade, and numerical count, or minimum diameter.

(2) When the numerical count is not shown, the minimum diameter and net weight shall be plainly stamped or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2 inches minimum, 2-1/4 inches minimum, 1-7/8 inches minimum, in accordance with the facts. The minimum and maximum diameters may both be stated in accordance with the facts.

(3) In order to allow for variations incident to proper sizing, not more than 10% by count, of the peaches in any lot may be below the specified minimum size and not more than 15% may be above any specified maximum size.

(4) The grade shall be stamped in letters at least 1/4 inch high. The following abbreviations may be used: Washington may be abbreviated as Wash. or Wa.; extra fancy may be abbreviated as ex. fcy. or extra fcy.; fancy may be abbreviated as fcy.; combination may be abbreviated as comb.

[Statutory Authority: Chapter 15.17 RCW. 88-11-048 (Order 1977), § 16-436-190, filed 5/16/88; Order 1203, § 16-436-190, filed 5/14/71, effective 6/14/71.]

**WAC 16-436-220 Definition--Serious damage.** Applying to Washington extra fancy (WAC 16-436-100); Wash. fancy (WAC 16-436-110); Wash. comb. ex. fancy and fancy (WAC 16-436-120); Wash. No. 2 (WAC 16-436-130); cull grade (WAC 16-436-140). "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage.

(1) Bruises, causing a waste in excess of 10% by area on each peach with any one bruise causing a waste in excess of 5% by area or exceeds 3/8 of an inch in depth. Areas or depths of bruises specified are applicable to a peach 2-1/4 inches or smaller in diameter. Correspondingly greater areas or depths shall be allowed on definitely larger peaches;

(2) Bacterial spot, when any cracks are not well healed, or when aggregating more than 1/2 inch in diameter;

(3) Scab spots, when cracked, or when healed and aggregating more than one inch in diameter;

(4) Scale, when aggregating more than 1/2 inch in diameter;

(5) Growth cracks, when unhealed, or more than 1/2 inch in length;

(6) Hail injury, when unhealed, or shallow hail injury when aggregating more than 3/4 inch in diameter, or deep hail injury which seriously deforms the fruit or which aggregates more than 1/2 inch in diameter, or more than 1/8 inch in depth;

(7) Leaf or limb rubs, when smooth and light colored and aggregating more than 1-1/4 inches in diameter, or dark or rough and barklike scars aggregating more than 1/2 inch in diameter;

(8) Split pit, when causing any unhealed crack, or when healed and aggregating more than 1/2 inch in length including any part of the crack which may be covered by the stem;

(9) Stem pulls larger than 1/2 inch in diameter, including stem area;

(10) Punctures not on the shoulder area or punctures on the shoulder area larger than 3/16 of an inch in diameter;

(11) Rough suture, entire length of suture 1/4 inch wide, 1/16 inch high.

[Statutory Authority: Chapter 15.17 RCW, 88-11-048 (Order 1977), § 16-436-220, filed 5/16/88; Order 1203, § 16-436-220, filed 5/14/71, effective 6/14/71.]

**Chapter 16-458 WAC**

**HORTICULTURAL INSPECTION DISTRICT BOUNDARIES**

**WAC**

- 16-458-070 Repealed.
- 16-458-080 District three.

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

- 16-458-070 District one. [Order 1471, § 16-458-070, filed 7/2/76.] Repealed by 87-24-009 (Order 1959), filed 11/20/87, effective 1/1/88. Statutory Authority: Chapter 15.17 RCW.

**WAC 16-458-070 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-458-080 District three.** All counties located west of the Cascade Mountains, Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman counties, and that portion of Benton County lying south and east of the Sellards Road, from its junction with Yakima County on the west thence east to the center line of Range 27E, thence north to the Columbia River; this excludes the Benton City, Kiona and Prosser areas.

[Statutory Authority: Chapter 15.17 RCW, 87-24-009 (Order 1959), § 16-458-080, filed 11/20/87, effective 1/1/88; Order 1471, § 16-458-080, filed 7/2/76.]

**Chapter 16-470 WAC**

**QUARANTINE--AGRICULTURAL PESTS**

**WAC**

- 16-470-010 Definitions.
- 16-470-015 Penalties.
- 16-470-500 Apple ermine moth—Quarantine.
- 16-470-510 Apple ermine moth—Area under quarantine.
- 16-470-520 Apple ermine moth—Commodities under quarantine.
- 16-470-530 Apple ermine moth quarantine—Restrictions—Requirements.

- 16-470-600 Quarantine—Varroa mite.
- 16-470-605 Varroa mite—Regulated articles.
- 16-470-610 Varroa mite—Area under quarantine—Exterior.
- 16-470-615 Varroa mite—Conditions governing the movement of regulated articles into Washington state.
- 16-470-620 Varroa mite—Attachment and disposition of certificates.
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- 16-470-630 Varroa mite—Area under quarantine—Interior.
- 16-470-635 Varroa mite—Restrictions—Interior.

**WAC 16-470-010 Definitions.** The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

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

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(5) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

(6) "Commercial fruit" means fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled;

(b) Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant.

(7) "Honey bee" means bees of the species *Apis mellifera*.

(8) "Colony" means any natural group of bees having a queen.

(9) "Hive" means any receptacle or container made or prepared for the use of bees, including movable frames, combs, or substances deposited into the hive by bees.

(10) "Queen" means the fertile female honey bee, singly, in a shipping cage with attendant honey bees or in plurality with other queens in a shipping cage having common honey bee attendants.

(11) "Nuclei" means a shipping container or hive having five or less combs of bees and a queen.

(12) "Package" means a combless shipping container of bees with or without a queen.

(13) "Apiarist" means any person who owns bees or is a keeper of bees.

(14) "Net(s)" means fabricated material which is designed and utilized to prevent the escape of bees from bee colonies or hives during transit.

[Statutory Authority: Chapters 15.60 and 17.24 RCW, 88-16-016 (Order 1978), § 16-470-010, filed 7/25/88. Statutory Authority: Chapter 17.24 RCW, 86-07-020 (Order 1881), § 16-470-010, filed 3/12/86; 85-15-006 (Order 1861), § 16-470-010, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-010, filed 5/1/84, effective 7/1/84.]

**WAC 16-470-015 Penalties.** Any person who violates or fails to comply with any rule adopted under RCW 17.24.020 through 17.24.100 shall be guilty of a misdemeanor, and for a second and each subsequent violation of the same rule, shall be punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than one hundred dollars, or more than one thousand dollars, or by both fine and imprisonment.

[Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-015, filed 7/25/88. Statutory Authority: Chapter 17.24 RCW. 85-15-007 (Order 1862), § 16-470-015, filed 7/8/85; 84-10-039 (Order 1822), § 16-470-015, filed 5/1/84, effective 7/1/84.]

**WAC 16-470-500 Apple ermine moth--Quarantine.** The director finds that apple ermine moth (*Yponomeuta malinellus* Zeller) is a serious defoliator of apple and crabapple (*Malus spp.*) trees; and that apple ermine moth was not known to occur in the United States until its discovery in Whatcom and Skagit counties of the state of Washington; and that this pest is well established in Europe and British Columbia, Canada and is considered to be one of the most destructive pests of apples in Europe. A quarantine is established under this chapter to prevent the spread of apple ermine moth (*Yponomeuta malinellus* Zeller).

[Statutory Authority: Chapter 17.24 RCW. 87-04-027 (Order 1916), § 16-470-500, filed 1/30/87.]

**WAC 16-470-510 Apple ermine moth--Area under quarantine.** The following areas are declared by the director to be under quarantine for apple ermine moth (*Yponomeuta malinellus* Zeller): Interior quarantine. Skagit and Whatcom counties.

[Statutory Authority: Chapter 17.24 RCW. 87-04-027 (Order 1916), § 16-470-510, filed 1/30/87.]

**WAC 16-470-520 Apple ermine moth--Commodities under quarantine.** Commodities under quarantine for apple ermine moth (*Yponomeuta malinellus* Zeller) are all apple and crabapple (*Malus spp.*) trees and parts thereof except fruit.

[Statutory Authority: Chapter 17.24 RCW. 87-04-027 (Order 1916), § 16-470-520, filed 1/30/87.]

**WAC 16-470-530 Apple ermine moth quarantine--Restrictions--Requirements.** No quarantined commodities for apple ermine moth (*Yponomeuta malinellus* Zeller) may be moved from areas under quarantine (see WAC 16-480-510) except under the following conditions:

- (1) All quarantined commodities have been inspected by the department; and/or
- (2) All quarantined commodities have been treated for apple ermine moth as prescribed by the department; and
- (3) An official inspection document has been issued by the department indicating that the quarantined commodities have been inspected and/or treated as prescribed by the department.

[Statutory Authority: Chapter 17.24 RCW. 87-04-027 (Order 1916), § 16-470-530, filed 1/30/87.]

**WAC 16-470-600 Quarantine--Varroa mite.** (1) The department of agriculture with the cooperation of the United States Department of Agriculture, APHIS, PPQ, surveyed Washington state honey bee colonies in 1986 and 1987 for Varroa mite and all results were negative. The director finds that Varroa mite is detrimental to the welfare of the apiculture industry of Washington state and a quarantine is hereby established to prevent the introduction into or movement through Washington state.

(2) The following definition shall apply to WAC 16-470-605 through 16-470-635: "Varroa mite" means a parasite of honey bees, the arachnid scientifically identified as *Varroa jacobsonii* (Oudemans), commonly called the Varroa mite and also known as the "Asian mite."

[Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-600, filed 7/25/88.]

**WAC 16-470-605 Varroa mite--Regulated articles.** The following are regulated articles:

- (1) Varroa mites.
- (2) All honey bees, live and dead.
- (3) Hives and the hive equipment, shipping and storage containers (cages), and vehicles used at apiaries.
- (4) Combs with brood cells.
- (5) Pollen for bee food.
- (6) Any article or means of conveyance not listed in subsections (1), (2), (3), (4), or (5) of this section, that presents a risk of spreading the Varroa mite, when the person in possession of the article or means of conveyance is notified that it is subject to this section.

[Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-605, filed 7/25/88.]

**WAC 16-470-610 Varroa mite--Area under quarantine--Exterior.** (1) The following are designated quarantined areas:

- (a) The states of Florida, Illinois, Maine, Michigan, Mississippi, Nebraska, New York, Ohio, Pennsylvania, South Carolina, South Dakota, and Wisconsin; and
- (b) Any other state where Varroa mite has been found or evidence indicates that Varroa mite may exist in that state; and
- (c) Any state that has not conducted a biologically sound Varroa mite survey of at least two percent of all known resident colonies.

(2) Less than an entire state may be accepted as a quarantined area if the director determines that:

- (a) The state has adopted and is enforcing restrictions on interstate and intrastate movement of regulated articles that are equivalent to or exceed the restrictions on the movement of regulated articles as herein described; and
- (b) The quarantine of less than an entire state will prevent the interstate and intrastate spread of the Varroa mite; and
- (c) The state has conducted a biologically sound Varroa mite survey of at least five percent of all known

resident colonies to determine the state-wide presence or absence of Varroa mite; and

(d) The state has an ongoing, biologically sound Varroa mite survey.

(3) Any state that has eradicated a known infestation and a subsequent survey indicates Varroa mite is not known to occur in the state, that state may be removed from the quarantine area.

[Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-610, filed 7/25/88.]

**WAC 16-470-615 Varroa mite—Conditions governing the movement of regulated articles into Washington state.** (1) Any regulated article may be moved from a nonquarantined area into Washington state only if moved under the following conditions:

(a) An origin state inspector shall issue a certificate for the movement of a regulated article into Washington state, stating that the regulated article originated in an area where Varroa mite does not occur; and

(b) The point of origin of the regulated article is indicated on the accompanying waybill; and

(c) If the regulated article is moved through a quarantined area, it shall be moved either in an enclosed vehicle or netted, with no stops except those necessary under normal driving conditions, such as traffic lights, rest stops, and stop signs: *Provided*, That if mechanical failure prolongs the stop by more than one day, the department shall be contacted (206-872-6480) by the vehicle operator.

(2) Any regulated article may be moved from a quarantined area into Washington state only under the following conditions:

(a) An origin state inspector shall issue a certificate for the movement of a regulated article into Washington state upon determining that the regulated article has been treated as provided in WAC 16-470-625 under the supervision of a state inspector, who shall be present during treatment; and

(b) The certificate shall specify the destination address, the responsible party or parties within Washington state, and the handling, utilization or processing of the regulated article; and

(c) The regulated article shall be moved as provided for in subsection (1)(b) and (c) of this section.

(3) Any regulated article may be moved without a certificate if moved:

(a) By the United States Department of Agriculture for scientific or experimental purposes with a United States Department of Agriculture permit; and

(b) Under the conditions specified on the United States Department of Agriculture permit; and

(c) With a tag or label, attached to the outside of the regulated article's container, or if not in a container, attached to the regulated article, bearing the United States Department of Agriculture permit number issued for the regulated article; or

(d) As otherwise provided by the department.

(4) All regulated articles shall be moved in compliance with any additional emergency conditions that the United States Department of Agriculture may impose

under 7 U.S.C. 150dd to prevent the spread of Varroa mite.

(5) The conditions, certificates and permits required in this section are in addition to those set forth in chapter 15.60 RCW, Apiaries.

[Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-615, filed 7/25/88.]

**WAC 16-470-620 Varroa mite—Attachment and disposition of certificates.** (1) The certificate required for the movement of regulated articles into Washington state shall be attached to the outside of the regulated article's container, or if not in a container, attached to the regulated article at all times during interstate movement; or the certificate may be attached to the consignee's copy of the accompanying waybill: *Provided*, That the description of the regulated article on the waybill is sufficient to identify the regulated article.

(2) The carrier, shipper or handler shall furnish to the department a copy of the certificate authorizing the movement of the regulated article into Washington state. The copy of the certificate shall arrive at 1313 West Meeker, Suite 111, Kent, WA 98031 at least forty-eight hours before the regulated article arrives in Washington state.

(3) The consignee shall keep the waybill and certificate available for inspection by the department for a minimum of one year.

[Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-620, filed 7/25/88.]

**WAC 16-470-625 Varroa mite—Treatment.** Regulated articles may be treated as provided for in this section unless otherwise required by the product label or by other treatment methods as recommended by the department:

(1) Queen honey bee cages shall be treated as follows:

(a) Place a one inch by one-half inch, one percent fluvalinate strip in the bottom of the empty cage;

(b) Record the starting date of treatment on the back of the cage;

(c) Place the queen and the attendants into the cage;

(d) Remove the fluvalinate strip seventy-two hours (three days) after placing the queen and her attendants into the cage;

(e) Protect the queen cage from reinfestation through contact with untreated regulated articles, and ship within forty-eight hours of the fluvalinate strip's removal.

(2) Packaged honey bees (two-pound to three-pound packages) shall be treated as follows: *Provided*, That any queen cage which included in any package shall be treated in accordance with subsection (1) of this section:

(a) Using a wire or staple, suspend a five inch by one inch, two and one-half percent fluvalinate strip in an empty shipping cage and position the strip near the feeder;

(b) Record the starting date of treatment on the back of the cage;

(c) Place the honey bees into the cage;

(d) Remove the fluvalinate strip one hundred twenty hours (five days) after placing the honey bees into the cage;

(e) Protect the packaged honey bees from reinfestation through contact with untreated regulated article, and ship within forty-eight hours of the fluvalinate strip's removal.

(3) Hives shall be treated as follows:

(a) Remove supers;

(b) Remove the cover of the hive;

(c) Using a nail, suspend one ten inch by one and three-sixteenths inch, ten percent fluvalinate strip for each five frames covered with bees so that the strip or strips can hang between frames approximately two inches inside the outer edge of the bee cluster;

(d) Close the hive;

(e) Remove the fluvalinate strips five hundred four hours (twenty-one days) after the insertion into the hive;

(f) Protect the treated hive from reinfestation through contact with untreated regulated articles and ship within forty-eight hours of the fluvalinate strip's removal.

(4) Any other regulated article shall be treated as follows:

(a) Hold and protect from reinfestation through contact with untreated regulated articles for seven days; or

(b) Apply steam to all surface areas of the regulated article in such a manner so as to remove all debris from the article; protect from reinfestation through contact with untreated regulated articles; and ship within forty-eight hours of treatment.

[Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-625, filed 7/25/88.]

**WAC 16-470-630 Varroa mite--Area under quarantine--Interior.** A quarantine area for Varroa mite containing approximately sixty-one square miles within Klickitat County is hereby established, and shall be that area of land lying between state Highway 97 on the west, Goldendale-Goodnoe Road on the north, Goodnoe Station Road on the east, and the Columbia River on the south. This described site is bordered by dry scab rock hills and mountains on the north, east and west, and the Columbia River to the south; and is determined to be a reasonable location for a quarantine area; and other locations in the county suitable to beekeeping are isolated at a reasonable distance to protect bees from contamination by the department quarantine bee yard sites; and historically and today, Klickitat County contains very few resident bees or apiculture operations and very little bee pasture.

[Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-630, filed 7/25/88.]

**WAC 16-470-635 Varroa mite--Restrictions--Interior.** (1) To protect the national migratory beekeeping industry, all colonies leaving the state may be required to be certified as apparently free from Varroa mite prior to movement.

(2) Any apiculture operation located in the designated quarantine area of Klickitat County or honey bee colonies located therein shall not be removed therefrom until

treated by the department as specified by the department and found free of Varroa mite.

(3) No colonies presently outside of the designated quarantine area boundaries in Klickitat County shall be moved into that designated quarantine area without the express permission of the department: *Provided*, That colonies of bees shall be permitted to transit through the designated area as specified by the department to and from other locations.

(4) Any colonies found entering Washington state without a Varroa mite-free certification as specified by the department may be required to be moved to the quarantine area of Klickitat County pending survey by the department, or as otherwise specified by the department.

(5) All colonies found with Varroa mite upon survey by the department may be required to be moved to the quarantine area of Klickitat County pending disposition procedures.

[Statutory Authority: Chapters 15.60 and 17.24 RCW. 88-16-016 (Order 1978), § 16-470-635, filed 7/25/88.]

## Chapter 16-488 WAC

### FRESH FRUIT OF BLUEBERRY QUARANTINE

WAC

16-488-025 Blueberry quarantine exemptions.

**WAC 16-488-025 Blueberry quarantine exemptions.** Fresh fruit of blueberry may be moved or shipped from quarantined areas into Washington state under the following conditions:

(1) No restrictions are placed by this section on the entry into this state of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state.

(2) Commodities covered which are held in cold storage for a continuous period of forty days or more, during which period the temperature within the storage room is maintained at thirty-two degrees fahrenheit or less, may be admitted: *Provided*, That a lot or shipment is accompanied by a certificate issued by an official governmental agency from the state of origin evidencing compliance with the minimum requirements of this section.

(3) Each shipment of blueberries that have been fumigated with methylbromide at atmospheric pressure by one of the following schedules may be permitted entry into Washington state: *Provided*, That residues on fresh fruit of blueberries do not exceed the Federal Food and Drug Administration's allowable tolerances.

32 g/m<sup>3</sup> (2 lbs./1,000 ft.<sup>3</sup>) for 2 hours at 27.7°C (82°F) or above; or

32 g/m<sup>3</sup> (2 lbs./1,000 ft.<sup>3</sup>) for 2 1/2 hours at 22.2°C - 27.2°C (72°F-81°F); or

32 g/m<sup>3</sup> (2 lbs./1,000 ft.<sup>3</sup>) for 3 hours at 16.6°C - 21.6°C (62°F-71°F); or

32 g/m<sup>3</sup> (2 lbs./1,000 ft.<sup>3</sup>) for 3 1/2 hours at 10°C - 16.1°C (50°F-61°F).

(a) The fumigation shall be done by applicators who are registered or certified in fumigation pest control in the state of origin;

(b) Each fumigation shall be monitored and supervised by an authorized representative of the origin state department of agriculture;

(c) Each shipment of blueberries shall be accompanied by a phytosanitary certificate issued by an authorized representative of the origin state department of agriculture evidencing compliance with the fumigation requirements. The certificate shall state the number of cartons in the shipment and the name and address of the consignee; and

(d) All shipping containers (flats) shall be stamped or tagged indicating the fresh fruit of blueberries have undergone fumigation.

[Statutory Authority: Chapter 17.24 RCW. 88-17-014 (Order 1985), § 16-488-025, filed 8/9/88; 86-19-002 (Order 1906), § 16-488-025, filed 9/5/86; Order 1327, § 16-488-025, filed 10/10/73.]

### Chapter 16-495 WAC

#### ANNUAL BLUEGRASS QUARANTINE

WAC

16-495-085 Definitions.

**WAC 16-495-085 Definitions.** (1) Annual bluegrass – *Poa annua* and all related subspecies.

(2) Seed stock – those seeds of grasses which are to be planted for seed increase or with intent of seed increase; except this definition does not include: Big Bluegrass, Upland Bluegrass, Brome, Tall Fescue, Meadow Fescue, Oatgrass, Orchardgrass, Timothy, or Wheatgrass.

(3) Official seed laboratory – seed testing laboratory approved by the director, such as, but not limited to, Washington State Seed Lab, 2015 South 1st Street, Yakima, Washington; and Oregon State Seed Laboratory, Oregon State University, Corvallis, Oregon.

(4) Representative sample – sample drawn in accordance with sampling procedures adopted by the director.

(5) Annual bluegrass analysis certificate – a test report from an official laboratory showing freedom from annual bluegrass of a 10 gram sample for bentgrass or redtop; a 25 gram sample for bluegrass; 25 gram sample for other grasses.

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

[Statutory Authority: Chapter 15.49 RCW. 88-11-042 (Order 1976), § 16-495-085, filed 5/13/88; 80-06-116 (Order 1703), § 16-495-085, filed 5/30/80; 79-05-086 (Order 1607), § 16-495-085, filed 5/1/79. Statutory Authority: Chapters 15.49 and 17.24 RCW. 78-03-105 (Order 1556), § 16-495-085, filed 3/1/78, effective 4/1/78; Order 1468, § 16-495-085, filed 5/13/76; Order 1364, § 16-495-085, filed 6/12/74; Order 1248, § 16-495-085, filed 4/13/72, effective 5/14/72.]

### Chapter 16-514 WAC WASHINGTON EGG COMMISSION

WAC

16-514-020 Egg commodity board.

**WAC 16-514-020 Egg commodity board.** (1) ADMINISTRATION. The provisions of this marketing order and the applicable provisions of chapter 15.65 RCW shall be administered and enforced by the board as the designee of the director.

(2) BOARD MEMBERSHIP.

(a) The board shall consist of eight members. Seven members shall be affected producers or their representatives elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the state of Washington, and members shall be elected members at large.

(3) BOARD MEMBERSHIP QUALIFICATIONS. The affected producer members of the board or their representatives shall be producers of eggs and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing eggs within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) TERM OF OFFICE.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six and the member appointed by the director, position seven.

(c) The term of office for the initial board members shall be as follows:

Positions one and two – one year;

Positions three and four – two years;

Positions five, six, and seven – three years.

(d) No elected individual member of the board may serve more than two full consecutive three-year terms.

(5) NOMINATION AND ELECTION OF BOARD MEMBERS. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200. Nonreceipt of notice by

any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

(6) ELECTION OF BOARD MEMBERS.

(a) Members of the board shall be elected by secret mail ballot within the month of October under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) VACANCIES PRIOR TO ELECTION. In the event of a vacancy on the board, the remaining elected members shall select a qualified person to fill the unexpired term.

(8) QUORUM. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) BOARD COMPENSATION. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(10) POWERS AND DUTIES OF THE BOARD. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by

check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish an "egg board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited weekly.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) PROCEDURES FOR BOARD.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

[Statutory Authority: RCW 15.65.180. 87-23-033 (Order 1957), § 16-514-020, filed 11/13/87. Statutory Authority: Chapter 15.65 RCW. 85-20-042 (Order 1872), § 16-514-020, filed 9/25/85, effective 11/1/85.]

### Chapter 16-528 WAC WHEAT

#### WAC

16-528-040 Assessments and collection.  
16-528-210 Assessments—Rate—Duty of handlers, warehousemen, and processors.

**WAC 16-528-040 Assessments and collection.** (1) **Assessments.** The annual assessment on wheat shall be one-half of one percent of the net receipts at the first point of sale. The assessment shall be levied and paid by the producer, or deducted, as provided in this section, whether the wheat is sold in this or any other state.

(2) **Collection of assessments.** The collection of the assessment made and levied by the wheat commission, pursuant to the provisions of the act, shall be paid by the producer thereof upon all commercial quantities of wheat sold, processed, stored or delivered for sale, processing or storage by him, under any or all of the methods of collections set forth in RCW 15.66.150, in accordance with rules and regulations to be promulgated by the wheat commission: *Provided, however*, That no assessment shall be levied or collected on wheat grown and used by the producer for feed, seed, or personal consumption.

(3) **Funds.** All moneys collected by the wheat commission shall be used only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and the wheat marketing order. At the end of each fiscal year, the commission shall credit each producer with any amount paid by such producer in excess of the assessment. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

[Statutory Authority: Chapter 15.66 RCW. 88-09-019 (Order 1975), § 16-528-040, filed 4/13/88, effective 6/1/88; 82-11-002 (Order 1765), § 16-528-040, filed 5/6/82, effective 7/1/82; Order 1450, § 16-528-040, filed 4/30/76; Marketing Order, Article IV, effective 4/30/58.]

Assessments and collection: See also WAC 16-528-210, 16-528-220, 16-528-230.

**WAC 16-528-210 Assessments—Rate—Duty of handlers, warehousemen, and processors.** The following resolution with respect to assessment collection methods was unanimously approved. "Resolved, that the Washington wheat commission adopts and promulgates the following assessment collection method as the sole and only means applicable and in effect and that the commission do and hereby does require handlers including warehousemen and processors receiving wheat in commercial quantities from the producer, to collect the assessment stated in WAC 16-528-040 from producers whose production they handle and remit the same to the Washington wheat commission. A commodity credit corporation designated lending agency, and CCC as such in direct loans to producers, shall be deemed a handler for purposes of this resolution. No affected units shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued, but no liability hereunder shall attach to common carriers in the regular course of their business."

[Statutory Authority: RCW 15.66.140(2). 88-12-019 (Order 88-01), § 16-528-210, filed 5/24/88; Minute Order, 9/8/58.]

Assessments: See also WAC 16-528-040.

### Chapter 16-530 WAC WASHINGTON BARLEY COMMISSION

#### WAC

16-530-040 Assessments and collection.

**WAC 16-530-040 Assessments and collection.** (1) **Assessments.** The assessment on barley shall be one percent of the net receipts at the first point of sale. The assessment shall be levied and paid by the producer, or deducted, as provided in this section, whether the barley is sold in this or any other state.

(2) **Collection of assessments.** The collection of the assessment made and levied by the barley commission, pursuant to the provisions of the act, shall be paid by the producer thereof upon all commercial quantities of barley sold, under any or all of the methods of collection set forth in RCW 15.66.150, in accordance with rules and regulations to be promulgated by the barley commission: *Provided, however*, That no assessment shall be levied or collected on barley grown and used by the producer for feed, seed, or personal consumption.

(3) **Funds.** All moneys collected by the barley commission shall be used only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and the barley marketing order.

At the end of each fiscal year, the commission shall credit each producer with any amount paid by such producer in excess of the assessment rate. Refund may be made only upon satisfactory proof given by the producer



in accordance with reasonable rules and regulations prescribed by the director.

[Statutory Authority: Chapter 15.66 RCW. 88-09-018 (Order 1974), § 16-530-040, filed 4/13/88, effective 6/1/88; 85-11-089 (Order 1857), § 16-530-040, filed 5/22/85, effective 7/1/85.]

## Chapter 16-532 WAC

### HOPS

#### WAC

16-532-020	Hop board.
16-532-035	Inspection required.
16-532-040	Assessments and collections.
16-532-120	Labeling.

**WAC 16-532-020 Hop board. (1) Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

**(2) Board membership.**

(a) The board shall consist of ten members. Nine members shall be affected producers elected as provided in this section. The director shall appoint one member of the board who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the entire state of Washington.

**(3) Board membership qualifications.**

The affected producer members of the board shall be practical producers of hops and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing hops within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

**(4) Term of office.**

(a) The term of office for members of the board shall be three years and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through nine and the member appointed by the director position ten.

(c) The term of office for the initial board members shall be as follows:

- Positions one, two, three and ten – until June 30, 1967
- Positions four, five and six – until June 30, 1966
- Positions seven, eight and nine – until June 30, 1965

(d) Terms of office for the board members serving at the time of the 1988 amendment of this section shall be as follows:

Positions one, two, three and ten – until December 31, 1991

Positions four, five and six – until December 31, 1989

Positions seven, eight and nine – until December 31, 1990

**(5) Nomination and election of board members.** Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meetings by written petition filed with the director signed by not less than five affected producers. At the inception of this order nominations may be made at the issuance hearing.

**(6) Election of board members.**

(a) Members of the board shall be elected by secret mail ballot within the month of November under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the major production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board member.

**(7) Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

**(8) Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

**(9) Board compensation.** No member of the board shall receive any salary or other compensation, but each member shall be reimbursed for actual subsistence and

traveling expenses incurred through attendance at meetings or other board activities: *Provided*, That such expenses shall be authorized by resolution by unanimous approval of the board at a regular meeting.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating the order.

(f) To establish a "hop board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

**(11) Procedures for board.**

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings of the board with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

[Statutory Authority: Chapter 15.65 RCW. 88-24-028 (Order 1992), § 16-532-020, filed 12/2/88; Marketing Order Article II, §§ A through K, filed 7/1/64.]

**WAC 16-532-035 Inspection required.** All varieties of hops produced in the state of Washington shall be inspected and certified by the Federal/State Hop Inspection Service for quality and condition when marketed, pursuant to the standards established by the Federal Grain Inspection Service of the United States Department of Agriculture.

[Statutory Authority: Chapter 15.65 RCW. 88-24-028 (Order 1992), § 16-532-035, filed 12/2/88.]

**WAC 16-532-040 Assessments and collections. (1) Assessments.**

(a) The annual assessment on all varieties of hops shall be one dollar and twenty-five cents per affected unit.

(b) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: RCW 15.65.170, 87-10-059 (Order 1927), § 16-532-040, filed 5/6/87, effective 6/8/87. Statutory Authority: Chapter 15.65 RCW, 83-16-041 (Order 1800), § 16-532-040, filed 7/29/83; 80-05-090 (Order 1686), § 16-532-040, filed 5/1/80; 79-01-045 (Order 1593), § 16-532-040, filed 12/21/78; Order 1332, § 16-532-040, filed 1/17/74; Marketing Order Article IV, §§ A through C, filed 7/1/64.]

**WAC 16-532-120 Labeling.** (1) Each lot of hops must be identified by the crop year produced, grower number and lot designation stenciled on each bale.

(a) A three-digit grower number will be assigned by the Washington hop commodity board (commission) prior to the annual harvest.

(b) The marking will consist of the last digit of the crop year, the letter "G" and a hyphen, followed by the three-digit grower number and lot designation (example: 8G-000-01).

(c) The marking shall be affixed on the head or top of the bale and shall be in characters approximately two inches high.

(2) In addition to any other brands, labels, stencils or other marks customarily used by hop handlers to identify their own trademarks, labels or firm names, all hops shall be branded, labeled, stenciled or marked with one distinctive identifying marking, defined or designated by the hop commodity board (commission), which shall identify the hops as having been grown in the state of Washington.

(a) This mark or identification shall be stenciled in letters at least one inch in height and shall read: "WASHINGTON," or "GROWN IN WASHINGTON," as prescribed by the hop commodity board (commission).

(b) This mark or identification shall be affixed in a suitable position on the head or top of the bale, in the area generally used by the federal/state inspectors to stencil their own identification mark and in the same general area where the grower's "G" number is applied.

(c) At no time shall the said identification marking appear on the face or sides of the bales, as these areas are considered to be for the use of the dealer or handler for trademarks, shipping markings, bale numbers, firm insignias, etc.

(d) The approved identification marking shall be affixed by the federal/state inspector prior to the drawing of samples for federal/state inspection, and, no hops may be sampled for this purpose unless said markings have been affixed thereto in compliance with the regulations prescribed by the hop commodity board (commission).

(e) Handlers who offer hops for sale in foreign countries where only shipping markings are permitted on the bales or containers, may apply to the hop commodity board (commission) for permission to blot out or remove the identifying marking.

[Statutory Authority: RCW 15.65.380, 88-13-050 (Resolution No. 88-01), § 16-532-120, filed 6/10/88; Regulation 2, filed 10/16/64.]

**Chapter 16-570 WAC**

**RAPESEED PRODUCTION AND ESTABLISHMENT OF DISTRICTS**

WAC	
16-570-010	Definitions.
16-570-030	Duties of rapeseed production district boards, persons, producers.
16-570-040	Rules of rapeseed production districts.

**WAC 16-570-010 Definitions.** The definitions set forth in this section apply throughout these rules unless the context clearly requires otherwise.

(1) "Board" means the rapeseed production district board as established by the director under the provisions of these rules.

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

(3) "Director" means the director of the department or his duly authorized representative.

(4) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, two or more persons having a joint or common interest, or any unit or agency of local, state, or federal government.

(5) "Producer" means any person who is the owner, tenant, or operator of land who has an interest in and is entitled to receive all or any part of the proceeds from the sale of any commodity produced on that land.

(6) "Rapeseed" means those species of *Brassica napus*, *Brassica campestris* and *Brassica juncea*.

(7) "Types" means those species and varieties of rapeseed classified under the following rapeseed types:

(a) CANOLA, LOW ERUCIC ACID RAPESEED - LOW GLUCOSINOLATES (LEAR-LG) shall be the seed of the species *Brassica napus* or *Brassica campestris*, the oil components of which seed contain less than two percent erucic acid and the solid component of which seed contains less than 30 micromoles of any one or any mixture of 3-butenyl glucosinolate, 4-pentenyl glucosinolate, 2-hydroxy - 3-butenyl glucosinolate, and 2-hydroxy - 4-pentenyl glucosinolate per gram of air dry, oil free solid as determined by any approved method.

(b) LOW ERUCIC ACID RAPESEED - HIGH GLUCOSINOLATES (LEAR-HG) Rapeseed varieties shall contain less than two percent erucic acid in the oil of the rapeseed and more than 30 micromoles per one gram (um/g) glucosinolates in the rapeseed meal.

(c) HIGH ERUCIC ACID RAPESEED - LOW GLUCOSINOLATES (HEAR-LG) Rapeseed shall be rapeseed varieties used for production of industrial oil which shall contain erucic acid levels above forty percent in the oil of the rapeseed and less than 30 micromoles per one gram (m/g) glucosinolates in the meal of the rapeseed.

(d) HIGH ERUCIC ACID RAPESEED - HIGH GLUCOSINOLATES (HEAR-HG) Rapeseed shall be rapeseed varieties used for production of industrial oil which shall contain erucic acid levels above forty percent in the oil of the rapeseed and more than 30 micromoles per one gram (m/g) glucosinolates in the meal of the rapeseed.

[Statutory Authority: Chapter 15.65 RCW. 87-16-071 (Order 1946), § 16-570-010, filed 8/3/87; 86-16-023 (Order 1900), § 16-570-010, filed 7/30/86.]

**WAC 16-570-030 Duties of rapeseed production district boards, persons, producers.** (1) Duties of the board shall include:

(a) Proposing and clearly defining district/subdistrict boundaries to be submitted to the director for establishment by rule. District and subdistrict boundaries shall follow geographical and/or topographical characteristics or provide for buffer zones to provide for isolation. Consideration is to be given to existing crop production to minimize negative impact to sensitive crops and shall also be extended beyond district and state lines to minimize impacts to producers in contiguous districts or states and cooperate to avoid the need for buffer zones which could prevent producers from raising rapeseed near district or state lines.

(b) Producers and industry shall have the ability to petition the board to recommend to the director to adopt

subdistricts within an initial production district, should production for multiple markets develop.

(c) The board shall designate the Washington State University extension offices to facilitate the production districts in the registration of rapeseed production fields, in accordance with subsection (2) of this section.

(d) The board shall examine the economic potential for the differing types of rapeseed, and with input from affected producers, propose the dominant type for the district and/or subdistricts. In proposing the district and/or subdistrict boundaries and the dominant types of rapeseed for production, the board shall avoid negative impacts to already existing crops. The board shall propose and recommend to the director, rules establishing a dominant rapeseed type. A public hearing shall be held no later than March 15th, with rules adopted no later than May 15th of any production year after 1986. Hearings need not be held each year if there is no petition to change existing rule(s). The board shall inform producers of the areas and type(s) that are approved for production. This may be accomplished by utilizing producer meetings, local news and radio media, and the use of Washington State University cooperative extension personnel.

(e) The board shall serve as the first level for disputes involving production of conflicting types by conducting an inquiry to determine the facts of the dispute. If resolution is not reached at the board level the board shall then render an advisory opinion to be submitted to the director for additional action.

(f) The board shall have the authority to recommend to the director production of "off type" rapeseed (other than the authorized dominant type) or rapeseed production in an area where it is otherwise prohibited under the following criteria:

(i) The producer of the "off type" rapeseed must petition the board to allow "off type" rapeseed production.

(ii) The petition shall contain the following information:

(A) Producer name, address, telephone number and location within district/subdistrict.

(B) Crop year.

(C) Variety name and species of rapeseed to be produced.

(D) Principal use of proposed production (i.e., industrial or food oil, seed, forage, cover crop etc.).

(E) Variety traits - Erucic acid and glucosinolate levels.

(F) Contracting company - (if any).

(G) Acreage to be produced.

(H) Exact legal description and reference to local landmarks of proposed acreage.

(I) Evidence of isolation of at least one-half mile, or at such greater distance as required by rule within the respective district and/or subdistrict, from other rapeseed production or other sensitive crops.

(J) Signed statements from all landowners/operators within one-half mile of the proposed production site stating that they will not plant a conflicting type during the proposed crop year.

(2) Persons or producers of rapeseed shall register all fields prior to planting, by location, type and variety of all rapeseed to be produced, with the district board at the extension office designated by the district board.

(3) Seed certification requirements.

(a) Only certified seed shall be used for Washington production: *Provided*, That the variety dwarf essex may be used for seed purposes without certification as certified seed is no longer available.

(b) All rapeseed varieties utilized for Washington production shall be accompanied by phyto-sanitary certification that it is free from phoma lingam (black leg) fungus. In the event that low level phoma lingam (black leg) fungus is present, the seed must be treated with environmental protection agency and/or Washington state approved chemicals for the control of phoma lingam (black leg) fungus, and recertified as free from viable phoma lingam fungus after treatment.

(4) Any person selling or offering rapeseed for sale in the state of Washington, either in person, through dealerships or through radio, video or printed media, must be licensed by the Washington state department of agriculture seed branch.

(5) Any volunteer or uncontrolled rapeseed may be subject to the Washington state noxious weed control board and chapter 17.10 RCW. Any transport of unbagged rapeseed for the purpose of conveyance, shall be in suitably covered or sealed containers or vehicles to avoid the spread of volunteer or otherwise uncontrolled rapeseed. All harvesting and planting equipment shall be properly cleaned and adequate precautions taken to avoid the spread of rapeseed prior to movement from any farm or production area.

(6) The director shall have the authority to require destruction prior to bloom of any rapeseed production that does not meet the rules of the director or any established production district. In the event that the person or producer of said production does not comply with the destruction order prior to bloom, the director is authorized to have the production destroyed by a third party and the cost of such destruction is to be charged to the producer of said production.

[Statutory Authority: Chapter 15.65 RCW. 87-16-071 (Order 1946), § 16-570-030, filed 8/3/87; 86-16-023 (Order 1900), § 16-570-030, filed 7/30/86.]

**WAC 16-570-040 Rules of rapeseed production districts.** Dominant type rapeseed. The dominant type of rapeseed for duly established production Districts 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 shall be canola, low erucic acid rapeseed - low glucosinolates (lear-1g): *Provided*, That off-type rapeseed production may be allowed if conditions outlined in WAC 16-570-030 (1)(f) are met.

[Statutory Authority: Chapter 15.65 RCW. 88-07-071 (Order 1970), § 16-570-040, filed 3/18/88.]

**Chapter 16-602 WAC  
APIARIES**

WAC

16-602-005	Definitions.
16-602-010	Apiary board, area boundaries.
16-602-020	Apiary inspection fees.
16-602-030	Colony strength.

**WAC 16-602-005 Definitions.** The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of the state of Washington;

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

(3) "Apiary" includes bees, hives, and appliances, wherever they are kept, located, or found;

(4) "Apiarist" means any person who owns bees or is a keeper of bees;

(5) "Appliances" means any implements or devices used in the manipulating of bees or their brood or hives, which may be used in any apiary or any extracting or packing equipment;

(6) "Bees" means honey producing insects of the species *apis mellifera* and include the adults, eggs, larvae, pupae, or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form;

(7) "Colony" or "colonies of bees" refers to any natural group of bees having a queen;

(8) "Hive" means any receptacle or container made or prepared for the use of bees, or box or similar container taken possession of by bees;

(9) "Location" means any premises upon which an apiary is located.

[Statutory Authority: Chapter 15.60 RCW. 88-07-018 (Order 1967), § 16-602-005, filed 3/7/88.]

**WAC 16-602-010 Apiary board, area boundaries.** The following are the geographical divisions of the beekeeping industry of Washington state which are represented by members of the apiary board as provided for in RCW 15.60.025:

(1) Area 1. Area 1 shall include the counties of Whatcom, San Juan, Island, Skagit, Snohomish and King.

(2) Area 2. Area 2 shall include the counties of Pierce, Kitsap, Clallam, Jefferson, Grays Harbor, Mason, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark and Skamania.

(3) Area 3. Area 3 shall include the counties of Kittitas, Yakima, Klickitat and Benton.

(4) Area 4. Area 4 shall include the counties of Okanogan, Chelan and Douglas.

(5) Area 5. Area 5 shall include the counties of Grant, Adams, Franklin, Walla Walla, Columbia, Garfield, Asotin and Whitman.

(6) Area 6. Area 6 shall include the counties of Spokane, Lincoln, Ferry, Stevens and Pend Oreille.

[Statutory Authority: Chapter 15.60 RCW. 88-07-018 (Order 1967), § 16-602-010, filed 3/7/88; 78-04-062 (Order 1551), § 16-602-010, filed 3/31/78.]

**WAC 16-602-020 Apiary inspection fees.** Fees for inspection of honeybees are as follows:

(1) Certification of honeybees for out-of-state movement - \$18.00 per hour.

(2) Colony strength inspection - \$18.00 per hour.

(3) All other inspections or services requested by persons or those performed by the department as required by chapter 15.60 RCW - \$18.00 per hour.

(4) For all inspection services performed after 5:00 p.m. or on Saturdays, or Sundays, or state legal holidays, an hourly rate equivalent of \$27.00 per hour for actual hours spent in performance of duties shall be charged by the department.

(5) The following state legal holidays will be observed: New Year's Day, Veterans Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and the day following Thanksgiving Day, Christmas Day, President's Day, and Martin Luther King, Jr.'s Birthday. NO SERVICE will be performed on Thanksgiving Day, Christmas Day or New Years Day, beginning at 5:00 p.m. on the previous day.

(6) Mileage. Mileage shall be charged at the rate established by the state office of financial management.

[Statutory Authority: Chapter 15.60 RCW. 88-07-018 (Order 1967), § 16-602-020, filed 3/7/88; 78-10-071 (Order 1582), § 16-602-020, filed 9/27/78.]

**WAC 16-602-030 Colony strength.** The official minimum standards required for honeybee colony strength certification in the state of Washington shall be:

(1) A honeybee colony to be used in agricultural crop pollination shall have a laying queen (be "queen right").

(2) Colonies shall consist of at least six frames, two-thirds covered with bees at a temperature of 65° Fahrenheit for orchard, berry, seed, and legume pollination.

(3) Hives shall consist of frames of drawn comb.

(4) The official minimum standards shall remain as stated in subsection (2) of this section continuously unless the director by his own motion or upon the advice of the apiary advisory board determines that a new standard may need to be established, in which case the director shall hold a hearing on this issue in accordance with chapter 34.04 RCW.

(5) The department may conduct any requested inspections to determine colony strength against the official minimum standards in subsection (2) of this section, or against specifications provided in signed contracts between the grower and beekeeper.

[Statutory Authority: Chapter 15.60 RCW. 88-07-018 (Order 1967), § 16-602-030, filed 3/7/88; 78-10-071 (Order 1582), § 16-602-030, filed 9/27/78.]

## Chapter 16-620 WAC RELATING TO BRAND INSPECTION

### WAC

16-620-240	Slaughter tag.
16-620-260	Fee.
16-620-265	Repealed.
16-620-290	Fees—Regular inspection points.
16-620-300	Repealed.
16-620-340	Inspection, special sales.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-620-265	Actual costs for enforcement and surveillance established. [Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-265, filed 6/29/79.] Repealed by 88-12-036 (Order 1979), filed 5/27/88. Statutory Authority: RCW 16.57.160.
16-620-300	Other inspection points. [Statutory Authority: Chapter 16.57 RCW. 82-04-001 (Order 1753), § 16-620-300, filed 1/21/82; Order 1379, § 16-620-300, filed 11/6/74.] Repealed by 87-16-044 (Order 1944), filed 7/29/87. Statutory Authority: RCW 16.57.350.

**WAC 16-620-240 Slaughter tag.** Any person licensed as a custom farm slaughterer shall, in lieu of mandatory brand inspection, complete and attach an official department of agriculture paper slaughter tag to each of the four quarters of all slaughtered cattle handled by that slaughterer. These tags must remain on the quarters until the quarters are cut and wrapped. The department will maintain a surveillance and enforcement program to assure compliance with these regulations).

[Statutory Authority: RCW 16.57.160. 88-12-036 (Order 1979), § 16-620-240, filed 5/27/88. Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-240, filed 6/29/79; Order 1373, § 16-620-240, filed 7/15/74; Order 1328, § 16-620-240, filed 11/2/73.]

**WAC 16-620-260 Fee.** Only the department of agriculture will provide the identifying paper tags, referred to in WAC 16-620-240 and 16-620-250, to licensed custom farm slaughterers or custom meat facilities. The fee for each set of four paper tags shall be one dollar and fifty cents.

[Statutory Authority: RCW 16.57.160. 88-12-036 (Order 1979), § 16-620-260, filed 5/27/88. Statutory Authority: Chapter 16.57 RCW. 79-07-098 (Order 1590), § 16-620-260, filed 6/29/79; Order 1373, § 16-620-260, filed 7/15/74; Order 1328, § 16-620-260, filed 11/2/73.]

**WAC 16-620-265 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-620-290 Fees—Regular inspection points.** The fee for the brand inspection of horses at public livestock markets and slaughterhouses shall be two dollars per animal inspected. Such inspection fees shall be applicable only during the scheduled time which the director of agriculture has established as regular brand inspecting time at each such public livestock market or slaughterhouse. Inspection performed upon request during any other time at such public livestock markets or slaughterhouses may be actual costs.

[Statutory Authority: RCW 16.57.350. 87-16-044 (Order 1944), § 16-620-290, filed 7/29/87. Statutory Authority: Chapter 16.57

RCW. 82-04-001 (Order 1753), § 16-620-290, filed 1/21/82; Order 1379, § 16-620-290, filed 11/6/74.]

**WAC 16-620-300 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-620-340 Inspection, special sales.** Inspection shall be mandatory at all special horse sales wherein horses of more than one owner are offered for sale either by private treaty or auction. Inspection charges at any such sale shall be collected and paid to the department of agriculture by the person or business entity conducting the sale. The department of agriculture may require the prepayment of said inspection charges. The charge for inspection at special [horse] sales shall be two dollars per animal. If the inspection charges do not cover the total cost incurred by the department, the remainder shall be the responsibility of the person or business entity conducting the sale at actual cost.

[Statutory Authority: RCW 16.57.350. 87-16-044 (Order 1944), § 16-620-340, filed 7/29/87. Statutory Authority: Chapter 16.57 RCW. 82-04-001 (Order 1753), § 16-620-340, filed 1/21/82; Order 1379, § 16-620-340, filed 11/6/74.]

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

### Chapter 16-693 WAC

#### COMMISSION MERCHANT STANDARD CONTRACT FORMAT

##### WAC

16-693-001 through 16-693-020 Repealed.

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

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

**WAC 16-693-001 through 16-693-020 Repealed.** See Disposition Table at beginning of this chapter.

### Chapter 16-694 WAC

#### AGRICULTURAL PRODUCTS--COMMISSION MERCHANTS, DEALERS, BROKERS, BUYERS, AGENTS--LICENSE FEES

##### WAC

- 16-694-001 License fees.  
16-694-010 Proof of payment.

**WAC 16-694-001 License fees.** The license fee for any person who wishes to act as a commission merchant,

dealer, broker, cash buyer, agent or boom loader shall be as follows:

- (1) Commission merchant, two hundred fifty dollars;
- (2) Dealer, two hundred fifty dollars;
- (3) Limited dealer, one hundred seventy-five dollars;
- (4) Broker, one hundred seventy-five dollars;
- (5) Cash buyer, seventy dollars;
- (6) Agent, twenty-five dollars;
- (7) Boom loader, ten dollars.

[Statutory Authority: RCW 20.01.404 [20.01.040] and 20.01.370. 88-23-056 (Order 1991), § 16-694-001, filed 11/15/88. Statutory Authority: 1987 c 393 § 13. 87-18-009 (Order 1949), § 16-694-001, filed 8/21/87.]

**WAC 16-694-010 Proof of payment.** As provided by RCW 20.01.370, commission merchants shall furnish consignors with proof of payments received on behalf of the consignors. The proof of payment to be furnished shall mean a listing of payments received by the commission merchant on behalf of any consignor whether through an individual accounting or a pool arrangement. Commission merchants shall maintain records of all sales invoices and payments received on behalf of consignors and these will be available on request to the consignors.

[Statutory Authority: RCW 20.01.404 [20.01.040] and 20.01.370. 88-23-056 (Order 1991), § 16-694-010, filed 11/15/88.]

### Chapter 16-750 WAC

#### STATE NOXIOUS WEED LIST AND SCHEDULE OF MONETARY PENALTIES

##### WAC

- 16-750-001 State noxious weed list—Purpose.  
16-750-003 Definitions.  
16-750-004 Noxious weed region descriptions.  
16-750-005 State noxious weed list—Class A noxious weeds.  
16-750-010 Repealed.  
16-750-011 State noxious weed list—Class B noxious weeds.  
16-750-015 State noxious weed list—Class C noxious weeds.  
16-750-900 Noxious weeds—Civil infractions—Schedule of monetary penalties.

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

- 16-750-010 Proposed noxious weed list. [Statutory Authority: RCW 17.10.080. 87-05-016 (Order 18, Resolution No. 18), § 16-750-010, filed 2/11/87; 86-07-024 (Order 17, Resolution No. 17), § 16-750-010, filed 3/13/86; 85-07-003 (Order 16, Resolution No. 16), § 16-750-010, filed 3/7/85; 84-06-047 (Order 15, Resolution No. 15), § 16-750-010, filed 3/6/84; 83-07-042 (Order 14, Resolution No. 14), § 16-750-010, filed 3/17/83; 82-06-045 (Order 13, Resolution No. 13), § 16-750-010, filed 3/3/82. Statutory Authority: Chapter 17.10 RCW. 81-07-039 (Order 12, Resolution No. 12), § 16-750-010, filed 3/13/81; 80-03-075 (Order 11, Resolution No. 11), § 16-750-010, filed 2/29/80; 78-06-014 (Order 10, Resolution No. 10), § 16-750-010, filed 5/10/78; Order 8, § 16-750-010, filed 3/1/77; Order 7, § 16-750-010, filed 4/15/76; Order 5, § 16-750-010, filed 3/7/75; Order 4, § 16-750-010, filed 3/27/74; Order 3, § 16-750-010, filed 4/3/73; Order 2, § 16-750-010, filed 3/16/72; Order 1, § 16-750-010, filed 4/9/71.] Repealed by 88-07-016 (Order 22, Resolution No.

22), filed 3/7/88. Statutory Authority: RCW 17.10.080.

**WAC 16-750-001 State noxious weed list--Purpose.** In accordance with RCW 17.10.080 a state noxious weed list comprising the names of those plants which the state noxious weed control board finds to be highly destructive, competitive, or difficult to control by cultural or chemical practices is hereby adopted in this chapter.

[Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-001, filed 3/7/88.]

**WAC 16-750-003 Definitions.** (1) The definitions set forth in this subsection shall apply throughout this chapter, unless the context otherwise plainly requires:

(a) "Board" and "state board" means the noxious weed control board of this state, or a duly authorized representative.

(b) "Director" means the director of agriculture of this state, or a duly authorized representative.

(c) "Department" means the department of agriculture of this state.

(d) "Person" means any individual, partnership, corporation, firm, or any other entity.

(2) The definitions set forth in this subsection shall apply throughout this chapter, chapter 17.10 RCW, and any rules adopted thereunder unless the context otherwise plainly requires:

(a) "Control" means to suppress or contain a noxious weed within a geographical area.

(b) "Suppress" means to reduce the incidence or severity of a noxious weed within a geographical area.

(c) "Contain" means to confine a noxious weed to a geographical area.

(d) "Eradicate" means to eliminate a noxious weed within a geographical area.

(e) "Prevent the spread of noxious weeds" means to forestall their introduction and/or spread within a geographical area.

(f) "Class B designate" means those Class B noxious weeds whose populations in a region or area are such that all seed production can be reasonably prevented within a calendar year.

(g) "Class B nondesignate" means those Class B noxious weeds whose populations in a region or area are such that all seed production cannot be reasonably prevented in a calendar year.

(3) Any county noxious weed control board may enhance the clarity of any definition contained in subsection (2) of this section, making that definition more specific, but shall not change its general meaning.

[Statutory Authority: Chapter 17.10 RCW. 88-18-001 (Order 24, Resolution No. 24), § 16-750-003, filed 8/25/88.]

**WAC 16-750-004 Noxious weed region descriptions.** The state of Washington is divided into ten regions for the purpose of designating Class B noxious weeds.

(1) Region 1 description. A region consisting of all lands lying within the boundaries of Clallam and Jefferson counties.

(2) Region 2 description. A region consisting of all lands lying within the boundaries of Whatcom, Skagit, Snohomish, San Juan, and Island counties.

(3) Region 3 description. A region consisting of:

(a) All lands lying within the boundaries of Okanogan County.

(b) All lands lying within the boundaries of Chelan and Douglas counties and north of Highway 2.

(4) Region 4 description. A region consisting of:

(a) All lands lying within the boundaries of Ferry, Stevens, and Pend Oreille counties.

(b) All lands lying within the boundaries of Spokane County and north of the Spokane River.

(5) Region 5 description. A region consisting of all lands lying within the boundaries of Grays Harbor, Mason, Kitsap, Thurston, Pierce, and King counties.

(6) Region 6 description. A region consisting of:

(a) All lands lying within the boundaries of Kittitas and Grant counties.

(b) All lands lying within the boundaries of Chelan and Douglas counties and south of Highway 2.

(c) All lands lying within the boundaries of Yakima County and north of Highway 12 from the Yakima — Lewis County line to Yakima and north of Highway 82 from Yakima to the Yakima — Kittitas County line.

(d) All lands lying within the boundaries of Ranges 28E, 29E, and 30E of Adams County.

(7) Region 7 description. A region consisting of:

(a) All lands lying within the boundaries of Lincoln and Whitman counties.

(b) All lands lying within the boundaries of Spokane County and south of the Spokane River.

(c) All lands lying within the boundaries of Ranges 31E, 32E, 33E, 34E, 35E, 36E, 37E, and 38E of Adams County.

(8) Region 8 description. A region consisting of all lands lying within the boundaries of Pacific, Lewis, Wahkiakum, Cowlitz, Skamania, and Clark counties.

(9) Region 9 description. A region consisting of:

(a) All lands lying within the boundaries of Benton and Klickitat counties.

(b) All lands lying within the boundaries of Yakima County and south of Highway 12 from the Yakima — Lewis County line to Yakima and south of Highway 82 from Yakima to the Yakima — Kittitas County line.

(c) All lands lying within the boundaries of Franklin County and west of Highway 395.

(10) Region 10 description. A region consisting of:

(a) All lands lying within the boundaries of Asotin, Garfield, Columbia, and Walla Walla counties.

(b) All lands lying within the boundaries of Franklin County and east of Highway 395.

[Statutory Authority: Chapter 17.10 RCW. 88-18-001 (Order 24, Resolution No. 24), § 16-750-004, filed 8/25/88.]

**WAC 16-750-005 State noxious weed list--Class A noxious weeds.** Class A noxious weeds are as follows:

(1) All those weeds which have not been reported in the state of Washington as of January 1, 1984, and whose introduction to the state of Washington was not



intentional, or whose intentional introduction poses a serious threat to the state for which no control is assured and which is included in one or more of the following publications:

- (a) *A Checklist of Names for 3000 Vascular Plants of Economic Importance*, by Edward E. Terrell, Steven R. Hill, John H. Wiersema and William E. Rice. USDA-ARS Ag. handbook number 505, revised October 1986;
  - (b) *A Geographical Atlas of World Weeds*, by LeRoy Holm, Juan V. Pancho, James P. Herberger and Donald L. Plucknett. John Wiley and Sons, New York, 1979;
  - (c) *The World's Worst Weeds, Distribution and Biology*, by LeRoy G. Holm, Donald L. Plucknett, Juan V. Pancho and James P. Herberger. University Press of Hawaii, Honolulu, 1977;
  - (d) *Economically Important Foreign Weeds—Potential Problems in the United States*, by Clyde F. Reed, USDA-ARS Ag. handbook number 498, 1977;
  - (e) The federal noxious weed list, 7.360.200 CFR;
  - (f) The state noxious weed list of any state; and
- (2)

Common Name	Scientific Name
bean-caper, Syrian	<i>Zygophyllum fabago</i>
blueweed, Texas	<i>Helianthus ciliaris</i>
buffalobur	<i>Solanum rostratum</i>
crupina, common	<i>Crupina vulgaris</i>
four o'clock, wild	<i>Mirabilis nyctaginea</i>
hedgearsley	<i>Torilis arvensis</i>
johnsongrass	<i>Sorghum halepense</i>
knapweed, bighead	<i>Centaurea macrocephala</i>
knapweed, featherhead	<i>Centaurea trichocephala</i>
knapweed, Vochin	<i>Centaurea nigrescens</i>
mallow, Venice	<i>Hibiscus trionum</i>
nightshade, silverleaf	<i>Solanum elaeagnifolium</i>
peganum	<i>Peganum harmala</i>
rupturewort	<i>Herniaria cineria</i>
sage, Mediterranean	<i>Salvia aethiopsis</i>
snapdragon, dwarf	<i>Chaenorrihinum minus</i>
unicorn-plant	<i>Proboscidea louisianica</i>
velvetleaf	<i>Abutilon theophrasti</i>
woad, dyers	<i>Isatis tinctoria</i>

[Statutory Authority: Chapter 17.10 RCW. 88-24-002 (Order 26, Resolution No. 26), § 16-750-005, filed 11/29/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-005, filed 3/7/88.]

**WAC 16-750-010 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 16-750-011 State noxious weed list—Class B noxious weeds.**

Name	Will be a "Class B designate" in all lands lying within:
(1) apera, interrupted <i>Apera interrupta</i>	(a) regions 1,2,3,5,6,8,9 (b) Ferry, Stevens, and Pend Oreille counties of region 4 (c) Lincoln and Adams counties of region 7 (d) region 10 except Columbia County.
(2) blueweed <i>Echium vulgare</i>	(a) regions 1,2,3,4,5,6,8,9,10 (b) region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream

Name	Will be a "Class B designate" in all lands lying within:
(3) broom, Scotch <i>Cytisus scoparius</i>	(a) along the Little Spokane River to the first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly along Indian Trail Road to a point three miles south (on section line between sections 22 and 27, T-26N, R-42E); thence due west to a point intersecting the line between Ranges 41 and 42; thence north along this line to a point 1/4 mile south of Charles Road; thence northwesterly parallel to Charles Road to a point 1/4 miles south of the intersection of Charles Road and West Shore Road; thence northerly along West Shore Road to the Spokane River (Long Lake); thence southeasterly along the Spokane River to the point of beginning. (a) regions 3,4,6,7,10 (b) region 9 except that area lying west of the Klickitat River in Klickitat County.
(4) bryony, white <i>Bryonia alba</i>	(a) regions 1,2,3,4,5,6,7,8,9 (b) Franklin County of region 10.
(5) bugloss, common <i>Anchusa officinalis</i>	(a) regions 1,2,3,5,6,8,9,10 (b) Ferry County of region 4 (c) Lincoln, Adams, and Whitman counties of region 7 (d) Pend Oreille County north of the northernmost boundary of T33N.
(6) camelthorn <i>Alhagi pseudalhagi</i>	(a) regions 1,2,3,4,5,7,8 (b) Intercounty Weed District No. 51, Intercounty Weed District No. 52, Grant County Weed District No. 1, Grant County Weed District No. 2, and Grant County Weed District No. 3 (c) Grant County north of Highway 90 (d) T16N, R29E; T16N, R30E; T15N, R28E except Sec. 5; T15N, R29E; T15N, R30E (e) Franklin County of region 9 (f) Columbia, Garfield, and Asotin counties of region 10 (g) an area beginning at the Washington — Oregon border at the southwest portion of section 15, R32E, T6N, then north to the northwest corner of section 3, R36E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to southeast portion of section 15, R36E, T6N, at the Washington — Oregon border, then west along the Washington — Oregon border to the point of beginning.
(7) catscar, spotted <i>Hypochaeris radicata</i>	(a) regions 3,4,6,7,9,10.
(8) daisy, oxeye <i>Chrysanthemum leucanthemum</i>	(a) regions 6,7,9,10.
(9) deadnettle, hybrid <i>Lamium hybridum</i>	(a) regions 1,3,4,5,6,7,8,9,10 (b) region 2 except Skagit County.
(10) dogtailgrass, hedgehog <i>Cynosurus echinatus</i>	

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(11) fieldcress, Austrian <i>Rorippa austriaca</i>	(a) regions 1,2,3,4,5,6,7,8,9 (b) region 10 except within the Palouse River Canyon from Big Palouse Falls to the Snake River.		(c) Adams County except those areas in the Main Lind Coulee Drainage area of T17N, R32E, Sections 19,20,25,27,28,29,32,33,34,35 and 36; T17N, R33E, Sections 16,17,19,20 and 30; and those areas within the Lower Crab Creek drainage area of T15N, R28E, sections 5 and 6; and the western half of T16N, R28E
(12) foxtail, slender <i>Alopecurus myosuroides</i>	(a) regions 1,2,3,5,6,8,9,10 (b) Ferry, Stevens, Pend Oreille counties of region 4 (c) Adams and Whitman counties of region 7.		(d) Intercounty Weed District No. 52 (e) region 10 except Franklin County.
(13) goatgrass, jointed <i>Aegilops cylindrica</i>	(a) regions 1,2,5,8 (b) Ferry County of region 4 (c) Grant and Adams counties of region 6 (d) Franklin County of regions 9 and 10 (e) Intercounty Weed District No. 51.	(23) knapweed, spotted <i>Centaurea maculosa</i>	(a) regions 1,2,3,5,6,8,9 (b) Adams and Whitman counties of region 7 (c) region 10 except Garfield County.
(14) gorse <i>Ulex europaeus</i>	(a) regions 3,4,6,7,9,10 (b) Thurston and Pierce counties of region 5 (c) Wahkiakum and Cowlitz counties of region 8.	(24) lepyrodiclis <i>Lepyrodiclis holsteoides</i>	(a) regions 1,2,3,4,5,6,8,9,10 (b) region 7 except an area within Whitman County east of the Pullman — Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho.
(15) hawkweed, orange <i>Hieracium aurantiacum</i>	(a) regions 3,6,7,9,10 (b) Ferry County of region 4.		(a) regions 1,3,4,7,8 (b) region 5 except King County (c) region 6 except that portion of Grant County lying southerly of State Highway 28 and except Sections 21,28,29 and 32, Township 21 North, Range 26 East, W.M.
(16) hawkweed, yellow <i>Hieracium pratense</i>	(a) regions 1,2,3,5,6,7,8,9,10 (b) Ferry County of region 4.	(25) lythrum, purple <i>Lythrum salicaria</i>	(d) region 9 except Benton County (e) region 10 except Walla Walla County (f) Intercounty Weed Districts No. 51 and No. 52.
(17) indigobush <i>Amorpha fruticosa</i>	(a) regions 1,2,3,4,5,6,7 (b) Franklin County of regions 9 and 10 (c) Asotin County of region 10.		(a) regions 1,2,5,8.
(18) knapweed, black <i>Centaurea nigra</i>	(a) regions 1,2,3,4,5,7,9,10 (b) region 6 except Kittitas County (c) region 8 except Clark County.	(26) medusahead <i>Taeniatherum caput-medusae</i>	(a) regions 1,2,3,4,5,7,8 (b) Yakima County Weed District No. 1 (c) region 6 except: (i) those areas lying between State Highway 26 and State Highway 28 in Grant County (ii) those areas lying in Yakima County but not in Yakima Weed District No. 1
(19) knapweed, brown <i>Centaurea jacea</i>	(a) regions 1,2,3,4,5,7,9,10 (b) region 6 except Kittitas County (c) region 8 except Clark County.	(27) nutsedge, yellow <i>Cyperus esculentus</i>	(d) region 9 except: (i) those areas lying in Yakima County but not in Yakima Weed District No. 1 (ii) an area lying southerly of State Route 14 and within T2N, Ranges 13 and 14 E
(20) knapweed, diffuse <i>Centaurea diffusa</i>	(a) regions 1,2,5,8 (b) Grant County lying in the north half of Township 15 North, Ranges 24 through 27 East; Township 16 North, Ranges 25, 26 and 27 East; Townships 17 and 18 North, Ranges 25 through 30 East; Townships 19 and 20 North, Range 30 East; Township 22 North, Ranges 23, 24, and 25 East; Townships 21, 22, and 23 North, Ranges 28, 29, and 30 East; Townships 24 and 25 North, Ranges 29 and 30 East; Township 26 North, Range 30 East; and the east half of Township 27 North, Range 30 East, all W.M. (c) Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22,23,24,25,26,27,28,31,32,33 and 34; T15N, R38E, Sections 2,10,11,14,15,19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6; T18N, R37E, Sections 29,30,31 and 32	(28) oxtongue, hawkweed <i>Picris hieracioides</i>	(e) region 10 except Walla Walla County. (a) regions 1,2,3,4,5,6,7,9,10 (b) region 8 except Skamania County.
(21) knapweed, meadow <i>Centaurea jacea x nigra</i>	(a) regions 1,2,3,4,5,7,9,10 (b) region 6 except Kittitas County (c) region 8 except Clark County.	(29) peaweed, Austrian <i>Sphaerophysa salsula</i>	(a) regions 1,2,3,4,5,7,8 (b) Yakima County Weed District No. 1 (c) Columbia, Garfield, Asotin, and Franklin counties an area beginning at the Washington — Oregon border at the southwest portion of section 15, R32E, T6N, then north to the northwest corner of section 3, R36E, T7N, then
(22) knapweed, Russian <i>Acroptilon repens</i>	(a) regions 1,2,5,7,8 (b) region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County		

Name	Will be a "Class B designate" in all lands lying within:	Name	Will be a "Class B designate" in all lands lying within:
(30) pepperweed, perennial <i>Lepidium latifolium</i>	<p>east to the northeast corner of section 3, R36E, T7N, then south to the southeast portion of section 15, R36E, T6N, at the Washington — Oregon border, then west along the Washington — Oregon border to the point of beginning.</p> <p>(a) regions 1,2,3,4,5,7,8,10 (b) Grant County lying northerly of Township 21, North, W.M. (c) Intercounty Weed Districts No. 51 and 52.</p>	(36) starthistle, yellow <i>Centaurea solstitialis</i>	<p>(ii) T13N, R40E, Sections 10, 11,12,13,14,15,16; T13N, R41E, Sections 5,6, 7,8,9,10,11,12,13,14; T13N, R42E, Sections 2,3, 4,5,7,8,9,10,11,26,27, 34,35 of Garfield County.</p> <p>(a) regions 1,2,3,4,5,6,8 (b) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border (c) Franklin County (d) Region 9 except Klickitat County.</p>
(31) ragwort, tansy <i>Senecio jacobaea</i>	(a) regions 3,4,6,7,9,10.	(37) thistle, musk <i>Carduus nutans</i>	(a) regions 1,2,5,6,7,8,9,10 (b) Spokane and Pend Oreille counties.
(32) sandbur, longspine <i>Cenchrus longispinus</i>	(a) regions 1,2,3,4,5,7,8 (b) Adams County of region 6 except for that area lying within Intercounty Weed District No. 52 (c) Intercounty Weed District No. 51.	(38) thistle, plumeless <i>Carduus acanthoides</i>	(a) regions 1,2,3,5,6,7,8,9,10 (b) region 4 except Stevens County.
(33) skeletonweed, rush <i>Chondrilla juncea</i>	(a) regions 1,2,3,5,8,9 (b) Franklin County except T13N, R36E; and T14N, R36E (c) Adams County except those areas lying east of a boundary line running north from Franklin County along the western boundary of Range 36 East to Wellsandt Road then east on Wellsandt Road to Interstate 90 then following I-90 to the Lincoln County line (d) region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road E. Northwest (e) Pend Oreille County north of the northernmost boundary of Township 33 North (f) Asotin County of region 10.	(39) thistle, Scotch <i>Onopordum acanthium</i>	(a) regions 1,2,3,4,5,6,8,9 (b) region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border (c) Franklin County. (a) regions 1,2,5,8,10 (b) Kittitas, Chelan, Douglas, Adams counties of region 6 (c) Intercounty Weed District No. 51 (d) Lincoln and Adams counties of region 7 (e) region 9 except as follows: (i) those areas lying within Yakima County (ii) those areas lying west of the Klickitat River and within Klickitat County.
(34) sowthistle, perennial <i>Sonchus arvensis arvensis</i>	(a) regions 1,2,3,4,5,6,8,9	(40) toadflax, Dalmatian <i>Linaria genistifolia</i> <i>spp. dalmatica</i>	(a) regions 1,2,3,5,6,8 (b) Franklin County. (a) regions 1,8,9,10 (b) region 7 except Spokane County.
(35) spurge, leafy <i>Euphorbia esula</i>	(a) regions 1,2,3,4,5,6,8,9 (b) region 7 except as follows: (i) T27N, R39E, Sections 24, 25,28,29,30,32,33,34 T26N, R39E, Sections 3,4,5,9,10,15,16,21,22 of Lincoln County (ii) T22N, R37E, Sections 1,12,13,14,23,24,25,26, 35,36; T22N, R38E, Sections 3,4,5,6,7,8,17,18, 19; T23N, R38E, Sections 7,8,17,18,19,20,21,27,28, 29,30,31,32,33,34; T23N, R37E, Sections 23,24,25, 26,35,36 of Lincoln County (iii) T27N, R37E, Sections 34,35,36; T27N, R38E, Sections 31,32,33; T26N, R37E, Sections 1,2,3,10, 11,12,13,14,15,16,26; T26N, R38E, Sections 5, 6,7,8 of Lincoln County (iv) T25N, R41E, all sections; all T27N, R41E south of the Spokane River; all T26N, R42E west of the Spokane River (c) region 10 except as follows: (i) T9N, R39E, Section 8 of Columbia County	(41) ventenata <i>Ventenata dubia</i> (42) watermilfoil, Eurasian <i>Myriophyllum spicatum</i>	

[Statutory Authority: Chapter 17.10 RCW. 88-24-002 (Order 26, Resolution No. 26), § 16-750-011, filed 11/29/88; 88-18-001 (Order 24, Resolution No. 24), § 16-750-011, filed 8/25/88. Statutory Authority: RCW 17.10.080. 88-07-016 (Order 22, Resolution No. 22), § 16-750-011, filed 3/7/88.]

**WAC 16-750-015 State noxious weed list—Class C noxious weeds. Class C noxious weeds are as follows:**

Common Name	Scientific Name
babysbreath	Gypsophila paniculata
bindweed, field	Convolvulus arvensis
carrot, wild	Daucus carota
cocklebur, spiny	Xanthium spinosum
cress, hoary	Cardaria draba
dodder	Cuscuta spp.
garden rocket	Eruca vesicaria spp. sativa
henbane, black	Hyoscyamus niger
houndstongue	Cynoglossum officinale
jimsonweed	Datura stramonium
kochia	Kochia scoparia
mayweed, scentless	Matricaria maritima var. agrestis
mullein, common	Verbascum thapsus

Common Name	Scientific Name
nightshade, bitter	Solanum dulcamara
poison-hemlock	Conium maculatum
puncturevine	Tribulus terrestris
quackgrass	Agropyron repens
rye, cereal	Secale cereale
spikeweed	Hemizonia pungens
St. Johnswort, common	Hypericum perforatum
tansy, common	Tanacetum vulgare
toadflax, yellow	Linaria vulgaris
thistle, bull	Cirsium vulgare
thistle, Canada	Cirsium arvense
whiteweed, hairy	Cardaria pubescens
wormwood, absinth	Artemisia absinthium

[Statutory Authority: Chapter 17.10 RCW, 88-24-002 (Order 26, Resolution No. 26), § 16-750-015, filed 11/29/88. Statutory Authority: RCW 17.10.080, 88-07-016 (Order 22, Resolution No. 22), § 16-750-015, filed 3/7/88.]

**WAC 16-750-900 Noxious weeds--Civil infractions--Schedule of monetary penalties.** Civil infractions under chapter 17.10 RCW shall be assessed a monetary penalty according to the following schedule:

(1) Any owner knowing of the existence of any noxious weeds on the owner's land who fails to control such weeds in accordance with chapter 17.10 RCW and the rules and regulations in force pursuant thereto shall be assessed as follows:

- (a) Any Class A noxious weed:
  - 1st offense within five years \$ 750
  - 2nd and any subsequent offense 1,000

(b) Any Class B designate noxious weed in the noxious weed control region in which the land lies:

- 1st offense within five years \$ 500
- 2nd offense 750
- 3rd and any subsequent offense 1,000

(c) Any Class B nondesignate noxious weed in the noxious weed control region in which the land lies; or any Class C noxious weed:

- 1st offense within five years \$ 250
- 2nd offense 500
- 3rd offense 750
- 4th and any subsequent offense 1,000

(2) Any person who enters upon any land in violation of an order in force pursuant to RCW 17.10.210 shall be assessed as follows:

- 1st offense within five years \$ 500
- 2nd offense 750
- 3rd and any subsequent offense 1,000

(3) Any person who interferes with the carrying out of the provisions of chapter 17.10 RCW shall be assessed as follows:

- 1st offense within five years \$ 500
- 2nd offense 750
- 3rd and any subsequent offense 1,000

[Statutory Authority: RCW 17.10.350, 88-07-016 (Order 22, Resolution No. 22), § 16-750-900, filed 3/7/88.]

**Chapter 16-752 WAC**

**NOXIOUS WEED CONTROL**

**WAC**

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- 16-752-204 Emergency noxious weeds grant program—Payment.

**WAC 16-752-001 Definitions.** The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

- (1) "Director" means the director of agriculture of this state, or a duly authorized representative.
- (2) "Department" means the Washington state department of agriculture.
- (3) "Person" means any individual, partnership, corporation, association, agency, or organized group of persons whether or not incorporated.
- (4) "Hay" means the harvested herbage of forage plants, including but not limited to grasses, legumes, sedges and rushes.
- (5) "State board" means the Washington state noxious weed control board.
- (6) "Abstract" means a concise summary of the main parts of a noxious weed control project.
- (7) "Applicant" means a project sponsor.
- (8) "BARS" means the budgeting, accounting, and reporting system of municipal fiscal management.
- (9) "Environmental checklist" means the form in WAC 197-11-960.
- (10) "Executive secretary" means the state noxious weed control board executive secretary.
- (11) "Intangible benefits" means those benefits lacking physical form including but not limited to goodwill, increased public awareness, and aesthetic improvements.
- (12) "Intangible costs" means those costs lacking physical form including but not limited to ill will, decreased public enjoyment, reduced aesthetics.
- (13) "Integrated pest management" means a decision-making process which combines all feasible control

techniques into a program for managing targeted noxious weeds including but not limited to prevention, monitoring, consideration of alternative methods, and evaluation.

(14) "Local noxious weed control agency" means any activated county or regional noxious weed control board created under chapter 17.10 RCW, any weed district created under chapter 17.04 RCW, or any intercounty weed district created under chapter 17.06 RCW.

(15) "Monitoring" means inspecting to gather and record site specific information on which decisions about treatment choices are to be based.

(16) "Objectives" means statements of precise outcomes which can be measured to determine actual accomplishments.

(17) "Principle investigator" means the person under whose direction the noxious weed control project will be carried out such as the county weed control supervisor or county weed control board chairperson.

(18) "Project sponsor" means the county legislative authority of a county with an activated noxious weed control board, a local weed control agency, or a combination of two or more agencies acting through a lead agency, responsible for implementing an approved project.

(19) "Public benefits" means those services, goods, or other benefits, whether tangible or intangible, which accrue to persons other than those on whose property weed control measures pursuant to this chapter are undertaken.

(20) "Public costs" means those costs, whether tangible or intangible, which accrue to persons other than those on whose property weed control measures pursuant to this chapter are undertaken.

(21) "Significant environmental harm" means a reasonable likelihood of more than a moderate adverse impact on environmental quality as set forth in WAC 197-11-794.

(22) "Tangible benefits" means those benefits possessing physical form, whether monetary or nonmonetary, including but not limited to public health and safety enhancement, environmental enhancement, and cost savings on consumer goods.

(23) "Tangible costs" means those costs possessing physical form, whether monetary or nonmonetary, including but not limited to public health and safety degradation, environmental degradation cost increases on consumer goods.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-001, filed 1/29/88. Statutory Authority: RCW 17.10.235(2), 86-19-060 (Order 1907), § 16-752-001, filed 9/16/86.]

**WAC 16-752-115 Noxious weeds grant program-- Purpose.** The purpose of the noxious weeds grant program is to control and prevent noxious weed infestations that pose a potential economic or environmental threat to the state by funding projects with comprehensive control strategies that are well planned, documented, and specific to targeted weed species.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-115, filed 1/29/88.]

**WAC 16-752-120 Noxious weeds grant program-- Forms.** The director with advice from the state board may prescribe forms for grant applications, project reports, financial reports, contracts or any other activity conducted pursuant to this section, and may require additional information or documentation as needed.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-120, filed 1/29/88.]

**WAC 16-752-125 Noxious weeds grant program-- Who may apply.** The legislative authority of any county with an activated county noxious weed control board, or the board of any local weed control agency may apply for noxious weed control grant program funds if such applicant employs adequate administrative personnel to supervise the proposed project for the duration of such project.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-125, filed 1/29/88.]

**WAC 16-752-130 Noxious weeds grant program-- Application procedure.** (1) The department shall specify funding cycles, and application and reporting deadlines as necessary, and shall give reasonable notice in writing and shall send by regular mail to the legislative authority of each county with an activated county noxious weed control board and each local weed control agency notice of such cycles and deadlines.

(2) The applicant may request assistance from the state board executive secretary or from the department in completing the application. The state board executive secretary and the department may provide such assistance subject to the availability of staff and funds for this purpose.

(3) The state board may reject or refer back to the applicant those applications which it finds are:

- (a) Insufficiently documented; or
- (b) Incomplete; or
- (c) Inadequate; or
- (d) Postmarked after the deadline.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-130, filed 1/29/88.]

**WAC 16-752-135 Noxious weeds grant program-- Content of grant application.** Applications for grants shall include, but not be limited to, the following information:

- (1) The legal name and address of the organization to whom the award should be made;
- (2) The scientific name of targeted noxious weed species;
- (3) The weed classification status;
- (4) The project title and status (new or renewal);
- (5) The amount of money being requested from the state;
- (6) The estimated length of the project and the starting and ending dates;
- (7) The name, business address, and telephone number of the principle investigators;
- (8) The type of performing organization;
- (9) The signature of the principle investigator;

(10) The abstract, not to exceed one page, which summarizes the main parts of the project;

(11) Background information which demonstrates the applicant's familiarity with similar projects;

(12) The objectives of the project;

(13) The statement of the approach and procedures to be used to accomplish objectives. This section of the proposal shall describe how the applicant plans to approach the problem and indicate the method the applicant will employ to accomplish the objective;

(14) A description of actual project activity, utilization of personnel, and compilation of data including the following:

(a) The precise location of the area affected by the project;

(b) The known distribution of the weed species outside the project area;

(c) The number of acres encompassed by project area;

(d) The number of acres infested by the targeted noxious weed species;

(e) The type of land affected in the project area including but not limited to cropland, rangeland, pasture, urban/industrial, transportation rights-of-way, or forest;

(f) A designation of the land within the project areas expressed as percent including but not limited to public land, federal land, tribal land, state land, or private land;

(g) A description of the agricultural and nonagricultural uses of the project area;

(15) A projected breakdown of the work to be accomplished on a monthly basis during the funding period;

(16) A budget consistent with the BARS format which indicates revenues and expenditures by source;

(17) A quarterly expenditure plan;

(18) A list of any in-kind contributions committed to the proposed project;

(19) If the project is sponsored by several agencies, a draft copy of the interlocal cooperation agreement, memorandum of understanding, or other contract showing the relationship and responsibilities of the agencies;

(20) A statement that the project sponsor will enter into a contract with the department for utilization of grant program funds upon approval of the application.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-135, filed 1/29/88.]

**WAC 16-752-140 Noxious weeds grant program--Application evaluation--Ranking and notice of acceptance or rejection of application.** (1) The state board shall review, evaluate, assign points to, and rank each application according to the criteria contained in WAC 16-752-145: *Provided*, That board members who are also officials of the project sponsor shall not be eligible to rank that project sponsor's application.

(2) First priority in funding will be given to class "A" and class "B" noxious weed species: *Provided*, That the minimal acceptable standards set forth in WAC 16-752-145(2) are met.

(3) Each state board member shall independently evaluate and score each application according to WAC 16-752-145(3), after which the state board shall discuss

the applications and review the scores. During such discussions, any state board member may change her or his scores. Following the review, the sum of the individual state weed board member scores for each application shall be determined and divided by the number of members scoring the application. This product shall constitute the board's score for the application. The applications thus scored shall be ranked from highest to lowest score.

(4) The results of the state board's scores and ranking shall be submitted to the director for final scoring, ranking, and acceptance or rejection of the application: *Provided*, That in scoring applications, the director shall use the same criteria as that used by the state board and shall consult with the state board prior to any change in an applicant's rank.

(5) The department shall give notice to each applicant in writing and send by regular mail notice of the action taken on their application. Such notice shall include the applicant's final score and ranking among the applications considered during that cycle.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-140, filed 1/29/88.]

**WAC 16-752-145 Noxious weeds grant program--Evaluation criteria.** (1) The state board shall evaluate each application to determine if it meets all the minimal acceptable standards set forth in subsection (2) of this section. Any application which does not meet these standards shall be rejected and no further consideration shall be given to the application.

(2) The minimal acceptable standards are as follows:

(a) The proposed method of control is technically feasible;

(b) The project provides public benefits in excess of public costs;

(c) The project will not cause significant environmental harm.

(3) Any application which meets all of the minimal acceptable standards shall be assigned points by the state board for each of several specific scientific, technical, economic, and environmental measures established by the state board.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-145, filed 1/29/88.]

**WAC 16-752-150 Noxious weeds grant program--Legal requirements.** (1) Noxious weed control projects carried out pursuant to this chapter shall be subject to all applicable laws and rules including but not limited to the provisions of the State Environmental Policy Act, chapter 43.21C RCW, the Water Pollution Control Act, chapter 90.48 RCW, the Washington Pesticide Control Act, chapter 15.58 RCW, and the Washington Pesticide Application Act, chapter 17.21 RCW.

(2) Decisions by the department to reject noxious weed control grant requests shall be subject to an informal appeals process set forth as follows:

(a) The applicant has ten days from the date a notice of rejection is received from the department to file a request for an informal hearing;

(b) The requests for an informal hearing shall be in writing and shall be sent by certified mail to the state board executive secretary;

(c) Upon receipt of the request for an informal hearing, the state board executive secretary shall immediately notify the state board chairperson of the request;

(d) The state board chairperson shall then appoint a four-person appeal committee which shall consist of one state board member representing the agricultural community, one state board member representing the scientific community, one state board member representing the public interest, and a representative of the department;

(e) On the advice of the state board chairperson, the state board executive secretary shall schedule an informal hearing which shall be held the evening before the regularly scheduled state board meeting;

(f) The state board executive secretary shall notify the applicant and the appeal committee of the date, place, and time of said informal hearing;

(g) Based on the evidence presented by the applicant, the appeal committee shall make a recommendation to the state weed board at the regular meeting to either uphold the department's original decision or request that the state weed board make a recommendation that the grant application in question be approved for funding by the department;

(h) The state board shall vote to either accept or reject the appeal committee recommendation;

(i) The director shall have five working days from receiving a recommendation from the state board to make a final decision;

(j) The department shall notify the state weed board and the applicant of the final decision in writing within five working days.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-150, filed 1/29/88.]

**WAC 16-752-155 Noxious weeds grant program--Project monitoring, evaluation and reporting.** (1) The principle investigator shall monitor the progress of the project; evaluate the effects of the project; account for all project funds and expenditures; and submit an annual report of its findings to the department and state board.

(2) The department shall conduct financial, compliance, or performance audits as necessary to review project accounting, ensure program compliance, and determine project efficiency and effectiveness.

(3) If the department determines that the project's progress effectiveness or fiscal management is deficient, the department may take one or more of the following actions:

(a) Advise the project sponsor in writing of the deficiency and direct the necessary corrective action;

(b) Suspend the project for a period of not more than sixty days during which time the department shall evaluate the project and determine what, if any, corrective action shall be taken to correct the deficiency: *Provided*, That the department shall notify the project sponsor by certified mail of such suspension and shall forward a copy of such notice to the state board;

(c) Terminate the project: *Provided*, That the department shall consult with the state weed board before termination of a project.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-155, filed 1/29/88.]

**WAC 16-752-160 Noxious weeds grant program--Billing of expenses.** Billable project expenses shall be submitted to the department each quarter accompanied by a completed financial report. All payments shall be contingent on funds appropriated by the legislature and made available for this purpose.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-160, filed 1/29/88.]

**WAC 16-752-165 Noxious weeds grant program--Records retention, final report, unused allocated moneys.**

(1) Grant program records shall be retained by the project sponsor and a copy forwarded to the department and the executive secretary upon project completion or termination.

(2) The project sponsor shall submit a financial statement within thirty days and a final report within one hundred eighty days of the completion or termination of a project to the department and the executive secretary which shall include:

(a) A brief listing of the primary objectives of the project;

(b) The results of the project summarized according to project objectives;

(c) A summary of the public benefits accrued to the state as a result of the project;

(d) An itemized accounting of all grant moneys spent consistent with the BARS format.

(3) Unused allocated grant moneys shall be returned to the state grant fund within thirty days of the termination of a project: *Provided*, That unused allocated moneys shall be returned no later than thirty days before the end of the biennium.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-165, filed 1/29/88.]

**WAC 16-752-170 Noxious weeds grant program--Emergencies.** Nothing in this chapter shall prevent the use of available noxious weed grant funds when it is determined by the director with advice of the state board that a noxious weed emergency exists.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-170, filed 1/29/88.]

**WAC 16-752-200 Emergency noxious weeds grant program--Purpose.** (1) The purpose of the following rules are to provide emergency assistance to local noxious weed control agencies who received state noxious weed control grant funds between July 1, 1986, and June 30, 1987, and whose noxious weed control program would be seriously impaired without such funds.

(2) Definition. "Local agency" means any activated county noxious weed control board, weed district, or intercounty weed district.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-200, filed 1/29/88.]

**WAC 16-752-201 Emergency noxious weeds grant program—Allotment.** One hundred thousand dollars or so much thereof as may be necessary shall be distributed as provided in this chapter.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-201, filed 1/29/88.]

**WAC 16-752-202 Emergency noxious weeds grant program—Application.** (1) The legislative authority of any county with an activated county noxious weed control board, or board of any weed district which received and utilized state grant funds between July 1, 1986, and June 30, 1987, may apply to the director for grant funds pursuant to this chapter.

(2) Each applicant shall employ adequate administrative personnel to supervise an effective weed control program.

(3) No requests shall exceed the total amount of state noxious weed control grant funds requested and utilized by the applicant local agency between July 1, 1986, and June 30, 1987.

(4) Funds allocated under this chapter and not expended by June 30, 1988, shall revert to the department.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-202, filed 1/29/88.]

**WAC 16-752-203 Emergency noxious weeds grant program—Requirements.** (1) Moneys from the emergency noxious weeds grant fund shall be used solely for the purchase of materials and/or biological control agents by one of the following methods:

(a) Direct purchase by a local agency for application by the agency or for distribution to landowners;

(b) Reimbursement to local agencies of local moneys paid to landowners following the landowner's purchase or application of materials or biological control agents: *Provided*, That no local agency shall be reimbursed for any weed control activities performed prior to December 15, 1987.

(2) Moneys from the emergency noxious weeds grant fund shall not be used for the application costs of materials or biological control agents whether applied by the local agency, landowner, or commercial applicator.

(3) All activities carried out under the emergency noxious weeds grant program shall comply with Washington Pesticide Application Act, chapter 17.21 RCW, Washington Pesticide Control Act, chapter 15.58 RCW, and any rules promulgated under these chapters. For those local agencies which choose to purchase materials directly for distribution to landowners, this shall include but not be limited to, the local agency obtaining a pesticide dealer license and the supervisor or other representative of the local agency obtaining a pesticide dealer manager license.

(4) Moneys from the emergency noxious weeds grant fund shall be used only on those weeds which are on the noxious weed list, WAC 16-750-010.

(5) All recipients shall employ approved crop/pasture/range management and weed control practices on those lands for which assistance is received.

(6) Each landowner participating in the program shall complete an application and crop/pasture/range management agreement prior to receiving state assistance to control noxious weeds. Upon completion of treatment, each landowner participating in the program shall file a certification of completion of treatment with the local agency. These records shall be maintained by the local agency as part of its permanent state noxious weed control grant program record. Individual local agencies shall be responsible for developing forms to meet this requirement and such forms shall contain substantially the same information as that contained in the department form, "application for assistance to control noxious weeds." A sample of each form used by a local agency in conjunction with this program shall be submitted to the department prior to any payment by the department.

(7) Records.

(a) Those local agencies which purchase materials or biological control agents directly for distribution to landowners shall maintain records on the quantity and value of materials and agents distributed to each landowner.

(b) Those local agencies which reimburse landowners following the landowner's purchase of materials or biological control agents shall retain a copy of the invoice showing the landowner's name, the date of purchase, the material and agents purchased, and the quantity and value of that purchase.

(c) The records specified in (a) and (b) of this subsection shall be maintained by the local agency as part of its permanent state noxious weed control grant program record.

(8) Each local agency shall develop an inspection plan to ensure landowner compliance with the provisions of this chapter. Such inspection plan shall include inspecting not less than twenty percent of the treated properties in any one year. If after inspection, any landowner shall be found not in compliance with the provisions of this program, the local agency shall immediately notify the department and shall withhold any outstanding payment to this landowner until such payment is approved by the department.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-203, filed 1/29/88.]

**WAC 16-752-204 Emergency noxious weeds grant program—Payment.** (1) One signed original copy of the memorandum of understanding between the local agency and the department shall be submitted to the department on or before June 27, 1988, and prior to payment by the department. A second signed original copy shall be maintained as a part of the local agency's permanent noxious weed control grant program record.

(2) Requirements for payment by the department are as follows:

(a) Those local agencies that purchase materials or biological control agents directly shall be required to submit to the department a bill of sale showing the name



and address of the vendor, the name of the material, the amount purchased and the cost along with a completed state invoice, Form A-19, prior to payment by the department. Additionally, on or before July 7, 1988, a noxious weed control program report summarizing all program control activities conducted during the term of the agreement shall be completed and submitted to the department.

(b) Those local agencies that reimburse landowners following the purchase or application of materials or biological control agents shall be required to complete a noxious weed control program report summarizing the control activities conducted to date along with each completed state invoice, Form A-19, prior to payment by the department. Additionally, on or before July 7, 1988, a noxious weed control program report summarizing all program control activities conducted during the term of the agreement shall be completed and submitted to the department.

(3) State invoices, Form A-19, submitted for payment shall be received by the department no later than July 7, 1988.

(4) Failure to submit the required forms within the times specified may delay or eliminate payment.

[Statutory Authority: Chapter 17.10 RCW. 88-04-044 (Order 1963), § 16-752-204, filed 1/29/88.]

**Title 18 WAC  
AIR POLLUTION**

**Chapters**

- 18-02 Recordkeeping, reporting and public availability of emission data.
- 18-06 Sensitive areas.
- 18-20 Establishing requirements for the receipt of state financial aid.
- 18-24 Assumption of jurisdiction over motor vehicles--Emission control systems.
- 18-28 Informational reporting by thermal power plants--Aluminum plants--Chemical wood pulp mills.
- 18-40 Suspended particulate.
- 18-44 Particle fallout.
- 18-48 Fluorides.
- 18-56 Sulfur oxide standards.

**Chapter 18-02 WAC  
RECORDKEEPING, REPORTING AND PUBLIC  
AVAILABILITY OF EMISSION DATA**

WAC  
18-02-010 through 18-02-050 Repealed.

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

18-02-010 Purpose. [Order 72-18, § 18-02-010, filed 7/18/72.] Repealed by 87-19-075 (Order 87-14), filed 9/16/87. Statutory Authority: Chapter 70.94 RCW.

- 18-02-020 Classification. [Order 72-18, § 18-02-020, filed 7/18/72.] Repealed by 87-19-075 (Order 87-14), filed 9/16/87. Statutory Authority: Chapter 70.94 RCW.
- 18-02-030 Recordkeeping and reporting. [Order 72-18, § 18-02-030, filed 7/18/72.] Repealed by 87-19-075 (Order 87-14), filed 9/16/87. Statutory Authority: Chapter 70.94 RCW.
- 18-02-040 Public availability of emission data. [Order 72-22, § 18-02-040, filed 11/10/72; Order 72-18, § 18-02-040, filed 7/18/72.] Repealed by 87-19-075 (Order 87-14), filed 9/16/87. Statutory Authority: Chapter 70.94 RCW.
- 18-02-050 Definitions. [Order 72-18, § 18-02-050, filed 7/18/72.] Repealed by 87-19-075 (Order 87-14), filed 9/16/87. Statutory Authority: Chapter 70.94 RCW.

**WAC 18-02-010 through 18-02-050 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 18-06 WAC  
SENSITIVE AREAS**

WAC  
18-06-010 through 18-06-900 Repealed.

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

- 18-06-010 Purpose. [Order 72-23, § 18-06-010, filed 11/22/72.] Repealed by 87-19-076 (Order 87-15), filed 9/16/87. Statutory Authority: Chapter 70.94 RCW.
- 18-06-020 Applicability. [Order 72-23, § 18-06-020, filed 11/22/72.] Repealed by 87-19-076 (Order 87-15), filed 9/16/87. Statutory Authority: Chapter 70.94 RCW.
- 18-06-030 Definitions. [Order 72-23, § 18-06-030, filed 11/22/72.] Repealed by 87-19-076 (Order 87-15), filed 9/16/87. Statutory Authority: Chapter 70.94 RCW.
- 18-06-040 Sensitive areas designated. [Order 72-23, § 18-06-040, filed 11/22/72.] Repealed by 87-19-076 (Order 87-15), filed 9/16/87. Statutory Authority: Chapter 70.94 RCW.
- 18-06-050 Standards. [Order 72-23, § 18-06-050, filed 11/22/72.] Repealed by 87-19-076 (Order 87-15), filed 9/16/87. Statutory Authority: Chapter 70.94 RCW.
- 18-06-900 Appendix A--Map. [Order 72-23, Appendix A (codified as WAC 18-06-900), filed 11/22/72.] Repealed by 87-19-076 (Order 87-15), filed 9/16/87. Statutory Authority: Chapter 70.94 RCW.

**Reviser's note:** Later promulgation, see chapter 173-440 WAC.

**WAC 18-06-010 through 18-06-900 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 18-20 WAC  
ESTABLISHING REQUIREMENTS FOR THE  
RECEIPT OF STATE FINANCIAL AID**

WAC  
18-20-010 through 18-20-100 Repealed.